

FARMINGTON CITY COUNCIL MEETING

February 6, 2018

WORK SESSION

Present: Mayor Jim Talbot; Councilmembers Rebecca Wayment, Doug Anderson, Cory Ritz, Brigham Mellor, Brett Anderson; City Manager Dave Millheim, City Development Director David Petersen, City Planner Eric Anderson, City Recorder Holly Gadd, and Recording Secretary Tarra McFadden

Mountainview PUD Public Hearing

Mayor **Jim Talbot** shared that staff requested additional time on this item before it is addressed by the Council and recommended that the agenda item be continued to a later date.

TIGER Grant

Councilmember **Doug Anderson** asked of an update related to the TIGER Grant. City Manager **Dave Millheim** stated that money has been set aside for match funds related to the TIGER Grant but they need final Council approval. Farmington is the number one priority, but the coordinators need to work out schedules with the other twenty cities/recipients. The City would like the work to begin in the spring, but it may be as late as July. Councilmember **Rebecca Wayment** asked if the project would follow the work as outlined. **Dave Millheim** shared that the sidewalk in front of the high school will be completed prior to the opening, and that he would have more definite timelines as the work got closer. All of the work will be completed by the same contractor. The grant represents a \$500,000 savings for the City.

Dominion Energy Pipeline

Councilmember **Cory Ritz** asked about the Dominion Energy pipeline replacement timeline and noted the frustration residents have with the project. **Dave Millheim** acknowledge the frustration and has been working with Dominion Energy to minimize impacts to the City including avoiding road cuts and obtaining lease agreements for storage areas. **Dave Millheim** committed to getting a timeline from Dominion Energy.

City Manager Report

Dave Millheim used the work session to review items from the City Manager Report. He noted that the Fire Monthly Activity Report and the Executive Summary for Planning Commission are informational and no action is required. He provided an overview of proposed legislation related to Transportation Reinvestment Zones. Related to the restructure of the UTA Governing Board, a number of items are being considered related to transportation such as increased hybrid/electric vehicle fees, increased hotel fees with the money earmarked for transportation. The State is looking at new ways to increase money for transportation. There is a bill that would remove zoning authority from local entities and transfer it to the State; the state would act as a quasi-zoning authority and UDOT could determine how cities work together through the rulemaking process.

Dave Millheim also discussed the options for how best to pay for infrastructure in the business park. He noted that the City could increase property taxes, a committee of local jurisdictions could be created to approve financing (such as the City, County, State, Sewer or Water Districts), and a district could be created where property owners are assessed on a proportional basis, or a transportation improvement zone could be created. The City will continue to monitor legislation related to the collection and use of transportation funds.

Dave Millheim reminded Councilmembers of the upcoming Budget process and related schedule and noted that the April 17, 2018 meeting is a regularly scheduled Council meeting that will be used to review the budget. He asked that members communicate with Staff about the feasibility of the dates, as a quorum will be needed.

Dave Millheim discussed the expanded hours at the City Gym and noted that the Parks and Recreation staff will be tracking usage to determine if the hours should be extended permanently. He reviewed budget information related to the expanded hours.

Dave Millheim provided a summary of HB247 Amusement Ride Safety Inspections. The City currently utilizes building and fire staff to inspect Lagoon facilities annually, and requires Lagoon to provide certified ride inspectors. The bill creates the Utah Office of Amusement Ride Safety within the Labor Commission and will impact inspections, permits, liability insurance, and reporting requirements. He noted that the bill is likely to pass and the City has had zero involvement and will plan to stay neutral.

Dave Millheim shared that the County had been looking into hiring a consultant to review public safety management related to the Sheriff's Office and a unified fire and ambulance service. The proposal met with resistance from cities. **Jim Talbot** shared that the new commissioners may renew the discussion once they take office in the fall.

The February 20, 2018 Work Session will be a joint meeting for the City Council and Planning Commission to review information with **Keith Johnson** and a tax consultant.

REGULAR SESSION

Present: Mayor Jim Talbot; Councilmembers Rebecca Wayment, Doug Anderson, Cory Ritz, Brigham Mellor, Brett Anderson; City Manager Dave Millheim, City Development Director David Petersen, City Planner Eric Anderson, City Recorder Holly Gadd, and Recording Secretary Tarra McFadden

CALL TO ORDER:

Mayor **Jim Talbot** called the meeting to order at 7:00 p.m.

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

The invocation was offered by **Cory Ritz** and the Pledge of Allegiance was led by Corbin from Boy Scout Troop 4114.

PRESENTATIONS:

Kidney Awareness - Sarah and Rhanelle (Nellie) Mainor

Sarah Mainor, a Farmington resident, introduced her daughter Nellie and shared her story and information related to Nellie’s rare kidney disease. Nellie Mainor then delivered a statement asking the City to send out a proclamation asking all neighbors and businesses in the Farmington area to place green ribbons in their yards and businesses the entire month of March to support those that have kidney disease and call it “Green Ribbons for Nellie.”

Jim Talbot committed to moving forward with the proclamation with a memo from the City to be distributed in March.

Elora's Lights Fundraiser

Ryan and Brindi Horsley, residents of Farmington, shared a tribute to their daughter Elora who passed away at 1 ½ years old. She passed at Christmas-time and friends and neighbors donated inflatable displays that filled Heritage Park. Elora was able to visit the display in her final days. The Horsley Family has created a nonprofit organization, Elora’s Light Foundation, to continue the display and make opening night a charity event for those dealing with pediatric cancer. The Foundation would sponsor the event, but they are also seeking private donations. The Horsley’s requested permission from the City to run the event. They will work with Neil Miller to finalize a date for the event this year.

PUBLIC HEARINGS:

Mountain View PUD Subdivision Schematic Plan, Preliminary (PUD) Master Plan located at approximately 650 West 250 South

As discussed in the work session, this item needs more time before the Council can discuss and make a decision, so it will be continued to another date.

Motion:

Brett Anderson moved to continue the discussion of Mountain View PUD Subdivision Schematic Plan, Preliminary (PUD) Master Plan, and Rezone and the related public hearing until a later date. **Doug Anderson** seconded the motion which was approved unanimously.

Zone Text Amendment to Chapter 18 and Regulating Plan

David Petersen provided background information about the area and noted that a previous planning exercise sought to have a daytime population for Station Park. Consultants suggested that the office market is limited so the City should not stretch the OMU too far. Some single family homes were planned for the area, but the developer lost the land. The new land owner was approached by the City about a potential rezone and the result was the existing OMU. There was an early conversation about a transition area between homes and the office park and a citizens subcommittee was proposed. This citizens committee never occurred, but a planning charrette was conducted with the property owners of the undeveloped land. Within the OMU, buildings along local streets can be 4 stories while buildings on arterial streets can be 6 stories. The right-

of-way and building setbacks will create some buffer, but citizens are concerned about having a transition area so that large buildings are not located near current residences.

Planning Staff has met with **Kyle Stowell** and **Heidi Herron**, residents of Farmington representing their neighbors' concerns, and the developers. The residents are seeking a two-story limitation, and the developers have agreed to a three story compromise. The Planning Commission initially recommended three stories and a 30 foot height restriction, but removed the height limitation in their ultimate recommendation.

David Petersen reviewed the principal streets, spine road, arterial streets and collector roads within the OMU.

Eric Anderson said that under the current regulating plan, Burke Lane would move north and become a collector road. The traffic engineer recommended that the road should be straight and have a t-intersection. Under the current plan, a six-story building could be done along the collector road. Staff is proposing a new road classification that would allow for three-story buildings along the road. The changes proposed are defining a local primary road, site treatments, and the right-of-way width and maximum building height. Staff recommends that the City Council approve the proposed amendment. The Planning Commission recommended this for approval.

Mayor Jim Talbot opened the public hearing at 7:45 p.m.

Ken Stuart, 1305 North 1700 West, shared that he owns a lot just west of the area and anything done in the area will impact his future home. He stated that Chartwell Capital no longer owns the property but it is now owned by Tom and Rich Day, Shawn Brenchley and Jared Huish. He noted that the property owners are fine with the three-story restriction but without a height restriction. He noted that the plan developed with UDA had transitions in place with the commercial toward the freeway. He indicated that they do not intend to build multi-family, and that the intent has always been to go at least three stories in the area in question. They planned for four stories to maximize density, but have agreed to the three-story compromise.

Kyle Stowell, 1764 West Burke Lane, he noted that in early discussions the City Council favorable to buffer and tiered approach. His neighbors live on larger lots and have small scale farming, horses, other animals and gardens that are not necessarily compatible with a business park. He noted that City staff offered to set up citizens committee to explore a buffer and tiered approach. **Kyle Stowell** outlined his efforts to follow up with staff and Councilmembers about forming committee, but the City never followed-through. However there was a planning charrette organized with the property owners to map the future development. This led to developers having expectations which conflict with Council promises to residents. The residents are now being told it is too late for the citizens committee and changes to the zone text. The buffer distance is uncertain. **Kyle Stowell** asked the City Council and the developers to limit development to two-stories along the road, building up to larger offices close to the freeway. He also asked that the development include low to medium density to the west by existing residences.

Heidi Herron, 926 North 1875 West, noted that she was one of the residents promised a citizens committee. The work of the committee would be to develop the zone text so that the buffer would be included. She stated that there should be no reason that the citizens should not be allowed to get what was originally promised, which was a two-story tiered approach. As the area is currently zoned OMU, the developer has no rights to residential so it should not be considered a taking. She expressed concern that the City Council would approve three-story town homes on that road without input from residents, while meeting with the developers. Neighbors have agreed that two-story townhomes would be okay. She would prefer two-stories for office mixed use following a tiered approach. She asked that the council address the residential options in the zone text, or something better than a promised committee that never comes to fruition. Residents do not want to hear “it is too late, because you were not involved.”

Mayor Jim Talbot closed the public hearing at 7:55 p.m.

Brigham Mellor asked if the plan or development agreement includes some residential as part of mixed use. **David Petersen** clarified that within the sub area master plan, residential is not a guarantee, but that developers could seek residential options through Section 140. They have no vested rights. The Planning Commission discussed the Section 140 option and noted that height studies could be reviewed at the application stage. **David Petersen** noted that the market is not there for office buildings that far away from an interchange, and so the three-story compromise seemed appropriate.

Brigham Mellor asked if the City had ever received an indication from UTA that the rail trail would never again be a working rail line. **Dave Millheim** said that UTA owns the land and it was bought for the potential expansion of the rail line. The current lease agreements for the trail include language about converting to a rail line with a 3-5 year notice.

Rebecca Wayment asked about how high a three-story office could potentially be. **David Petersen** stated that it would be about 40-45 feet high. **Rebecca Wayment** shared information from the deliberations at the Planning Commission and that the three-stories with the height restriction would still allow for office space or town homes and worked to protect the tiered approach. She noted that within the RMU zone is outlined a two-story/37 foot limitation or a three-story/40 foot limitation. The 30 foot limitation tried to balance those, but the developer was not there to address that a three-story/30 foot limitation would be unreasonable so the height restriction was dropped and the three-story recommendation moved forward.

David Petersen reminded the Council that 100 acres was once zoned LR, but was rezoned to OMU thinking about future development. He noted where the developer had rights to do multi-family (before the rezone). This was in part to accommodate the uncertainty around West Davis Corridor and the Shepard Lane Interchange. He stated that the charrette led to a buffer area and transition zones. He stated that the developer has the rights to build six-stories, but the developer has agreed to limit to three-stories.

Brett Anderson wanted to clarify that the vested rights would allow for up to six-stories along some of the streets in the area. **Dave Millheim** said that when Station Park was in its infancy and applications for multifamily were coming in, the Council placed a moratorium on applications to allow the City to develop a long term plan which resulted in an OMU rezone. **Dave Millheim** thanked **Heidi Herron** and **Kyle Stowell** for their input and their reminder that the residents care about the buffering. The City wanted to make sure there was a proper buffer and as the area was planned out, the property owners were consulted regarding a unified plan. The residents were not consulted, but the decision the City made was to create a plan to show the residents which was the UDA plan. Neighbors have been respectful and concerned. The plan has tried to diffuse traffic with multiple roads, plan for the potential Bear River pipeline, or future rail. A future Council may have to readdress residential component in the area, using the subarea master plan as a set of guiding principles.

Brett Anderson asked if there are other opportunities to address the buffering and tiered approach at separating taller density with residential. **David Petersen** said it depended on whether the developer eventually applies to build office or residential. If they seek residential development through Section 140, the buffer could be revisited. **Brett Anderson** noted that currently, the developer is willing to give up rights that it is not obligated to forgo.

Cory Ritz expressed disappointment that the citizens committee never happened and the City did not honor that commitment. He reviewed the discussion about the rezone to OMU and the bundled rights, but noted that the buffering and tiered approach was a part of the discussion throughout the process, so it should not be a surprise to developers. He liked the height limitation defined by the Planning Commission

David Petersen noted that the Planning Commission reviewed the height restriction twice, but removed the linear feet restriction. **Brigham Mellor** stated that he believed it would be a taking to impose a height restriction if there is a record of the developer not agreeing to such limitation and said that it would be a good way for the City to get sued. He shared that the market would limit the height of the building.

Brett Anderson noted that it would be nice to have better buffers and give residents guarantees, but he is not sure of what the Council can do legally. **Brigham Mellor** said that they could not bind the hands of the future Council who could also undo this amendment when it is time to develop the property.

Jim Talbot said he liked that the citizens have been involved and that the developer recognizes the need for a buffer. He said it is rare to see a developer give up a bundle of rights to make this compromise happen. He also reminded those present that final plans would still come before the Council for approval. **Rebecca Wayment** clarified the discussion noting that the three stories referenced relate to office space that would be 40-45 feet at finished level; if the developer planned to build townhomes or other residential uses, height restrictions could be instituted.

Motion:

Doug Anderson moved that the City Council approve the proposed zone text amendments to the Regulating Plan, Section 11-18-040, and Section 11-18-060 as written in the enclosed enabling ordinance and Findings 1-7. **Rebecca Wayment** seconded the motion.

The motion passed 4-1 with Councilmember **Cory Ritz** voting in opposition.

Findings for Approval:

1. Amending the Regulating Plan and related block size prior to the North Station Project Master Plan gives the applicant confidence in their PMP moving forward without granting full approval and vesting to the project.
2. The zone text amendments are consistent with the North Station Small Area Master Plan for the area, which is an adopted element of the City's General Plan.
3. The regulating plan and related amendments are consistent with Chartwell Capital's PMP application, which is currently under review by the City.
4. The Regulating Plan and related amendments are consistent with the intent of the OMU zone, and will provide an additional transition area from the high intensity development near the freeway and the single-family residential neighborhoods to the west.
5. Independent of the North Station PMP, staff would be recommending the zone text amendments as they are consistent with the intent of the OMU zone and are highly desirable because of the increase in efficient usage of the land and increased walkability for the district as a whole.
6. Creating a new road type in the mixed-use district (Local Primary Roads) it allows for the potential of using this in the future where it makes sense to have a buffer, and provides a hybrid between principal and local roads.
7. By allowing for three story buildings, the proposed zone text amendments are a compromise between the height currently allowed in the OMU zone on a principal road and the two stories that the residents want.

OLD BUSINESS:

Swain Subdivision Final PUD Master Plan located at approximately 1400 North 440 West

Dave Millheim said that typically Final PUD Master Plan are part of summary action, but because there is a separate subcomponent of valuation of the open space waiver, he wanted the Council to consider it outside of summary action. **Eric Anderson** noted that the item was consistent with the Preliminary PUD Master Plan previously approved, and the schematic and preliminary plat.

Brigham Mellor asked when the open space waiver would be paid; **Dave Millheim** noted that would be paid prior to final plat recordation.

Motion:

Brett Anderson moved that the City Council approve the final PUD master plan for the Swain PUD Subdivision, subject to all applicable Farmington City ordinances and development standards and conditions 1-3 and Findings for Approval 1-7.

Cory Ritz seconded the motion which was approved unanimously.

Conditions:

1. The applicant shall enter into a development agreement memorializing the approved master plan prior to or concurrent with final plat;
2. The applicant shall meet all of the standards and requirements as set forth in Section 11-30-050 of the Zoning Ordinance prior to or concurrent with final plat.
3. The applicant shall pay \$22,500 for the open space waiver, as agreed upon through negotiations with the City Manager prior to recordation of final plat.

Findings for Approval:

1. The proposed development is an in-fill project and allows the property owner the highest and best use of his property.
2. The proposed plans are consistent with the General Plan.
3. The proposed densities and lot sizes are consistent with the surrounding neighborhoods.
4. The attached landscape plan is of a high design quality and meets the standards set forth in Section 11-27-070.
5. Because the homes that are being built within the subdivision are custom, the applicant did not provide elevations; however, by providing photos of similar homes, and CC&Rs that set design standards of a high quality, the intent of the PUD overlay is being met.
6. The applicant is providing 9,621 s.f. of unimproved conservation open space, which will preserve a grove of Gambel oak trees.
7. The remaining open space that the ordinance requires can be better utilized elsewhere in the City to help in the construction of parks or trails.

TIGER Grant Agreements

Dave Millheim noted that the match amount for the TIGER Grant Agreement has been previously appropriated. The action required is to approve the Stakeholder agreement and the payment of the match funds.

Doug Anderson moved to approve the Stake Holder Agreement between UTA and Farmington City along with the Supplement No. 1 to Stakeholder Agreement and pay the City's match of \$181,355 out of the street fund. **Rebecca Wayment** seconded the motion which was approved unanimously.

NEW BUSINESS:

Letter of Request- Shepard Lane Connector Road Funding

Jim Talbot said that he and **David Petersen** met with the Kaysville Mayor and their City Manager about working together to secure the funding for the Shepard Lane connector road. The Mayor distributed a copy of the letter from Kaysville City. The letter from Farmington City outlines the reasons for approval. **Dave Millheim** discussed the importance of cities working together a demonstrating that to State appropriators.

Motion:

Brigham Mellor moved the City Council to authorize the Mayor to send a letter on behalf of the City regarding the Shepard Lane Connector Road Funding. **Doug Anderson** seconded the motion which was approved unanimously.

UTA Shuttle Service Agreement (Lagoon/Station Park Shuttle)

Jim Talbot said that the buses have helped the City and ridership continues to grow. It benefits Station Park and Lagoon, and will benefit the future business park. The trolley type busses will be introduced this fall.

Doug Anderson moved the City Council to authorize the Mayor to sign the attached SERVICE AGREEMENT with UTA for city sponsorship of the Lagoon/Station Park Shuttle in the amount of \$68,068 to be paid from account number 38-400310. **Brett Anderson** seconded the motion which was approved unanimously.

SUMMARY ACTION:

1. Approval of Minutes from January 16, 2018
2. Temporary Access Agreement with Dominion Energy (East of 950 North)
3. Dominion Pipeline Relocation Agreement (East of 950 North)
4. Long Term Stormwater Management Agreement and Authority
5. Community Art Center Deposit and Kitchen Fee
6. Fee Increase for Swim Lessons
7. Davis Creek Subdivision Improvements Agreement - 475 W Glovers Lane

Motion:

Brett Anderson moved, with a second from **Cory Ritz**, to approve summary action item 1 through 7 as contained in the staff reports.

The motion was approved unanimously.

GOVERNING BODY REPORTS:

City Manager Report

Items from the City Manager Report were covered in the work session.

Mayor Talbot & City Council Reports

Councilmember Brigham Mellor

Brigham Mellor shared that the planned meeting with the Scenic Byway subcommittee is postponed until after the legislative session. He noted that feedback from the committee staff has been positive.

He also shared that someone had contacted him about selling insurance to residents to insure the sewer lateral. **Dave Millheim** said he would follow-up with the contact.

Councilmember Rebecca Wayment

Rebecca Wayment asked about the possibility of livestreaming council meetings for those not able to physically attend and also for increased transparency.

Dave Millheim said that he would recommend against it because people tend to grand stand and meetings go longer, and if someone “loses their cool” the footage could be used against that person. He stated that the public hearing process is not perfect, and he encourages engagement and involvement, but he has not seen anything that suggests that citizen involvement increases with livestreaming. He noted if the Council wanted to further explore the issue, which could happen at their discretion.

Councilmember Brett Anderson

Brett Anderson asked about a potential gas station near Station Park, but no one had any updates to provide.

Councilmember Doug Anderson

Doug Anderson asked for an update about the proposed road tax. **Dave Millheim** said that the meeting on February 20 would be a public hearing to discuss the proposed fee. He said that there is a bill at the Legislature from Senator Henderson that would exempt counties from paying such a fee. Farmington City will be subject to the road fee. The recommendation is tagged to trip generation. He noted that the public hearing could be a packed house and the Council will be faced with tough policy questions.

Councilmember Cory Ritz

Cory Ritz noted that he will not be available for the February 20 meeting. He also asked that **Dave Millheim** follow-up with Roseann Uffens regarding a water bill issue. **Dave Millheim** has attempted to contact her and will continue to work to resolve the matter.

Mayor Jim Talbot

Mayor Jim Talbot shared that he had been asked to send a letter expressing support for the Schomp Automotive Group opening a BMW dealership. Sending the letter does not bind the City to a future approval. The Schomp Automotive Group asked for the letter of support from the City and the Mayor and City Manager wanted to make sure the act was authorized by the City Council.

Motion:

Cory Ritz moved the City Council to authorize the Mayor to send a letter of support to BMW America for the Schomp Automotive Group on behalf of Farmington City.

Rebecca Wayment seconded the motion which was approved unanimously.

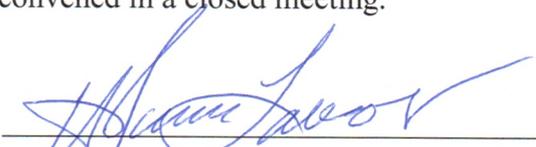
CLOSED SESSION

Motion:

At 9:06 p.m., **Brett Anderson** made a motion to go into a closed meeting for purpose of potential property acquisition, potential litigation, and character and competency of an employee. **Doug Anderson** seconded the motion which was unanimously approved.

Sworn Statement

I, **Jim Talbot**, Mayor of Farmington City, do hereby affirm that the items discussed in the closed meeting were as stated in the motion to go into closed session and that no other business was conducted while the Council was so convened in a closed meeting.



Jim Talbot, Mayor

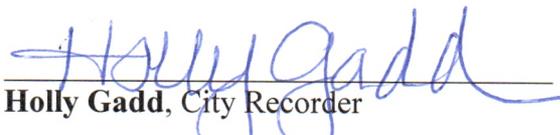
Motion:

At 9:52 p.m., a motion to reconvene into an open meeting was made by **Brigham Mellor**. The motion was seconded by **Brett Anderson** which was unanimously approved.

ADJOURNMENT

Motion:

At 9:52 p.m., **Brigham Mellor** moved to adjourn the meeting.



Holly Gadd, City Recorder

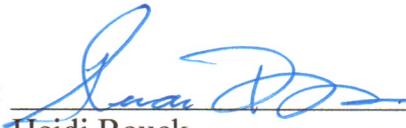
Posted 02/26/2018

**FARMINGTON CITY
CERTIFICATE OF POSTING**

I, the duly appointed and acting Recorder for the City of Farmington, Utah, hereby certify that copies of the **Farmington City Council Minutes for February 6th, 2018** were posted on the Farmington City Website and the State Public Meeting Notices website this 26th day of February, 2018

DATED this 26th day of February, 2018.

FARMINGTON CITY

By: 
Heidi Bouck
Deputy City Recorder