

## FARMINGTON CITY COUNCIL MEETING

August 6, 2019

### WORK SESSION:

*Present: Mayor Jim Talbot; Councilmembers Doug Anderson, Alex Leeman, and Rebecca Wayment. City Manager Shane Pace, Community Development Director David Petersen, Finance Director Greg Davis, Economic Development Director Brigham Mellor, Associate City Planner Meagan Booth and City Recorder Holly Gadd.*

*Excused: Councilmembers Cory Ritz and Brett Anderson.*

Mayor Talbot welcomed everyone for coming.

Presentations by **Beth Holbrook** from UTA to discuss bus routes and **John Lowe** from the Farmington High School Mountain Biking Club. City Council recommended that Planning Commission review this item as a Conditional Use.

Councilmember **Brett Anderson** arrived at 6:58 PM.

### REGULAR SESSION:

*Present: Mayor Jim Talbot; Councilmembers Brett Anderson, Doug Anderson, Alex Leeman and Rebecca Wayment. City Manager Shane Pace, Community Development Director David Petersen, Finance Director Greg Davis, Economic Development Director Brigham Mellor, Associate City Planner Meagan Booth and City Recorder Holly Gadd.*

*Excused: Councilmember Cory Ritz.*

### CALL TO ORDER:

**Mayor Jim Taylor** called the meeting to order at 7:05 PM.

### ROLL CALL (Opening Comments/Invocation/Pledge of Allegiance)

Invocation was offered by City Manager **Shane Pace** and the Pledge of Allegiance was led by City Councilmember **Doug Anderson**. **Mayor Jim Talbot** noted that Farmington City has a new Fire Marshall. **Chief Guido Smith** welcomed **James Weston** and gave a brief background on his previous work.

### PUBLIC HEARINGS:

#### Preserve at Farmington Creek Rezone, Schematic Plan and Preliminary (PUD) Master Plan. 90 West 675 North.

**Meagan Booth** introduced us to the project and speaks about **Andrew Hiller**, the developer who is requesting a rezone of 5.45 acres near the Farmington pond, east of Main St. with access on 90<sup>th</sup> West. The Applicant is also requesting to Rezone the property from A (Agriculture) to LR-F PUD (Large Residential Foothill zone). Additionally, the applicant is looking for a recommendation for schematic plan and PUD master plan, to develop 11 lots on the property. The applicant is requesting the LR zone which will be consistent with adjacent neighboring homes, including homes on the Compton bench (north) and Rock Mill Estates (east) of the development. The Planning Commission held a public hearing on July 18<sup>th</sup> and the Planning Commission recommended that the City Council approve the zone to LR, as well as the Schematic Plan and Preliminary (PUD) Master plan for the Preserve at Farmington Creek.

**Meagan Booth** noted that there were some questions regarding the water table, including new and existing trail connections to adjacent neighborhoods. Most questions were answered during the Planning Commission meeting as well as by the developer. Neighbors were able to address their questions and concerns directly with the developer. Staff also agreed to connect residents with DRC for specific questions including storm water and engineering.

**Meagan Booth** said the applicant is requesting a PUD overlay in order to have flexibility in lot sizing, setbacks and to preserve the natural trees and vegetation. Therefore, the applicant is proposing a private street for the city cross section, and specific dimensions from the preliminary plat. Our City Engineer will give us a recommendation for Planning Commission in regard to the cross sections. 90<sup>th</sup> West, owned by Davis County is not a dedicated street or improved street. The developer is proposing a new concrete bridge for access. However, Davis County flood control will not provide any comments until the Planning Commission and City Council approve the schematic plan. **Meagan Booth** noted that the applicant must complete some additional steps for the foothill overlay zone. Those include, drainage, fire protection, grading, and other requirements from DRC. Homes will be 1 to 2 custom floor plan homes.

**Mayor Jim Talbot** thanked Meagan and then welcomed the developer, Andrew Hiller to speak.

**Andrew Hiller**, 1268 W Adrian Court in Farmington, UT. 44-year resident. He states that he saw this piece of property and didn't want to see it be scraped, rather he wanted to preserve the trees since they are unique to Farmington and the State of Utah. There has been extra work with surveyors, geotechnical surveys and the water table, which was a concern to others.

**David Petersen** brings up the zoning and vicinity map to show the property and give a little background in regard to the bridge that is being proposed. Noted that Andrew has also conversed with the neighboring property owners, the Smith family and Evans family, as well as Farmington Public Works and City Engineer. The water line will go on the east side of the vacant lot. There is a dam as well in the Preserve.

***Mayor Jim Talbot indicates that this is a public hearing and will now open the public hearing for anybody to speak on this item.***

**Karen Davis**, 180 West 600 North, Farmington UT is just south of the property being proposed for development. She stated she is feeling different about the area and wants to bring attention to a few items she found during this process. Starting with the dam, she stated that it has been repaired several times within the last 20 years, and it did crack some foundations on Compton Bench. The wetland is a concern as well with water. The wetland designation was given to her by the City. **Karen Davis** seems to love the trees around the home as well that they are trying to preserve. She also states that this should be looked into and the road as well near Farmington Pond. Also brought up concern of animals nearby due to 3 feet of water now down to nothing and animals roaming around. She concluded with her love for the city and the area, is understanding that the area needs to be developed at some point but doesn't want someone to put a lot of money into it and also doesn't want problems to arise once development starts. Also states the traffic is already backed up and we could see that worsen perhaps when development starts.

**John Bradshaw**, 259 E 100 N, Farmington UT, notes that he is responsible for the trees that are planted and noted that he has a lot of emotional investment on this property. He has stated that he has looked at the plans and just recently saw the property for the first time in over a year. He wants to move forward and do something with it at this point. **John Bradshaw** was upset about the vandalism and wants something to be done and has confidence in Andrew for this, he is impressed by him and has noted that he did his homework. He wants to endorse an approval from City Council for this. He wants to also make a recommendation of **Andrew Hiller's** work to the City Council.

**Gary Daniels**, 139 Oakridge Dr. Farmington UT wanted to speak on his impression on **Andrew Hiller** as well. He had been working with him for a while and said he has shown sensitivity to neighbors, the property and thinks he is

very impressive and great for the development. **Gary Daniels** seems pleased with **Andrew Hiller** and the process of this development.

**Louise Mattson** 139 Oakridge Dr. Farmington UT, north of the development property. She also feels similar to **Gary Daniels**; he is sensitive to the needs of the neighbors. With the easement going in, she understands there will be road work on her street that could be frustrating at times. **Louise Mattson** is concerned to know if there will be a trail or an access road? Does not want that to happen in this easement. Also curious on the water needs (and pressure), and with the potential of two new developments soon.

***Mayor Jim Talbot is closing the Public Hearing; staff and council to report on this topic.***

**Doug Anderson** wants to walk through the process of the lot that is in the flood plain as well as Davis County flood control not being in the process until the schematic plan is approved. **Doug Anderson** wants to know if this investment is going to halt if that cannot be completed. **Meagan Booth** stated that we can get a feel of what Davis County will do but in this case, nothing can be completed until the City approves the schematic, due to demolition, flood control, and the creek. That is all we have right now. **Shane Pace** had a real concern about this project, the purpose is not to kill the project, rather it is to inform the community. Looking near the pond on the plans, there is a Wasatch front fault zone. **Shane Pace** spoke with the state Geologist, he has some concerns with that due to the fault shaking and it's like "shaking water in a bowl," water will come out of the pond. This could be one reason due to the county being concerned. As said in the meeting, the City Council would like to see this schematic approval tonight but is not in favor of a PUD rezone just yet, until we have more feedback from Davis County. Additionally, with more detail on the dam condition.

**Andrew Hiller** was asked if he has received any feedback on the dam. **Andrew Hiller** states that the dam has been earthquake-proofed. Earthquake mitigation was completed on the dam when it was "rebuilt." Geo-tech survey was completed from Gardner Engineering, who also looked at soil samples. The fault line cannot be controlled but some other properties were built nearby. **Andrew Hiller** knows the fault is there and it concerned him at first but after research, he is confident that it should not be an issue and was given green lights to go ahead and development. He stated that it's the safest hill in Farmington due to how often it is checked. As far as water, the flood plain is where the river is. He understands what will be at risk if a flood occurs. **Andrew Hiller** is confident that they have done enough background work to hopefully avoid any damage. **Shane Pace** suggests either hold on rezone and it was stated we could do a schematic approval without the PUD. If City approves a schematic, the developer will have the opportunity to take this to the County for further information. **Meagan Booth** states the easement for public easement due to the trucks that will need to gain access. **Andrew Hiller** is more than willing to inform neighbors and have the lot be a single family home where they are concerned on the water easement. Developing the lot can potentially destroy the trail that is nearby. Closing that off can cause some issues, however it is not a City trail. The adjacent owners do not want a trail in their yards anywhere.

It was brought up about two access points, this plan will meet this and **Andrew Hiller** can attest to having the plan and two access points. **Andrew Hiller** can provide more information on this. He states that he went to the Evan's family for a second path for driving. However, if it goes that route, then there is no eleventh lot. **Andrew Hiller** had also offered to buy some lot from the Smith family, had it appraised and offered more than what it appraises for. That did not go through either. The dead end road will still have one bridge for driving and a foot bridge, they could be used if needing to get out of the neighborhood immediately. On the schematic, the two circles show a lay out and there is no way to add a stub for driving.

**Mayor Jim Talbot** asks if we should motion this. **David Petersen** notes that we can delete condition number eight. As for the wetlands, we do know where they are and the fault areas. If there are wetlands on site, we will know about it. **Andrew Hiller** asks with how long this process has already been, he wants to know if he could build a bridge during the low water of this fall instead of spring. **Andrew Hiller** wants to know if they could motion a conditional zone change. It was noted that **Andrew Hiller** has been extremely cooperative and has been patient

during this process, it's a difficult and detailed development. **Rebecca Wayment** wants to add that she appreciates the developer and his sensitivity, and notes that it may be difficult to develop. She noted she has some reservations in regard to the water table, but if you are buying in this area, this is a nook in Farmington. Thinks that uncooperative neighbors should not derail this development. She would like to see what Davis County says as well. **Shane Pace** noted that the only risk we see right now is that the county comes back and says we can't develop.

*Motion: **Doug Anderson** to rezone from AF to LR-F, nobody seconds this. This will be tabled along with preliminary PUD Master Plan.*

*Motion: **Brett Anderson** approve schematic plan, second to approve **Alex Leeman**. All in favor unanimously.*

#### **ADMINISTRATIVE SERVICE AGREEMENT WITH ICMA RETIREMENT CORPORATION**

**Shane Pace** gives a brief history on the funds that were received, noted that Sandy City had about a 3% higher return which are due to the fees. Since Farmington is smaller municipality, there are fees being charged versus Sandy which is a larger city. ICMA came back to say that they would lower fees to .03% with the condition that Farmington signs a new 5-year agreement and a yearly offer of a managed account to employees. Overall, it's purpose is to get more money in our employee's pockets.

*Motion: **Doug Anderson** made a motion to approve the administrative service agreement, and **Rebecca Wayment** seconds this motion, all in favor.*

#### **SUMMARY ACTION:**

Councilmember **Cory Ritz**, who is not present tonight, noted that he wanted to make an amendment to the previous minutes and note that he was in favor of Flag Rock and also the time he arrived.

*Motion: **Rebecca Wayment** approves the summary action list and **Alex Leeman** seconds, all in favor.*

#### **GOVERNING BODY REPORTS:**

##### City Manager Report

**Shane Pace** has a few items to go over, starting with the residents on 100 East 600 North, talked with one resident on the street but the letter provided to the city had signatures from all residents on the street in regard to the traffic on the street and it was noted we could put more speed limit signs up, and adjust our intersection from a two way stop to at least a three way stop.

Recently brought to our attention from the Davis School District, there are two parcels near their property that act as parking for the school district, and part of an original arrangement from the Municipal Building Authority. The City built their building for them and then they have paid their lease back until the bond was paid off. Two parcels were bought during that time and were turned into parking. It was noted that they were a part of the Municipal Building Authority for Farmington. After research, they were reimbursed and fortunately, we were able to verify that information and it was a part of the original deal, and the two parcels will be turned over to the school district.

American Legion asked **Shane Pace** if they could use community room downstairs in City Hall for meetings, they are looking for space still. They are hard to turn down, noted **Shane Pace**. It would be discussed further with Mayor and City Council. We cannot give a key, and the room is not for rent, only employees and organizations from the city are allowed to use it. Overall, there is not a lot of space and availability for a Thursday for American Legion to meet there. **Shane Pace** recommends that we could allow them once a month on Planning Commission

night or a night where we are already here and no conflict with any other committee. Also, no storage and no staff from Farmington City to be present. **David Petersen** suggests a set time while we are here.

Last item, a proposal from developer for the area in the Business Park, **Shane Pace** asks **Brigham Mellor** to speak on this. They have had multiple meetings. **Brigham Mellor** notes this is the remaining piece of the property, 20 acres between the park and Burke Lane. Majority of the property is in a wetland zone. Farmington's response was we have given a lot of concessions as a part of a purchase of the property. Including impact fees, abatements, and we would take the storm water detention when we do a detention basin. They will not mitigate the wetlands; they would like to propose building townhomes. The school district will be cutting back on contribution on tax increment financing incentive if we do put more in homes. If we have residential living of 500 units in this area (home, townhome or apartment) we lose 10% of our tax increment financing. Their joint response is that we understand there will be residential in a mixed use area, however the secondary thought to what we are actually doing. **Mayor Jim Talbot** says this is first and foremost a business park, instead of tearing the ground down for residential. **Shane Pace** noted the developer is on City Council in Sandy City, he said the goal of the property was to sell residential and take that money to buildings for business. The City's general plan states that they will have residential in the area. **Shane Pace** suggests that we change our general plan to note that we need items such as business prior to residential. Residential will be the "fill in." Unanimously the Council said they are not interested in what is being proposed.

#### City Council Reports

**Alex Leeman** asks about the cross walks on Main street, **Chad Boshell** is working on this. It was noted that there are not many lights or cross walks on Main street for pedestrians.

**Rebecca Wayment** asked on the next meeting which that is the first day of school for children, if we could have a bigger police presence at the high school to remind students speed limits around the neighborhoods. Also, on the four-way on Glovers and Frontage, she suggested a street light since it is a darker area and there are kids who ride bikes and walk to school and it's too dark some mornings and compromises their safety. Second item, she received a call from the Miss Farmington Pageant director who wants to bring back Miss Farmington, and not have it funded under Parks and Recreation. She wants to bring a plan in and is wanting to work with the community on this. Farmington is one of the longest running historical pageants and wants to bring it back. **Mayor Jim Talbot** asked for the director to make up a plan to present.

**Mayor Jim Talbot** announces open house information about **Ken Klinker's** retirement on August 15<sup>th</sup> and **Keith Johnson's** retirement on August 22<sup>nd</sup>. **Mayor Jim Talbot** also wants the City Council members to know that there is a League of Cities and Towns Conference (ULCT) that is being held on September 11<sup>th</sup> – 13<sup>th</sup>, in Salt Lake City. **Holly Gadd** needs those that will be attending. **Mayor Jim Talbot** will be out during this time. **Shane Pace** will help rally those who need to go in place of **Mayor Jim Talbot**. **Holly Gadd** also noted the Appreciation Dinner on Monday August 12<sup>th</sup>.

*Motion: **Alex Leeman** motioned to go into closed session, **Rebecca Wayment** second the motion.*

*Motion: **Brett Anderson** made the motion to go out of closed session and adjourn the regular meeting. **Doug Anderson** second the motion.*

ADJOURNED at 8:58 PM

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Holly Gadd, City Recorder