

## FARMINGTON CITY COUNCIL MEETING

May 17, 2016

### WORK SESSION

*Present: Mayor Jim Talbot, Council Members John Bilton, Brigham Mellor, Cory Ritz and Brett Anderson, City Manager Dave Millheim, City Development Director David Petersen, Associate City Planner Eric Anderson, County Commissioners John Petroff, Jim Smith, and Bret Milburn, City Recorder Holly Gadd and Recording Secretary Melanie Monson.*

**Doug Anderson** was excused from the meeting.

*Tour of the new gym and culvert project at 5:30 p.m.*

### Discussion with Davis County Commissioners

The three Davis County Commissioners, **John Petroff**, **Jim Smith**, and **Bret Milburn** were in attendance. They discussed the success of the culverts on 650 West and near the elementary school. **Mayor Talbot** expressed appreciation for the County's cooperation in getting Cabela's into the City. They discussed the Business Development Fund (BDF), from which they can loan money for businesses and startups. They can loan up to \$1 million, and have about \$2.5 million in the fund currently. **Brigham Mellor** asked if the businesses need to be in a certain industry, and they said no, but it does need to be about job creation. They discussed Plural Sight, which has boomed since coming into Farmington, and which benefitted from the BDF. Vista and the Weber State extension site are also great additions to the City. The County expressed appreciation for the partnerships it has with the City, and said they do not see their role as dictating but assisting in the success of the City. The County reported that they hired a new Economic Development Manager.

**John Bilton** asked about the County's vision for the Legacy Events Center. The County reported that the parking lot was recently repaved, and that they are in the middle of deciding what to do with the larger building. They have had a number of tournaments, but are trying to keep up with the sheer number of events. They are looking at converting the big building over and not doing horse events anymore. The horse events are becoming increasingly difficult to make money from. There is a possibility of selling a portion of the property, if the right offer is made. They suggested the possibility of a study to see what potential uses the property could have that would be beneficial for development and long term revenue. **Dave Millheim** said they were able to forecast that the City will be able to pay off the increment from Station Park in 2019, which is about 10 years early. He said that will bring more money to the County, the City, and the School District. **Mayor Talbot** said he would like to sit down with the County and discuss the coming business park and other future developments. **Cory Ritz** asked what will happen to events such as the County Fair, the livestock show, etc. if they sell part of the property at the Legacy Events Center. The County responded that they would downsize the Fair, and could also look for other locations.

**Dave Millheim** asked about the County’s Prop 1 money. The County responded that they are studying that with Wasatch Front. They said they have about \$2 million, and are looking at the possibility of setting aside \$1 million for grants to the Cities for projects that would promote economic development. **John Bilton** pointed out the roads surrounding the High School, which will service students and families from 4 cities. The County responded that those projects would be a great use for that money.

The City Council expressed appreciation for the County’s funding of the culvert on 1100 West. The County said they have needs on their 10 miles of road, to bury pipes and finish side treatments. **Mayor Talbot** expressed the importance of having a good working relationship with the County. **Dave Millheim** informed the County that Farmington may approach them for help with finishing 650 West. In addition, he also brought up the WDC, and the need for a Shepard Lane interchange regardless of the record of decision. He said UDOT is committed to the Shepard Lane interchange, and that it will be a project necessitating a coalition between the involved cities. UDOT’s staff suggested getting the Cities and the County together to get the all the rights of way in place for when the EIS and other studies take place. The County expressed support for the interchange.

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**REGULAR SESSION**

*Present: Mayor Jim Talbot, Council Members Brigham Mellor, Cory Ritz and Brett Anderson, 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:**

**Mayor Talbot** said John Bilton and Doug Anderson are excused from the meeting. He welcomed County Commissioners John Petroff, Jim Smith, and Bret Milburn. He also recognized Michael Harris from the Youth City Council.

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

The invocation was offered by Councilmember **Cory Ritz** and the Pledge of Allegiance was led by Boy Scout Josh Dixon from Troop 782.

**PRESENTATIONS:**

**Annual Progress Report of the Farmington Trails Committee**

**Mayor Talbot** expressed appreciation for Ron Robinson taking charge of the Trails committee.

**Ron Robinson**, 92 North Country Bend Road, Farmington, Utah. He said he has been delegating responsibilities and appreciates his committee. He referred to the report in the Council’s packet. He said they have a liaison with the Parks and Recreation department, which is helping to open up dialog within the City. He said they participated in the Spring Cleanup, as well as cleaning up after the wind storm. He said he has opened up a dialog with the US Forestry Service, which has three trails in Farmington. He had to involve them to address

some damage to those trails. He also said the City needs to have a special permit for the flag pole at the Flag Rock Trail, and has other past issues that are being addressed with the Forestry Service. He said his goal is for the Flag Rock Trail to be the fourth US Forestry Service Trail in Farmington. He said there are 55 Trail Chiefs, and a small portion of them do most of the work. In the future, he said he would like to see local businesses “adopting” a trail to maintain. He said George Chipman, the former chairman of the Trails Committee, is in a consultant role. He is in charge of rallying the Trail Chiefs. He said they are publishing an updated edition of the Trails Guidebook. He said one of their committee members walked many of the trails with a GPS, which the Trails Committee was able to utilize. The goal is to have the Guidebook ready by Festival Days. The proposed cost to purchase is \$19.99, and the production cost per book is about \$15. He asked about the protocol for handling the profit from the sales, and said he would sit down with Dave Millheim. He said the Forestry Service and the County are looking to add to the BST and move up the Firebreak Road, all the way from Weber Canyon down to Parleys Canyon. **Brett Anderson** said as the City Council representative for the Trails Committee, Ron is doing a great job as the new chairman. **Mayor Talbot** expressed his confidence in him and his appreciation.

## **PUBLIC HEARINGS:**

### **Zoning Ordinance Amendment**

**Eric Anderson** said this is a straightforward amendment. He said as part of the omnibus bill passed earlier this year, the Council voted to remove the restriction on steel panels for Class A storage, however, they failed to make it an allowed material in the text of the Zoning Ordinance. He said staff is recommending approval. **Mayor Talbot** asked if staff is comfortable with this, in light of the possibility of future self-storage facilities. **Eric Anderson** said the only allowable zone for self-storage is the CMU zone, which will only have space for the Cubes facility. So other facilities would require a broader change of allowable zones. **Brett Anderson** asked about the punctuation of the zone amendment, and if the intent was to broaden the application of the amendment. **Eric Anderson** clarified that the intent was indeed to broaden the application of the amendment for the Planning Commission.

*Mayor Jim Talbot opened the public hearing at 7:56 p.m.*

*Mayor Jim Talbot closed the public hearing at 7:56 p.m.*

### ***Motion:***

**Brigham Mellor** made a motion that the City Council approve the enclosed amendment to the zoning ordinance of Section 11-28-220(2)(b) as set forth in the May 17, 2016 staff report and the enclosed enabling ordinance related thereto.

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

Findings for Approval:

1. The proposed zone text amendment is making the architectural design guidelines requirement of allowable building materials consistent with the intended spirit of the previously approved zone text amendment removing steel panels from the list of prohibited materials.
2. On April 7, 2016 the Planning Commission granted conditional use and site plan approval to Cubes Self Storage on the condition that the City approve this proposed zone text amendment.

**NEW BUSINESS:**

**Farmington Crossing Trail Parcel Acquisition**

**Dave Millheim** said this item is pulled from the agenda. He said the City has debated taking the land or not. However, in the meantime, Garbett has given the property to the HOA, and the maintenance is still handled with the Maverick. The City will follow up with the HOA.

**Hughes Discussion Item related to the 4218 Development Restriction Line**

**Mayor Talbot** said the 4218 line is the geographical line that no one can build below. **Dave Petersen** said in 1993, in the General Plan, the Planning Commission established a line that anything west or south of a particular point could not be built below. This decision was due to floods in 1983 and after when the lake was rising. Other areas have been rezoned to match. The property owners came to a Planning Commission meeting in April. He turned the time over to the property owner to explain their circumstance. He said it would be a fairly big departure from what the City has been doing. He said no action is needed tonight but they are looking for some guidance.

**Jonathan Hughes**, 927 South Mountain View Drive, Farmington, Utah. He said he does not want there to be any doubt about where the 4218 line is in West Farmington, and asked if the City has any power to correct the discrepancy. He said he has interested developers, but based on the 4218 line, he could only have 6 lots on 31 acres. He knows people do not want to have high density neighborhoods, but he wants to be able to develop it further than that based on this new information.

**Max Elliot** 915 South 250 East Farmington, Utah. He showed a FEMA map, and where it shows the 4218 line. He said the Hughes property is above the 4218 line, with the exception of a deep ditch. **Brett Anderson** asked how the discrepancy occurred, since the discrepancy is with the City's maps. **Max Elliot** answered that in 1988 the US changed its vertical datum. He stated that the County's maps were prepared based on the old datum from 1929. **Dave Millheim** said the lake line matters, and if the City has it incorrect, it needs to be addressed through a major cleanup. The City would need to figure out how to change it without causing future problems. He said the City Attorney gave the opinion that it will have to go through a proper hearing process if the change is made. **Cory Ritz** asked what agency

generated the map he showed, and **Max Elliot** said FEMA. **Cory Ritz** said he wants the City to be operating on good information. He said the City should go through the process to change it so that any restrictions that are made are done based on good information. **Brigham Mellor** said he would like a legal opinion to see if the City opens itself up to lawsuits by amending the map. He also stated that maybe there is another consideration besides the 4218 line, such as the ability to get sewage out of these developments in west Farmington. **Dave Millheim** said the sewage and other water issues can be resolved for a cost. He said he will obtain a legal opinion, and he opined that they would need to put in the record that the reason for the change was an error, which would likely absolve the City from lawsuits. **Mayor Talbot** surmised that everyone is of the opinion that the City should proceed with making the corrections. To answer Mr. Hughes' questions, he said the City would proceed to do both.

**Dave Petersen** said this would be a legislative act, and correcting the map would not automatically mean a change in zoning for this land use decision. He said there is a great deal of discretion for the General Plan with respect to legislative acts. The Planning Commission would like to see the new revised map, a revised schematic plan, and a number of other things before considering the application for rezoning. He said this is a land use policy, and is not insignificant. **Brett Anderson** clarified that correcting the map and amending the zoning on the property are two separate issues that are not dependent on each other, which **Dave Petersen** confirmed. **Dave Millheim** clarified that the City's zoning decision should be considered on its merits, regardless of where the WDC may or may not be. **Mayor Talbot** said if the 4218 line is inaccurate, it is the City's obligation to find it out. He wondered what the motivation for the change now is. **Max Elliot** said they discovered that the maps were incorrect when they were trying to see what Mr. Hughes could do with his property. He said they got mixed up using different datums, and there is more accurate data available now. **Dave Millheim** suggested figuring out where the 4218 line actually is, first, and asking the legal questions. He said then the City ought to look at the considerations from the Planning Commission, because they will not act on the rezone until they have answers to those questions. Staff thinks it would be dumb to rezone properties based on the new line, but would take them on a case by case basis. The Council directed staff to move forward with examining the discrepancy.

### Temporary Access Easement Request for Kaysville

**Mayor Talbot** said he was surprised to see the recommendation from Staff to approve this request. **Dave Petersen** said the developer received preliminary plat approval, and his development goes right up to the right of way. In the event of the WDC going along this alignment, the City will need an interchange near the development. The mink farm owner put in a private storm drain line, but has allowed public waters to flow through them. Kaysville obtained access to the manhole. **Dave Millheim** said the City would be doing the developer and Kaysville a favor; otherwise it would require a lot more development. **Cory Ritz** asked if this is a temporary solution, and **Dave Petersen** said it may become permanent if they do not develop the second phase. **Mayor Talbot** asked if the storm drain is day lighted, or if it is fully piped, and if it is large enough to handle the drainage from all those developments.

**Chad Bessinger**, 1196 Hamblin Circle Kaysville, Utah. He responded that it is fully piped, and that it is a large pipe. He said it will be temporary. He said they will be purchasing wetland credits in order to disturb the wetlands. He acknowledged that it is a favor that he is asking. **Dave Millheim** said if the manhole was not there, they would have to figure out their

own solution. He said the City should cooperate with Kaysville with this reasonable request, but they want that in writing from Kaysville. **Cory Ritz** said he would be more comfortable if there was easement language included. **Dave Millheim** suggested that they table action until they get the language consistent with the motion and until Kaysville signs the agreement first.

***Motion:***

**Brett Anderson** made a motion to table action on the easement until the Council has language reflective of the condition for preserving the right of way.

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

**SUMMARY ACTION**

**Minute Motion Approving Summary Action List**

1. Resolution Amending the Consolidated Fee Schedule relating to Baseball Field Rentals and Gym Admission Fees
2. Farmington Hollow Phase 2 Improvements Agreement
3. Approval of Minutes from April 27, 2016
4. Approval of Minutes from May 3, 2016
5. Kaysville Boundary Adjustment—Resolution of Intent—Jeff Clark
6. Animal Control Contract with Davis County

***Motion:***

**Brigham Mellor** made a motion to approve the items on the Summary Action List 1-6.

**Brett Anderson** seconded the motion which was unanimously approved, with Cory Ritz abstaining from item 3.

**City Council Committee Reports:**

**Brett Anderson:** Ron Robinson reported on the Trails Committee earlier.

**Cory Ritz:** He said the Mosquito Abatement District is continuing to finalize their expansion and is busy with mosquito treatments.

**Brigham Mellor:** He had nothing to report from his committees.

**GOVERNING BODY REPORTS:**

**City Manager – Dave Millheim**

1. Executive Summary for Planning Commission held on May 5, 2016
2. Fire Monthly Activity Report for April
3. UDOT West Davis Corridor Update: he suggested rescheduling this update for the next meeting.
4. Superior Police Work: Officer Brian Cooper was on early morning patrol at Station Park and saw a gentleman at the Frontrunner station at 4:30 am. The train does not begin running until about 5 am. He stealthily walked up behind this man, and saw him going through numerous credit cards. He said one of the cards had a picture of the County Prosecutor on it, and he knew it was probable cause for arrest. He also pulled out drug paraphernalia. The officer arrested him, and they began calling people who had been robbed, which was between 10-12 people. He complimented Officer Cooper for superior Police Work.
5. He said in a few weeks there will be a big discussion about 650 West and the SAA and the extension agreements in place. He suggested a walking tour for the Council to become more familiar with the specifics of the area.

### City Council

**Cory Ritz:** He said Sue Stapps called him, questioning the fairness of those who get stuck with a bill for improvements versus those who do not. He asked about whether or not the City will get a grant, and **Dave Millheim** said no, and the City does not know if it will get the grant. Once the City knows with certainty if it has the grant, it could lessen the cost for some residents, but those in the first phase will still bear their portion of the cost.

He suggested putting a 4-Way stop at the intersection of Glover's Lane and 650 West in the meantime if the traffic light is not feasible. **Dave Millheim** said that will be brought up at the meeting on the 21<sup>st</sup>.

He said he was taken aback by the last minute call for a meeting at 3 pm today, and he asked for that not to happen again. He said if there is going to be a 3 pm meeting, it needs to be agreed upon ahead of time. **Mayor Talbot** agreed, but said that if the Council agrees on a meeting, they need to show up. He said the last meeting they scheduled only had one Councilmember show up.

### Mayor Jim Talbot

1. He will take care of the Memorial Day memorial service this year.
2. He reminded the Council that they are elected by the residents, and said they need to be at places and events and meetings where residents can see them. He said budget meetings, walkthroughs, etc. are important. He asked the Councilmembers to do a better job of communicating, in letting them know ahead of time and closer to the time if they are not going to be at an event or meeting.

**Dave Millheim** said the work session on the 7<sup>th</sup> will be at 5 pm to cover lots of information related to the future business park.

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

**CLOSED SESSION**

***Motion:***

At 9:30 p.m., **Cory Ritz** made a motion to go into a closed meeting for purpose of discussing property.

**Brett 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.



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**Jim Talbot, Mayor**

***Motion:***

At 9:41 p.m., a motion to reconvene into an open meeting was made by **Brigham Mellor**.

The motion was seconded by **Cory Ritz** which was unanimously approved.

**ADJOURNMENT**

***Motion:***

At 9:42 p.m., **Brigham Mellor** made a motion to adjourn the meeting.

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



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

## Special Farmington City Council Work Session

Fiscal Year 2016 and 2017 Budget

May 17, 2016

*Present: Mayor Jim Talbot, Councilmembers John Bilton, Cory Ritz, and Brett Anderson, City Manager Dave Millheim, and Assistant City Manager Keith Johnson.*

Doug Anderson and Brigham Mellor were excused from the meeting.

The meeting opened at 3:00 p.m.

**Keith Johnson** reviewed RDA funds. He proposed using money from paid off RDA's to go toward paying the RAP tax bond. He said he will set up a meeting with the City Attorney to make sure the City is allowed to do that. He reviewed the proposed uses for money from other RDA's. The public hearing to adopt the budget will be held on June 21<sup>st</sup>. He stated that the Station Park RDA is doing very well and will be paid off early. The City had to bond to pay for Station Parkway. Money has come in over the years from the developers, and there is \$129,000 leftover. He proposed giving the money back to the General Fund in this year's budget, where it originally came from. **Mayor Talbot** asked the Council to discuss it. **John Bilton** said he would be fine to put that money into the General Fund. **Mayor Talbot** said it would be nice to earmark the money for improvements for the park. **Dave Millheim** said the work session on June 21<sup>st</sup> will include a detailed discussion on the park needs and 650 West, and he recommended discussing it then.

**Keith Johnson** discussed the impact fees. The University of Utah raised several issues with the impact fees assessed by the City. **Dave Millheim** said there is no question in the City's mind that the "U" should pay the impact fees. This was verified by the City Attorney. The City has required them to submit in writing why they think they should not have to pay the impact fees. He anticipates the School District making some of the same arguments when their impact fees are assessed. **Keith Johnson** reviewed the Capital Streets fund. **Dave Millheim** said due to Brett Anderson's request, they put information on the City's website about what projects/repairs are upcoming. **Keith Johnson** reviewed the 650 West Park fund. **Dave Millheim** said the City does not anticipate significant building permit fees during the next fiscal year; the apartment complex is the only significant project on the horizon. **Keith Johnson** reviewed the fire impact fees, including the fire equipment impact fee, which is paid by commercial buildings. He reviewed the recreation fund including each program's expenses (soccer, football, basketball, baseball, tennis, volleyball, etc). He said all of these programs will be using the new gymnasium. He reviewed the special events that are also part of the recreation fund: Festival Days, the Scholarship Pageant, and the Performing Arts. The goal is for all of these programs to be self-sufficient. Finally, he reviewed the Cemetery Perpetual fund, and said this year, the City will be putting in a new road and making some improvements to the cemetery.

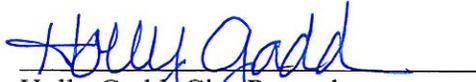
**Keith Johnson** said the final item to review is the City's debt. The City has G.O. bonds for City Hall and the Police Station, which will be paid off soon. This would lower the residents' taxes. Historically, the City has replaced a bond that has been paid off with a bond for another need. He reviewed the City's other G.O. bonds. He said other City debt includes various equipment and police vehicles, the Police Station, street light replacements, the purchase of the park property, and the RAP tax. Many of these are being paid from their respective impact fees. The total debt for the City is \$1.9 million. This number is very low, and is less than 10% of the City's capacity. It speaks to the fiscally conservative nature of the City. **Mayor Talbot** said one reason this community runs so well is because it has so little debt. **Dave Millheim** said the City's debt capacity is over \$60 million, and is not even close to approaching that amount.

**Keith Johnson** reiterated that on June 21<sup>st</sup>, the Council will pass the RDA budget, amend this year's budget and pass next year's budget. He will review any changes during the work session prior to the public hearing.

## **ADJOURNMENT**

### ***Motion:***

At 4:30 p.m., **John Bilton** made a motion to adjourn the meeting. **Brett Anderson** seconded the motion which was unanimously approved.

  
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Holly Gadd, City Recorder  
Farmington City Corporation