

FARMINGTON CITY COUNCIL MEETING

September 15, 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, Associate City Planner Eric Anderson, City Engineer Chad Boshell, Fire Chief Guido Smith, City Recorder Holly Gadd and Recording Secretary Melanie Monson.

Minor Plat Approval for the May PUD Subdivision

Brigham Mellor said he had a discussion with Jared May regarding setbacks, and wondered if allowing the smaller setbacks would lead to similar requests from future developers. **Eric Anderson** said since it is a PUD, it will be a case by case consideration for future applications. **Dave Petersen** demonstrated the difference in the proposed setbacks (20' from the curb) from the current setbacks of neighboring homes (50-70'). The ordinance calls for 25' setbacks, so an additional 5 feet from the proposal. The Planning Commission did not see a reason to give them the extra 5 feet, but recommended a waiver from everything else. The applicant is also seeking a 5' waiver of the side setbacks on one lot.

Amended Budget for FY 2015/2016

Dave Millheim asked the Council to open the public hearing and to make a motion to continue the hearing until 2 weeks from tonight. This item deals with the City's assumption of the Justice Court. He said there is a meeting scheduled with the County for Monday afternoon, and the proposed budget numbers may change. Because there is a significant increase in the City's budget (both expenses and revenues), he did not want to approve the budget until everything has been finalized. He asked the Council to reserve judgment until the next meeting since things may change between now and then.

Approve Fire & Medical "Standby" Rate Increases for Contracted Events

Dave Millheim asked Guido to include some survey information with the staff report. The rates have not changed for 10 years. **Guido Smith** said because Farmington is the County seat, the City does have the responsibility to help with events the County hosts here. He said the proposed rates will put the City closer to market rates. He said these fees do not come out of their budget, but come from the fees they charge the County. **Dave Millheim** said if the Council approves the motion as it is written, it will be handled the same way as the Parks & Recreation fee increases. The increases will be put into the fee ordinance, and then it will come back before the Council for formal approval.

Summary Action

Dave Millheim said the big change to the Summary Action list is to repeal the free expression provisions of Title 7 in its entirety. He said the ordinance from the City's attorney is in the packet. He asked Mayor Talbot to note that the agenda has been amended when the

meeting begins, and asked whoever makes the motion to approve the Summary Action list to amend the motion to reflect the change.

Correction for the Minutes from 9-1-15:

Mayor Talbot said on Page 1, on the bottom line it should read “acting as the developer”, not playing the developer.

Plat Amendment for Farmington Creek Estates Phase III:

Dave Petersen said this item was emailed out, and passed out a hard copy of the staff report. The City originally obtained a 20 foot strip of land with the intention of providing a trail connection from 500 South to Glover’s Lane. The developer also set aside land for a small park. Neither the strip of land nor the park are needed anymore. It is proposed to deed the 20 foot strip of land to the adjacent property owners by way of boundary adjustments, and to do another boundary adjustment and create an additional lot instead of the previously proposed neighborhood park. **Dave Millheim** said there is support from the residents for this plat amendment. **Cory Ritz** suggested that maintenance needs to be done on the drainage easement because it is currently barely draining.

Elections:

Mayor Talbot said there has been a change regarding the placement of signs for the upcoming City Council election. He said the candidates who are running can put their signs up on Friday night instead of having to wait for Monday. **Dave Millheim** said he sent out an email to all the candidates.

City Manager Report

Dave Millheim said he wanted to cover the Paul Moore Foundation request. He said that the Planning Commission’s recording secretary, Lara Johnson, helped set up a 501 c (3) non-profit foundation to help Farmington residents, the Moore family. The husband/father Paul Moore is battling an aggressive form of cancer. The Paul Moore Foundation is headquartered in Farmington and will have its kickoff fundraising event at Forbush Park in October. Mayor Talbot received a letter requesting support from the City. **Dave Millheim** initially said that the City could not support it with tax dollars because it would not fall under the City’s mission critical services, and also because of the precedent it would set. He said there are foundations to support families in many other situations, but this foundation was set up specifically to help families whose primary breadwinner dies. He said this foundation will likely outlast its original purpose, and he can see the benefit this could provide to the community. He suggested that the Council pass a resolution of support as a community outreach, as well as put a notice in the newsletter. **John Bilton** expressed concern about endorsing it, saying he could foresee many such groups coming to the City for endorsement. He said there is a public perception that when the City endorses something, the City has audited or overseen it in some way, and when a less credible organization comes to the City for support, it could cause problems for the City. **Dave Millheim** said he wants 3 City Council members to agree on whether to support or say no to the foundation’s request. **Doug Anderson** said although the City is not in the endorsement business, he wants to take requests

on a case by case basis. He does not see a problem with what Dave proposed, and sees it as a good foundation with a great purpose. **Brigham Mellor** said he sees where John is coming from, but that he agrees with Doug. He sees the value of the City supporting a foundation that will directly benefit one of its residents, and sees additional value because it will go beyond the individual for whom it was created. **Dave Millheim** said John made a good point that when other foundations or organizations come asking for the City's support, he will have to be the one to make those future determinations. **Cory Ritz** said he agrees with both points, and said the City has passed resolutions in support of various causes on a case by case evaluation, and would support it. **Jim Young** said he agrees with John, and would like to know what other cities have done with these requests.

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, Associate City Planner Eric Anderson, 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 **Cory Ritz** and the Pledge of Allegiance was led by **James Bluff** from Boy Scout troop 981.

Mayor Talbot informed the audience that the agenda has been amended. An item has been added to the Summary Action list (number 8).

PUBLIC HEARINGS:

Minor Plat Approval for the May PUD Subdivision

Dave Petersen said the proposed subdivision is located on the corner of Compton Road and 1000 North. The applicant is getting a portion of 1000 North vacated (about 6 feet) in order to match the right of way across the street. The Planning Commission agreed to waive the requirement for 10% open space. The Planning Commission did, however, have qualms about the proposed setbacks. The neighboring homes are set back between 50 and 70 feet, and so the Planning Commission recommended that the homes be required to follow the minimum requirement of a 25' setback. The required side setbacks of 10 and 12 feet are problematic for lot 3, and the applicant has proposed 5 and 7 feet.

Jared May, 984 Compton Road, Farmington, Utah. He said the setbacks are critical for the proposed homes. He said they have received support from their neighbors, with one exception. He said the neighbors see the value the high quality homes will bring to the neighborhood. He said people who have shown interest in the lots want to build ramblers, but they will need smaller setbacks in order to provide the footprint needed to build a decent sized

home. He said they have had a lot of interest in the lots/homes. He said homes on the other side of the street are 29-30 feet from the curb and gutter. **Brigham Mellor** asked about the setbacks on the east and west sides of lots 2 and 3. **Jared** said they are asking for 20 feet on the fronts, 5 and 7 feet on the sides, and 15 feet to the rear. He said their neighborhood is not conventional, and there are a number of homes that do not have conventional setbacks. **Brigham Mellor** asked if the standards are for conventional subdivisions or for PUDs. **Dave Petersen** said they are the standards for the LR zone. He said some PUD's do not deviate from the setback standards, but want open space or something else.

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

Sarah Raynes, 278 West 900 North, Farmington Utah. She said they are very interested in building a rambler on lot 3, and she said they are looking at a plan that has 10 feet on each side. She said having 25 foot setbacks on the front makes it difficult to find an acceptable floorplan. She said as a potential buyer/builder, she approves the setbacks.

Curt Merrill, 988 North 200 West. He is a custom home builder, and is looking at building on lot 2. He has had a lot of feedback from the neighborhood wanting to build on those lots. He said they are in the business of building on the footprint of a given lot. He said the bigger the footprint, the more desirable it is for homebuyers. He said they want to build homes that are functional and have backyards, and also be able to move the houses where they want them to be within the lots.

Greg Patty, 262 West 1000 North. He wants to express his support, and say he does not have any problem with the proposed setbacks.

Mayor Jim Talbot closed the public hearing at 7:26 p.m.

John Bilton said he has been on the street and the property multiple times, and he is comfortable with allowing the requested flexibility and granting the requested waiver. He said there is a lot of variation in the setbacks in that neighborhood. He said he thinks this subdivision will enhance the neighborhood. He said it is primarily lot 3 that needs the variance in order to accommodate a home. **Jim Young** said it is wonderful hearing that young families want to buy and build homes in Farmington and thinks it will be beneficial to the community. **Cory Ritz** said in cases like this he does not think that the Council is establishing a precedent, because the Council is evaluating proposals on a case by case basis. He said given the challenges of developing this property, he does not want to put onerous restrictions on the property owner.

Motion:

John Bilton made a motion that the City Council approve the proposed Minor Plat for the May PUD Subdivision subject to all applicable Farmington City ordinances and development standards and the following condition: the applicant shall receive a waiver for

any applicable PUD requirements as found in Chapter 27 of the Zoning Ordinance, with the setbacks as follows: for lot 1- 5' and 7' setbacks on the sides, 20' on the front and 15' on the rear; for lot 2- 20' side corner setback, 20' front setback, 5' side setback and 5' rear setback; for lot 3- 5' and 7' side setbacks, 20' front setback and 15' on the rear.

Cory Ritz seconded the motion which was unanimously approved.

Findings for Approval:

1. The proposed subdivision would match the densities of the surrounding neighborhood.
2. The proposed Minor Plat submittal is consistent with all necessary requirements for a minor Plat as found in Chapter 5 of the City's Subdivision Ordinance.

Amend Budget for FY 2015/2016

Mayor Talbot said the City did not receive the finalized information needed for the discussion tonight. He said would open the public hearing and continue it until the next meeting. **Dave Millheim** said he would give his staff report at the next meeting.

Mayor Jim Talbot opened the public hearing at 7:34 p.m.

Motion:

Jim Young made a motion that the City Council continue the public hearing until the next City Council meeting.

John Bilton seconded the motion which was unanimously approved.

Plat Amendment for Farmington Creek Estates Phase III

Eric Anderson said this plat amendment deals with the Farmington Creek Estates subdivision along Country Lane and also the Denver-Rio Grande Trail to the east of it. He said the City is getting back a 20 foot strip of land. He said the other portion of this plat amendment is to subdivide the open space parcel into two lots, 310-A and 320.-A. Lot 310 already exists, but will be expanded, hence 310-A. Both lots are over .5 acres. He said there is a drainage easement and a gas line down the middle of the property. He said the trail connection will create a connection between the subdivision and the Denver Rio-Grande Trail. **Dave Petersen** said the plat amendment boundary adjustment will be just for those 2 lots. **Eric** said staff is recommending approval.

Bernie Jostan 803 Country Lane, Farmington, Utah. He said he supports the City's recommendation to turn the open space parcel into a lot. He said there was not enough interest in creating a park, which would have cost a significant amount of money in addition to maintenance costs. He said he supports the staff proposal.

Mayor Jim Talbot opened the public hearing at 7:41 p.m.

Deborah Wilcock, 726 South 650 West, Farmington, Utah. She said their property abuts the open space parcel on the other side of trail. She said they were guaranteed that the lot on the other side of the trail would be turned into a park and that they would keep the drainage under control. She said they have brought in a lot of dirt and have tried to keep the drainage under control on their side. She requested that whoever develops that lot be required to keep the drainage under control.

Mayor Jim Talbot closed the public hearing at 7:42 p.m.

Doug Anderson asked what the drainage would look like on that lot. **Eric Anderson** said there is a 10 foot drainage easement, and there is a creek/ditch there. **Cory Ritz** told Mrs. Wilcock that he addressed the drainage issue during with staff during the work session. **Mayor Talbot** asked Eric to take note of Mrs. Wilcock's comments and Cory Ritz's comments from the study session.

Motion:

Cory Ritz made a motion that the City Council approve the minor plat subdivision and amend the plat for the Farmington Creek Estates Phase III PUD by implementing a boundary adjustment and establishing an additional lot in place of the park property located at 769 South Country Lane (.73 acres), and approve boundary adjustments along the entire east boundary of the PUD thereby eliminating a 20' wide strip of property now owned by the City, subject to all applicable Farmington City codes, ordinances, and development standards and the attached memorandum of understanding between the property owners and Farmington City, and the following condition: the City shall retain a trail access easement and the applicant shall work with staff to determine the best location for this easement prior to recordation.

Doug Anderson seconded the motion which was unanimously approved.

Findings for Approval:

1. In May of this year, property owners within the PUD and Farmington City entered into a memorandum of understanding whereby the City agreed to deed a 20 foot strip of land to the owners, and the HOA agreed to deed a portion of the neighborhood park property to an adjacent owner and remaining portions of this parcel to the City for purposes of establishing a building lot.
2. Upon receiving a recommendation from the Planning Commission, the City Council approved amendments to the Zoning Ordinance on August 18, 2015 enabling the additional lot within the PUD, and approval of the boundary adjustments, while at the same time reducing the total amount of open space for the development.

3. The 20' wide strip of "trail" property is no longer needed, because the UTA established a trail next to the PUD which connects 500 South to Glover's Lane.
4. The 20' wide property as presently situated is difficult to maintain, but now each abutting property owner will be able to maintain their respective strip of additional land.
5. A pocket park is no longer needed on Country Lane due to the close proximity of the new Elementary School in the vicinity, the City's new 10 acre park next to the school, and the regional park north of the PUD.

NEW BUSINESS:

Approve Fire & Medical "Standby" Rate Increases for Contracted Events

Mayor Talbot said this would allow the part time fire department personnel to take extra shifts at market rate. **John Bilton** said the City should review these rates again in a year or two, to see if they need to be increased again to be in line with market rates.

Motion:

John Bilton made a motion that the City Council adjust contract rates for Fire & Medical Standby Services as outlined within the Staff Report—Effective October 1, 2015.

Brigham Mellor seconded the motion which was unanimously approved.

SUMMARY ACTION:

Minute Motion Approving Summary Action List

1. Approval of Minutes from City Council held September 1, 2015
2. Resolution Amending Consolidated Fee Schedule relating to Parks and Recreation Activities and Rentals
3. Ratification of Approval of Station Park West Improvements Agreement
4. Design Burke Lane from the Red Barn Lane to 1525 West
5. Transportation Impact Fee Facilities Plan
6. Transportation Impact Fee Analysis
7. Lease with Zions for Purchase of Riding Mower
8. Repealing the Provisions of Title 7 Chapter 8 of the Municipal Code relating to Free Expression Activities in its Entirety

Motion:

Jim Young made a motion to approve the items on the Summary Action List 1-8, with the City Council minutes amended as discussed. **Doug Anderson** seconded the motion which was unanimously approved.

Roll Call Vote for item 8:

Jim Young: Aye

John Bilton: Aye
Cory Ritz: Aye
Brigham Mellor: Aye
Doug Anderson: Aye

GOVERNING BODY REPORTS:

City Manager – Dave Millheim

1. The Executive Summary for the Planning Commission meeting held on September 4, 2015
2. Police Monthly Activity Report for August
3. Paul Moore Foundation Discussion

Jim Young

He asked about baseball discussions and if the City has taken it over now. **Mayor Talbot** said it is the intent of the City to take over baseball. He said they had a positive discussion with the board of FABL, and invited members of that board to continue to be involved. **Dave Millheim** said FABL is disorganized right now, and he also thought it was a positive conversation. **Cory Ritz** said he has had follow up conversations with parents and coaches, who have all been positive about the changes being made. **Mayor Talbot** said Neil Miller has the charge to move forward.

Cory Ritz

He said there was a meeting with residents who live around 650 West and Glovers Lane, and they are requesting additional Police enforcement as people are leaving the dance studio and soccer fields. **Dave Millheim** inquired about the nature of enforcement the residents are asking for. **Cory Ritz** said they are asking for traffic control, to help with speeding, blocked driveways, etc. **Doug Anderson** said the two way stop at 650 West and Glovers Lane is an accident waiting to happen. **John Bilton** said the parking at the fields is inadequate, and people park on both sides of the street. **Dave Millheim** asked when the optimal time for enforcement would be. **Cory Ritz** said when the residents call the Police Department for enforcement, they are told it is shift change time. **Dave Millheim** said he will follow up on it.

Doug Anderson

He asked if we have an idea if the bond for the high school will pass. **Mayor Talbot** said the School District is having a bond meeting tonight as well, and are planning a good campaign. He said there will be additional communication from the City coming out regarding the bond.

Mayor Jim Talbot

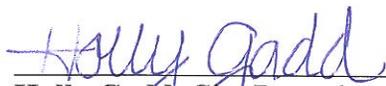
Mayor Talbot reminded the Council that the League meetings start tomorrow, and asked the Council members to attend as many meetings as they can and encouraged them to sit by each other.

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

ADJOURNMENT

Motion:

At 7:57 p.m., **Cory Ritz** made a motion to adjourn the meeting. **Brigham Mellor** seconded the motion which was unanimously approved.



Holly Gadd, City Recorder
Farmington City Corporation