

## FARMINGTON CITY COUNCIL MEETING

November 13, 2018

### WORK SESSION

*Present: Mayor Jim Talbot; Councilmembers Rebecca Wayment, Cory Ritz, Alex Leeman, Brett Anderson; City Manager Dave Millheim, Fire Chief Guido Smith, City Development Director David Petersen, City Recorder Holly Gadd, and Recording Secretary Tarra McFadden*

*Excused: Councilmember Doug Anderson*

### Farmington Creek Trail / Creekside Manor

**Jim Talbot** said that the proper notice was not given for the Farmington Creek Trail item. His plan was to open the public hearing tonight and recommended the Council continue the item to December 4<sup>th</sup>.

Jerry Preston shared the challenges of being a developer on the remaining properties in Farmington. He said that people want to live in Farmington, but affordable housing is a challenge. He said that most families cannot afford to start out in a home and are opting for apartments or townhomes. He referenced the Makin property that was rezoned and divided to make more affordable lots, but the homes on that property will end up between \$400,000 and \$550,000. He said that through the TDR process he is essentially splitting the profits on the property with the City and that it is adding \$28,000 to the cost of those homes. He noted that on most projects density has to increase for the project to make economic sense. Jerry Preston suggested that the City Council look at other zoning options for the remaining property in Farmington

Jerry Preston said that with the Creekside Manor property four landowners in the middle of West Farmington want to do a conservation subdivision or a TDR to have large lots and provide some open space to the city. The landowners do not want to have a trail in their backyard as they are looking for exclusivity with their subdivision. He feels that the City should not force a trail on landowners.

**Alex Leeman** asked if the application was being presented to the City Council with the option of the trail and if the landowners do not want the trail if it needs to go back to the Planning Commission.

**Cory Ritz** clarified that the application is for the subdivision without the trail, and the Planning Commission added a trail as a condition of their recommendation. **David Petersen** noted that the Planning Commission did not have a preference for a TDR or a conservation subdivision but want the trail as part of the approval. **Brett Anderson** said that if the application was for five homes, the applicant has the acreage and the zoning to do so and the City Council does not have much discretion, but because the applicant is asking for increased density the Council has more discretion with approval.

### Business Park

**Dave Millheim** suggested this item be covered in the work session unless people attend the City Council meeting for the public hearing. **Brigham Mellor** presented the item as the rezone of 19.24 acres at Burke Lane and 1525 West to OMU. The City is purchasing property from the Kelly family

with mitigation funds for the park which was zoned TMU. As a condition of the sales contract, the subject property needs to be rezoned OMU.

**Alex Leeman** asked if the owners would lose the rezone if construction did not begin in two years (citing 11-6-50). **Dave Millheim** said that this did not apply since the City is the applicant for the rezone. **Rebecca Wayment** said that granting the zoning makes sense, but wondered if the City Council would have some say in what gets built or if the zoning was enough of an entitlement to allow them to build townhomes/apartments without approval. **David Petersen** said that the projects would still have to go through the normal approval process and that OMU would not allow residential projects.

### **CRA 1 & 2**

**Brigham Mellor** said that a public hearing is required for comments addressing the ordinance. He said that he has met with every taxing entity and they have all agreed to the terms. The next steps are for the City to adopt the ordinance. He noted that this would not guarantee that any one party will get the funds and that subsequent steps will also have public input. **Dave Millheim** said that applications will soon be coming in and it would be good to capture those revenues to support future infrastructure. **Jim Talbot** said this would not impact taxes for residents. **Brigham Mellor** explained that 70% of the taxes collected from new buildings will go into a pot for infrastructure improvements. **Brett Anderson** asked what development might look like without the CRAs in place. **Brigham Mellor** said that Station Park without the CRA would likely be strip malls and retail only, but with the financing was able to be developed with landscaping, fountains, etc.

### **REGULAR SESSION**

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

*Excused: Doug Anderson*

### **CALL TO ORDER:**

Mayor **Jim Talbot** called the meeting to order at 7:04 p.m.

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

The invocation was offered by **Brett Anderson** and the Pledge of Allegiance was led by **Rebecca Wayment**.

Youth City Council representative **David Stratford** introduced himself as a senior from Farmington High School. He has enjoyed interacting with the community and helping out with various events as part of serving on the YCC.

### **PUBLIC HEARINGS:**

**Ordinance Adopting the North Station Community Reinvestment Area 1 (CRA I)**  
**Project Area Plan**

**Dave Millheim** said that the area north of Station Park, south of Shepard Lane and between I-15 and the DRG trail went through a planning charrette with all of the property owners and a sub-area master plan was developed. The property will be a mix of office, retail and residential properties.

**Dave Millheim** explained Tax Increment Financing as a way for cities to capture future property tax revenue increases to invest in infrastructure.

**Brigham Mellor** said that Station Park was planned as a 20 year RDA which will be paid off in less than 8 years. Using the CRA mechanism will allow the city to put roads in place before the Shephard Interchange is completed and attract companies to fill office space.

**Dave Millheim** said that state law requires that 10% of revenue must be dedicated to low-income housing; the city could either contribute to the State Olene Walker Housing Loan Fund or set the funds aside for future development.

*Mayor Jim Talbot opened the public hearing at 7:32 p.m.; with no one signed up to address the Council on the issue, he immediately closed the public hearing.*

***Motion:***

**Brett Anderson** moved that the City Council approve the included ordinance authorizing the adoption of North Station CRA 1.

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

**Ordinance Adopting the North Station Community Reinvestment Area 2 (CRA2)**  
**Project Area Plan**

*Mayor Jim Talbot opened the public hearing at 7:33 p.m.; with no one signed up to address the Council on the issue, he immediately closed the public hearing.*

***Motion:***

**Cory Ritz** moved that the City Council approve the included ordinance authorizing the adoption of North Station CRA 2.

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

**Rezone of 19.24 acres located at the northeast corner of Burke Lane and 1525 West to OMU**

**Brigham Mellor** noted that this item was covered in the work session. He explained that the property selected for the mitigation of the 1100 West Park is a property located in the heart of the business park. The subject property will be rezoned as OMU as part of the purchase agreement of the park ground. **Jim Talbot** said that it was a lot of work with the City, UDOT and the property owners to secure the park property, and it will be good to close this deal.

*Mayor Jim Talbot opened the public hearing at 7:43 p.m.; with no one signed up to address the Council on the issue, he immediately closed the public hearing.*

**Motion:**

**Brett Anderson** moved that the City Council approve the rezone to OMU of property (19.24 acres) located at the northeast corner of Burke Lane and 1525 W subject to all applicable Farmington City development standards and ordinances and Findings for Approval 1-3.

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

Findings for Approval

1. The rezone is consistent with the general plan
2. The rezone is consistent with the 2016 North Station Small Area Master Plan
3. There are road improvements being done along Burke Lane in the coming year that make the rezone pertinent at this time

**Motion:**

At 7:44 p.m., **Cory Ritz** moved to adjourn to the Redevelopment Agency Meeting. **Rebecca Wayment** seconded the motion which was approved unanimously.

**Motion:**

At 7:54 p.m., **Cory Ritz** moved to reconvene to the City Council Meeting. **Alex Leeman** seconded the motion which was approved unanimously.

**Resolution Granting Consent to the Farmington City Redevelopment Agency to Receive Tax Increment for the Farmington North Station Community Reinvestment Area 1 (CRA I)**

**Brigham Mellor** referred to the staff report for this item. **Alex Leeman** provided a correction to paragraph “2. City’s Contribution of Tax Increment Financing” noting that it should read 70% both numerically and textually

*Mayor Jim Talbot opened the public hearing at 7:58 p.m.; with no one signed up to address the Council on the issue, he immediately closed the public hearing.*

**Motion:**

**Alex Leeman** moved that the City Council approve the included resolution authorizing the execution of the interlocal agreement for NORTH STATION CRA I with one change to paragraph “2. City’s Contribution of Tax Increment Financing” which should numerically and textually be 70%,

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

**Resolution Granting Consent to the Farmington City Redevelopment Agency to Receive Tax Increment for the Farmington North Station Community Reinvestment Area 2 (CRA2)**

*Mayor Jim Talbot opened the public hearing at 8:00 p.m.; with no one signed up to address the Council on the issue, he immediately closed the public hearing.*

**Motion:**

**Alex Leeman** moved that the City Council approve the included resolution authorizing the execution of the interlocal agreement for NORTH STATION CRA 2 with one change to paragraph “2. City’s Contribution of Tax Increment Financing” which should numerically and textually be 70%,

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

**Schematic Subdivision Creekside Manor**

Mayor **Jim Talbot** explained that due to improper notice the public hearing would be opened for comments to be received on November 13, but will also be continued to the next Council meeting scheduled on December 4.

**David Petersen** reviewed the application for the Creekside Manor subdivision. The area is zoned AE which would allow for five one-acre lots under conventional zoning but noted that one lot would not meet standards so the yield is 4 lots under current zoning. The application is for 8 total lots on 5 acres which is allowable in a Rural Residential Density but the applicant must do something for the increased density-either establish as a conservation subdivision with 1.5 acres of unconstrained open space or use the TDR process for 4 lots. **David Petersen** said that the Chapter 27 PUD option could also be explored. The development is along Farmington Creek and a trail along the Creek is identified on the Master Plan. The Planning Commission recommended a trail as part of TDR or in lieu of the open space requirement. **David Petersen** reviewed the findings and conditions for approval contained in the staff report. He noted that the Planning Commission, Public Works and the Parks Department all recommend including the trail as part of the development.

**Jim Talbot** asked how much right of way would be needed for the trail. **David Petersen** responded that the typical right of way in this instance is twenty feet. **Jim Talbot** asked if there was an agreement from adjacent property owners to continue the trail. **Jim Talbot** noted that the property owners could come in with a proposal for four lots and not have the trail as a condition for approval, but the trail was raised as a concession to receive the increased density.

Applicant, **Jerry Preston**, 177 North Main Street, said that the City did not have agreements signed from the property owners to the north or south of the subject property to continue the trail. He suggested that the trail is still conceptual and that the East West connection could happen along 500 South to the Rio Grande trail. **David Petersen** clarified that the City does have trail easements on the Nelson property and along the Eagle Creek property. Jerry Preston said that they may be asking for 3 or 4 TDR lots but the Planning Commission approved this as a conservation easement with a trail as the condition. Jerry Preston asked for approval via the TDR process not the conservation easement and trail. He also identified an acre lot on 500 South, but are interested in trading a lot for one on the interior of the subdivision; if the approval for the subdivision as presented does not happen, the Allen’s will likely build a home on their one-acre property and the rest of the subject property will become land-locked.

***Mayor Jim Talbot opened the public hearing at 8:22 p.m.***

Robert Wilkes, 1108 South 650 West Farmington, stated that his home will be impacted by the West Davis Corridor and will be taken by UDOT. His neighbor approached him about the opportunity to build a home behind the neighbor's home. This would allow his family to stay in the same neighborhood and schools. The landowners and interested parties approached Jerry Preston about building. They did not know that the trail requirement would be in the mix. He said that he currently lives along a trail and said that trails do not make great neighbors. He said that he has to be careful to keep things locked up and kept protected from public view. He said that the trail would devalue the property and he would not want the property separated from the creek by a trail. He asked the City Council to approve via the TDR process. He stated that he would not invest in the property if it was separated from the creek.

William Dell Moyes, 918 West 500 South, said that he built his home 20 years ago and his property was eventually annexed into Farmington City. He loves that atmosphere and has fond memories of Richard's Dairy. He noted that the rural atmosphere has changed with new schools, parks and the gym. He said that he was approached about selling his house and land who wanted enough for a home and animals with access to the creek. Mr. Moyes expressed interest and approached Jerry Preston about development options and navigating the approval process. The Planning Commission approved the project with the trail along the creek. He said that the landowners of West Farmington have sacrificed enough. He said that years ago the City approached him about access to the creek to dredge the creek. The property owners did not agree to that. He said that was the last time he had heard that the City was interested in a trail along the creek. He said that the West Davis Corridor plan includes trail connectivity to the bird refuge. He said the trails are important but not at the sacrifice of the land owners who have given up a lot for Davis County and Farmington.

Travis Allen, 1641 West Beamon Street, West Jordan, said that he owns a half-acre piece of land that Jerry Preston referenced. He said that if the deal is approved, he will take a piece deeper in the property. He suggested that there were other ways to connect the trails rather than along the creek. He does not want to prevent Robert Wilkes or Dell Moyes from developing, but that he would not want to be a part of the development if the trail goes through the property.

Susanne Moyes, 918 West 500 South, Farmington, said that the City would have to get the permission of several surrounding properties to be able to connect the trails. She said that 500 south would need a sidewalk put in and wondered if Farmington was ready to widen the road to continue the trail. She also noted that one would have to cross two streets if built along Nielson's property. She said it was ridiculous to be building a trail now that would be a small piece that does not connect to anything. She said that trail connection would not be as smooth as presented. She said that it will be difficult to let go of some of their property as she has enjoyed the trees and wildlife. She said taking out the trees along the creek would impact air quality and wildlife. She said that if the project is not approved, they will keep the property and continue fighting the trail even if the City feels that they have the power to take the property.

***Motion:***

***At 8:40 p.m. Alex Leeman moved that the City Council continue the Public Hearing to the December 4, 2018 City Council Meeting. Rebecca Wayment seconded the motion which was approved unanimously.***

**Brett Anderson** said that in reviewing the code he wondered how the Planning Commission was able to impose the condition of a trail. **David Petersen** said that the Planning Commission recommended the trail be part of the TDR process. **Brett Anderson** pointed out that the code indicates a cash payment is part of a TDR and asked if the Planning Commission overstepped their authority related to a TDR. **David Petersen** said that a TDR would require an agreement with the developer and that it is not as clean cut as the conservation easement approach but it is possible. **Dave Millheim** said that the TDR and conservation easement has a lot of flexibility. He said that he would clarify with the City Attorney about whether or not a TDR can be used in this instance. He said the TDR process has been in place for 4-5 years and in that time six out of nine applications have been approved. He reminded the Council that the process gives them discretion.

**Cory Ritz** clarified that the TDR can be used, but the question is whether or not the trail exaction condition can be used in congruence. **Alex Leeman** identified that the conservation subdivision ordinance has a fee in lieu provision. He said that regardless of what vehicle is used, it will come down to whether or not the City Council is willing to accept cash in place of a trail or just insist on a trail or not approve the application. **David Petersen** said that if cash is given to the City for the TDR it has to be spent on recreation or open space, so why not use invest in the regional trail.

**Alex Leeman** asked that at the next Council meeting **Dave Millheim** present information about what alternative compensation would be, either the TDR amount or the fee in lieu amount, and for what it could be used. **Dave Millheim** noted that TDR approval requires the valuation decision to be made early and up front and so he will meet with Jerry Preston about the options.

**Cory Ritz** said that previous TDR denials have come primarily due to neighborhood concerns, which does not seem to be the case here. He said that trails do make poor neighbors and said that trespassing and lack of privacy are big issues. **Brett Anderson** said that he had received an email from Dave Reeder that said he was not opposed to the density, but was not in favor of the trail. Dave Reeder expressed concern about inmates taking walks along a wooded trail, and also about pedestrian safety at 500 South and 1100 West. **Dave Millheim** asked if the trails committee needs to weigh in and the City Council confirmed that they would like the trails committee to present at the continued public hearing. **Rebecca Wayment** said that she enjoys living on a wooded creek, she said that she will be interested to see who attends the public hearing and the comments from the trails committee. She said that it was important to preserve the use that best fits the City.

The City Council adjourned for a break at 9:01 p.m. and reconvened at 9:07 p.m.

**Brett Anderson** asked that **Dave Millheim** discuss 11-28-240(a) where it references that the transfer be “elsewhere in the city” and subpart (e) where “cash” is referenced. **Alex Leeman** noted that 11-12-65 to apply the waiver would require a supermajority of the Council.

#### **NEW BUSINESS:**

#### **Ordinance Amending Provisions of the City Code relating to the Use of Public Rights of Way and Franchise Agreements (Title 9 Chapter 4)**

**Dave Millheim** said that his item impacts the summary action item of the new franchise agreement. **Todd Godfrey** reviewed the ordinance and said that it was out of compliance with State law. The franchise agreement cannot be approved until the ordinance is amended.

***Motion:***

**Alex Leeman** moved that the City Council repeal Chapter 9-4 and approve the enclosed chapter 9-4a of the City Ordinance. **Cory Ritz** seconded the motion. A roll call vote was taken with Councilmembers Leeman, Ritz, B. Anderson and Wayment voting in favor. **Doug Anderson** was excused.

**SUMMARY ACTION:**

1. Franchise Agreement with First Digital Telecom
2. Approval of Minutes from October 16, 2018
3. UTA Shuttle Service Agreement
4. Park Lane Commons Parcel B Plat Amendment
5. Resolution Amending the Consolidated Fee Schedule related to Pool Rentals
6. Surplus Property – Trailer

**Rebecca Wayment** moved, with a second from **Brett Anderson**, to approve summary action item 1 through 6 as contained in the staff report.

The motion was approved unanimously.

**DISCUSSION ITEMS:**

**ISO**

Chief **Guido Smith** presented information about the Insurance Service Office and their audit of Farmington Fire Department operations. He noted that the results show that there have been great improvements to dispatch and staffing, deployment capability and water delivery. He said that the City has improved from a Class 7 to a Class 3. He said that he is proud of the work that the Department has done to improve their services for the City. With the improved rating from ISO, homeowners can approach their insurance agencies and may reduce their homeowner insurance costs. **Guido Smith** suggested that a newsletter article be written to communicate the information to residents. **Jim Talbot** thanked **Guido Smith** for his focus on improvements and the great work of his Department.

**GOVERNING BODY REPORTS:**

**City Manager Report**

1. Building Activity Report for September
  - a. **Dave Millheim** referred to the staff report on this item
2. Farewell
  - a. **Dave Millheim** expressed appreciation for the opportunity to be the City Manager and reviewed information about the transition for Shane Pace.

**Mayor Talbot & City Council Reports**

**Councilmember Rebecca Wayment**

**Rebecca Wayment** said that she wanted the trails committee to weigh in on the Creekside Manor issue and be a part of the staff report for the public hearing scheduled for December 4.

**Rebecca Wayment** noted that Santorini's, a new Greek restaurant, has opened in Station Park.

### **Councilmember Brett Anderson**

**Brett Anderson** said that residents have been discussing the Rigby development and the use of sewer pumps. He noted that his own subdivision uses sewer pumps which fail every three to four years. He asked the City to dissuade against the use of sewer pumps. **Dave Millheim** noted that he would follow-up on the issue.

### **Councilmember Cory Ritz**

No updates to report.

### **Councilmember Alex Leeman**

**Alex Leeman** asked that the City Council go into a closed session to discuss trail connections related to Creekside Manor.

### **Mayor Jim Talbot**

1. Photos for the City Council
  - a. Mayor **Jim Talbot** asked that a new photo shoot for the new City Council be completed soon.
2. **Dave Millheim** Retirement Luncheon
  - a. This will be held December 6 from 12-2:00 p.m. at the Community Center.
3. Veteran's Day Event
  - a. **Jim Talbot** expressed appreciation for those involved in the Veteran's Day event held on November 11, 2018.
4. Christmas Party
  - a. **Jim Talbot** is hosting a party for Councilmembers on December 15<sup>th</sup> at 6 p.m.
5. Staff Christmas Party
  - a. This will be held December 20 from 12-2:30 p.m.
6. Scenic Byway
  - a. **Brigham Mellor** and **Jim Talbot** met with **Stuart Adams** and Tim Hawkes about moving the Scenic Byway designation moving forward. Tim Hawkes will sponsor the legislation.
7. Park Mitigation
  - a. He noted that he is very pleased with how the park mitigation turned out. The park should be well planned and will be an asset for the City.

### **CLOSED SESSION**

#### ***Motion:***

At 9:53 p.m., **Alex Leeman** made a motion to go into a closed meeting for purpose of **property acquisition**. **Rebecca Wayment** 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 10:00 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 10:00 p.m., **Brett Anderson** moved to adjourn the meeting.

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**Holly Gadd**, Recorder

**Posted 12/19/2018**