

**FARMINGTON CITY – CITY COUNCIL MINUTES
SEPTEMBER 17, 2019**

WORK SESSION

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

EASEMENTS/TRAIL

Mayor **Jim Talbot** asked **Brigham Mellor** to discuss Easements and Trails. He showed a drawing of the Red Barn and surrounding property. The Legacy Trail runs through this property and dead ends at Red Barn Lane. The Governor's Office of Economic Development contribute a large amount of funds towards trail improvements and outdoor recreation initiatives. This last year we already received the grant for the West Shepard Trail. **Shane, David** and **Brigham** have had conversations with developers that are big office users that are interested in having direct access on the Legacy Trail all the way to the train station. They want trails to mass transit. The Red Barn developer is planning to open a coffee shop and they will open their restrooms to people using the trail. They want to make this area a gateway to the office park. When we did the Site Plan for the Arbinger Building, they gave us the trail easement. The grant money will go towards to the construction of the trail and the Haws Company can use their money to do what they want to do along the trail. It has a trailhead component that ties in with the Legacy Trail. We want to get the twelve-foot trail easement that comes off the fence that goes between the Union Pacific and the Red Barn. It will extend the Legacy Parkway Trail. It will be expensive to install the trail over Shepard Creek. When we talk to developers, we will have the easement that they want. All we have to do is leverage the money we received from the Governor's office to do that. We received \$50,000.00 from the Governor's office. **Shane** said what the Haw's are asking us for is to make their money go farther. What we are asking them is we help them we want the easement. **Mayor Talbot** asked that we get the easement now. **Brigham** said that the reason we wanted to do this during the work session is that we do not want to draft an agreement with the Haws Company and not have the Council's support on the basics. **Brigham** stated that if the Council is okay with our approach right now we will work out an agreement that when the Council okay participation in the trail improvements at the same time they will give the City the easement as part of the agreement. Trails are important. They are vital to the actual Economic Development of the Office Park. Trails to the mass transit are essential. **Brigham** asked the Mayor and Council if they are okay to proceed with an agreement and bring it back to the Council. They all agreed.

COOK PROPERTY

This property is on the bend in Station Parkway where it connects to Burke Lane. **Dave Petersen** showed the General Plan. It shows the Cook property being half-residential and half non-residential uses. Currently it is zoned Agriculture. They came to the Planning Commission with a 119-townhome concept. The Planning Commission voted 4 to 3 to approve the rezone to

GMU. Staff recommended against it. The developer came back with a couple of concepts. One concept had 1 hotel and 70+ townhomes. When the City obtained Station Parkway as part of getting the right-of-way that crosses the Cook property the City entered into an agreement where they got a credit of \$276,000.00 in impact fees. Under the concept of 119 townhomes, we would not collect enough impact fees to pay back the right-of-way and we would owe them money. The concept of 1 hotel and 70+ townhomes we would still not break even. Under the concept where the majority of the property is under non-residential uses, they will finally use the credit and we will get more in impact fees. Staff is interested in pursuing this concept. The Planning Commission has not seen this plan yet. In **Dave's** opinion this needs to go back to the Planning Commission for Schematic Plan review and then brought back to the Council to consider both the Schematic Plan review and the possible rezone at the same time. **Dave** said that they have also explored the VRBO option with them regarding short-term rentals. They would not hit into our increment. **Brigham** stated you have 112 units in CRA2 that you can put in there before the School District deduct their amount of increment. If these are short term, rentals the School District does not count them against our 112 units. **Brigham** said that hotels are great from an Economic Development standpoint. **Dave** said that the developer is willing to enter into an agreement with us to lock the amount of townhomes and amount of commercial. There might be another way to lock them in without an agreement. **Mayor Talbot** said that the advantages of tabling this item is to investigate Airbnb and VRBO. **Dave** said that on the short-term rentals, there can be deed restrictions put on them and in five to ten years, they can become regular units. **Tod Jones** called **Dave** regarding access to his property. Phasing has not been discussed.

LT. GOVERNOR SPENCER COX – SERVICE PROJECT

Brett Anderson said that it has been advertised heavily that **Lieutenant Governor Spencer Cox** is going around to each city and trying to do a service project. **Brett** suggested that if UDOT is being unresponsive about putting a crosswalk on Main Street, maybe he can talk to UDOT about approving the crosswalk and then he could come help paint it. **Brett** asked if there were any other ideas for a service project. The response was positive regarding the crosswalk. **Shane** said that we have already submitted the application for the crosswalk. Maybe **Lieutenant Governor Cox** could follow up on the application. **Brigham** will send a copy of the application to **Brett**. A plan B could be that we take him to where we would like the pedestrian overpass and talk about how important it is for the safety of everybody to get them across and not let the Legislature forget that we need a pedestrian overpass.

CREEKSIDE MANOR

Shane Pace said that that **Jerry Preston** met with **Dave** and **Meagan** and he wants an agreement with the City. The agreement he wants has these things in it. They are:

1. We would not construct the trail until the whole corridor was acquired.

We cannot do that because we need access to the detention basin for maintenance.

2. The future lot owner of Lot 107 wants the City to install a fence along the corridor between their property and the trail. They also want a privacy fence between the trail and the creek.

Dave said that essentially be a 300-foot dog with fences on both sides. It would be a safety issue. We do not have any interest in having that as part of an agreement. **Rebecca** asked if the City normally supply the privacy fences when we do trails or trail easements. **Shane** said it depends on the negotiations. In this subdivision it was part of the negotiations. If they gave us an easement we would install a fence as part of the negotiations. **Rebecca** asked about the property owner of Lot 106 that wanted access to the creek for watering their livestock. **Shane** said they would have access to the creek. **Shane** said they are going to stay consistent with what **Dave** told them last Friday. The **Mayor** and **Council** agreed.

REGULAR SESSION

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

CALL TO ORDER:

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

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

Cory Ritz offered the invocation and the Pledge of Allegiance was led by Scout **Beckett Jenkins**.

PUBLIC HEARINGS:

Plat Amendment for Rice Farms Estates Phase 7 PUD

Meagan Booth, City Planner introduced this item. The applicant is **Justin Atwater**. Applicant is requesting a recommendation for a plat amendment creating one additional lot in the Rice Farms Estates Phase 7 PUD. They are not going to go above the allotted number of lots for all of the phases. This will be lot number 111 of the 116 lots allotted.

Justin Atwater, 1170 East Goldspur Lane, Fruit Heights, Utah stated that originally, they contemplated platting all of the Rice property but the family was not prepared at that time to sell it all. When they began to install the improvements, **Glenn Rice** approached them and said that he wanted to plat another lot. The improvements were installed at that time after talking to **Chad Boshell**, City Engineer regarding the locations. This lot will front 140 East. **Justin** wanted to report that the Historic home has been sold to **Bob Aamodt**. **Bob** had family that lived in that home and he has plans to restore and repair it in some fashion. **Justin** also wanted to report that the trail is used frequently. **Justin** is the developer and is not associated with Symphony Homes. The homebuilder is **Guy Haskell**.

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

Motion:

Doug Anderson moved that the City council approve the proposed major plat and amend the Rice Farms Estates Phase 7 PUD thereby subdividing Lot 710 thereof and creating an additional lot 711 as requested by the applicant subject to all applicable Farmington City standards and ordinances and the applicant continues to work with the City and other agencies to address any outstanding issues remaining with regard to final plat prior with findings 1 through 4.

Brett Anderson seconded the motion, which was unanimously approved.

Amendment to Title 11 Chapter 31 regarding Flood Damage Prevention

Dave Petersen, Community Development Director introduced this item. The ordinance that addresses requirements of the National Flood Insurance Program (NFIP) that protects houses which are located in the special flood hazard area (SFHA, also referred to as the 100 year flood plain) is in need of modification to increase the safety from flooding and to add definitions and clarify some information, including who is required to address changes in the flood plain due to development. It also needs to have some references to other ordinance updates.

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

Motion:

Rebecca Wayment moved the City Council approve the enclosed enabling ordinance amending text of Chapter 31 of the Zoning Ordinance, Flood Damage Prevention, as set forth there in, with the following findings 1 through 3 as is listed in our staff report.

Alex Leeman seconded the motion, which was unanimously approved.

Zone Map Amendment for Cook Property (West of Station Parkway and South of Burke Lane)

Dave Petersen, Community Development Director introduced this item. This property sits on the bend of Station Parkway as it merges with Burke Lane. The General Plan for this area shows a healthy mix of uses, at least half non-residential uses with some residential. The property is zoned Agriculture. The Regulating Plan shows the street layout and calls for the GMU zone. The Planning Commission and Staff recommended that it was not consistent with the General Plan. There were two alternate motions. One to deny and one to approve. The Planning Commission asked if the GMU zone could implement the plan they saw and the answer was yes. The Planning Commission voted 4 to 3 to recommend the GMU zone. Planning met with the developer and told them that in order to get a good recommendation from staff they need more

mixed use and less residential. They have come up with a new concept. They are proposing fifty townhomes, two hotels and an office building. Staff feels that the City Council should table this plan to allow time for the Schematic Plan Application to be submitted to the Planning Commission. The City Council could then consider the Schematic Plan and the rezone as one package. Staff feels that after reviewing this plan there may be an option to implement this Master Plan, or concept relating to this Master Plan without having to do a Development Agreement as well.

City Council Review: Section 11-6-020 E states :Except as provided herein, the city council shall review the proposed amendment to this title or zoning map . . . after the public meeting, the city council may make any modifications to the proposed amendment to this title or zoning map that it considers appropriate and in accord with the city general plan and may thereafter adopt the amendment as proposed, modify the amendment and adopt or eject the modified amendment, or reject the proposed amendment.

Taylor Spendlove, Kaysville, Utah works for Brighton Development. He met **Darmesh** _____ at the Planning Commission meeting and he expressed an interest in partnering with Brighton Development on this project and building some hotels. Since that time, they have met with **Darmesh**, the property owners and City staff to come up with a project that would work. **Taylor** stated that they are fine with this item being tabled so they can work out a Development Agreement or whatever the City staff has in mind. He would like to get a read on whether or not this is in general concept something that the City Council would feel comfortable moving forward.

Mayor Jim Talbot opened the Public Hearing.

Tod Jones, 1267 W. Burke Lane, Farmington Utah

He is not opposed to the rezone or the development. His concern is that adequate and good access is provided to his property. Right now, the Regulatory Plan shows a road through the middle of his property, which would create two better sized parcels than the long narrow parcel he now has. His concerns are access, being kept informed, everyone cooperates with each other and infrastructure.

Jeff Cook, 582 N. 340 E., Centerville Utah

He represents the Cook family. The Cook family has owned this property for approximately 50 years. Years ago, the Cook family cooperated with the City when the City wanted to extend Station Parkway to Burke Lane. They hope they will receive the same consideration back.

John Hirst, 348 Park View Circle, Bountiful, Utah

His comments were covered by Jeff Cook.

Mayor Jim Talbot closed the Public Hearing.

Brett Anderson asked **Dave Petersen** if the question of access and utilities gets vetted out at Schematic. **Dave** said yes. **Brett** said he was glad it had been brought to their attention. **Brett** said that typically we do a zone change when we have an idea of what is going to happen. Often

times we conditionally tie the zone change to project that is presented to the Council. He would like more time to investigate the options presented and get more feedback from **Brigham** as to how this will affect our increment and whether or not we are jeopardizing our increment with the School District. Perhaps the easiest way to get there without a Development Agreement is to do the zone change and tie it to the plan.

Alex Leeman thinks that they are on the right track in comparison to what the Planning Commission saw but not all the way there yet. We have a limited number of rooftops and we are concerned about giving away a big chunk of residential rooftops right out of the gate. The City wants this area to be developed as a business park and the hotel use and office building are compatible with that plan.

Cory Ritz agrees with **Brett** and **Alex's** comments as far as it being on the right track. He does not support the previous concept. The new concept in general goes very much to the look, feel and plan that we are hoping to get. He likes the hotel concept. He echoes what has been said that they are on the right path.

Alex Leeman stated that this parcel really sits at the gateway of our envisioned business park area. He asked that they have that in mind as they think about how they want to present this parcel. They have a great opportunity to provide an entrance to the business park.

Rebecca Wayment thinks that the gateway aspect is big thing to consider. She likes the plan and asked that they to do what they can to beautify the street. She liked the idea of having hotels close to the Assisted Living Center and thinks that is a compatible use for the area. She would like to see it vetted out and make sure we are taking care of the office park needs first before we start giving away rooftops. She is in favor of tabling this and sending it back to the Planning Commission, staff and the developer to hash out some of our concerns.

Mayor Talbot stated that we have been working on this business park for many years. He wants to make sure it is something to be proud of. This is the development that will take Farmington City through whatever tough times are ahead. He would like to see a monument and he wants the same kind of quality as Station Park. This is what we are fighting for to save the residents from raising taxes. We need to be fair to other individuals that have come forward on other pieces of ground that have had an interest in being able to develop. The Council wants a business park first and foremost. The property owner and the developer sets the stage for what is happening. He feels that it is a good idea to table this to see what we can come up with working with everyone.

Motion:

Brett Anderson moved that the City Council table action to allow time for City staff (and the applicant and /or property owner) to draft an agreement for City Council consideration and present schematic plan to ensure, among other things, that the timing of the development will emphasize the non-residential uses and allow time for the developer to submit an application for schematic plan review to the Planning Commission, which schematic plan, if approved by the Council, can be an exhibit to the agreement and or prelude to the zone change.

Cory Ritz seconded the motion, which was unanimously approved.

OLD BUSINESS:

Possible Public Improvement Waivers and /or Extension Agreement – Glover Lane

There are power poles in this area that need to be moved. If the property owner has the power poles moved by Rocky Mountain Power and installs the sidewalk it will be a huge task. If it is a City project then due to the Franchise Agreement with Rocky Mountain Power they will move the poles at no cost. UDOT is considering having Glover Lane go over the West Davis Corridor instead of under it so we are not certain where the curb and gutter will be located. UDOT may be doing some of our utility improvements along Glover Lane in the next couple of years. A person is interested in the corner lot of Glover Lane and Shirley Rae Drive and we do not have enough information to know the radius can match up with the radius across the street. Public Works is wondering if the City Council would consider a cash bond in lieu of him doing these improvements. The Public Works are pretty confident the improvements would have to be pulled back out if they are done not at a cost to the City.

Mayor Talbot asked where the cash bond goes. **Shane** stated that it would be in an interest bearing account. The **Mayor's** concern is if we do not require enough to cover the cost of the improvements in the future, the City will be responsible for paying the difference. If UDOT installs the sidewalk as part of the improvements to Glover Lane the cash bond would be refunded. **Shane** stated that we are the ones that will set the amount of the cash bond. He will do a generous estimate. The **Mayor** asked what the time frame is. **Dave Petersen** said that when UDOT is done with the utilities and they get their design set we could pull the trigger. We want Rocky Mountain Power to move the poles first so it could be a year and a half or two years. UDOT will install curb and gutter. They will not install sidewalk. We can use the cash bond to install the sidewalk.

Motion:

Alex Leeman moved that the City Council will authorize staff to negotiate and accept a cash bond in lieu of sidewalk improvements for parcels on Shirley Rae Drive, specifically the Ace Athletic Academy, we will not waive the construction of public improvements requirement but accept a cash bond in lieu thereof to ensure the proper installation of these improvements in the future for the reasons set forth in the background information below---and in no event enter into an extension agreement for such improvements.

Rebecca Wayment seconded the motion, which was unanimously approved.

SUMMARY ACTION:

Minute Motion Approving Summary Action List

Approval of Minutes from August 20, 2019

Motion:

Rebecca Wayment moved that we approve the Summary Action list items number one as noted in our staff report.

Doug Anderson seconded the motion, which was unanimously approved.

GOVERNING BODY REPORTS:

City Manager Report

Shane Pace stated that the Fire Reports are included in the packet. He commented how impressed he was with the fire response yesterday. He was very impressed how all the Fire entities across the County worked together. **Mayor Talbot** suggested that we focus on the Fire Department in one of our next newsletters.

Mayor Talbot and City Council Reports

Alex Leeman commented that he attended the convention and felt that it was worthwhile.

Cory Ritz stated that until it cools down this is a really bad month for mosquitos. West Nile has been diagnosed in Davis County.

Doug Anderson noted that it has been a couple of City Council meetings without any Youth City Council members attending. He will call **Emily Pace, Youth City Council Director**.

Rebecca Wayment stated that the Trails Committee meeting is tomorrow. **Mayor Talbot** asked **Rebecca** to let the Trails Committee know about a cleanup project scheduled in Somerset on September 28, 2019. Another critical cleanup project along the trail in Somerset will happen during Spring Cleanup.

Rebecca asked a follow up about UTOPIA fiber. She asked if we were going to have other companies come to make presentations. **Shane** will be attending a meeting next week with other cities regarding fiber. Spanish Fork will be doing a presentation about the process they went through to create a system within their community. **Shane** has been reading about 5G services. His biggest concern about building a system in our community right now is that in five to ten years is it going to be used because of 5G and then the follow up of 6G and then the follow up of 7G. **Rebecca** will attend the Kaysville City Council meeting tomorrow and give an update at the next council meeting.

CLOSED SESSION:

Motion:

Cory Ritz made the motion to go into a closed meeting for the purpose of **property acquisition**. **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:

Doug Anderson made a motion to reconvene to an open meeting. The motion was seconded by **Alex Leeman** which was unanimously approved.

ADJOURNMENT

Motion:

Alex Leeman made a motion to adjourn the meeting. **Cory Ritz** seconded the motion, which was unanimously approved.

Holly Gadd, Recorder