

FARMINGTON CITY COUNCIL MEETING

December 15, 2015

WORK SESSION

Present: Mayor Jim Talbot, Council Members Doug Anderson, John Bilton, Brigham Mellor, Cory Ritz and Jim Young, City Development Director David Petersen, Associate City Planner Eric Anderson, Assistant City Manager Keith Johnson, City Engineer Chad Boshell, City Recorder Holly Gadd and Recording Secretary Melanie Monson.

Dave Millheim was excused due to a death in his family.

Mayor Talbot said the hillside development is a discussion item, and not a public hearing. He said they would allow about 15 minutes for the presentation by the professor who was contacted by the residents to examine the development, as well as time for a presentation by the geotech hired by the developer. He welcomed the Council to ask questions, but said this item would come back before the Council as a public hearing for annexation. **Chad Boshell** said the geotech report was very thorough. **Mayor Talbot** reminded the Council that due to a tie on the night this item originally came before the Council, he voted in favor of moving forward. He said he did not feel the applicant should be turned down because of questions that were unanswered, but that could be answered through geotechnical studies. **Dave Petersen** said they can go all the way through preliminary plat before the annexation, and if the Council decides not to annex, then it can shut down the whole application.

High School Site Impacts

Dave Petersen said as they considered the traffic impacts for the high school, they found out that the School District is not exempt from LUDMA (Land Use Development Management Act) and can be treated like a normal development. He referenced the table in the packet, detailing the process and who will review each step. He said a property owner can clear their site without approval from the planning commission, and clearing and raising the high school site has already begun. The City Attorney advised that the City may charge an application fee, which is estimated to be \$27,850. An application fee was not charged for Eagle Bay or the new elementary school, however the impact of the new high school is significantly more than other uses. **Mayor Talbot** asked about the detention basin, which **Dave Petersen** said will be on the corner of the property. He said the City will need to review easements the School District conveys to the City. He said the road will be 52', and they are suggesting that the School District is responsible for 14' on each side and 24' in the middle will be paid out of impact fees. The impact fees might not be enough, however, which is why they have a reimbursement agreement in place. Additionally, the Council may consider a Special Assessment Area (SAA) or a Pioneering Agreement with the School District to help pay for the improvements. **Brigham Mellor** pointed out that because the School District is the majority property owner, they can call for the SAA. There are 7 property owners who are not committed to pay for their improvements. He also said it makes sense to improve 650 West when we are doing Glover's Lane, and the Council was in agreement. However, **Dave Petersen** said it would require a lot of time, effort and money. **Cory Ritz** suggested that the

Council should give property owners the option to pay over 10 years, with low interest, which is what **Dave Petersen** confirmed would be done. **Chad Boshell** said it would probably be in the neighborhood of \$10,000 per home. **Cory Ritz** asked if the lien should transfer with the property and be payable in full and **Keith Johnson** said it would follow the property and become payable upon transfer. **Dave Petersen** said the City could help some low income families with grants. Referring back to the list of steps, **Dave Petersen** reported that the City Attorney said the City can require the District to do an improvement bond. If the City obtains a bond, it will get a warranty period. The next several pages reflect what improvements the City wants to get out of this deal. **Mayor Talbot** said his assessment thus far is that the School District has been good to work with, and he hopes that will continue. **Dave Petersen** said the School District is hoping to come in under their \$71 million budget, and does not have unlimited resources for this project, which may impact their cooperation with the City on improvements.

Mayor Talbot said the biggest item on the agenda is the Residences at Farmington Hills. He asked Jim Young to make the motion for Summary Action. He said they need to decide on the date for the Strategic Planning meeting. He also said they need to consider when to hold the public hearing for Buffalo Ranches; he suggested that it be held at the second meeting in January since that will be within 45 days from their application.

REGULAR SESSION

Present: Mayor Jim Talbot, Council Members Doug Anderson, John Bilton, Brigham Mellor, Cory Ritz and Jim Young, City Development Director David Petersen, Associate City Planner Eric Anderson, City Engineer Chad Boshell, City Recorder Holly Gadd and Recording Secretary Melanie Monson.

CALL TO ORDER:

Mayor Talbot excused Dave Millheim due to a death in his family and wished him and his family well.

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

The invocation was offered by Councilmember **John Bilton** and the Pledge of Allegiance was led by Boy Scout **Jaden Bennet** from troop 534.

Mayor Talbot welcomed the Youth City Council expressed appreciation for their attendance.

NEW BUSINESS:

Review and Acceptance of Audit Report

Mike Ulrich from Ulrich Associates said the audit report represents the City's financial position as of June 30, 2015. He said the State places some restrictions on how much

the City can carry forward on unassigned fund balances. The City is getting close to the 25% allowed, and is currently at 21%. He reviewed other fund balances and budget figures, and said that overall the City increased the fund balance by \$341,000. The operating income and loss fund is in a deficit due to some one time maintenance and upgrades on the water systems, etc. **Mayor Talbot** asked how often the one time maintenance takes place. **Keith Johnson** said over the last two years the City has done quite a bit of maintenance, but previously had not. **Mike Ulrich** said all the other funds have their debt paid off. He said they check compliance with State Laws, and they found one issue, which was overspending by \$1700 from the RDA fund. It was given to the School District, and it was more than was estimated. He said it was not a serious finding, and the City will take care of amending the budget.

Motion:

Doug Anderson made a motion to approve the Audit Report for FY 2015.

John Bilton seconded the motion, which was unanimously approved.

John Bilton said the City is run conservatively, and even though the report was quick, a lot of time was spent reviewing the report. He said the City is financially sound and the City's officials have done an excellent job of managing the City's finances.

Presentation of “Award of Financial Reporting Achievement” to Keith Johnson

Mayor Talbot said a certificate of achievement of excellence in financial reporting is being presented to Keith Johnson, and represents a significant accomplishment for a government and its management. He said Keith has received 14 consecutive rewards.

Timing of the Collection of Park Impact Fees for Future Project—Discussion Only

Dave Petersen said this item was discussed at a previous meeting when the building community asked if the City could collect the park impact fees at building permit instead of at plat. He said staff is ok with collecting them at building permit. He said if the Council is ok with it, staff would prepare a resolution to approve it in February when the new park impact fee structure goes into place. He said the impact related to the other fees occurs when the developer begins developing, and so the timing of the collection of those fees will not change.

Brigham Mellor said throughout his career in collecting impact fees, he has always seen them collected at plat, and not at building permit. He thanked staff for being responsive in evaluating them, and he wants to move forward. All other Council members agreed. **Mayor Talbot** asked **Dave Petersen** to direct staff to make the changes and prepare a resolution, and **Dave** said they will coincide with the other impact fees.

Inventory of Sidewalks as they relate to New West Side Schools—Discussion Only

Chad Boshell said the elementary school is scheduled to open next fall, and thus is a higher priority with respect to sidewalks. He said there are sections of sidewalk that are missing, which will likely receive high traffic from kids going to and from school. He said they prioritized sidewalks along 1100 West. He said the second highest priority would be

further north on 1100 west. He said he included the cost to widen the road and add curb and gutter, but said the Council could just put in the sidewalk where it needs to be and do the road improvements later. **Brigham Mellor** said residents are concerned that the sidewalks will not be completed before the school opens. **Chad Boshell** said sidewalks are typically completed through development, and there are not any developments anticipated prior to when the school will open. The City could enter into pioneering agreements to get reimbursed by development within 10 years. He said if the City wanted to put in the sidewalks before the school opens, it would have to come from the General Fund. **Brigham Mellor** said he would be in favor of doing so, especially given the proposal to have students from all over the City at both schools based on English/Spanish immersion, etc. **Cory Ritz** asked about some of the planned sidewalks in relation to existing trails and horse property (priority #9). **Dave Petersen** said the City adopted a plan in the 1990's to leave the south side of the road unfinished for people who had horses, and to have sidewalks on the other side. He said the City has likely deviated from that policy over the years, and staff will need to look into it. **Mayor Talbot** said it is safe to say that the City cannot do all the projects at once, but can prioritize some. **Brigham Mellor** asked if there will be any significant problems with completing the road improvements in the future if the City moves forward with the sidewalk improvements only. **Chad Boshell** answered that there is always a risk, but theoretically they should be able to maintain the sidewalk while they put in the rest of the improvements. He said priority 4 may be important to put in before the school opens, depending on where the pickup/drop off area is for the school. He said it would cost about \$60,000 to complete the sidewalk for priorities 1, 2, and 4. **Brigham Mellor** asked when the Council would need to make that decision. **Chad Boshell** said they would hire some surveyors, but would not pour the cement until the end of April, so it would be realistic to get it done before the school opens. Referencing Cory Ritz's point, he said the City could also make some minor improvements to existing trails for kids to walk on. **Mayor Talbot** said for those Councilmembers who have been contacted regarding the sidewalks, they can get back to their constituents about what was discussed tonight. **Keith Johnson** said there is nothing currently budgeted, and it would have to be added into next year's budget. **Brigham Mellor** said at this point, he would look to staff to recommend the pros and cons of doing just the sidewalks now versus completing all the improvements. **Doug Anderson** said it would be good to have it budgeted in next year's budget to be able to plan for it. **John Bilton** said with the impact of two schools, he wondered if this should be wrapped into the SAA discussion. He said it is a big undertaking, and the City could wait to see potential applications for development that come in. **Brigham Mellor** said setting up an SAA pushes the timeline out further, when it is only \$60,000 to start the sidewalks now. **John Bilton** said he does not want to do it twice given the many pieces that need to be accounted for. **Mayor Talbot** asked Holly to put this on a future agenda. **Chad Boshell** said depending on funding, he would also recommend widening the road on portion 1. **John Bilton** said ultimately this is about a \$1 million decision for the City. **Mayor Talbot** asked Chad and Keith to move forward looking into it and thanked Chad for his efforts.

JOINT CITY COUNCIL/PLANNING COMMISSION:

Residences at Farmington Hills GeoTech and Geological Hazards Reports Presentation

Mayor Talbot reminded the audience that this is a discussion item only for the Council and that the Council will not be accepting public comment. He said the Council has

had a lengthy discussion in the past and the vote was split 3-2 in favor of approval. The developer and the residents have each found geological experts, who will be making presentations tonight. He said there will be a public hearing at the Planning Commission meeting on Thursday. He said each presenter would have about 15 minutes to make their presentation.

Dr. Kathleen Nicoll, 1467 Browning Avenue, Salt Lake City, Utah. She is a professor of geology from the University of Utah. She said she did not receive any compensation for this, it was pro bono, and stated that she is not formally a consultant. She did this as an interested citizen. She wanted to discuss some of the hazards associated with mountain front terrain and properties, including various types of movements and slope failure. She said markets tend to zone for rapid growth and concerns about slope failure are often discounted. Utah has buyer beware laws, meaning the burden of proving safety is placed on the buyer and not the developer, but most buyers assume what they are buying will be safe. She said failures would be most likely to form along the head scarp. She said the history of the landslide complex dates back 11,000 years ago. It was most recently active 2000 years ago. She said the Farmington Canyon flows were most recently active in 2011, and were extensively active in the 1980's. She said on the proposed development's property there are erosion control devices and a debris flow gully. She said the bedrock is weak, there are nearby faults, and soil instabilities. She said the load may predispose an area to premature sliding. She said the landscape is not ideal, there are very steep lots, and that landslide risk is very high. She said these risks will be difficult to mitigate. She said if there is an area that has a landslide it is likely to slide again. She recommends not enhancing the landscape in a way that would increase risk. She said due to the harsh climate, it is more likely that slopes will fail. She said there is precedent for residents and businesses to sue Cities. She said the property in North Salt Lake that was destroyed by the landslide had geotechnical studies and was built to code. She said putting more weight on the crown, will increase the likelihood of aggravating the slope. She said the more conservative approach would be to conserve the area and not increase risk to the City.

Mayor Talbot recognized Rebecca Wayment, Heather Barnum and Dan Rogers from the Planning Commission who came to get better educated about this issue.

Tim Thompson, 11668 South 1000 East, Sandy, Utah. He is a senior geologist from GeoStrata, and performed two geotechnical studies on the proposed site. He said his company has worked extensively with the Traverse Mountain project. He pointed out the Farmington landslide complex on a map. He said the property for the proposed development is not at the crown of the landslide complex. He said below the Bonneville bench, there is the Provo bench. The Wasatch fault runs along the mountain front. He said there are some landslide deposits to the east of the Wasatch fault, but none on the property. He said the property is a good coarse sand and gravel area with solid bedrock. He said the fault is an active fault, but only runs through the property on the western corner, and they designed setbacks for those faults. He said liquefaction is a risk factor for many homes in Farmington, but it is too expensive to require homeowners to mitigate liquefaction. Slope stability is something they look at, and this property is relatively stable. He said there are strong metamorphic rocks dating back 2.5 million years. He said for residential development, they look at faults dating back 10,000 years. He said the erosional rills are not considered a geological hazard because there is no basin they are flowing down from. He said there is a potential problem where the development

empties out into a cul-de-sac with several homes at the base. In the event of a debris flow, those homes would likely be destroyed. He said developing this site would be a good opportunity for the City to create a mitigation area with drainage to protect the existing neighborhood. He said they designed a setback 15-30 feet from the fault line. He said there is no landslide prone slope in this area. He said they do not believe this site is prone to rock fall. He said there is not a landslide or fault hazard for the property overall. He said the hazards are for the properties below, which would need to be mitigated. He said there are not hazards that would preclude this development.

John Bilton thanked Dr. Nicoll for completing her study pro bono. He asked Mr. Thompson from a legal perspective which hazards preclude development. **Dave Petersen** said 30% slope, faults, and soils reports; additionally, Chapter 30 calls out steep areas as no build areas. **Tim Thompson** said the standard of care in Utah was defined by the Supreme Court, and it looks at what a person of similar training, in a similar area would do at the time the study was done.

Doug Anderson said there are other examples throughout the state where slides have occurred, and where he is sure geological studies were completed. He said he wants to dig deeper into some of those comparables to see if there are similarities, and to determine the basis by which those developments were approved.

Brigham Mellor said the situation with the Ivory development matches up exactly with the picture from Dr. Nicoll's presentation. He said it would take years to pay for the mitigation with just that property owner's taxes. He said the City is opening itself to risk, and would have some responsibility in the event of an issue arising out of the proposed property.

Mayor Talbot said there is heightened sensitivity about the proposed development because of the landslide in North Salt Lake, but from his understanding there are differences in the terrain. **Brigham Mellor** said the problem with the Ivory development looks about the same to him. **Cory Ritz** said we have to rely on the best counsel we get from those we pay for their expertise. He said based on the reports, the liquefaction potential throughout much of Farmington seems like a greater risk than the slopes and scarp issues arising from the proposed development. However, he said that does not at all mean that there should be a building moratorium in the City. He said after consulting with professionals, the question becomes, is the level of risk acceptable after mitigation has taken place. He said the property owner has the right to develop his property. **Brigham Mellor** said he agrees about property owners' rights, but pointed out that the rest of the City would subsidize the development in the event of a slide. **Mayor Talbot** thanked both experts. He said the developer has done what the City asked him to do, in looking at the soil stability, etc. He said the Council should pay careful attention to what happens at the Planning Commission meeting on Thursday.

Heather Barnum, 1938 Ranch Road, Farmington, Utah. She said it would be helpful if the geotech experts could attend the Planning Commission meeting on Thursday at 7 pm to answer questions the Planning Commissioners may have.

Mayor Talbot thanked Jerry Preston for accomplishing what the Council asked him to do in getting the geological study done.

CITY COUNCIL—SUMMARY ACTION:

Minute Motion Approving Summary Action List:

1. Farmington Park Phase 2 Improvements Agreement
2. Farmington Bungalows Improvements Agreement
3. Park Lane Commons Phase 3 Improvements Agreement
4. Ordinance Establishing Dates, Time and Place for Holding Regular City Council Meetings
5. Approval of City Council Minutes from November 10, 2015
6. Approval of City Council Minutes from November 17, 2015
7. Approval of City Council Minutes from December 1, 2015
8. Approval of Storm Water Bond Log for September, October and November
9. Resolution to end Contributions to the Retirement Health Savings Plan (RHS) for Part Time Firefighters
10. Park Lane Extension Agreements

Mayor Talbot asked the Council to look at the calendar for meetings next year. **Jim Young** asked for a correction on the November 10th meeting notes- it should say *requested instead of contested.

Motion:

Jim Young made a motion to approve the items on the Summary Action List 1-10.

John Bilton seconded the motion which was unanimously approved.

GOVERNING BODY REPORTS:

City Manager Report

1. Building Activity Reports for September, October and November
2. Fire Monthly Activity Report
3. Executive Summary for Planning Commission held December 3, 2015
4. Lagoon/Station Park Shuttle 2015 Performance Report
5. Suggested Dates for Strategic Planning (February 3rd or 4th in the morning or February 18th any time): The Council agreed on February 4th at 8 am. **Mayor Talbot** asked Holly to send out a memo.
6. Set Hearing Date for Proposed Amendments to Buffalo Ranch Conservation Easements: Holly said it will take place at the second meeting in January. **Cory Ritz** asked if he could call in. **Dave Petersen** reminded the Council that Dave Millheim anticipated the Plummer request being considered at the community center, however **Mayor Talbot** said he is inclined to leave the meeting here at City Hall. **Holly Gadd** said the Community Center schedule is filling up quickly, and all Council members voted to have that public hearing at City Hall.
7. Update on Prop 1 Funding
8. Local Officials Day: **Holly Gadd** said on January 27th, the Council will take the Youth City Council to the legislature at the Capital. She said it begins at 7 am with a speaker. **Doug Anderson, Brigham Mellor** and **Mayor Talbot** said they would attend.
9. Thursday December 17 at 1 pm is the employee Christmas party at City Hall. Spouses are invited to attend and everyone is asked to wear Hawaiian attire.

Mayor Jim Talbot

1. Planning Commission Appointment: **Mayor Talbot** said he and Dave Petersen reviewed 7 applications and interviewed 6 candidates. He said they have narrowed it down and will let the Council know at the next meeting.
2. He thanked the Council for attending his Christmas party, and said it was a unique experience to be able to associate together as friends. He said they would welcome Brett Anderson in January.
3. He reminded the Council of their responsibility to attend their committee meetings. He said starting in January, the Council will have the opportunity to report on their assignments each month.

John Bilton: he offered his thanks to Jim Young, and said he has done a wonderful job and has appreciated his friendship and excellent service.

Cory Ritz: said at the last mosquito abatement meeting he attended, they discussed the pools of mosquitos that have tested positive for West Nile virus. The City had 3 positive tests. He said it is a big deal, and the mosquito abatement district sprayed for about a month longer than normal due to those positive tests and the warm fall.

Brigham Mellor: he said he and Dave have been in contact with GeorgeAnne from Century Link, and one of the projects is done and the rest should be done by January. Thus far people who have joined that network are getting excellent speeds.

Doug Anderson: he thanked Jim Young for being a great mentor. Regarding the home under construction on State Street, he asked if the rock they installed is the rock the Historic Commission did not want on the home. **Dave Petersen** said yes, it is.

Council member **Jim Young** did not have anything to report at this time.

ADJOURNMENT

Motion:

At 9:08 p.m., **Brigham Mellor** made a motion to adjourn the meeting. **Doug Anderson** seconded the motion which was unanimously approved.



Holly Gadd, City Recorder
Farmington City Corporation