

FARMINGTON CITY COUNCIL MEETING

January 19, 2016

WORK SESSION

Present: Mayor Jim Talbot, Council Members Doug Anderson, John Bilton, Brigham Mellor, and Bret Anderson, City Manager Dave Millheim, City Development Director David Petersen, City Engineer Chad Boshell, Public Works Director Larry Famuliner, City Recorder Holly Gadd and Recording Secretary Melanie Monson.

Mayor Talbot asked Randy to introduce himself. **Randy Elliot**, a resident of Farmington Utah. He and his family have been residents since the 1930's. He is running for Davis County Commissioner. He has 2800 signatures, and needs 200 more.

Mayor Talbot excused Cory Ritz from the meeting.

Plummer Conservation Easement

The applicant has pulled his request as of today. As such, this agenda item is no longer a public hearing and there will be no public comment. Because of the late notice the City received, there was not enough time to change the agenda and notify the public, and so the item will proceed as a discussion item amongst the Council. **John Bilton** said Mr. Plummer seems to believe that the City is the catalyst for UDOT coming in, and it makes the City look like the enemy. He wants the applicant to understand that. **Dave Millheim** said John is welcome to make that point in the open session. He said the City has done more than was required, including inviting the public via the newsletter. He discussed how thorough the City has been throughout this process, and how open he has been with the applicant regarding the likelihood of his application being approved. **Mayor Talbot** said the Council was abundantly clear in their discussions with the applicant at prior City Council meetings. **Doug Anderson** asked how much land the family now owns, and how much land was sold to UDOT. **Dave Millheim** answered that they own about 40 acres, and they sold about 300. **Mayor Talbot** said the Council conveyed to him very clearly that it would not be a good idea for him to bring this forward, but he chose to do so anyway. He said he has received numerous emails, which conveyed an understanding that the City is trying to make the changes, which is not the case. He said he hopes the public who are attending will come away with a clearer understanding. **Brigham Mellor** said throughout this process, it seems as though the applicant is trying to get more money from UDOT. **Dave Millheim** obtained a copy of the transportation commission report which he asked Holly to pass along to the Council. It reinforces the importance of the conservation easement as well. **Mayor Talbot** recommended focusing the discussion on Mr. Plummer's application.

Well House

Chad Boshell said the community center well was drilled in 2013, but it did not produce the quality of water the City hoped for. Since then, the City has been working to fix the water quality, which will include running ozone through it, and will require a wellhouse

addition. They came to the Council with a water plan several months ago, and this was the top priority. The bids came back in, and the lowest bid was for \$522,000, which is close to the estimate. **Mayor Talbot** reminded the Council that the City has already spent over \$1.5 million on drilling, on the well house, etc. He said it is a good investment for the City to develop this source of water. We will be able to get 3600 acre feet per year. The base value of those water rights would be about \$9 million. **Dave Millheim** said it is not a necessary expense, but one that a vocal neighborhood wants. **Mayor Talbot** said this is like other developments, helping to ensure Farmington's stability in the future. Having that self-sufficiency is worth protecting. **John Bilton** said he wants to understand this expense in the context of the rest of the water plan. He asked what percent this will increase expenses. **Larry** said the increase will be in the range of 5-10%. **Chad Boshell** said it is more expensive to run even without the treatment because it is a deeper well, but it can be turned off when it is not needed. **Dave Millheim** said if we do not use this well, we still have to replace the production of this well with untested, undeveloped well sites. Farmington owns the largest share of water rights in Davis County, after Weber Basin. **Chad Boshell** said water rights are, use it or lose it. **Mayor Talbot** said this is like a food storage plan. He acknowledged that this is a lot of money, but it is a good investment. **Chad Boshell** said they feel confident that future improvements can be bonded for via a rate increase, etc. **John Bilton** said in the future we may have to discuss the water use by Lagoon. **Larry Famuliner** said the City is not storing any ozone, it is burned off by a pilot light.

Miscellaneous Agenda Items

Mayor Talbot said he will go over the Council's new committee assignments at the end of the meeting. He said he spent a lot of time making the new assignments. He also referenced the culvert issue on the summary action list. He said the numbers in the agreement will be filled in once they finalize the bids. The cost did end up being divided equally between the City, the County, and the School District.

Sidewalk Inventory

Regarding the sidewalk inventory, **Dave Millheim** said staff needs to know if the Council agrees with the priorities, and how much money can be spent. Any money spent on sidewalks will impact the General Fund balance and future budget cycles. Some sidewalks can be put in without full road improvements, (i.e. road widening and curb and gutter, etc.). **Mayor Talbot** said he prioritized 1, 2, and 4 by the elementary school and 5, 6, and 8 by the high school. With full improvements it would cost over \$360k. **Chad Boshell** said priority 3 is a likely path for the high school kids. He said if sidewalks are put in without full improvements, there is a chance they will have to be ripped up when the full improvements are put in. **Mayor Talbot** asked Chad which sidewalks can be done without full improvements. **Chad Boshell** said 1-3 can likely be done without full improvements.

City Manager Items

Dave Millheim said they met with Robinson waste today. He said they will not be recommending to get rid of the recycling program. However, in their current contract with Robinson, the City is required to carry the freight of the disposal cost of the recycling. Robinson is coming to the City, wanting to adjust the fee, which may impact the fee charged

for recycling. There is no money in the recycling market right now. The City will deal with it in the budget. He also said the Council needs to nail down a date for the strategic planning session. He wants to give the Council an update on the pedestrian overpass, which will be forthcoming.

REGULAR SESSION

Present: Mayor Jim Talbot, Council Members Doug Anderson, John Bilton, Brigham Mellor, and Bret Anderson, City Manager Dave Millheim, City Development Director David Petersen, City Engineer Chad Boshell, City Recorder Holly Gadd and Recording Secretary Melanie Monson.

CALL TO ORDER:

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

The invocation was offered by Councilmember **John Bilton** and the Pledge of Allegiance was led by Boy Scout **Ryan Hixon** from troop 1698.

PRESENTATIONS:

SAEV (Students Against Electronic Vaping) Coalition Presentation

McGyver Clark, 48 West, 950 South Kaysville, Utah. He is the student body Vice President at Davis High School. He asked for the City's support for the bill they are putting forth to the Utah State Legislature to designate e-cigarettes as tobacco products, and have them regulated as such. One e-cigarette cartridge can hold 120 mg of nicotine. One normal cigarette has 1.2 mg of nicotine. They are marketed to youth with the numerous flavors offered, etc. There has been a huge increase in nicotine poisonings. He said they are starting petitions throughout Davis County. **Carson Robb** is the Junior Class President at Davis High School. He serves on Kaysville City's youth court, where he sees many youth come through for possessing e-cigarettes. He said access is too easy for many youth. **Mayor Talbot** appreciated their presentation and thanked them for the information. **McGyver Clark** asked the City to discuss the item and to vote on an official resolution. **Dave Millheim** said the Council could formally approve the resolution in two weeks via Summary Action, so it could be properly noticed.

PUBLIC HEARINGS:

Plummer Conservation Easement Amendment Request

Mayor Talbot said at 9:30 am today the City received a communication from Spencer Plummer pulling this item from the agenda. He said staff did not have enough time to do a proper notice to cancel the public hearing. He said some residents were under the impression that the City was trying to make this change, but he clarified that it is not. He said there will be no public comment at this meeting, but there will be a discussion amongst the Council, which

he hoped would help inform the public who are in attendance. He said he is a member of COG (Council of Governments) of Davis County. During the past few years, there has been a certain amount of money that is set aside by COG for the preservation of right of way. As the West Davis Corridor has been discussed over the past few years, UDOT has begun to purchase right of way along their preferred alignment. UDOT has also approached COG for funds to purchase right of way. He said he has been the lone vote against allowing UDOT to use the money to purchase right of way. In the last month, UDOT came to COG, and by a vote of 12-3 they were able to secure \$2 million to purchase a right of way in Farmington. The property in question was Buffalo (Viking) Ranch. UDOT was able to get under contract, purchase and close on over 260 acres, spending over \$7 million total. The Plummer's have about 31 acres left, and were hoping to increase the value of the land they currently have by amending the conservation easement. The Council encouraged Mr. Plummer to not make application, but he decided to do so anyway. The record of decision has not been made yet, but UDOT is gradually putting together rights of way in anticipation of a future West Davis Corridor.

Brigham Mellor said Mr. Plummer came at the end of November to see if the Council would entertain an easement amendment. At that time, the Council made it clear to Mr. Plummer that they were not open to amending the easement. A few days later he sent an email saying he was pushing forward and wanted to be on the next agenda. Dave Millheim replied saying the City would notice it and invite the public for a public hearing. **Brigham** said he also made it clear that the Council was not open to amending the conservation easement because the application did not meet any of the criteria required for such an amendment. He said the City's 4-F designation would be in jeopardy if they did amend it. He said he was trying to do him a favor by letting him know ahead of time that it was not going to proceed favorably. He said the Mr. Plummer's have made it sound like it was the City that pushed him to sell to UDOT.

Doug Anderson said the City is obligated to protect these conservation easements. He said there was some confusion when this item was noticed as a public hearing. However, he said he was not planning to pass it regardless and is going to uphold and protect the easements.

John Bilton said the City has an obligation to hear the application for change, but is not obligated to approve it. He said the legal bar the applicant has to achieve is very high, and would be very difficult to make the requested amendment happen. He said the applicant has indicated in writing that the City was part of the cause of Buffalo Ranch's need to move due to the City's amended Master Transportation Plan in 2009. The Master Transportation Plan was amended to reflect potential changes coming to the City based on UDOT's preferred alignment; however he finds it disingenuous that the Plummer's would implicate the City as being the cause of those potential changes. He said the City also has a strong fiduciary duty to defend the conservation easements in the City, in providing a buffer from the lake and the flood plain, etc. The conservation easements stand on their own. Whatever improvements the property owner has made or buildings that have been built up to this point have been within the protocol of the conservation easement. If there is value created as a result of future negotiations or as a result of a decision of record, the City is a party to that as the owner of the easements, and Viking Ranches is subject thereto. He said he will work vigorously to protect those easements.

Brett Anderson said he was not on the Council at the time this originally came forward, but he would have been against it then and is against it now. He examined the legal standards for making changes, and said he does not think what they are proposing falls under any of those allowed conditions.

Mayor Talbot said he got a distinct impression from some emails he received that residents believe it was the City trying to make this change, but clarified again that it is the applicant requesting the change. He said the City will now be looking at what can be done with the remaining property.

Doug Anderson said the Council got a map today showing what property the Plummer's still own and what property UDOT purchased. **Dave Millheim** said if he is directed to do so, he will put the map up on line to avoid having to deal with GRAMA requests. **Doug Anderson** asked him to do so.

Dave Millheim said for the record he said Viking Real Estate owned 283.51 acres that were subject to this conservation easement. When they originally came forward to request a change to that easement, to his knowledge, UDOT had not purchased any of that ground. He said regardless of that, due to the sale that has now been finalized, the public hearing would have been canceled since UDOT now owns about 80% of the property in the application. He said the City went to the Plummer's and asked if they wanted to withdraw their application, which they did. He said this is the first time this type of application has come forward, which is why they put the public hearing in the newsletter. He said they do not do usually advertise public hearings in the newsletter, and it should not be construed as City approval of the application. It was simply an effort to make the most people aware of the item based on the importance of the application. He said UDOT called the City in a panic today, based on something that was posted on social media, and said they wanted the City to know they are not expecting the City to change the zone on the property just because they have purchased it. The City still owns the conservation easements regardless of who owns the underlying property. He said they will work with UDOT now that they own the property, and they may not develop on the conservation easement without a condemnation.

NEW BUSINESS:

Corrio Construction to Construct the Community Well House Addition

Chad Boshell said per the Water Plan that was approved June 30, 2015, the first priority was to install an addition to the community center well to eliminate the odor and color of the water. He said they bid out for the project, and the lowest bid was from Corrio Construction for \$522,680. Staff recommends approval.

Motion:

Doug Anderson made a motion to approve the contract and bid from Corrio Construction for the construction of the Community Well House Addition in the amount of \$522,680.00 to be paid from the water enterprise fund.

John Bilton seconded the motion which was unanimously approved.

Public vs. Private Streets—Meadows at City Park (Discussion Only)

Dave Petersen said the first phase of the Meadows at City Park was memorialized by development agreement. The developer purchased additional property and wanted to extend

the street. The City Council wanted the streets to be public, however staff is recommending reconsideration of that stance. He said the reason for this is because there is nowhere to plow the snow without it going onto private property. He said the development at Farmington Station has shown that it can work-they have taken care of their snow through their HOA without problems. **Dave Millheim** added that making the street public will be problematic for staff, but they will take direction from the Council on this issue.

Mayor Talbot said one issue he had when they originally discussed it when he was on the Council, was making sure the road is built to City standards (which it is). He said often HOA's will come back and ask the City to take over the street, but they may not always have existing curb and gutter. He said there are places that are difficult for the City to remove snow. Whether this becomes a public or private street, there is still the issue of where the snow goes, and who deals with it in each situation. He said the biggest concern for him was that at least the width of the road made sense. He said he is probably ok with looking at taking it back if it is built to City standards.

Brigham Mellor asked about the reason for considering this. **Dave Petersen** said staff's concern is that if the street is made public, it may turn out to be problematic for the City there will not be anything that can be done about it. On the other hand, there is evidence that if the street remains private, it can be taken care of effectively. It has worked in another development and there have not been any complaints. He said once it is public, the City will not be able to reverse it. **Brigham Mellor** asked if the City can contract with the HOA to do snow removal. **Dave Millheim** said the City plowed a private street for 1 year to allow an HOA to transition but have not typically done it. **Brigham Mellor** said he is fine with them being responsible for their own road. In the future if the City needs to take it over, it can be considered by a future Council. **Doug Anderson** said he agrees with Brigham. **John Bilton** said he has seen this application 7 times. He wondered what the developer wants to do. He said not all HOA's are created equal. He said the sentiment at the time was to make it a public street because it was a small development, which might struggle with collecting the fees, and eventually dump the responsibility back on the City. **Dave Petersen** said they are going to make an application to change the densities to add more units, which will make it impossible to keep the snow off their property. **Mayor Talbot** said there have not been many HOA's that do everything they are supposed to do, and many come to the City asking them to retake roads. **Dave Petersen** said the higher density will provide the economies of scale to spread out the fees. He commented that other similar developments have not come back to the City. **John Bilton** said he is willing to support Dave on this, but he would like to know what the new owners want to do. **Brett Anderson** asked if there is an upside to the HOA if the street is private. **Dave Petersen** said there is no upside. He said the City allowed them the setbacks and densities they wanted. **Dave Millheim** said the Council allowed them to pack in the density, which leaves nowhere to put the snow. He said the residents are going to be unhappy about the snow, regardless of the density. The question is about the policy the City wants to adopt. **Brigham Mellor** said he would encourage them to build the road to City's standards in the event that the City will take the road later. **John Bilton** said he is still uncomfortable that the City approved it as a public street initially. **Chad Boshell** said it has changed since it was originally approved; they have moved to phase II, and the development goes all the way to 200 West. There is nowhere to put the snow with the density they have aside from 100 West. **Dave Petersen** said the developer agreed to put in higher end townhomes at a higher density as opposed to 4-plexes and rentals. **Mayor Talbot** asked if phase II streets are still being built to City standards. **Dave Millheim** said yes. **John Bilton** asked if he is looking for guidance so

the item can come back before the Council. **Dave Petersen** said yes, because the development agreement will need to be amended. The Council said to push for a private street.

Review the Existing Sidewalk Inventory around the New Elementary and High Schools

Chad Boshell said he was asked to evaluate a ½ mile radius around the new elementary and high schools for areas lacking in sidewalks. He showed a map with prioritized areas that will be likely routes for children walking to and from school. He said he gave options for installing just sidewalk, as well as for putting in full improvements. He said staff is looking for direction on what the Council wants them to explore. **Dave Millheim** said they are looking for the Council's priorities, and for a budget.

Brigham Mellor concurred with Mayor Talbot's top 3 priorities of 1, 2, and 4, and said he would add 9 or 10 as the fourth priority. He would then prioritize 8 and 6, although he pointed out that priority 6 would be taken by UDOT's preferred alignment. **Chad Boshell** said the main reason he put 6 there was due to the park, and to establish curb and gutter for cars queueing up there. **Brigham Mellor** said others by the high school can wait because the high school will not be finished until 2018. **Chad Boshell** said they need to do some research for priorities 9 and 10, which may be a horse trail. **Mayor Talbot** said the City needs to finish 650 West and get it in its best condition. **Brigham Mellor** said he thinks the City has time to get something in place to pay for 5, 15, and 16, which will likely need to be put in with the road improvements. **Mayor Talbot** asked Chad which sidewalks should be completed with the full road improvements. **Chad Boshell** said the sidewalks along 650 West need to be improved with the road, since it is the City's intent to fully improve 650 West before the high school opens. He said they could get away with doing just the sidewalks on priorities 1, 2 and 4. He said it would take some effort, but they would likely not have to remove those sidewalks when the road improvements are put in. **Brigham Mellor** asked how the pioneering agreements work. **Dave Millheim** said an action that triggers the development agreement will trigger the payment of the cost of the improvements, such as the sale of the property, a development application, etc. **Mayor Talbot** said he has heard from several families who are concerned about how their kids will get to the new elementary school. **Chad Boshell** said he will do some research on priority 4. **Dave Millheim** asked how far down this list the Council wants them to go. **Mayor Talbot** said he would like sidewalks at least up through the new park. **Dave Millheim** suggested that the Council make a motion directing staff to prioritize 1, 2, and 4 in this upcoming budget cycle, and research priorities 9 and 10 per Cory Ritz's comment that it may be a horse trail. He said for priority 8, the \$8000 cost is a small amount of money to pay in order to help keep children and others off the street going to the park. **Doug Anderson** said he agreed. **Dave Millheim** thanked Chad for his thorough work in researching the sidewalk priorities.

Motion:

Doug Anderson made a motion directing staff to amend the priority sheet reflecting 1, 2, 4, and 8 as the top priorities; to proceed to obtain bids for those sidewalks; and to also indicate which sidewalks can be completed without full road improvements.

SUMMARY ACTION

Minute Motion Approving Summary Action List

1. Clark Lane Apartments Improvements Agreement
2. East Park Lane Subdivision Improvements Agreement
3. Approval of Minutes from City Council held January 5th
4. Public Improvements Agreement with Davis School District and Davis County for Road and Culvert Work

Motion:

Brett Anderson made a motion to approve the items on the Summary Action List 1-4.

Doug Anderson seconded the motion which was unanimously approved.

GOVERNING BODY REPORTS:

Mayor Talbot asked the Council to report on their committee assignments:

- **Brigham Mellor** reported that he will be attending the local official's day at the legislature.
- **Doug Anderson** said the trails committee will be meeting this Thursday, and the Historic preservation committee has not met yet.
- **John Bilton** said the development review committee has not met yet, but at the last meeting they reviewed developments coming in around the Cabela's site, including the pad site on the Cabela's ground. He said they spent a lot of time reviewing the elevations, which they like, and said the backs of the buildings will look nice. He said they have a new committee member.

Mayor Talbot thanked the Council for their reports, and said they will be reporting at the second meeting of every month. He said the Council members need to be liaisons with the various committees, and said he will be expecting them to provide good feedback. He said he spent considerable time making the new assignments. He said the new City Council committee assignments are as follows (to be ratified by formal resolution in two weeks):

Mayor Talbot: Personnel Problems Resolution, City Special Events Liaison, Utah League of Cities, Wasatch Integrated Waste Board

John Bilton: Personnel Problems Resolution, Historic Preservation, Mayor Pro-tem for 2016

Doug Anderson: Youth City Council, Davis Chamber Representative

Brigham Mellor: Development Review and Economic Review, Utah League of Cities

Brett Anderson: Development Review and Economic Review, Trails Committee

Cory Ritz: City Special Events Liaison, Mosquito Abatement

City Manager – Dave Millheim

1. Police and Fire Monthly Activity Report for December 2015

2. Park Lane Pedestrian Overpass Update
3. Strategic Planning Date: The Council settled on the afternoon of Friday April 8th and will confirm that with Cory. He said Mayor suggested that staff put together the 4 or 5 priorities for the Council to focus on, and said he will give them a draft well before the planning date.
4. Council Committee Assignments
5. He said there would need to be a closed session for the purpose of discussing potential litigation

Mayor and City Council Reports

Brett Anderson asked about the roundabout and the “street to nowhere” (Clark Lane). **Mayor Talbot** said there is not a plan for the street to nowhere at this time, but the City is focusing on the roundabout. He said the University of Utah will be paying for about 80% of those improvements, and he is sensitive to what they want to do. He said they saw some drawings, including a windmill feature, and he hopes to start construction of it this spring or summer. He spoke with the U of U and Gordon Crabtree is still on board and Dave Dixon will still be involved. **Brett Anderson** asked why Clark Lane was blocked off after the roundabout. **Dave Millheim** said Park Lane was realigned to allow parcels to develop, but now having a lane merging across traffic is unsafe. He said the City still owns the right of way and has utilities there, which they will not abandon. He said the Council wants to wait to see what the Evans do with their property. **Doug Anderson** said they conducted studies that showed it only saves about 20 seconds of driving time, but would cost about \$300,000 to fix. **Brigham Mellor** said it encourages people to use the Park Lane freeway access and decreases traffic along Clark Lane, particularly near Ascent Academy. **Brett Anderson** asked if he could keep a binder on site to keep track of documents to reference, which **Dave Millheim** said is not a problem.

Doug Anderson asked Dave Millheim about a large pothole he had brought to his attention. **Dave Millheim** said he emailed Doug today and that it has been taken care of.

Mayor Talbot stressed the importance of responding promptly to communications from City staff, so that their work does not get stalled. He also asked the Council to call if they will not be at a meeting or if they will be late, and to call to remind staff if they will be out of town the week of a City Council meeting.

Council members **Brigham Mellor** and **John Bilton** did not have anything to report at this time.

CLOSED SESSION

Motion:

At 9:05 p.m., **John Bilton** made a motion to go into a closed meeting for purpose of discussing potential litigation. **Doug Anderson** 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

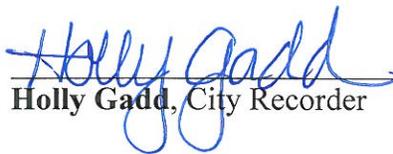
Motion:

At 10:15 p.m., a motion to reconvene into an open meeting was made by Doug Anderson. The motion was seconded by John Bilton which was unanimously approved.

ADJOURNMENT

Motion:

At 10:16 p.m., Doug Anderson made a motion to adjourn the meeting. John Bilton seconded the motion which was unanimously approved.



Holly Gadd, City Recorder