

## FARMINGTON CITY COUNCIL MEETING

February 16, 2016

### WORK SESSION

*Present: Mayor Jim Talbot, Council Members Doug Anderson, John Bilton, Cory Ritz and Brett Anderson, City Manager Dave Millheim, Assistant City Manager Keith Johnson, City Development Director David Petersen, Associate City Planner Eric Anderson, City Engineer Chad Boshell, Deputy Recorder Heidi Bouck and Recording Secretary Melanie Monson.*

### CLOSED SESSION

#### **Motion:**

At 4:05 p.m., **Doug Anderson** made a motion to go into a closed meeting for purpose of litigation. **John Bilton** 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 6:05 p.m., a motion to reconvene into open meeting was made by **John Bilton**. The motion was seconded by **Doug Anderson** which was unanimously approved.

### Appeal for Ascent Construction regarding Impact Fees

**Keith Johnson** said Dave Millheim recused himself from involvement in this matter—the applicant for appeal is his neighbor and home teacher. The applicant is making a case for his appeal, and the Council is acting as the appeals board. Staff came up with a credit of over 50% of the transportation fund, but is recommending denial of the refund of the storm drain fund.

**Chad Boshell** said Ascent Construction claimed that they should not have to pay the storm drain impact fund for a number of factors, including that they are detaining on site; and that they are discharging into a UDOT storm drain pipe, which discharges into Spring Creek and then into Shepard Creek, which is managed by Davis County. However, Ascent is still impacting the City's storm drain system. The City has had to purchase property and create additional storm drain detention basins in order to keep Shepard Creek from flooding. So although they are detaining on site, they are adding to the problem of flooding with Shepard

Creek, which impacts what the City has to do to mitigate that flooding potential. The City needs the impact fee money to build the detention basins that pull the storm drain water away from Shepard Creek.

**Mayor Talbot** asked how big their site is, and **Dave Petersen** said it is about 1 1/3 acres. He said they will impact the City quite a bit due to the building footprint (24,000 square feet) and the use. **Brett Anderson** asked what their response has been. **Keith Johnson** said we will hear their response tonight, but we have not had any response thus far. **Dave Millheim** said this is the first formal appeal that has gotten to this point. He said Ascent only has one recourse if they do not like what happens tonight, which is to take it to District Court. He asked the Council to not negotiate or be flippant in how they handle this appeal. He said he has had communication from others in the building community who want to challenge the updated Park Impact Fee. He said there could be other appeals down the road, and asked the Council to stick with the facts.

**Doug Anderson** asked why staff is recommending a refund of part of the Transportation Impact Fee. **Chad Boshell** said their impact on the City is lessened by the fact that their entrances are facing State owned and maintained roads, and their traffic is primarily coming from I-15 and US89. Globally, they will still generate traffic in and out of the City. He stated that any development that generates traffic on Park Lane, impacts traffic within the City. He said they calculated that almost 45% of their impact fee is going toward impacts they will have on Park Lane. **John Bilton** asked if that is a legally defensible position. **Chad Boshell** answered that the City's attorney concurred with their recommendation. **Cory Ritz** asked if the City refunds this fee, will other businesses along state roads come back to challenge their impact fees. He said ultimately they are part of the City's transportation plan and are impacting it, including how the City has to divert traffic from Park Lane. **Dave Millheim** said most of those businesses are past the statute of limitations, but the Mercedes dealership could. **Chad Boshell** said and there could be situations where we run into this again. Both Tim Taylor and Todd Godfrey felt it was the best decision to refund part of the Transportation Impact Fee. The question is whether the Council agrees with staff's finding that they would qualify for a reduction based on their fronting state roads. **Dave Millheim** said larger projects are easier to defend the impact fees on, because they are generating a large amount of traffic.

**Mayor Talbot** said he wants to make sure the decision is defensible, and he is concerned that the refund recommendation was almost half. **Chad Boshell** said this was the only way they could come up with a defensible number reflecting the impact on Park Lane—any other number would have been mere speculation. He said the biggest headache would be downtown, if the City decided to redevelop any areas along Main Street, State Street, etc. **Brett Anderson** said if the analysis is correct, the City should be able to apply it to any future situation that may arise. **Cory Ritz** said their customers may come off the freeway, but the employees or others will be using City streets, which will impact traffic. **Chad Boshell** said any additional traffic, including traffic from the freeway, impacts City traffic—including the wait times at intersections, etc. **Doug Anderson** asked for a clarification of the formula staff used, which **Chad** explained. He told Cory the City would use this same formula in future similar situations. **Dave Millheim** said the only time the redevelopment question comes into play is if the use changes. He said the City does charge a greater amount to commercial uses than others. **Mayor Talbot** said since they are getting a credit of \$41k, it seems like a good olive branch to offer. He said he would have any comments from the applicant take place during the public hearing.

### Miscellaneous Zoning and Subdivision Ordinance Amendments

**Eric Anderson** said staff has gone through these zone text changes thoroughly. He addressed some of the changes:

- a. This item requires private roads to be built to public road standards; this way, if they are ever turned over to the City they will be built to City standards. Roads not built to this standard tend to fall apart and become a hazard.
- b. Getting rid of a redundancy in the code regarding lot widths.
- c. This item changes the minor subdivision process to mirror the major subdivision process. The Code has already been changed for the major subdivision process. It gets rid of any conflict of interest. A minor subdivision is 9 lots or less, and there is no dedication of the roads.
- d. The City recently had an application for Class A self-storage, over by the Chevron and Mercedes dealership. One requirement for Class A storage is that they do not have any steel paneling; there were some issues with the wording in the Code. There is a lot of nice architectural steel paneling available on the market. **John Bilton** said if they cannot do the metal roll up doors, they will make it look like an office building, similar to the one in Sugar House. He said some qualifying wording about the metal may be helpful for future applicants. **Eric Anderson** said there will not be any other applications because there can only be one in the CMU zone unless the code changes.
- f. Verizon approached the City about installing an unobtrusive cell tower. This item adds some regulations and definitions to the existing Code.
- g. In the permitted and conditional use table, staff added a new column for monopoles.
- i. The setbacks for the seminary building as part of the new high school are similar to a residential use, which is not necessary. Staff recommended reducing the setback to 15' from 30'.
- j. There was some confusing language regarding the buffer for Ascent Construction between their commercial use and the DeJong's residential property. He said the City has never administered the required 30' buffer because it is quite large.

**Eric Anderson** said the rest of the items are clean ups to the code.

**Dave Millheim** thanked Dave Petersen and Eric Anderson for maintaining a running list, and staying on top of the necessary changes and clean ups. He gave a heads up that 2 weeks from now the Council will be asked to approve an offer for the property on Country Bend Road that the City agreed to subdivide. There have been 3 offers in the \$170-180,000 range for it.

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### REGULAR SESSION

*Present: Mayor Jim Talbot, Council Members Doug Anderson, John Bilton, Cory Ritz and Bret Anderson, City Manager Dave Millheim, City Manager Keith Johnson, Assistant City Development Director David Petersen, Associate City Planner Eric Anderson, City Engineer Chad Boshell, Assistant City Recorder Heidi Bouck and Recording Secretary Melanie Monson.*

**CALL TO ORDER:**

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

The invocation was offered by Mayor **Jim Talbot** and the Pledge of Allegiance was led by Boy Scout **Hunter Fulton** from troop 1698.

**PUBLIC HEARINGS:**

**Appeal for Ascent Construction regarding Impact Fees**

**Mayor Talbot** said Dave Millheim has asked to recuse himself from this item due to his relationship with the applicant. He said Keith Johnson has handled this item.

**Keith Johnson** said under the City ordinance, anyone can appeal City Impact Fees. The City Council acts as the appeal board. When the City received this particular appeal, he met with City Engineer Chad Boshell and City Planner Dave Petersen, as well as with City Attorney Todd Godfrey and Traffic Engineer Tim Taylor and CRS who conducted the storm drain study and impact fee analysis. They met and discussed how to handle this appeal, and came to the conclusion that the City would not recommend giving them a credit on the storm drain fee, but would recommend a credit on the storm drain fee. He turned the time over to Chad to discuss the process and formula used to come up with the number.

**Chad Boshell** said he met with CRS who came up with the master plan for the storm drain system. He said their request to be refunded the storm drain fee was based on three things: the retained all their storm water on site, they discharged water into drains owned by UDOT, which then empty into Shepard Creek. He said all three of these items are true; however, even with onsite detention, Shepard Creek will overflow if it has over 200 cubic feet per second. The City has had to mitigate this possibility by building new infrastructure outside of Shepard Creek. During high flooding events, the water from Shepard Creek overflows into Spring Creek. The City has been collecting impact fees for future projects and planned improvements. That is why staff is recommending to not refund any of the storm drain fund. Out of all their claims regarding the transportation fund, the only one that the City felt had merit was their location, which led staff to research the merits of a reduction. They front state roads; however any development that increases traffic along Park Lane, impacts traffic within the City. All of the needed projects around Park Lane are due to increased traffic along Park Lane. The development in question will impact traffic along Park Lane. Staff came up with a percentage of the impact fee eligible projects that Ascent Construction will impact, and is using that percentage to calculate a refund of \$41, 929.27.

***Mayor Jim Talbot opened the public hearing at 7:15 p.m.***

***Mayor Jim Talbot closed the public hearing at 7:16 p.m.***

**Doug Anderson** said he understands the calculation and believes it to be fair and accurate.

***Motion:***

**Doug Anderson** made a motion that the City Council deny the appeal by Ascent Construction to refund the storm drain impact fee and approve a refund of \$41,929.27 of the transportation impact fee.

**Brett Anderson** seconded the motion which was unanimously approved.

**Dave Millheim** clarified that the Council has ruled as an appellate body.

**Miscellaneous Zoning and Subdivision Ordinance Amendments**

**Mayor Talbot** said this item was discussed at length during the work session.

***Mayor Jim Talbot opened the public hearing at 7:18 p.m.***

***Mayor Jim Talbot closed the public hearing at 7:18 p.m.***

***Motion:***

**John Bilton** made a motion that the City Council approve the enclosed amendments to the zoning and subdivision ordinances as set forth in the February 16, 2016 staff report and the enclosed enabling ordinance related thereto.

**Cory Ritz** seconded the motion which was unanimously approved.

**Findings:**

- a. In the event that a private road becomes public and under the City's jurisdiction, city staff, including the engineer and public works would like private roads to be built to the city's standards; this protects the City in the future.
- b. Removing this section from the code is a means to delete redundancies as it relates to lot widths and street frontage requirements in conservation subdivisions.
- c. Amending the minor subdivision process to make it consistent with the major subdivision approval process will ensure that the City Council is no longer an appeal body that is also the land use authority.
- d. Removing the metal plate request for Class "A" Self-Storage will clarify the ordinance and allow for more design flexibility to use architectural materials that are readily used in many high-end, modern applications.
- e. Amending the allowable forms of subdivision bonds by removing property bonds eliminates redundancies and an antiquated, unused bond.

- f. Providing a definition of small cell networks, DAS, and other similar networks is being proactive and preparing for the future widespread use that these types of facilities potentially represent.
- g. Renumbering the portion of the flag lot ordinance is a “clean up” item making that section of the code more uniform with the rest of the Subdivision Ordinance.
- h. By allowing for tandem parking in two-family dwellings, the City is updating an outdated portion of the code that does not give enough flexibility to duplexes in regards to parking requirements, especially in those areas where street parking is not allowed.
- i. Amending the setback requirement for institutional uses citywide allows for more flexibility related to lot dimensions and design requirements for uses that do not and should not conform to standards established for single family residences.
- j. This amendment clarifies the language regarding the buffer requirement between a commercial parking lot and a residential use and gives more specific administrative power to the Planning Commission when enforcing this requirement. Additionally, through bifurcating industrial from commercial uses and placing more stringent requirements on industrial uses, this provides stronger protections for residents from any potential negative impacts normally associated with industrial uses.

## SUMMARY ACTION

### Minute Motion Approving Summary Action List

1. Consolidated Fee Schedule Update Regarding Park Impact Fees
2. Amendment to Lagoon Contract Rate
3. Contract for the Construction of the 1100 W Culvert with Acme Construction/Davis County/School District
4. Approval of Minutes from February 2, 2016

**Dave Petersen** pointed out that on December 15, 2015 the Council asked staff to make sure they collected the Park Impact Fee at building permit. The updated impact fee table details when each impact fee is collected.

#### *Motion:*

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

**Cory Ritz** seconded the motion which was unanimously approved. **John Bilton** noted that he was not present for the meeting on February 2, 2016.

## COMMITTEE REPORTS:

**Brett Anderson:** the Trails Committee will be meeting this Thursday.

**Doug Anderson:** the Youth City Council has identified 18 new candidates, which will take the total number to 30. They will be sworn in at the March 1 City Council meeting. They will be holding a retreat with the new Youth City Council members on March 3, which he plans to

attend. Their first official meeting with the new members will also be in March. The groundbreaking for the new Mercedes dealership will be this Thursday. There will be ribbon cuttings for Cabela's and Vista Outdoors soon.

**Cory Ritz:** There have not been any meetings for the Special Events Committee recently. The Davis Mosquito Abatement committee is a non-profit entity functioning as part of Davis County, and is funded through property taxes. The trucks that spray for mosquitos come out after dark to avoid impacting other insects, and fog every street in the County with regularity. They service Farmington more frequently due to our mosquito population. They identify trees with knot holes in them that house mosquitos, and there are also bike crews that deposit treatments in storm drain boxes twice during the summer. There are also crews in the marshes and wetlands. They own a hangar at the Davis airport and have an airplane that sprays the marshes and wetlands. The offices and equipment/chemical storage are located in Kaysville. Due to the growth of the County, they are in the middle of an expansion that will double the County's facility in size. Due to the colder winter, there will be fewer mosquitos that survive the winter. The biggest reason for the Mosquito Abatement program is to combat West Nile Virus. They monitor species regularly to test for the virus. Last year there were 8 human cases of West Nile Virus in Utah. None of those cases were in Davis County; however there were 26 pools that tested positive in Davis County. Nationwide there were a total of 119 deaths last year. The new Zika virus is only found in tropical mosquitos. Currently in the US, it is only showing up in people who have traveled to South America. He said it is an active program and they do good work. If residents are inundated with mosquitos, they can call or make a request for a treatment online.

**John Bilton:** the first meeting of the Historic Preservation Committee is scheduled for February 25<sup>th</sup>. For the benefit of the audience, he said that although the above items were approved quickly, they have been discussed extensively. He said the culvert is an important item that needs to be completed in conjunction with the high school, which many of the youth in the audience will likely attend. **Dave Millheim** said that the culvert will allow the City to complete the linkage of 1100 West and is crucial for the high school and elementary school.

**Mayor Talbot** reminded the Council that the Trails Committee and Historic Preservation Committee will have new Committee Chairs beginning in March.

## **GOVERNING BODY REPORTS:**

### **City Manager – Dave Millheim**

1. Executive Summary for the Planning Commission meeting held on February 4, 2016
2. Police and Fire Monthly Activity Reports for January

### **City Council**

**Cory Ritz** apologized for not attending the earlier closed work session. He asked for a reminder email to be sent in advance of such meetings.

**Doug Anderson** asked if the City has a plan in place for City officials to work with local LDS Church leaders in the event of an emergency. **Dave Millheim** said the City does

have a detailed plan, a notification tree, and conducts periodic training. He said there are two or three binders full of information, covering various emergencies. **Brett Anderson** asked if that information could be made available on line. **Dave Millheim** said because the information is extensive, not all of it can go on the City's website; however some of the information such as the decision tree, etc. could be made available. He has participated in a lot of training on emergency responses, and said the organization available to the City is not common in other communities.

### **Mayor Jim Talbot**

He wanted to recognize George Chipman and Alisa Revell at the City Council meeting on March 15<sup>th</sup>. He asked Dave Millheim to remind Holly to send out a formal letter recognizing them for their service.

He reported that the groundbreaking ceremony for the Mercedes-Benz dealership will be held this Thursday February 16 at 11 am.

Farmington City is hosting the regional ICSC convention on Thursday. **Dave Millheim** said they will be taking 71 site selectors skiing. There will be a welcoming reception tomorrow evening at Station Park, and the Mayor will be speaking to the regional site selectors to recommend Farmington. He said it is a sought after conference to host. He encouraged the Council to attend the reception tomorrow night and any other events they would like. He said he will be talking to them about what the City would like to see come in. He said there are over 300 people registered.

**Mayor Talbot** referenced an article in the Davis Clipper about Amy Shumway's presentation at the last City Council meeting. He said he will be writing an article for the upcoming City newsletter to highlight her presentation and donation.

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

### **ADJOURNMENT**

#### ***Motion:***

At 7:48 p.m., **Cory Ritz** made a motion to adjourn the meeting. **Doug Anderson** seconded the motion which was unanimously approved.

  
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**Holly Gadd**, City Recorder  
Farmington City Corporation