

## FARMINGTON CITY COUNCIL MEETING

August 4, 2015

### WORK SESSION

*Present: Mayor Jim Talbot, Council Members Doug Anderson, John Bilton, Brigham Mellor, Cory Ritz and Jim Young, City Manager Dave Millheim, City Development Director David Petersen, and Recording Secretary Melanie Monson.*

**Dave Millheim** said item 2 on Summary Action will need to be pulled because it is not complete.

### Century Link

**Dave Millheim** thanked Century Link for being here. There is no specific agenda, but they are here to discuss the options available for upgrading the City's internet options. **Georgie**, Century Link's government affairs manager came. Jeremy said Century Link is doing a massive upgrade in Utah. It is one state in 10 they are working on, and are planning to spend about \$100 million here. They are planning to launch a 1 Gig media campaign here this month. They will be rolling it out on a residential and business basis. Burial of the lines costs about \$2 per foot. Material and financial value of fiber to home clients- study shows homes with fiber sell for about \$5600 more. When it is bundled, the 1 Gig internet service is about \$80 per month. A number of startup businesses are locating/relocating in Utah because they can operate for much cheaper (offices, cost of living, cost of fiber internet). Utah has a young population with a high number of students graduating with advanced degrees. These are some reasons they are making such a huge investment.

The Technical Representative talked about the existing infrastructure and the infrastructure that is still needed. They provide fiber redundancy (2 ways in and out of the City). They can up the bandwidth because the nodes are fiber fed. 100 Gig capability is available for several businesses and City offices in Farmington. They are building their fiber network in all new residential developments; builders just have to provide the wiring in the homes and are planning to complete future network changes for existing homes. Challenges to building fiber networks in existing homes are the cost (\$1550 per home) for boring and ductwork; they are looking into cost savings mechanisms. They are planning to place new nodes in the Ranches in order to shorten the distance of the line to increase the speeds throughout the area. **Dave Millheim** asked if we are neglecting the rest of the City by focusing on West Farmington. He said he wants to keep this global. **Georgie** said they are going to focus on the whole city. She said they inherited a mess from First Digital that needs to be fixed. **Brigham Mellor** said on the east side there is competition with Comcast, and the West side does not have that competition. Vivant providing wireless service goes out with wind storms. Jeremy said they have tied up about 85% of the local contractors who do this kind of work, which speaks to the enormity of their investment. **Carrie** also provided a cost per dwelling estimate of upgrading the existing homes in West Farmington. **Dave Millheim** asked what should be said to residents. **Brigham** said projects should be completed by 11/30/15 and that speeds will increase overall. **Jeremy** said there are still 25% of people who do not own smartphones or computers and will not care that they are investing so much money per home. The speeds do

not mean anything until you actually try to use the internet. They see that the sweet zone of internet is 12 mb. The average home has 5-6 devices connected to the internet. Building 1 Gig capability is for 20 years out. They plan to place high speed nodes on the East side, they just need to be budgeted for.

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## **REGULAR SESSION**

*Present: Mayor Jim Talbot, Council Members Doug Anderson, John Bilton, Brigham Mellor, Cory Ritz and Jim Young, City Manager Dave Millheim, City Development Director David Petersen, and Recording Secretary Melanie Monson.*

### **CALL TO ORDER:**

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

The invocation was offered by City Manager **Dave Millheim** and the Pledge of Allegiance was led by Boy Scout **Cameron Murphy** from troop 39.

### **PRESENTATION OF PETITIONS AND REQUESTS:**

#### **Davis School District Bond Information Presentation**

**Dr. Rulon Homer**, 586 West 260 South Farmington, Utah. He came to give a presentation on the bond they are hoping to pass and are asking for the City's support. He also asked the City to pass a formal resolution in support of the bond.

**Greg Carter**, business administrator for the School District. They are proposing a \$290 million bond for this November, \$246 million of that to be for the building of new schools, including a new high school in Farmington with a new design. They took money from the 2009 bond to design it, and hope to open it in 2018. They also hope to open a new elementary school in Layton and to rebuild/remodel other schools. The remaining \$50 million is for needed upgrades across the district. Based on a \$240,000 home, it will be a net \$2-4 dollar increase per year (\$10-13 total per year). They will retire old debt and then layer on the new debt. The total amount of principal and interest being paid will stay relatively the same. **Brigham Mellor** clarified that this bond is not just for the high school, and if the new high school is contingent upon the votes of other areas. Is each school area beholden to the votes in their areas? **Greg** said it has to pass county wide. There will be 2 numbers on the ballot, impact on what you are currently paying, and what would happen to property taxes because old debt is being retired. But then residents have to deal with overcrowded facilities, etc. The state required them to put the numbers on the ballot. Building a new building is a last resort. He said they have 350 portables on site and have 6 year round schools. **Mayor Talbot** said the District can count on him for support, and he thinks it is something that is critical. **Brigham** said a lesson we learned from the City's bond last year is do not underestimate the opposition. He asked if we as a municipal government can have support rallies. **Dave Millheim** said they can pass a resolution of support, but we cannot spend taxpayer dollars (ads, posters etc.) in a campaign for or against a ballot initiative. **Mayor** asked the Council if they are in favor of

passing a resolution, and each member was. **Dave Millheim** said he will prepare resolution for the school district. **Dr. Homer** said there will be 2600 students at Davis High School this year, and that is too many. The new high school will be a real asset to the community. He appreciated the Mayor's and Council's support.

**Mayor** said this has been talked about for 20-25 years and it would be nice to have Farmington residents be able to send their kids to a high school in the City. He thanked the School District for coming.

## **PUBLIC HEARINGS:**

### **East Park Lane Subdivision Schematic Plan**

**Dave Petersen** said the applicant wants to subdivide the property into two lots. **Dave Millheim** said there are multiple property owners on lots 1-3. The developer is trading property from his currently owned property to the proposed lots 2 and 3. This proposal is carving out lots for future use. Lot 1 is for the Mercedes Benz dealership. This is not about zoning, but is just about the first step for subdividing the lots. **Cory Ritz** said his recollection is that this was to determine the direction of the road. **Dave Millheim** said the City has to create the lots before we can apply the zoning.

*Mayor Jim Talbot opened the public hearing at 7:37 p.m.*

*Mayor Jim Talbot closed the public hearing at 7:37 p.m.*

### ***Motion:***

**Jim Young** made a motion that the City Council approve the enclosed Schematic Plan for the East Park Lane Subdivision subject to all applicable Farmington City ordinances and development standards and the following conditions:

1. The applicant shall address all outstanding DRC comments on preliminary/final plat;
2. The applicant shall dedicate 66' of public right-of-way on the east boundary of the proposed subdivision on Final Plat;
3. Preliminary and Final Plat shall be held jointly, or as separate items at the same meeting.

**John Bilton** seconded the motion which was unanimously approved.

### **Findings for Approval:**

1. The proposed subdivision conforms to all of the developmental standards as set forth in the Farmington City Subdivision and Zoning Ordinances.

2. The proposed Schematic Plan begin a needed and planned north-south connection from Park Lane to points north, and conforms to the Master Transportation Plan and that plan's stated purpose of creating connectivity throughout the City.
3. The proposed road alignment will continue Lagoon Drive and will allow for future development of the road without being impeded by the wetland complex.
4. *(Note: this finding is contingent on whether the rezone of the subject property to CMU applies or not.)* The subdivision of this property will allow for future development, and although it is not directly a part of the proposed Mercedes Benz dealership, it will be a continuation of this type of development which fits the CMU zone and is consistent with the master plan for this area.

## CONSIDERATION OF ORDINANCES/RESOLUTIONS/AGREEMENTS:

### Zoning Ordinance Amendment to Chapter 28 Regarding the Inclusion of Pool Houses Under Section 11-28-060

**Dave Petersen** said the City received an application from a property owner on the corner of Compton Road. He wanted to build a pool, and combined his lots. He wanted to build a pool house. Some of the corners of his house are already within 15 feet of the sidewalk. He said the purpose of this item is to amend the ordinance to allow private recreational pools to have a 15 foot setback instead of 20 feet.

*Mayor Jim Talbot opened the public hearing at 7:47 p.m.*

*Mayor Jim Talbot closed the public hearing at 7:47 p.m.*

#### *Motion:*

**Brigham Mellor** made a motion that the City Council approve the enclosed zone text amendment updating Chapter 28 Regarding the inclusion of pool houses under section 11-28-060.

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

#### Findings for Approval:

1. Pool house are not separated from accessory buildings, and this zone text amendment does not change that, however, it allows for more flexibility in the setback standard for pool houses where it makes sense and certain design considerations can be used to mitigate potentially negative effects.

2. Limiting this to the side corner further clarifies the zoning ordinance as it relates to the single family residential zones.

**Consideration for Adoption of a Resolution of the City Council of Farmington City, Utah, Authorizing the Issuance and Sale of \$3,700,000 Aggregate Principal Amount of Sales Tax Revenue Bonds, Series 2015; and Related Matters**

Mayor Talbot said this has to do with the RAP tax the City passed. Dave Millheim said this resolution needs to be passed to supplement the building of the park and gym.

***Motion:***

Cory Ritz made a motion that the City Council approve the enclosed Resolution authorizing the issuance and sale of \$3.7 million dollar sales tax (RAP tax) bonds.

John Bilton seconded the motion which was unanimously approved.

**The Roll Call Vote Was:**

**Jim Young:** Aye

**John Bilton:** Aye

**Cory Ritz:** Aye

**Doug Anderson:** Aye

**Brigham Mellor:** Aye

**SUMMARY ACTION**

**Minute Motion Approving Summary Action List**

Item 2 was withdrawn, and is moved forward to the next Council meeting.

1. Approval of Minutes from City Council held on July 14, 2015
2. Public Improvements Reimbursement Agreement with Davis School District for 1100 West

***Motion:***

Cory Ritz made a motion to approve the item on the Summary Action List, Approval of Minutes from City Council held on July 14, 2015, as amended.

Jim Young seconded the motion which was unanimously approved.

**OLD BUSINESS**

**Silverwood Subdivision Trail/Jeppson Flag Lot Discussion Item**

**Dave Petersen** said this item was deferred from the June 30<sup>th</sup> meeting due to the lateness of the hour. There is a trail easement, but no trail, that exists connecting open space in the Silverwood subdivision to the June Drive cul-de-sac. The question is should the City construct the trail with the current easement, or should the City work with Mr. Jeppson to re-route the trail and explore the idea of a flag lot as an incentive. He asked if the Council would entertain the idea of creating the flag lot. The trails committee created a list of 10 reasons to allow the flag lot, while the Planning Commission created a list of reasons not to create a flag lot.

**George Chipman 433 South 10 West Farmington, Utah.** He said a lot of work has already gone into this trail, it is paved and he would hate to abandon it now. They think a trail easement would be a just compensation for a flag lot.

**Chaya Anderson, 1463 Silverwood Lane Farmington Utah.** She is worried that they will have to take out enormous pine trees in order to construct the trail. She wondered about the purpose of the trail, since it just goes into the cul-de-sac.

**Dave Millheim** said the Council already passed a vote denying the flag lot, based on the Planning Commission's recommendation. However that decision was made without the trail information. He said the Council can overturn their previous decision. **Brigham Mellor** asked what happens east of the cul-de-sac? **George** said the expectation is to connect through on a new easement that would tie into the trail on the east side. **Dave Petersen** said there currently is not a connection through this block.

**John Bilton** said he is not inclined to give the Jeppson's a flag lot. They have not decided what to do with the property. **Jim Young** concurred with John. He also feels there should be a consensus in the neighborhood. **Cory Ritz** said he would be in favor of considering an alternative. He wondered if the City would lose the opportunity for the trail if the Jeppson's decide to do something with their lot that uses the easement. **Doug Anderson** said it is unfortunate that the trail is not maintained more, as it is a beautiful area. But the road is not busy, and has a good sidewalk. He said it seems like a lot of work for a short section of the trail. He does not want to revisit it. **Brigham Mellor** said he agrees with Doug, and wants to focus efforts elsewhere since sidewalks are already in place. **Dave Petersen** said when the City got the easement they should have put the trail in immediately. **Dave Millheim** said regarding just compensation, given the possibility of a \$100,000 lot (the flag lot) that does not seem like just compensation for an easement. He thinks the City will see more and more items like this as the City tries to connect all the dots along the trail map. **Mayor Talbot** said the City has taken flag lots very seriously. He does not want to have to play that card to complete a trail. He is hoping it will be an option in the future. The Council took no action on this item and the previous denial stands.

### **Ratification of Justice Court Agreements with Davis County, Fruit Heights, Kaysville, and West Bountiful**

**Mayor Talbot** thanked Dave Millheim for his tireless efforts on this item. **Dave Millheim** said the County has decided to get out of the Justice Court business. Residents are accustomed to coming here. There are agreements in place with Davis County, Fruit Heights, Kaysville, and West Bountiful. He wants the Council to approve the individual agreements

dependent on the conditions. **Cory** said he thought it was a County complex. **Dave Millheim** said it was turned over to the State about 5 years ago, and the lease will be turned over to the City. **Mayor Talbot** said he has asked Dave multiple times if we are sure if we want to take this on, and Dave has assured him that it is a good situation for the City, and will net the City over \$500,000 annually at current case levels. **Jim Young** asked about the agreements, and **Dave Millheim** clarified that there are 4 separate agreements in the packet. The City is locking the County into a 6 year agreement. **Dave** said there are some subtle differences in each contract, but the cost sharing etc., is the same. **John Bilton** clarified that the agreements include all personnel, including judges. **Dave Millheim** said the County will have to fire and then Farmington City hire new employees. They will give preference to existing employees, but there will be no tenure. All employees will be hired based on Farmington City pay schedules.

***Motion:***

**John Bilton** made a motion that the City Council approve the four attached interlocal agreements for justice court services with Davis County, Fruit Heights, Kaysville, and West Bountiful and authorize the Mayor to execute the agreements after the following three conditions have been satisfied:

1. Each agreement is approved and executed by the three respective cities and Davis County.
2. A lease for the State Court facility in Farmington has been drafted and executed by both Farmington City and the State of Utah.
3. The City Council has approved a budget amendment for the FY 15/16 budget incorporating the creation of the Farmington Justice Court.

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

**GOVERNING BODY REPORTS:**

**City Manager – Dave Millheim**

- Executive Summary for Planning Commission Held July 16, 2015

**Mayor Jim Talbot**

- The Parks and Recreation department puts on the volunteer appreciation BBQ each year, and he asked each Councilmember to RSVP.

**Doug Anderson**

- He expressed appreciation to the Parks and Recreation department for handling the start of football season.

**Cory Ritz**

- He said he has a couple of questions for a closed session.

**John Bilton**

- He asked for a brief report on flooding of any City Facilities with the recent rain. He wonders if the City's detention basins and drains functioned properly. **Mayor Talbot** said the storm drains worked and there was little debris leftover. He gives the City an A grade. There were some homes that were hit with flooding, and they talked to those homeowners. He does not think more water came because of one particular development. He said there was water in his basement. It was just a lot of water from the storm yesterday. The streets were dry today. He said there was minimal flooding on new development sites. He said he thought the City's system handled the storm very well. **Dave Millheim** said a car went through a fence and created a geyser by knocking out a hydrant. There was an accident on the freeway. There were half a dozen houses flooded that they tried to get sandbags to. There will be some minor road repairs. But he said given the seriousness of the storm, they are pleased with how the storm drains handled it. There was not a lot to learn from it. **Mayor Talbot** said when you think of how cooperative the drains are, they owe a lot to the spring cleanup that helped prevent excess debris going into the drains.
- **John** referenced the Evans family and the developer they hired who was present for several meetings. He talked about how population is expected to double along the Wasatch front over the next several years. He thinks the City has accomplished a lot of the goals they had when they arranged a coalition about 10 years ago, and wondered if it is time to consider forming a new coalition to craft goals for the next 10 years. **Mayor Talbot** said that might be an item for the Council to discuss at a retreat.

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

**Ronda Perks** said she is representing Congressman Stewart. He wanted to extend his thanks to the City Councils. He wants to meet with all City Mayors on August 19<sup>th</sup>. **Mayor Talbot** said he appreciates Congressman Stewart and is planning to attend.

**CLOSED SESSION**

***Motion:***

At 8:49 p.m., **Cory Ritz** made a motion to go into a closed meeting for purpose of discussing potential litigation.

**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.



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**Jim Talbot**, Mayor

***Motion:***

At 9:34 p.m., a motion to reconvene into an open meeting was made by **Cory Ritz**. The motion was seconded by **Doug Anderson** which was unanimously approved.

**ADJOURNMENT**

***Motion:***

At 9:34 p.m., **John Bilton** made a motion to adjourn the meeting. **Jim Young** seconded the motion which was unanimously approved.



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