

# FARMINGTON CITY COUNCIL MEETING

July 1, 2014

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## WORK SESSION

*Present: Mayor Jim Talbot, Council Members Doug Anderson, John Bilton, Brigham Mellor, Cory Ritz and Jim Young, City Manager Dave Millheim, Finance Director Keith Johnson, City Engineer Chad Boshell, Associate Planner Eric Anderson, Parks & Recreation Director Neil Miller, Fire Chief Guido Smith, Deputy City Recorder DeAnn Carlile and Recording Secretary Cynthia DeCoursey*

### Funding Plan for Park and Gym

**Keith Johnson** said the City plans to obtain a \$5,000,000 general obligation bond and \$1,600,000 from the RAP tax to construct the new gym and park. If the bond passes, there will be a tax increase of \$4.11 per \$100,000 home, and impact fees will also be used for funding. **Dave Millheim** directed the Council to consider whether or not the \$5,000,000 is sufficient and how the money should be used. The Davis School District may not help with the funding but said they will consider the long-term maintenance of the gym.

## REGULAR SESSION

*Present: Mayor Jim Talbot, Council Members Doug Anderson, John Bilton, Brigham Mellor, Cory Ritz and Jim Young, City Manager Dave Millheim, City Engineer Chad Boshell, Associate Planner Eric Anderson, Parks & Recreation Director Neil Miller, Fire Chief Guido Smith, Deputy City Recorder DeAnn Carlile and Recording Secretary Cynthia DeCoursey*

### CALL TO ORDER:

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

**Cory Ritz** offered the invocation, and **Doug Anderson** led the Pledge of Allegiance.

### REPORTS OF COMMITTEES/MUNICIPAL OFFICERS:

#### Executive Summary for Planning Commission meeting held June 19, 2014

**Eric Anderson** reported that the Planning Commission:

- Item #3 – Recommended approval of a request to amend the Preliminary Plat for The Meadows at City Park Subdivision;
- Item #4 – Approved a conditional use permit for a detached garage at 167 East 100 North;
- Item #5 – Approved a temporary use for an fireworks sales tent at 1284 North 1075 West;
- Item #6 – Discussed Chapter 12 regarding Conservation Subdivisions;
- Item #7a – Approved a U-Haul dealership in the BR Zone (97 North Main).

Motion:

**Cory Ritz** made a motion to discuss the Funding Plan for the Gym and Park after the Summary Action list. **Jim Young** seconded the motion which was unanimously approved.

**PUBLIC HEARING:**

**Preliminary PUD Master Plan for the Meadows at City Park**

**Dave Millheim** said this is an infill project and the Planning Commission recommended approval; however, some residents are concerned about the 5-foot setback requirement. The City's PUD Ordinance does not clearly define a "large" subdivision—in the past it has applied to any subdivision over one lot. **Eric Anderson** said the new developer changed the layout slightly, and there is a development agreement attached to the property which memorialized the setbacks.

Public Hearing:

The Public Hearing was opened at 7:20 p.m.

**Henry Werner**, 127 West State Street, asked why the City would allow 5-foot setbacks when setbacks adjacent to his parcel are 30 feet. It is ridiculous to have only 5 feet between homes, and a PUD does not fit in this area. He proposed moving the street next to the property line which would facilitate higher setbacks.

**Dave Erickson**, 137 West State Street, develops 100-unit PUD senior communities and recently purchased a home in this area. Because this is a preliminary plat, there are no vesting rights at this point. Farmington's ordinance does not specify a certain setback, and he asked the City to reconsider the layout and possibly require: (1) a height reduction; (2) greater setbacks; (3) landscaping; or (4) fencing.

The Public Hearing was closed at 7:30 p.m.

**Doug Anderson** looked at the property and said the PUD would be very tight. He asked for more details regarding the Planning Commission meeting, and **Eric Anderson** said the item was reopened later in the meeting. **Dave Millheim** said if that actually happened, the item should have been tabled. He advised the Council to table the item to allow time for the City Attorney to review related issues.

Motion:

**John Bilton** made a motion to table this item for further review of Chapter 27 regarding PUDs and to counsel with the City Attorney. **Cory Ritz** seconded the motion which was unanimously approved.

**PRESENTATION OF PETITIONS AND REQUESTS:**

**Proposed change to Fire Sprinkler Ordinance**

**Eric Miller** said the City's existing Fire Sprinkler Ordinance is not user friendly, and although staff has been working diligently toward drafting a new ordinance, they need additional time. Fire Chief **Guido Smith** said Farmington was one of four cities in Utah to adopt this Ordinance in 2005, and many other cities wish they had adopted it. Although it is not perfect, the sprinkler system portion is ready to be approved. The only outstanding concern is an access question related to the 150-foot setback.

**Jerry Preston**, 347 East 100 North, homebuilder and resident of Farmington, said this Ordinance is very confusing, but a lot of progress has been made. He agreed with **Eric Miller** and **Chief Smith** that either motion would be fine. Sufficient access is a much better product than fire sprinklers because there is no control over the maintenance of sprinklers.

**Warren Wakeland**, 1356 Fox Glove Road, CEO for the Northern Wasatch Homebuilders Association, pointed out that the cost to sprinkle a residential home can be as high as \$3.66 per square foot, and many homeowners simply disconnect the systems shortly after inspection. The systems can also cause thousands of dollars of water damage, and the HBA recommends fire extinguishers which are highly cost effective.

**Dave Millheim** apologized to **Eric Miller**, **Jerry Preston** and **Chief Smith** for his anger when he discovered that this issue had not been resolved and all parties were not in agreement. The **Mayor** said it would be in the best interest of all parties to allow more time, and the Council agreed. **Chief Smith** said he would like a chance to provide more information regarding fire sprinklers, and Eric Miller suggested having a work session to discuss the Ordinance.

*Motion:*

**John Bilton** made a motion to table this item for further analysis and review of the issues. **Doug Anderson** seconded the motion which was unanimously approved.

**Final Plat for Phase 1 of the Station Avenues Subdivision and Development Agreement**

**Eric Anderson** said the main issue holding up this project was the storm water; all of the other issues have been resolved.

**Leslie Mascaro** said Henry Walker Homes was recently purchased by Oakwood Homes in Denver, Colorado. Because of the historical flow in the area, they will provide a detention pond in the second phase and are continuing to work with the City and the Army Corps of Engineers on delineation. She pointed out an error on the proposed Development Agreement—Phase 1 will include 44 units on 5.26 acres.

**Doug Anderson** received an email from a resident who is concerned about traffic impacts to 1100 West. He asked if two exits would be sufficient and was told that the City Traffic Engineer said it would. **Brigham Mellor** thinks the project is a great fit for the area, and the change in density is not too abrupt.

*Motion:*

**John Bilton** made a motion to approve the Final Plat and Development Agreement for Phase 1 of the Station Avenues Subdivision, with a correction to Recital C of the Development Agreement stating 5.26 acres rather than 4.66 acres and subject to all applicable Farmington City codes and development standards and the three conditions and six findings included in the staff report. **Brigham Mellor** seconded the motion which was approved by Council Members **Anderson, Bilton, Mellor** and **Young**. **Cory Ritz** voted against the motion because of significant neighborhood concerns, the overall plan and style of construction, and street/traffic impacts.

### **Construction of Stoneybrook and 100 East Waterline Replacement Project**

**Chad Boshell** reported that the City received three bids for this project and awarded the bid to Ormond Construction which was less than half the budgeted amount. The waterline, cross gutters and laterals on 100 East from Continental to 720 South and on Stoneybrook will be replaced. Construction will begin as soon as possible because of tight weather deadlines.

#### **Motion:**

**John Bilton** made a motion to approve the bid and contract from Ormond Construction for the construction of waterline replacement and improvements in the amount of \$118,872.05 to be paid from the water fund and storm drain fund. **Cory Ritz** seconded the motion which was unanimously approved.

### **Construction of FY2015 Road Maintenance Project – Kilgore Contracting**

**Chad Boshell** said this project includes road overlays, reconstruction, and chip seal along with other crack sealing and patching. Kilgore Contracting submitted the lowest bid which was also under budget.

#### **Motion**

**Jim Young** made a motion to approve the contract and bid from Kilgore Contracting for the construction of road maintenance improvements in the amount of \$404,666.79 to be paid from the street maintenance fund and the parks fund. **Brigham Mellor** seconded the motion which was unanimously approved.

### **Advanced Paving – 650 West Road Widening Project**

**Chad Boshell** said Advanced Paving submitted the lowest bid, and the City plans to reduce costs by: (1) reusing fill from the excavation of the road; (2) providing City dump trucks/men to haul the excess material to the park site; and (3) relocating two fire hydrants. One lane will remain open during most of the construction; the entire road may need to be closed for a short time. **Cory Ritz** suggested that the City ask property owners if they want red curbing in front of their property. The City Manager thanked **Chad Boshell** and said it has been extremely helpful to have a City Engineer on staff.

#### **Motion:**

**Cory Ritz** made a motion to approve the contract and bid from Advanced Paving for the construction of the widening of 650 West in the amount of \$117,960 to be paid from the fund balance and to have the Public Works Department excavate, export and import the shoulder material to reduce the cost. **Jim Young** seconded the motion which was unanimously approved.

## SUMMARY ACTION

### Minute Motion Approving Summary Action List

1. Approval of Minutes from May 13, 2014
2. Approval of Minutes from June 17, 2014

#### Motion:

**Jim Young** made a motion to approve the two items on the Summary Action List with one amendment to the June 17, 2014 minutes. **Doug Anderson** seconded the motion which was approved by Council Members **Anderson, Mellor, Ritz** and **Young**. **John Bilton** abstained from voting on the June 17<sup>th</sup> Minutes because he did not attend the meeting.

### Funding Plan for Gym and Park

**Dave Millheim** said the highest priority is to determine the amount of money the City should request. **Doug Anderson** and **Brigham Mellor** both agreed that the City should request a higher amount now to take advantage of the interest rate and to avoid asking for more funding in the future. **Cory Ritz** agreed that it would be very difficult to get a second chance.

#### Motions:

**Brigham Mellor** made a motion to approve a funding plan for a \$6.5 million G.O. Bond and a RAP tax. **Cory Ritz** seconded the motion which was approved by **Brigham Mellor** and **Cory Ritz**. **Doug Anderson, John Bilton,** and **Jim Young** did not approve.

**Cory Ritz** made a motion to approve a funding plan for a \$6 million G.O. Bond and a RAP tax, both of which will be on the ballot in November 2014. **Brigham Mellor** seconded the motion which was approved by **Doug Anderson, Brigham Mellor, John Bilton** and **Cory Ritz**; **Jim Young** did not approve because he felt it was more prudent to follow the **Mayor's** recommendation for a \$5 million G.O. Bond.

## GOVERNING BODY REPORTS:

### City Manager – Dave Millheim

- The Fire Department's Monthly Activity Report for May was included in the staff report.

### Mayor – Jim Talbot

- He spoke with **Craig Holmes** and asked him to submit a document to the City stating the end of his lawsuit against the City.

- He received an email from resident **Kristen Harbertson** who is unhappy about Victoria's Secret advertising in Station Park. He spoke with the marketing director at Station Park who said that was the only complaint they have received.
- He thanked the Council for signing up to volunteer during Festival Days and said Chairman **Sid Young** is concerned about candy being thrown during the parade. The Council suggested having the Youth City Council assist.
- He asked about the large, white box in front of City Hall and was told that it is a bicycle locker. He asked staff to move it to the back of City Hall.
- He would like an update on the old church site on Main Street, and the City Manager agreed to follow up on the matter.
- A resident spoke to him about the possibility of building a Charter School on the Old Farm Property.
- He stated his opinion that monetary donations outside of Farmington City non-profits should be discouraged as a matter of Council policy.

### City Council

#### Doug Anderson:

- The Trails Committee is considering a new trail.
- He thanked staff for their assistance in grading the old Pipeline Road and said the residents were pleased.

#### John Bilton:

- He asked for an update regarding the business park and was told that the City recently met with two very large developers referred by EDU and Davis County.

#### Brigham Mellor:

- A resident sent an email regarding the CC&Rs in his HOA, and **Dave Millheim** said the City will not deal with HOAs and CC&Rs because they are civil matters.

#### Cory Ritz:

- He asked how the **Doug Allen** issue is progressing, and the City Manager said the barricade is down and the paint has been removed from the road. Mr. Allen has acknowledged this as a public use right-of-way.

#### Jim Young:

- He asked if the gym/park motion could be reopened, and the City Manager said yes.

Motion:

**John Bilton** made a motion to reopen the vote to fund the park and gym. **Cory Ritz** seconded the motion which was unanimously approved.

Motion:

**Cory Ritz** made a motion to approve the funding plan for the gym and park which will include a \$6,000,000 general obligation bond and a \$1,600,000 RAP tax, both of which will be on the ballot in November. **Brigham Mellor** seconded the motion which was approved by Council Members **Doug Anderson, Brigham Mellor, John Bilton, Cory Ritz** and **Jim Young**.

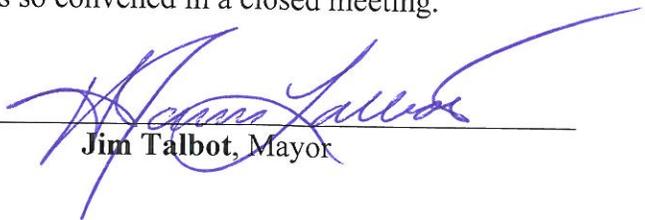
**CLOSED SESSION**

Motion:

At 10:15 p.m. **Jim Young** made a motion for the Council to go into a closed meeting to discuss litigation. The motion was seconded by **John Bilton** and 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 10:45 p.m. a motion to reconvene into an open meeting was made by **Brigham Mellor**. The motion was seconded by **John Bilton** and unanimously approved.

**ADJOURNMENT**

Motion:

**John Bilton** made a motion to adjourn the meeting. The motion was seconded by **Cory Ritz** and unanimously approved, and the meeting was adjourned at 10:45 p.m.

  
\_\_\_\_\_  
**DeAnn Carlile**, Deputy City Recorder  
Farmington City Corporation

# THE MEADOWS AT CITY PARK, A PLANNED UNIT DEVELOPMENT

FARMINGTON CITY, DAVIS COUNTY, UTAH  
 LOCATED IN THE SOUTHWEST QUARTER, SECTION 19,  
 TOWNSHIP 1 NORTH, RANGE 1 WEST,  
 SALT LAKE BASE AND MERIDIAN  
 A PART OF LOTS 3 AND 6, BLOCK 4,  
 FARMINGTON TOWN-SITE SURVEY

**STATE STREET**  
 A PUBLICLY DEDICATED STREET

S 89°34'40" E BASIS OF BEARING 597.79' (MEASURED)  
 597.79' (FARMINGTON TOWN-SITE RESURVEY)

C MONUMENT  
 (FOUND NAIL)

BLOCK A

LOT 5, BLOCK A

L. THOMPSON  
 07-028-0074

LARRY L. THOMPSON  
 07-028-0018

DRAKE A. WINTER  
 07-028-0017

HENRY C. WERNER  
 07-028-0071

JOHANNA C. JUNG  
 07-028-0070

UGHAN & MARSHA C  
 HAN, TRUSTEES  
 7-028-0020

149.37'

BLOCK A

COMMON AREA

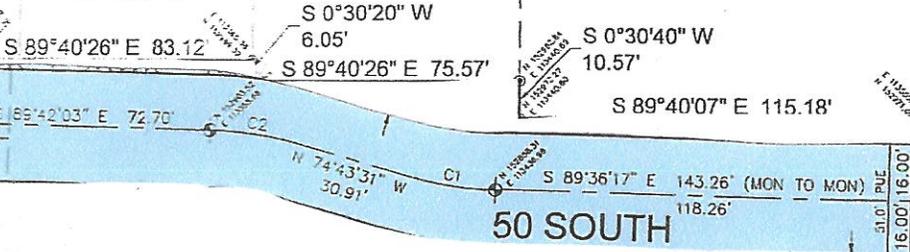
59.44'



MONUMENT AREAS

ated by hereof for use as an  
 mington City for perpetual use  
 aintenance of any and all  
 bdivision.

vis County Coordinate System.



N 0°30'20" E  
 33.23'

PAUL DAVE & RAY WHITE  
 07-028-0022

FLOYD B. PARKIN TRUSTEE  
 07-028-0026

LOT 1, BLOCK A

N 89°46'11" W 263.78'

100 WEST STREET  
 A PUBLICLY DEDICATED STREET

S 0°30'40" W 149.31'

S 0°30'40" W 547.20' (FARMINGTON TOWNSITE SURVEY)

C MONUMENT  
 (CALCULATED)

**LEGEND**

- Boundary Line
- Monument Tie Line
- Center Line
- Adjoiner Line
- Block 4, Farmington Townsite Survey Lots
- Limited Common Area
- Common Area
- Private Ownership Area
- Subdivision Corner
- Centerline Monument Found and to Be Set
- Calculated Centerline Monument

**ACKNOWLEDGMENT**

State of Utah )  
 County of Davis ) S.S.  
 on the \_\_\_\_\_ day of \_\_\_\_\_, 2014, personally  
 appeared before me, the undersigned notary public, in and for said  
 County of Davis in said state of Utah, the signer( ) of the above  
 owner's dedication \_\_\_\_\_ in number, who duly acknowledged to  
 me that \_\_\_\_\_ signed it freely and voluntarily and  
 for the uses and purposes therein mentioned.

MY COMMISSION EXPIRES \_\_\_\_\_  
 NOTARY PUBLIC \_\_\_\_\_  
 RESIDING IN \_\_\_\_\_

SHEET 1 OF 2

ATTORNEY APPROVAL  
 APPROVAL THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ A.D., 2014.  
 FARMINGTON CITY ATTORNEY

CITY ENGINEER APPROVAL  
 APPROVED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ A.D., 2014  
 BY THE FARMINGTON CITY ENGINEER.  
 FARMINGTON CITY ENGINEER

PLANNING COMMISSION APPROVAL  
 APPROVED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ A.D., 2014  
 BY THE FARMINGTON CITY PLANNING COMMISSION.  
 PLANNING DIRECTOR

CITY COUNCIL APPROVAL  
 PRESENTED TO THE FARMINGTON CITY COUNCIL  
 DAY OF \_\_\_\_\_ A.D.  
 AT WHICH TIME IT WAS APPROVED AND ACCEPTED.  
 ATTEST: CITY RECORDER MAYOR



Testimony on the proposed  
Farmington fire sprinkler ordinance

July 1, 2014

The HBA believes the city manager is correct in his assessment that when cost vs. benefit is weighed, mandating residential fire sprinklers does not appear to be justified in Farmington homes.

Farmington statistics from the Utah Department of Public Safety show only 13 reported structure fires over the last two years in the city. The state does not break down whether those fires are in commercial or residential structures. There are no reliable statistics to show how many people die in fires because there are no sprinklers in the home. According to the National Fire Protection Association, from 2007-2011, 60% of home fire deaths resulted from fires in which either no smoke alarm was present or at least one was present but not working. Builders embrace the use of smoke alarms because they are a proven cost effective way to save homeowners' lives.

NFPA statistics show the cost to sprinkle a residential home can run as much as \$3.66 per square foot depending on the system used. The average cost, according to NFPA, is \$1.61 per square foot. Because of the lack of water in Utah and the need for each home to keep its own supply of water, it is reasonable to assume that the cost in Farmington would be higher than average.

This suggests that the minimum cost to implement the proposed ordinance would be \$16,100 per home. Depending on various factors, the cost could be much higher. The fact that Farmington has seen 13 structure fires in two years suggests the large majority of residential sprinkler systems, if not all of them, may never be used. As the city manager has told you, many people disconnect the systems right after inspection to avoid problems so the systems are essentially wasted in the home.

If the Council determines that an ordinance requiring residential fire sprinklers is needed, the HBA can accept the proposed ordinance as

written with negotiations to come about recent concerns over the nearest point of the home being 150 feet from the public way. However, we would like to offer an alternative.

NFPA statistics show that 42% of all home fires between 2007-2011, which are the latest statistics available, start in the kitchen, and that a fire is six times more likely to start in the kitchen than in any other room of the home. Utah DPS statistics don't show percentages, but do show kitchen fires as far and away the most prevalent fire in Utah homes.

A sprinkler system fighting a kitchen fire will put the fire out but cause thousands of dollars of water damage to the kitchen. A 10-BC kitchen fire extinguisher will put the fire out and not cause water damage. These extinguishers cost about \$25 and can be purchased at retail outlets like Walmart and Lowe's.

Using extinguishers instead of sprinklers will give the homeowner a chance to put out the fire without calling the fire department, saving the city money and wear and tear on equipment. It will save homeowners from having to make insurance claims and keep home insurance costs down, and keep Farmington's insurance rating high, which will make Farmington a more attractive place to live.

Sprinklers could cost more than \$30,000 in the proposed ordinance. Extinguishers would cost about \$25 each and provide a similar outcome.

The HBA can strongly support mandating 10-BC kitchen fire extinguishers in all new homes. The cost vs. benefit of extinguishers, understanding that far more fires start in the kitchen than in any other room of the home, suggests they are highly cost effective.