

## FARMINGTON CITY COUNCIL MEETING

October 2, 2018

### WORK SESSION

*Present: Mayor Jim Talbot; Councilmembers Doug Anderson, Rebecca Wayment, Brett Anderson, Alex Leeman; City Manager Dave Millheim, City Development Director David Petersen, City Economic Development Director Brigham Mellor, City Recorder Holly Gadd, and Recording Secretary Tarra McFadden*

*Excused: Councilmember Cory Ritz*

### Alternative Mode of Transportation

Economic Development Director **Brigham Mellor** presented information related to shared mobility devices such as bikes, electric bikes, and electric scooters. Daniel Franklin, Operations Manager for Lime Bikes in Salt Lake City was present and available to answer questions. **Brigham Mellor** said that the City could develop an agreement with multiple companies. The City would be released from liability as the riders assume the liability as part of the rental agreement.

**Brigham Mellor** suggested that the scope of the agreement would be a 12 month term, limiting the number of devices in the City from between 100 and 200 with locations in West Farmington near Station Park. There would be no cost to the City and a small revenue benefit from business licenses and space rental. Mayor **Jim Talbot** and **Brigham Mellor** met with representatives from CenterCal who may be interested, but would like to limit where the devices can be ridden and stored. **Jim Talbot** suggested that Lime, and other shared mobility device companies, should work directly with CenterCal to gain their support.

The Mayor and Councilmembers discussed potential demand for the devices at Station Park and near the Frontrunner Station. They noted that it may encourage cross-shopping at Station Park and that this could be an economic development tool. They noted that there is not currently a safe way to get across Park Lane and so they would plan to limit them to West Farmington in the initial rollout. **Brigham Mellor** noted that as part of the agreement with a shared mobility device companies the City would receive data about where and when the devices are being used, so future plans can be adjusted.

**Brigham Mellor** committed to presenting a proposal at a future City Council meeting for a formal vote.

## **REGULAR SESSION**

*Present: Mayor Jim Talbot; Councilmembers Doug Anderson, Rebecca Wayment, Brett Anderson, Alex Leeman; City Manager Dave Millheim, City Development Director David Petersen, City Economic Development Director Brigham Mellor, City Recorder Holly Gadd, and Recording Secretary Tarra McFadden*

*Excused: Councilmember Cory Ritz*

### **CALL TO ORDER:**

Mayor **Jim Talbot** called the meeting to order at 7:02 p.m.

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

The invocation was offered by **Dave Millheim** and the Pledge of Allegiance was led by Mayor **Jim Talbot**.

### **PRESENTATIONS:**

#### **Recognition of Dave Quinley for 15 Years of Dedicated Service to the Police Department**

Chief **Wayne Hansen** presented Dave Quinley with a ring to commemorate his service of 15 years with the Farmington Police Department. Dave Quinley shared that this was a wonderful place to live and work and that he loves the citizens of Farmington.

#### **Introduction of 2 New Police Officers and the Administration of Oath of Office**

Chief **Wayne Hansen** presented two new officers and **Holly Gadd** administered the Oath of Office. Spencer Peterson just finished field training and is looking forward to serving the city of Farmington. Brian Ives previously worked for the city and is now returning after a brief retirement. Chief **Wayne Hansen** thanked the Mayor and Council for their support of the growing Police Department and noted that six new officers have joined in the last 15 months. He also thanked the women and men he serves with who make the community a great place to live and work.

### **PUBLIC HEARINGS:**

#### **Rezone and Schematic Plan for Kirkham Subdivision located at 975 N Compton Road**

**David Petersen** presented information related to the subdivision and noted that the master plan has this property as low-density residential. A portion of the property is zoned A-F which has affected the yield plan. The applicant is seeking a rezone to LR which would allow for 4 lots including an existing home. The applicant has worked with City Staff for storm drainage plans and one lot will have an onsite retention basin. The Planning Commission unanimously recommended the rezone and schematic plan for approval.

The applicant, Justin Atwater (1170 Gold Spur Lane, Fruit Heights) stated that he met with the Noorda's to discuss the project's impact on their home. He said that they indicated they were planning to stay in the area while caring for an aging family member but plan to move to St. George in the future. He said that the City Engineer and staff from Public Works came to an agreement about storm drainage and manhole covers.

***Mayor Jim Talbot opened the public hearing at 7:23 p.m.; with no one 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 enclosed enabling ordinance amending the zoning map from A-F to LR-F for approximately .31 acres of property located at 975 N. Compton Road as identified by parcel identification number 080520206, subject to all applicable Farmington City ordinances and development standards and the following condition: the approval is subject to an approved preliminary plat, and Findings for Approval 1-3.

**Alex Leeman** seconded the motion which was approved unanimously.

Findings for Approval:

1. The proposed rezone is consistent with General Plan designation of LDR.
2. The proposed rezone is consistent with surrounding neighborhoods, including the remaining 2 acres of the subject property.
3. Making the rezone contingent on the approval of a preliminary plat ensures that vesting does not occur without the approval of the subdivision, protecting the city in the event that the applicant does not move forward with the subdivision.

***Motion:***

**Brett Anderson** moved that the City Council approve the schematic plan for the Kirkham Subdivision, subject to all applicable Farmington City ordinances and development standards and Conditions 1-4 and Findings for Approval 1-3.

**Rebecca Wayment** seconded the motion which was approved unanimously

Conditions for Approval

1. The applicant shall provide the additional foothill overlay zone plans and development standards as set forth in Section 11-30-050 of the Zoning Ordinance prior to or concurrent with final plat;
2. The applicant shall amend the right-of-way to include park-strip and sidewalk on preliminary plat;
3. The applicant shall amend the alignment of the storm drain line on preliminary plat and subject to City Engineer approval;
4. All outstanding comments from the DRC for schematic plan shall be addressed on preliminary plat.

Findings for Approval:

1. The proposed plan meets the requirements of the subdivision and zoning ordinances of an LR-F zone, if the rezone does occur.
2. Schematic plan does not vest the property, and will be null-and-void if the rezone is not passed.
3. The proposed plan is for a conventional subdivision in the LR-F zone, and is an administrative act, if the rezone does occur.

**Amendment to Hughes Farms Subdivision Conservation Easement**

**Rebecca Wayment** noted that her property abuts this subdivision, but is not impacted by this amendment and does not impact her decision on the item.

**David Petersen** said that the subdivision was approved as a conservation easement and contained a number of conservancy lots which restricted building on individual lots. Owners of the lots have unknowingly constructed walls, backyard amenities and fences in violation of the easement. The residents are working with the City and hope that the Council will amend the conservation easements to bring them into compliance. He noted that the flood control berms have not been compromised.

**Brett Anderson** asked why certain things were prohibited on conservation easements. **David Petersen** answered that it was to protect the area in perpetuity and noted that the amendment process has tight criteria for approval so that the original intent is acknowledged.

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

**Darrick Katsilas**, 1012 Water Turn Drive, said residents have improved their property with grass, gardens, and fences for dogs and kids. They hope that the City Council will look at their subdivision as if it had normal residential zoning.

*Mayor Jim Talbot closed the public hearing at 7:47 p.m.*

**Brett Anderson** asked about the source of the amendment policy, and **David Petersen** responded that it was free standing ordinance. **Brett Anderson** said that he understands the action before the Council and that the residents were not aware of the building restrictions but he is not sure if it meets Mandatory Criteria part 8h. of the ordinance which states “The amendment does not provide a private benefit to the landowner or any private party.” **Alex Leeman** said that the fence violated the conservation easement and an amendment would be a benefit to the property owners. **David Petersen** said that Finding 9 addressed this concern. **Alex Leeman** and **Brett Anderson** suggested clarifying the conservation easement amendment policy to define “private benefit.” **David Petersen** said that a resident had built a shed in the Conservation Easement and that with this amendment the shed would still be non-conforming. The staff recommends enforcing the code violation and requiring that the shed be moved out of the conservation easement.

***Motion:***

**Alex Leeman** moved that the City Council approve the petition by the owners of Lots 7, 8, 9, 10, 11, 15, and 16 of the Hughes Farm Subdivision to modify the conservation easement as set forth in the enclosed "Conservation Easement Amendment No. 1" with a correction to Amendment to Permitted Uses 4(d) reading "Landscaping improvements and activities such as landscaping, lawns, fences and retaining walls as approved by Farmington City and Davis County...", and direct staff to provide a clean copy (without red-lines) of the amendment for signatures with Findings for Approval 1-9. **Doug Anderson** seconded the motion which was approved unanimously.

Findings for Approval:

The amendments to the Conservation Easement attached hereto are--

1. Minor or incidental changes which are not inconsistent with the conservation values or purposes of the Conservation Easement and/or provide clarification to aid in the interpretation of the document;
2. Consistent with the overall purpose of the Conservation Easement and will not be detrimental to or compromise the protection of the stated conservation values of the Property;
3. Substantially equivalent to or enhance the conservation values of the Property;
4. Consistent with the City's goals for conservation of land under the Farmington City Conservation Subdivision Ordinance and will not undermine the City's obligation to preserve and enforce other conservation easements it has accepted;
5. Minimum change necessary to achieve the desired and acceptable purpose;
6. Clearly warranted and in the best interest of the public and the subject Property; and
7. The granting of the amendments will not set an unfavorable precedent for future amendment requests; and
8. The amendments do not adversely affect the City's qualification as a holder of conservation easements or any claimed deduction for donation of the conservation easement; and
9. The amendments do not provide a private benefit for the landowner or any private party or parties no greater than found elsewhere in the Hughes Farm Subdivision.

***Councilmember Doug Anderson was excused from the meeting at 8:08 p.m.***

**NEW BUSINESS:**

**Resolution Amending the Consolidated Fee Schedule related to Application Fees**

**David Petersen** said that in an effort to manage increasing costs related to engineering and other consultants, the City enacted a professional service deposit fee for some parts of the development

application process. Since the City has hired a full-time engineer, this deposit is no longer needed. The staff is recommending an increase to the City's base application fee to cover outside consulting costs. The City has not raised the base fee in approximately 20+ years. **David Petersen** noted that the special exception application fee will be added to the consolidated fee schedule as part of the resolution.

***Motion:***

**Brett Anderson** moved that the City Council approve the resolution contained in the staff report which updates the consolidated fee schedule by: 1) eliminating the professional service deposit fee related to certain development applications, 2) increasing specified subdivision, site plan, and other application fees, 3) enacting another fee for development applications which make necessary multiple reviews, and 4) memorializing a fee for special exceptions.

**Rebecca Wayment** seconded the motion which was approved unanimously.

**Ordinance Amending City Code Regarding On-Street Parking**

**David Petersen** presented a proposed ordinance which would amend the on street parking standards. He noted that the current rules are ambiguous and that after a study of neighboring city's ordinances, staff has proposed that the ordinance indicate that a motor vehicle should not be on the street for more than a continuous 48 hour period and that other types of vehicles be restricted to loading and unloading and never longer than a continuous 24 hour period. He said that the City handles code enforcement on a complaint basis because it would be too expensive to be constantly looking for and enforcing violations. **Rebecca Wayment** said that she prefers the winter policy that restricts overnight parking and said that it seems that anything goes in the summer which can lead to vehicles impeding traffic, causing congestion or otherwise creating safety hazards. **Dave Millheim** cautioned against drastic changes in behavior and that incrementalism is appropriate, he also noted that if there was a safety concern, other sections of the municipal code could be used to mitigate.

***Motion:***

**Alex Leeman** moved that the City Council approve the ordinance contained in the staff report amending Chapter 5 of Title 14 of the Farmington City Municipal Code regarding storing vehicles on street and parking of large vehicles.

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

**SUMMARY ACTION:**

1. Approval of Minutes from September 18, 2018

**Rebecca Wayment** moved, with a second from **Brett Anderson**, to approve summary action item 1 as contained in the staff report.

The motion was approved unanimously.

***Motion:***

At 8:31 p.m., **Alex Leeman** moved to adjourn to the Redevelopment Agency Meeting. **Rebecca Wayment** seconded the motion which was approved unanimously.

***Motion:***

At 8:36 p.m., **Brett Anderson** moved to reconvene to the City Council Meeting. **Rebecca Wayment** seconded the motion which was approved unanimously.

**GOVERNING BODY REPORTS:**

**City Manager Report**

1. Fire Monthly Activity Report for August
2. Building Activity Report for August
3. City Manager Recruitment Update-closed meeting

**Dave Millheim** referred to the reports contained in the meeting packet and noted that item 3 would be discussed in the closed session.

**Mayor Talbot & City Council Reports**

**Councilmember Doug Anderson**

Excused

**Councilmember Cory Ritz**

Excused

**Councilmember Brett Anderson**

**Brett Anderson** said that he has clients that have someone that can remove the Makin house from the property but have interpreted the city ordinance as requiring preliminary plat approval prior to removal. **David Petersen** clarified that preliminary plat approval is needed prior to demolition, but removal could be done any time.

**Councilmember Alex Leeman**

No updates to report.

**Councilmember Rebecca Wayment**

No updates to report.

**Mayor Jim Talbot**

Mayor **Jim Talbot** provided an update about new retail ventures that will soon be located in Station Park. He noted that big shopping centers change and evolve and that the turnover seen in Station Park is normal and should not be alarming.

## **CLOSED SESSION**

### ***Motion:***

At 8:49 p.m., **Rebecca Wayment** made a motion to go into a closed meeting for purpose of land acquisition and to discuss the character and competency of an employee. **Alex Leeman** 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 9:50 p.m., a motion to reconvene into an open meeting was made by **Alex Leeman**. The motion was seconded by **Rebecca Wayment** which was unanimously approved.

## **ADJOURNMENT**

### ***Motion:***

At 9:51 p.m., **Brett Anderson** moved to adjourn the meeting.

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**Holly Gadd**, Recorder

**Posted 10/22/2018**