

FARMINGTON CITY COUNCIL MEETING
May 5, 2015

WORK SESSION

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

Cabelas Improvements Agreement

Mayor Talbot thanked Dave Millheim for his efforts in closing agreements with Cabelas, who purchased ground for their new store. Pre-construction conference meetings went well and they will be on site soon.

SUMMARY ACTION:

Item 6, Avenues at the Station Phase II Final Plat, will be pulled from the agenda due to several items that were not up to par.

A question was asked about how many events have been held by SteelFist Fight Night, LLC and whether there had been any complaints. **Mayor Talbot** answered that this will be their second event, and that he followed up with Ken Klinker, who advised that he had not received any negative feedback from the previous event.

Brigham Mellor asked about whether we have any control over the height of a public or quasi-public entity in reference to changing the ordinance to limit building height to 60 feet. **Dave Millheim** said that school districts and universities, for example, do not have to comply with the 60 foot building height restrictions. **Mayor Talbot** answered that the height reference is already in the ordinance and that the primary change relates to building setbacks, which the City needs in order to complete the build out of the gym with the intention of concealing the parking lot and providing an added buffer for neighbors. The main concern relates to the ratio of building height to building setback.

Neil Miller gave a brief history of the splash pad and introduced **Sylvia Clark**, who manages the pool. **Sylvia Clark** recounted that after the last municipal bond in 2004-05 a splash pad was added to the pool in order to accommodate more pool patrons. The pool capacity is 325 with up to 500 on/around the pool deck. If the splash pad were to be fenced off from the pool area, it would decrease the pool capacity. Rentals, including ward/neighborhood parties, would be limited to the 325 capacity. With swim lessons being one of the biggest programs, the convenience of the splash pad for other siblings to play at may be a contributing factor to the success of the programs. **Brigham Mellor** proposed building the fence such that the splash pad is on its own, with the fence extending over to the baseball field, which would allow for more grass space, more trees, and shade from both directions. Pool patrons would access the splash pad by going around the fence. Parents could see their children in both the pool and splash pad areas. This would provide the space needed to accommodate 500 people but would

cost more due to extra fencing. **Neil Miller** stated that separating the splash pad from the pool would take away from the experience and that keeping them together is beneficial for revenue. **Mayor Talbot** stated that the pool doesn't make a lot of money to begin with, so keeping them together would be an asset to the pool. He related that Garbett ended up building a splash pad instead of a pool as a cost saving measure and reports are that it is virtually unused now (about a year later). He has also spoken with other Mayors who indicated they wouldn't build a splash pad again. **Brigham Mellor** said that people are already pushing for a splash pad as part of the new park. He would argue that people don't go to the pool just for the splash pad. **Dave Millheim** said that an implication of having both a pool and a splash pad is that many people come to experience both options. This may require hiring full time employees at the splash pad, which brings up concerns about operating, maintaining, and supervising the splash pad, preventing accidents, etc. **Cory Ritz** stated that water issues are the main concern for putting in a splash pad at the new park. He proposed considering making another price tier on pool admission for just the splash pad, as an alternative to separating the splash pad from the pool. An extra seasonal employee could be hired to supervise the children at the splash pad and prevent them from going over to the pool. **Dave Millheim** brought up concerns about safety issues, specifically how to keep track of people if the splash pad is separate from the pool. **Mayor Talbot** pointed out that there is not a lot of distance between the splash pad and the pool, and policing that becomes difficult. **Sylvia Clark** said it would be an additional thing for lifeguards to have to watch for kids' wristbands when their primary focus needs to be on having a quick response time for people who may be drowning. **Doug Anderson** argued that due to the added expense, it doesn't make sense to change the setup. **Dave Millheim** said he is looking for consensus, or for three votes. The point of this discussion was to address community concern while keeping within the budget. **Neil Miller** added that one day per year they use a temporary fence at the pool during Festival Days so that patrons of the splash pad can't go into the pool, and they feel like that works well. He also proposed the option of opening the splash pad on a trial basis two days per week with limited hours so that it would still be available for parties. **Dave Millheim** said that we have a fairly simple park design, and that as ideas for the park were being considered, a splash pad was suggested. Early on, the primary issue was the budget and the Council was trying to see if something could be done with the existing splash pad. As the discussion continues, there are numerous safety concerns that need to be addressed. **Mayor Talbot** requested feedback on the options discussed. **Brigham Mellor** proposed surveying patrons as they come to the splash pad to see if they would come if it was fenced. He advised making sure a fence is desired before installing it permanently. **Jim Young** expressed concern about vandalism due to the nature of our splash pad, with its raised elements, etc. **Mayor Talbot** suggested that we not press the issue this year since the water from the splash pad is not reused, and due to the drought conditions. Instead we could put something in the newsletter indicating that people can come to the splash pad twice per week in July. That would give more time for the issue to be studied before a decision is made. **Brigham Mellor** said that rather than survey we could try shutting down the splash pad for this year and see how it affects pool patronage. **Dave Millheim** said that we don't know the water situation yet, and if we closed the splash pad prematurely it may negatively impact pool patronage. **Mayor Talbot** suggested that if water use becomes an issue this summer, we turn off the splash pad since we don't have a way to reuse the water. This may allow us to see what the demand is and to see how people are affected by turning it off. He asked if we should put the issue on hold for the time being, to which there was general agreement. **Cory Ritz** said that we haven't received a lot of calls since the initial period of interest in another splash pad, so it is uncertain if demand has gone away. **Brigham Mellor**

added that if we aren't taking action, it may be an ideal time to conduct a survey asking patrons if they would come to the splash pad if it was outside the pool. **Neil Mellor** said that this survey question could be added to the survey they give parents at the conclusion of swimming lessons. **Mayor Talbot** concluded by asking the Parks and Recreation department to come up with a suggestion.

The acquisition of the orphan park strip of property Farmington Creek Estates was discussed. 80% of those who would be directly affected and 65% of the entire subdivision of Farmington Creek Estates have signed indicating they support the proposal and the associated costs. This issue will go to Summary Action in two weeks. The net sale of one lot is about \$140,000.

There will be an upcoming property tax sale on two parcels of land which are delinquent several hundred dollars in property taxes. The City is paying the amounts to acquire the properties because we need access to the rights of way and could use the land in the future.

Regular Session

Present: Mayor Jim Talbot, Council Members Doug Anderson, John Bilton, Brigham Mellor, Cory Ritz and Jim Young, City Manager Dave Millheim, Community Development Director David Petersen, Associate City Planner Eric Anderson, City Engineer Chad Boshell, City Recorder Holly Gadd and Recording Secretaries Lara Johnson and 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 a Councilmember **Jim Young**.

PUBLIC HEARINGS:

Zoning Map Amendment for the Perry Property from A (Agriculture) to R (Residential)

Eric Anderson said that the applicant is seeking to subdivide his property into two lots. The property formerly belonged to the county and was zoned agriculture; it was left as is when it was annexed into city. As this property is being developed, rezoning was recommended to match the surrounding area. The orientation of homes to be built on the property would be toward Quail Wing Road.

Mayor Talbot invited the applicant, James Cheney, to speak. **James Cheney**, resides at 2785 S 3930 W, Hurricane, UT. The property in question belongs to his in-laws, and they plan to put in a single house behind it. He will be building the home himself.

Mayor Jim Talbot opened the public hearing at 7:12 p.m.

No one spoke.

Mayor Jim Talbot closed the public hearing at 7:12 p.m.

Motion:

Brigham Mellor made a motion that the City Council rezone the property from Agriculture to Residential, subject to the Findings for Approval 1 and 2.

John Bilton seconded the motion which was unanimously approved.

Findings for Approval:

1. The zone designation of R is consistent with the General Plan.
2. The existing isolated A zone is a result of past annexations and the property should be rezoned to a low density single family designation.

Zoning Ordinance Height Amendment for Public Uses Related to Setbacks

Eric Anderson said that this zoning change is specifically needed for the new gym, but may also apply to the new elementary school, University of Utah and other new public buildings. This would allow the Planning Commission the flexibility to approve a height increase when it makes sense. The staff of the Planning Commission feel this is a good zone text change for the gym as well as for other public uses and buildings to come in on the west side of the city.

Mayor Jim Talbot opened the public hearing at 7:14 p.m.

No one spoke.

Mayor Jim Talbot closed the public hearing at 7:14p.m.

Motion:

John Bilton made a motion that the City Council amend Section 11-28-090(b) as stated subject to Findings for Approval 1 and 2.

Doug Anderson seconded the motion which was unanimously approved.

Findings for Approval:

1. The Planning Commission should have flexibility to modify set-back requirements for public buildings, especially related to height, to better address the needs of a particular site and to make parking less conspicuous for nearby residential uses.
2. The City is anticipating applications for several public buildings over the next few years, and these applicants may need the flexibility to fit a site in a way that is best for the use and neighborhood.

Plat Amendments – Dwight Poulson/Hidden Meadow Subdivision and McOmber Subdivision

Eric Anderson said that notice was sent to every affected property owner, who then had a 10 day period to protest. The Planning Commission recommends both plat amendments. In the case of the McOmber plat amendment, it was a parcel that was purposefully leftover from the original subdivision so that it could be included at a later date. The applicant is now ready to make improvements along 1525 W. and it will result in one lot being added into the subdivision. The Hidden Meadow plat amendment is also straightforward. No protests have been received.

Mayor Jim Talbot opened the public hearing at 7:17 p.m.

No one spoke.

Mayor Jim Talbot closed the public hearing at 7:17 p.m.

John Bilton asked the applicant, who was in the audience, if his neighbors were comfortable, and he answered that they are.

Motion:

Brigham Mellor made a motion that the City Council approve the proposed Dwight Poulson/Hidden Meadow Subdivision plat amendment set forth herein; and approve the McOmber Subdivision Plat amendment subject to the developer bonding and/or extending the 1525 West Street public improvements as approved by the City Engineer the entire length of the property prior to recordation of the final plat consistent with City standards and processes for such improvements.

Jim Young seconded the motion which was unanimously approved.

Local Consent for SteelFist Fight Night LLC Event Permit “Temporary Beer”

Dave Millheim said this license can be handled at the staff level, but in prior approvals the City Council had asked the applicant to come back to address any concerns. Since there have been no problems with the event approval was recommend.

The applicant, **Brady Grant**, 1150 W. 825 N. Layton, reported that their last several shows have been successful, and have received positive feedback regarding the venue. Many local athletes participate in this growing sport, including their main event this year who is from Farmington. He said they want to prove themselves as a professional organization with high quality entertainment, and reminded the Council that this is an organized event, sanctioned by the Governor, with appointees from the Pete Suazo Utah Athletic Commission present at each event. He stated that having a beer license is a staple at any professional sporting event, and they are not asking for any more than that.

Mayor Jim Talbot opened the public hearing at 7:22 p.m.

No one spoke.

Mayor Jim Talbot closed the public hearing at 7:22p.m.

Mayor Talbot said that the City has been running this as a test to make sure the event did not have any issues resulting from the temporary beer license. He checked with Ken Klinker, who confirmed there have not been any complaints of that nature. There is some concern with keeping parking off the street. The Mayor recommended charging for parking or negotiating with the venue to get the parking lot fee waived so that the city doesn't have to come in and tow cars. **Brigham Mellor** added his recommendation that if the permit is granted tonight, the Council should allow them to obtain their permit from staff from now on so they don't have to come back every 6 months. **Mayor Talbot** agreed and stated that if issues arise they can come back before the Council.

Motion:

Doug Anderson made a motion that the City Council approve the Local Consent form for the State of Utah Event Permit “Temporary Beer” for SteelFist Fight Night LLC for June 20, 2015. It would go back to staff for approval consistent with the Ordinances unless an issue arises which is deemed necessary to bring it back before the City Council.

John Bilton seconded the motion which was unanimously approved.

Brady Grant added that during their last event, the Legacy Events Center was repaving the north parking lot, which may have resulted in some stragglers parking on the street. **Dave Millheim** received an email complaint and several phone calls from a different event last week regarding cars spilling over into the neighborhood, which is not a reflection on SteelFist, but he expressed concern that future complaints could put a black eye on Legacy Events. He has contacted the County and asked them to be more diligent so that the city does not have to tow

or boot cars. He also reminded the applicant that they are allowed to do 3 special events with this permit per year; additional events would require changing the code. **Mayor Talbot** reiterated that keeping the parking contained goes a long way for residents so that SteelFist can continue to hold these types of events without residents' objection.

CONSIDERATION OF ORDINANCES/RESOLUTIONS/AGREEMENTS:

Resolution Adopting the Tentative Budget for Fiscal Year 2015/2016

Mayor Talbot said the Council had a successful study session on the budget, and we are here to approve it. In approving that resolution we need to set forth the public hearing date for June 16th and adopting the draft budget for presentation at the public hearing.

Motion:

Jim Young made a motion to approve the resolution adopting the tentative budget for fiscal year 2015-2016 and set forth the public hearing date for June 16, 2015.

John Bilton seconded the motion which was unanimously approved.

Dave Millheim sent a memo to staff regarding the budget and project highlights. He received positive feedback and appreciation for how the Council pays attention to and takes note of things. He wanted to recognize the trust placed in the City Council by staff and thank the City Council on behalf of the staff for giving them the tools they need to make things work.

PRESENTATION OF PETITIONS AND REQUESTS

Street-Cross Section Proposal for 300 South Street

Eric Anderson had the staff report, but Dave Petersen was the point person for this item.

Mayor Talbot opened this item for discussion with Council regarding increasing the width of the sidewalk from 6 to 10 feet and widening the asphalt to accommodate a right turn lane.

Chad stated that he and Dave Peterson met with the architect for the new park. They had planned a 6 foot sidewalk south of gym, and planned to bring the 10 foot sidewalk that is along 650 W. down in front of the school where it would tie back through the parking lot and onto the south side of the property where it would loop back to trail system. Two property owners just south expressed concern that the 10 foot trial would run next to their livestock. The proposal is to widen the sidewalk to the south of the school, and to not take it around by their property at this point, presuming that the property will change hands and uses in the

future and the trail can be adapted later. The proposal also includes widening the road 6 inches to allow for dedicated turn lanes onto 650 W.

Dave Millheim stated that there are two things going on: one is the widening of the sidewalk such that once it is all built out, you have a full, looping trail that goes around rather than forcing people through the parking lot as part of that trail. The City is keeping the right of way secured to widen the area in the future. In reference to widening the street, 6 inches become important when there are multiple events, one car could back everything up without turn lanes. The question is will the City build it now or just establish a cross section to build it out in the future. The action before the Council is to establish the cross section so that we can have the looping sidewalk eventually and the turn lanes as part of the plan. It is currently a platted public right of way, and if/when the property owners choose to develop those properties, they will have driveways off this street, which is why it needs the modified cross section.

Motion:

John Bilton made a motion that as per Section 12-8-100 of the Subdivision Ordinance, the City Council modify the 300 South street cross section as proposed in Findings 1-5 and on the attached drawings subject to increasing the width of the sidewalk from 6 to 10 feet on the north side of the street and widening the asphalt to accommodate a free right hand turn lane exiting the site if necessary in the future.

Brigham Mellor seconded the motion which was unanimously approved.

Findings:

1. The adjacent property owners requested no sidewalk on the south side of the streets in order to make it less inviting for the passerby to interact with their horses.
2. Both the City and the property owners want to restrict on-street parking and desire to narrow the front of curb pavement width from 32 feet to 26 feet to calm and slow traffic speeds.
3. the 26 foot wide pavement width is required by fire code.
4. Sidewalk is still proposed on the north side of the street, but the Parks Department is proposing that the City widen the sidewalk from 4 feet to 6 feet; therefore, they are proposing that the City install the sidewalk at back of curb with no part strip. The issues related to this sidewalk location will be discussed in further detail at the Council meeting.
5. The street width is 60 feet for much of the length of Lot 2 of the McBride Subdivision, but then abruptly narrows to 30 feet for the remaining frontage of this lot and Lot 3.

SUMMARY ACTION

Minute Motion Approving Summary Action List

1. Consultant Selection for the Meadow View Detention Basin Army Core of Engineers Violation Mitigation

2. Change Order for Engineering and Construction for the Park Lane Storm Drain Project
3. Cabela's Improvements Agreement
4. Tuscany Grove Improvements Agreement
5. Parkwalk Downs Improvements Agreement
6. Avenues at the Station Phase II Final Plat
7. Kestrel Bay Townhomes Final Plat
8. Discussion of Jeppson Flag Lot/Trail
9. Approval of Minutes from City Council meeting held April 14, 2015
10. Approval of Minutes from City Council meeting held April 21, 2015.

Mayor Talbot stated that the Council is going to pull item 6, Avenues at the Station Phase II Final Plat, as it is not ready yet and will come forward at a later date. It was also discussed that the Council will pull item 8 for separate discussion.

Motion:

Jim Young made a motion to approve the items on the Summary Action List 1-5, 7, 9, and 10.

Doug Anderson seconded the motion which was unanimously approved.

Dave Millheim said that a protected email was sent to the City Attorney respecting Item 6, which is a reason for the temporary delay in discussing this item. With respect to item 8, it was a mistake for it to be on the Summary Action list when it was worded as discussion only. **Eric Anderson** said that the motivation for the Planning Commission's recommendations was not to give a formal motion, but so Council would know what their thought process was and why they didn't want the flag lot in trade for the trail connection. **Dave Anderson** said that a Planning Commission that just rubber stamps things is less useful, and the Planning Commission put a lot of time into showing the Council why they made this recommendation, which is a compliment to the Planning Commission. **Eric Anderson** said that it was Kent Hinckley who came up with that idea; George wants the trail connection, but the Planning Commission gave 5 reasons why it doesn't make sense. **Mayor Talbot** said to pass along the Council's compliments to the Planning Commission.

NEW BUSINESS

Discussion regarding Location of the Pool Fence

Mayor Talbot confirmed that this item has already been discussed.

GOVERNING BODY REPORTS:

City Manager – Dave Millheim

- The Executive Summary for the Planning Commission meeting held on April 9, 2015, the Executive Summary for the Planning Commission meeting held on April 23, 2015, the Police and Fire Monthly Activity Report for March and the May 26th City Council Meeting are included in the staff report.
- Due to some scheduling conflicts, **Dave Millheim** suggested that the next regularly scheduled meeting two weeks from tonight (May 19th) be canceled and moved to May 26th. The budget session scheduled for May 12th will proceed as planned.
- **Dave Millheim** reported that The Davis County Justice Courts system has been dissolved by the county. Farmington City will not have a functioning court as of year end. Meetings have been held with Justice Court officials, all City Managers, and with County Commissioner Milburn. In 2014, Davis County Courts yielded \$2.55 million from 1,200 different citations, for a net of \$1.8 million (due to mandatory surcharges that go to public education). Farmington City is a small percentage of that. The cities of Fruit Heights, Kaysville, West Bountiful, and Farmington contribute about \$800k; Farmington's portion is about \$400k- which goes to pay for the prosecutor, a portion of judges salary, etc. The deal on table was that if the City stayed with the County, they would keep the court open, but now the County wants to abolish the court. Two problems that arise from this are: 1- outsourcing case loads is a logistical headache, and 2- courts shouldn't be profit centers, but service providers. The County is looking for a home; if Farmington City took over hosting the Justice Court, the facility would be owned by the state and leased by the county; this addresses problem 1 by having an established facility. The City could also contract services, and make \$500-600k for hosting the court, after expenses. We have stated we are a willing host, and **Mayor Talbot** clarified that we aren't locked into anything. He also stated that people are accustomed to going there, and this could be a win for Farmington. He questioned whether the City could end up in the same situation as the County in two years if the arrangement doesn't pan out as planned. **Dave Millheim** responded that although we can't be sure of the outcome, the state would want at least a 4-5 year minimum lease agreement. He also suggested that we stagger the other cities' leases so they all don't come up at the same time. Since Farmington provides half of the revenue, we would want same deal we currently have where the County would have to pay for their own prosecution. **Dave Millheim** stated that a condition of this agreement would be how we deal with personnel issues; specifically that employees would be fired from the County and hired on with the city as probationary employees. This approach would give employees a chance to prove themselves.

Mayor Jim Talbot

- **Mayor Talbot** discussed attending the ICSC conference this year. The plan was originally to go down so that he and Dave could discuss business with others. Due to scheduling conflicts, he is reconsidering if we are prepared to attend. He suggested finding out if representatives from other cities found it beneficial, and to plan on attending next year. This would allow us more time to prepare, to have packets ready, and would still allow a chance to talk to companies about coming to Farmington.
- In confirming the City Council meeting rescheduled for May 26th, a question arose about whether or not there would be a quorum, and whether the June 2nd meeting would take place as planned. **Mayor Talbot** confirmed that there would be a quorum,

and that the June 2nd City Council meeting would be canceled and asked Holly to send a memo to everyone.

Brigham Mellor

- Brigham voiced concern over the presence of horse manure on The Lagoon Trail. Particularly on weekends when there is a lot of foot traffic, this becomes particularly problematic. We require people to clean up after their dogs, and he asked, who cleans up after the horses? Some trails are designated horse trails, and some are used by horses, pedestrians, and cyclists. He suggested not allowing horses on the Lagoon Trail since it is a heavily used pedestrian trail. **Mayor Talbot** inquired about utilizing the newsletter to address this problem. **Dave Millheim** said it would be overreacting to say no horses on that trail. We don't own all trails (some are owned by Forest Services). We have a very competent trails committee, and he suggested we inform them that we have a legitimate issue and ask them for a recommendation. **Mayor Talbot** asked Doug to take this back to the trails committee.
- **Brigham Mellor** reported that he saw some emails come through regarding fiber internet/broadband. He met with the coalition, and would like to see a cost estimate for fiber internet. He proposed having 1-2 city council members meet with the group to talk about the cost. The group has sent some information about the cost per mile, and it is expensive, but could be handled as the city helps mitigate the cost for Century Link to implement, in addition to a special assessment on each property. If 51% of people within a special assessment area protest, then it gets thrown out. **Mayor Talbot** added that Centerville opted to go with Utopia and has been regretting it. **John Bilton** was of the opinion that Century Link or Google will present a solution if it is demanded; we should let the market dictate how this plays out. **Dave Millheim** suggested that we invite Century Link to a work session to discuss the matter.

Doug Anderson

- There is a children's bike ride on Saturday May 9th- he contacted Chief Wayne to block off the road for 30 minutes and asked if anyone is available to attend this Saturday. No one stated their availability to attend.

Mayor Talbot

- Updated the Council that Val Halford, who was serving on the Planning Commission, has had a conflict of schedule arise, and will no longer be available to serve in that capacity. He stated that we will make do with who we have on the Planning Commission. He asked **Holly** if there was anything else, and she brought up an email regarding a roundabout. However the download didn't work, so the Mayor indicated it would be discussed at the next session. He said there would not be a closed session.

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

ADJOURNMENT

At 8:48p.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