

FARMINGTON CITY – CITY COUNCIL MINUTES

FEBRUARY 18, 2020

WORK SESSION

Present: Mayor Jim Talbot; City Manager Shane Pace; City Councilmembers Brett Anderson, Shawn Beus, Amy Shumway, and Rebecca Wayment; City Recorder Holly Gadd; Community Development Director Dave Petersen; Finance Director Greg Davis; Economic Development Director Brigham Mellor; City Planner Meagan Booth; City Attorney Todd Godfrey; Cory Brazell with Public Works; and Recording Secretary Deanne Chaston.

FLAT ROCK RANCH STREET CROSS SECTION DISCUSSION WITH IVORY HOMES

City Manager **Shane Pace** offered the invocation. The work session was held to discuss Ivory Homes' Flat Rock Ranch Street Cross Section proposal. This is in southwest Farmington. Although City Staff is not in favor of it, **Pace** said it is fair to give Ivory Homes time with the City Council. The Planning Commission is considering the proposal, and the City Council will talk about it in the future.

Chase Freebairn with Ivory Homes said this project is 50 lots, after removing 10 to try to stick with the rural agricultural feel of the area. They want to keep lots to 1,800 square feet, or 0.67 acres at the largest. The community monument is planned to be done out of classic rock. They want trees, meandering roads similar to a country lane, and low impact development (LID) road sections. He said the State is pushing LIDs, and there will be more and more of these. LIDs include a 12-foot swell between two 4-foot sidewalks. The swell drains to the storm water system, which helps prevent the deterioration of the asphalt and fraying. He said that while they know City Staff is against it, they want to do something unique and aesthetically pleasing. He knows Staff's concerns are snow removal and the deterioration of asphalt. However, he said it has worked in West Bountiful and is something that looks more rural.

Councilman **Shawn Beus** said it has been difficult to have country lanes in suburban development, and he would like to get feedback from West Bountiful Public Works. **Pace** said he would coordinate that. City Engineer **Chad Boshell** could not attend tonight's meeting, but he wants his feedback as well. **Pace** said he was formally the Public Utilities Director in Sandy City and is familiar with this, and there is positive and negatives aspects associated with it. He said he will get back to the City Council about this at a later date.

QUESTIONS OR CONCERNS OF CITY COUNCIL

SPRING CLEAN-UP PROPOSALS

Pace said he has researched how other cities do spring clean-up, including making dumpsters available, doing it curb side, etc. Farmington has already advertised Spring Clean-Up. The City has had Bland Tree Experts do their Spring Clean-Up for 30 years now, and it has been a good relationship. However, Bland has now gone out of business. So, the City has been calling around to other entities to find another company to help out. Robinson Waste said they could do

it for the City, even though there is a short timeline to meet. **Pace** said the City doesn't have time to go through a formal bid process. He feels that Robinson Waste is the best option, since the City already has a contract with them for garbage. It would require \$125 an hour, three drivers, dumpsters, two back hoes, and one front end loader. The City may need to use some City employees, run one crew while Robinson Waste runs another crew, and rent a couple of front end loaders with claws built in. Doing this would mean the Clean-Up could be done in the two-week time frame, perhaps three, and could maybe cost less than the contract the City had in the past. Robinson does Spring Clean-Up for other cities as well. After this year's is done, **Pace** said it will give the City a year to decide what to do next. He said the City may not be able to do it curbside in the future, as it creates problems with storm water and other cities have been fined. He said that even Farmington has an ordinance that prohibits residents from putting dirt or other materials in the street. The City may have to use dumpsters in the future.

Isaacson said he has heard complaints from residents that the Spring Clean-Up comes too early in the year, and they may want to move it out a few weeks. **Cory Brazell** said that Robinson is booked out from March on, and the City can't push it back further this year. He said Spring Clean-Up typically is an average of 140 loads each year, with more participation from residents living on the east side of the City. **Mayor Talbot** said he has received few if any complaints about the waste removal as provided by Robinson, and they know the town. Also, he said many residents have mentioned to him over the years that Spring Clean-Up is a great benefit of living in the City. It also helps diminish fire hazard. He would like to see the service continue. **Pace** said Spring Clean-Up accepts green waste, which is chipped and recycled for mulch. Spring Clean-Up is paid for out of the garbage collection fund.

CLOSED SESSION

Motion:

Wayment made the motion to go into a closed meeting for the purpose of imminent litigation on two issues. **Beus** 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:

Councilwoman Rebecca Wayment made a motion to reconvene to an open meeting. The motion was seconded by **Councilwoman Amy Shumway**, which was unanimously approved.

REGULAR SESSION

Present: Mayor Jim Talbot; City Manager Shane Pace; City Councilmembers Brett Anderson, Scott Isaacson, Shawn Beus, Amy Shumway, and Rebecca Wayment; City Recorder Holly Gadd; Community Development Director Dave Petersen; City Planner Meagan Booth; and Recording Secretary Deanne Chaston.

CALL TO ORDER:

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

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

Mayor **Jim Talbot** offered the invocation, and the Pledge of Allegiance was led by City Councilwoman **Amy Shumway**.

PUBLIC HEARINGS:

Zoning Ordinance Amendment—Site Plan Expiration

City Planner **Meagan Booth** presented this item. The request is to amend Section 11-7-040 of the Zoning Ordinance to establish a one-year expiration date for site plan approval. The Planning Commission recommended the City Council approve the amendment on January 23, 2020.

Mayor Talbot opened the Public Hearing.

David Kirkham, 1085 N. Compton Road, questioned if the site plan would have to start over in a year, even if certain things are in motion. **Booth** said a 12-month extension on the site plan may be granted if the applicant petitions in writing. However, only one extension of the site plan may be granted. **Mayor Talbot** said the zone would remain. Councilman **Brett Anderson** mentioned that sometimes a zone change is tied to approvals. Community Development Director **Dave Petersen** said conditional zoning is generally frowned on.

Mayor Talbot closed the Public Hearing.

Isaacson suggested a grammatical change: instead of petitions, deliver a petition to the city along with the payment of any applicable fees before the expiration date of the site plan.

Motion:

Isaacson moved to approve the ordinance enacting 11-7-040H of the Zoning Ordinance establishing a one-year expiration date for site plan approval, including Findings for Approval 1 and 2, with the language modified as discussed.

Findings include:

1. No expiration period exists for site plan approval even though the Farmington City Code provides the same for most administrative actions such as subdivision approval, conditional use approval, etc. The proposed zone text change will establish an expiration time limit consistent with similar actions elsewhere in the zoning subdivision ordinances.
2. It is not good practice to allow entitlements to last indefinitely without an applicant obtaining a permit because external conditions and internal ordinances may change over time.

Shumway seconded the motion, which received a unanimous vote.

Zone Text Amendment—Final Planned Unit Development (PUD) Master Plan Approved by the Planning Commission

The request is to amend the text of the zoning ordinance to allow the Planning Commission to approve the Final PUD Master Plan, versus the City Council as part of the Planned Unit Development Process. The Planning Commission recommended the City Council approve the amendment on January 23, 2020.

Petersen said the proposed change would make the Planning Commission the action body for the administrative act of approving the Final PUD Master Plan, and take it off of the City Council's plate. **Mayor Talbot** said it would be nice to give the Planning Commission more authority on approvals.

Mayor Talbot opened the Public Hearing. Nobody signed up to address the Council on the issue. **Mayor Talbot** closed the Public Hearing.

Isaacson asked how different the final approval can be from the preliminary. He doesn't want to see the final approval be too different from what the City Council approved in the preliminary stage. **Petersen** said if it varies more than 10 percent, the applicant has to start all over again. He said he and his Department are comfortable with this ordinance amendment. He said there are more PUD ordinance changes the Department will be recommending in the future, including Transfer of Development Rights (TDR).

Councilman **Brett Anderson** said this amendment does make sense, and the City Council should trust the Planning Commission and City Staff. Once the City Council has approved the preliminary, it is hands off.

Petersen said that in the past, Staff kept the City Council updated on what the Planning Commission was doing by putting a report or memo in the Council packet. It may be good to get back to letting the City Council know what is happening on the Planning Commission level. He said part of the language of the amendment could be that any person who is aggrieved can appeal to the City Manager, and the City Manager can ask for an appeal. **Petersen** also said the language could include that the City Council has the authority to review Planning Commission decisions. **Pace** said it is important that the City Council watch that the Planning Commission is following the ordinance. If they go outside the ordinance with this process, it puts the City in liability. **Mayor Talbot** said it was good in the past when the City Council was apprised of what the Planning Commission was doing, and how they voted on items. It would give him comfort

to have that happen again in the future, and would make for a more cohesive relationship between the City Council and Planning Commission.

Motion:

Beus moved to approve the Ordinance amending section 11-27-100, repeal section 11-27-110 of the Zoning Ordinance, and include Findings for Approval 1, correcting the typo of double A's in Exhibit A as noted earlier by **Isaacson**.

The Finding for Approval included:

1. Consideration of the Preliminary PUD Master Plan is a legislative act and it is that portion of the process where the City Council enacts an overlay zone after receiving a recommendation from the Planning Commission. On the other hand, Final PUD Master plan approval is an administrative act to ensure the Preliminary PUD Master Plan is implemented appropriately, and as such should solely be reviewed by the Planning Commission with the City Council as the appeal authority—this is also consistent with the subdivision process, which often occurs concurrently with the PUD Process.

Wayment seconded the motion, which received a unanimous vote.

SUMMARY ACTION:

Minute Motion Approving Summary Action List

The Council considered the Summary Action List including approval of minutes from January 21, 2020, and February 4, 2020; Surplus Fire Apparatus and Equipment; and Bill of Sale between UTA and Farmington City for the Remaining Tiger Grant Project Improvements (including Station Parkway crosswalk, Clark Lane bike lanes, Frontage Road sidewalk, and 200 West pedestrian signal).

Shumway noted a correction on February 4's City Council Meeting Minutes about Patsy's Mine. **Isaacson** asked about a sentence about the bill of sale coming from UDOT. **Pace** said it was required in order to get the grant.

Motion:

Shumway moved to approve the Summary Action list items as noted in the staff report.

Beus seconded the motion, which was unanimously approved.

GOVERNING BODY REPORTS:

City Manager Report

Pace presented the Building Activity Report for January. He said STACK Development wanted to be on today's agenda to take the City Council on a tour in Lehi and South Jordan to see some transit-oriented developments they have done. However, **Pace** wanted to do it closer to regular City Council hours, and a few of the STACK employees got sick, so it will be rescheduled.

Mayor Talbot said that Farmington fits perfectly with what STACK Development wants to

accomplish. **Pace** mentioned the recent trip the City Council took to Denver, but said the STACK projects in Lehi and South Jordan would be closer to knowing how it would work for Farmington.

Mayor Talbot and City Council Reports

Beus reported on the 2019 Mosquito District Annual report, including an update on West Nile. There were 231 pools in Utah that tested positive, and 90 of those were in Davis County. Of the five deaths in the State of Utah from the virus, two of them were from Davis County.

Beus would like to have some discussion on affordable housing plans, and housing for varied income levels when talking with STACK in the future. He said it may be helpful to have **Mike Plaizier** from the Planning Commission provide feedback to the City Council regarding affordable housing. **Mayor Talbot** said while the City should continue looking at affordable housing, the focus should be on the business park. **Pace** said a better place for affordable housing is near the Front Runner.

Wayment would like to find out how on-street parking is enforced in the winter time. She wanted to know who to talk to if residents need a special exception. **Pace** said the City tries to not write tickets unless there are constant complaints from a neighbor, or the Public Works Department notices that it is a problem. Even then, notice is given so residents have a chance to move before getting a ticket. He said the Police Chief is the best person to speak with about exceptions.

Anderson asked about Ernie Hill's property on Glover's Lane and Sheep Road. A few months back, subdividing the land was approved. However, there is a question on the improvements required, and if it would be required on all sides. **Pace** said **Petersen** had given them the option to only improve in front of the existing home.

Shumway agreed with **Beus** about affordable housing. She said Rose Cove Apartments by Farmington Crossing have caused a lot of problems. The Trails Committee is sponsoring more hikes, with the first one that coming Saturday. She suggested the City Council get a new picture of themselves in the foyer soon. **Mayor Talbot** said it has been difficult for the last several years getting City Council photos done and installed at City Hall. He asked City Recorder **Holly Gadd** to follow up on that.

Pace commented on the swells mentioned by Ivory Homes in the work session. He said in the 1970s, many in the country were building swells. The problem is, they fill in over time, they don't stay a swell, and the homeowners have to go in and dig them out. A perforated pipe with a tree on top only lasts two years before they are full of roots. He said the City Engineer is concerned with the amount of clay soils out there, and is waiting on a soils report for the subdivision. Water will hit the clay and then run into the backyards of residents, causing a swamp in their backyards. **Mayor Talbot** said swells are difficult to mow.

ADJOURNMENT

Motion:

Wayment made a motion to adjourn the meeting. **Shumway** seconded the motion, which was unanimously approved.

Holly Gadd, Recorder