

FARMINGTON CITY – CITY COUNCIL MINUTES

DECEMBER 3, 2019

WORK SESSION

Present: Mayor Jim Talbot; City Manager Shane Pace; City Councilmembers Brett Anderson, Doug Anderson, Alex Leeman, and Rebecca Wayment; City Recorder Holly Gadd; Community Development Director Dave Petersen; Finance Director Greg Davis; Economic Development Director Brigham Mellor; City Planner Meagan Booth; City Attorney Todd Godfrey; Farmington City Parks and Recreation Director Neil Miller; Recreation Coordinator Supervisor/Pool Manager Sylvia Clark; Police Chief Wayne Hansen; Fire Chief Guido Smith; City Councilmembers-elect Scott Isaacson and Shawn Beus; and Recording Secretary Deanne Chaston.

FARMINGTON POOL

City Parks and Recreation Director **Neil Miller** and Recreation Coordinator Supervisor/Pool Manager **Sylvia Clark** discussed the Farmington Pool discontinuing open swim hours after school as well as changing the time the pool is open from 7 to 10 p.m. to 6 to 9 p.m. instead. **Miller** said he has talked to Mayor **Talbot** and City Manager **Shane Pace** about both of these changes. Closing the pool at 9 p.m. instead of 10 p.m. will enable employees to return home earlier so they can be ready for school the next morning. Mayor **Talbot** said the city should look out for the safety of employees, and he likes that employees will be leaving work earlier. Swim parties regularly book through Labor Day. Of 82 available dates for booking, 77 of those were booked in 2019. A majority of those not booked were due to inclement weather. Each summer the average number of people coming to swim at the pool is between 600 and 1,000. It is important to set the pool hours now, as staff will begin taking reservations January 6, 2020.

EAST BRENTWOOD ESTATES PLAT AMENDMENT

Mayor **Talbot** said that since the City Council had discussed this item three or four times in the past, he felt it was time to get the City Attorney involved during a staff meeting earlier that morning. City Attorney **Todd Godfrey** said he understands that City Councilmembers are concerned and uncomfortable with reports from neighbors that they had understood the parcel in question would remain as open space above their lots. He also understood that Councilmembers wanted to know if it was appropriate to restrict the building pad on the plat or height of any structures built in the future. He said that to put restrictions on the plat at this point would mean that Councilmembers are walking into an area that he preferred they didn't walk into. He prefers that the City only apply restrictions that are already in their ordinances. **Godfrey** said that applying restrictions that go beyond city ordinances is sticking their chin out too much, and that imposing greater restrictions than City ordinances puts them in an area that is legally suspect. He would approve of restrictions beyond ordinances if they could be tied to public health and safety reasons, but those reasons do not apply to this one lot. He warned that they were in a precarious situation. He said to apply restrictions beyond City ordinances is not recommended.

Mayor **Talbot** said that in every situation lately when the City Council has been considering this agenda item, that staff had always recommended approval of the plat amendment. He also noted that approving the amendment would lead to benefits to the City with a curb, gutter, sidewalk and increased tax revenue on that parcel. Therefore, he feels comfortable putting faith in City staff and following their recommendations. **Pace** said that staff had recommended approval since the owner had always intended to develop that lot, and the owner has personal property rights that must be considered. He said citizens below this parcel have a just cause for concern, but that is against a third party, not the City.

While Councilwoman **Rebecca Wayment** said she doesn't have any real concerns with the parcel being developed, she wonders how many other subdivisions in the city are out there in a similar situation, where owners could come back to the city and ask to amend a parcel to make way for a buildable lot. **Godfrey** said this parcel is far different from others in the city. While there are probably some others out there, that would be the exception, not the rule.

Councilman **Alex Leeman** said the only heartburn he has is with the legal standard under the code being wishy-washy. While he understands the Council must identify good cause for denying or approving the plat amendment, he is uncertain to whom that good cause must be applied to. He said he can find good cause from the standpoint of the City and the landowner, but he is having a hard time determining good cause from the neighbors' standpoint. Since the City is required to give notice to adjacent land owners, **Leeman** said it is hard to not consider them.

Godfrey said while the City is always obligated to notify the public that notification does not vest the public under the law with any legal right other than to be heard. The public expects the City Council to follow ordinances, but that doesn't ripen into a right. He said the good cause requirement should be applied to the property owner, in his opinion. He said approving plat amendments under the old standard was dramatically different. With the standard change, they haven't made it easy to deny a plat amendment, and it is an intentional change. He said this decision is closely bound as an administrative approval, not a legislative one, and the City is in a precarious circumstance if they say no. In his 25 years of land use work, **Godfrey** said he has defended about five denials on plat amendment questions, and these arguments just don't work. Even with the old standard that neither the public nor any person will be materially harmed, he never won in his defense of a denial.

Community Development Director **Dave Petersen** said the Welling family owns enough property to get two lots, but they are only asking for one lot. Councilman **Brett Anderson** said the Council didn't like the way Ivory treated the neighbors. **Godfrey** said while that treatment is awful and puts the Council in a horrible place, it doesn't have legal or administrative relevance. **Pace** said that the neighbors know there has been an improved lot approved to the north of them that also overlooks their properties, although it has not yet been built on.

TERESA ESTATES SUBDIVISION SCHEMATIC PLAN, 753 GLOVERS LANE

Petersen said that although the applicant had withdrawn their application, he wanted to inform the City Council about this project. The applicant pulled their application because they didn't

have enough money to do 120 to 130 feet of sidewalk, curb, gutter and asphalt. This lot with an existing home was annexed into the City in 1993, at which time the landowner retained pasture land for themselves and considered the possibility of developing it. However, when they were informed that they may have to pay for and install curb and gutter, they backed away from immediate development. The building lot is already improved along the front and one side, but not the remaining side. **Petersen** said staff is not recommending to put sidewalk in front, as the City previously received a grant for sidewalks on 650 West. However, that grant money didn't stretch far enough to do the sidewalk in that area. Also, since the Utah Transit Authority (UTA) has plans for tracks and Utah Department of Transportation (UDOT) has plans for the West Davis Corridor and a trail head in that area, the City isn't sure if that could mean future infrastructure installment. Also, the City would like to match what UDOT does. While UDOT will not take the ground, the Planning Commission felt it was not right to ask for this subdivider to pay for improvements there.

CLOSED SESSION

Motion:

Leeman made the motion to go into a closed meeting for the purpose of character and competency of an individual, and personnel actions. Councilman **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:

Wayment made a motion to reconvene to an open meeting. The motion was seconded by **Brett Anderson**, which was unanimously approved.

REGULAR SESSION

Present: Mayor Jim Talbot; City Manager Shane Pace; City Councilmembers Brett Anderson, Doug Anderson, Alex Leeman, and Rebecca Wayment; City Recorder Holly Gadd; Community Development Director Dave Petersen; Finance Director Greg Davis; Economic Development Director Brigham Mellor; City Planner Meagan Booth; City Attorney Todd Godfrey; Farmington City Parks and Recreation Director Neil Miller; Police Chief Wayne Hansen; Fire Chief Guido Smith; City Councilmembers-elect Scott Isaacson, Shawn Beus, and Amy Shumway; and Recording Secretary Deanne Chaston.

CALL TO ORDER:

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

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

City Manager **Shane Pace** offered the invocation, and the Pledge of Allegiance was led by Boy Scout **Weston Henry**.

PRESENTATIONS:

Police Chief **Wayne Hansen** and Fire Chief **Guido Smith** recognized **Sean Dehghani** of Santorini's Greek Grill in Farmington Station for offering to forward all \$3,300 in sales made at his restaurant one day about a month ago to the City's Police and Fire departments. Mayor **Talbot** said he appreciates **Dehghani** going out of his way to help others. **Hansen** and **Smith** presented **Dehghani** with two plaques recognizing the community-business partnership.

PUBLIC HEARINGS:

Hunter's Cove Schematic Plan and Rezone – 1605 South 200 East

City Planner **Meagan Booth** presented the rezone of 1.65 acres of property located at 1605 South 200 East from Agriculture (A) to Large Residential (LR), as well as the schematic plan. Property owners **Phillip and Natalie Hunter** are requesting the rezone and schematic plan for the three-lot subdivision. The existing A zone is a "remnant designation" and rezoning it LR would make it consistent with past city practices for similarly situated properties near State Route 106. As the property currently contains two zones, the applicant would like to consolidate it into one. The minimum lot size required in the LR zone is 20,000 square feet. The lot sizes are Lot 101 (30,725), Lot 102 (23,032) and Lot 103 (20,584) respectively. Two of the lots in the proposed development will be accessed from the Farmington Foothill Subdivision. The City Council approved the schematic plan for the Farmington Foothills Subdivision on September 3, 2019. The Planning Commission recommended the City Council approve the Rezone and Schematic Plan for the Hunters Cove Subdivision on November 7, 2019. The Farmington Foothills Subdivision and the Hunter's Cove Subdivision plan to combine for Final Plat, hence the requirement of Condition 3, which includes that the applicant must meet the conditions of the schematic plan and preliminary plat approval set forth for the Farmington Foothills application.

Mayor **Talbot** opened the Public Hearing regarding the rezone and schematic plan. Nobody signed up to address the Council on these issues. Mayor **Talbot** closed the Public Hearing.

Councilwoman **Wayment** asked how the lots would be accessed. **Booth** said the existing home would continue to be accessed as it is now, and that there is no plan to tear down the historic home.

Motion:

Doug Anderson moved that the City Council approve the ordinance rezoning 1.65 acres of property located at 1605 South 200 East from A (Agriculture) to LR (Large Residential), including the Findings for Approval 1 and 2. **Leeman** seconded the motion, which passed unanimously.

Doug Anderson moved that the City Council approve the Schematic Plan for Hunter's Cove Subdivision subject to all applicable Farmington City development standards and ordinances including Conditions 1-3 and Findings for Approval 1 and 2 as stated in the staff report. **Leeman** seconded the motion, which passed unanimously.

Hughes Farm Plat Amendment – 1012 Water Turn Drive

Petersen presented this agenda item, which is an adjustment of a common boundary line between Lots 14 and 15 of the Hughes Farm Subdivision plat. The petitioners proposed that the existing Lot 14 will decrease in size from 19,429 square feet to 18,569, and Lot 15 will increase in size from 24,521 square feet to 25,386 square feet. Landowner **Parker Allen** submitted a narrative for the City Council to consider. City Staff has asked that the two lots in question be re-labeled as lots 201 and 202 and that conservation easement, fault line, and public utility easements be included. All notes on the original must be transferred and displayed on the new map. Staff recommends approval, and staff needs to review the new plat for housekeeping items, items 1-6.

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

Motion:

Leeman moved to approve the proposed plat amendment to the Hughes Farm Subdivision Plat as requested and illustrated in the Hughes Farm 1st Amendment including the amendment the applicant submitted today, subject to all applicable Farmington City standards and ordinances and including Conditions 1-6 and Findings for Approval 1 and 2, as stated in the staff report. He also made a slight modification to the findings to include that those findings constitute good cause under the statute for the plat amendment. **Doug Anderson** seconded the motion, which passed unanimously.

Teresa Estates Subdivision Schematic Plan – 753 Glovers Lane

Mayor **Talbot** asked that the record show that the applicant withdrew their application, for reasons discussed earlier in the work session. He noted that the applicant can resubmit their application in the future when they feel ready to.

OLD BUSINESS:

Plat Amendment for East Brentwood Estates Subdivision

Mayor **Talbot** noted that a public hearing on this item was held at an earlier meeting. The Council postponed a vote to this meeting so that more Councilmembers could be present for the vote. **Petersen** presented one addition piece of information, which was a red line of the building envelope on the plat. **Russell Wilson**, Land Acquisition and Development Manager at Symphony Homes, 111 S. Frontage Road, Centerville, Utah, said that the southeast building envelope excludes fault lines and slopes that are 30 percent or greater. He prefers not to agree to restrictions such as if a house on the parcel can be a rambler or two-story home, although he assumes it would be more conducive to a rambler home.

Doug Anderson said it took him a long time to decide how to vote on this issue because of the conflict with the stories the Council has been hearing. He wanted to put it on the record that the City Council had fought hard for the residents in the area, so much so that the Council found it necessary to consult the City Attorney for due diligence for both the City and the neighbors.

Brett Anderson said that many times the City ordinances don't let Councilmembers do things their hearts want. Unfortunately, in this case, what their hearts want isn't legally relevant, and City statues don't let them consider their hearts. They have found themselves with not a lot of leeway. He would like to send a message that they were fighting for the neighbors. However, this developer has property rights that must be considered as well. The City Council has been wrestling with this decision.

Leeman said that he has been on the Council for five years, and this issue is one of the top three in terms of applications that he has wrestled with because of the injustice that he feels has happened. At the end of the day, the Council has to follow the law and ordinances that govern their decisions. Following these carefully has driven his vote in this matter. **Leeman** said he gives credit to the City staff sticking to their guns for the right outcome instead of taking the easy way out.

Wayment said this decision has been very tough, and she appreciates that each Councilmember has had different points of view and thoughts on this decision. That is the beauty of having different people on the Council.

Motion:

Leeman moved that the City Council approve the request to amend the East Brentwood Estates Subdivision plat to re-designate Parcel B as a building lot and include it as part of the proposed Farmington Overlook Subdivision. The plat amendment shall only become effective if the Farmington Overlook Subdivision is approved by the City and recorded at the office of the Davis

County Recorder. The motion also incorporates Findings for Approval 1-4 as noted in the staff report, adding two more. The fifth is that the development of the lot will be beneficial to the City because it will provide for curb, gutter, and sidewalk amenities on the west side of Compton Road. Sixth, the proposed amended plat will be beneficial to the property owner and respective of their property rights. For those reasons, the Council finds good cause for the plat amendment.

Wayment seconded the motion, which was unanimously approved. **Brett Anderson** noted that he voted for approval with misgivings.

SUMMARY ACTION:

Minute Motion Approving Summary Action List

Motion:

Wayment moved to approve the Summary Action list item number one as noted in the staff report, approval of minutes from November 12, 2019. **Leeman** seconded the motion, which was unanimously approved.

GOVERNING BODY REPORTS:

City Manager Report

Pace presented the Monthly Fire Activity Report for October. He appreciates the effort the Fire Departments puts into the report.

Pace mentioned that the residents of Brentwood Subdivision are interested in sodding the detention pond created on the southwest corner of the subdivision. The deep detention pond that is almost half an acre in size was originally designed to stay as natural grasses while collecting the water off the roads. Farmington City Parks and Recreation Director **Neil Miller** looked at the cost of putting in a sprinkler system, sodding, and maintaining that area and concluded it would be \$25,000. Mayor **Talbot** said the biggest issue is the ongoing maintenance. It is a nice request, but it is currently functioning as it was designed, as it was not designated as a park. He said that **Miller** indicated mowing the grass would be dangerous on the steep sides.

Pace said the yearly maintenance cost would be about \$2,000, but that it has steep sides so mowing would be very difficult. It was never intended to be a park in the beginning, but the neighbors personally wondered if the City would be willing to do it at this point. **Pace** said if the neighbors wanted the detention pond to have grass, they should pay to install and maintain it. He said a lot of cities have large detention ponds that also function as parks, but those are usually wide and visible. This one is deep and not very visible. In the event of a sudden storm, the City doesn't want the liability of people being hurt, especially by the substantial drain suction that can happen. **Pace** said he would be uncomfortable if the detention pond were turned into a park. **Leeman** said there are a lot of weed lots that have been left around town that would be nice to clean up through an Eagle Scout project or other community service project. **Wayment** said that once the area to the south is developed, the detention pond will only be visible to the neighboring lots. **Doug Anderson** and Mayor **Talbot** both said it would be best to leave the detention pond as it currently is.

Pace suggested that he would like City staff and Councilmembers to take a trip to Denver, Colorado, to tour business parks, in order to help envision Farmington's better. He said it could be done in one day, with a morning flight out, and an evening flight back to Utah. He would like to discuss potential dates at the beginning of 2020.

Mayor Talbot and City Council Reports

Doug Anderson asked for an update on if the City can donate to the Frodsham December 21 Day of Giving. **Pace** said he checked with the County, who is not willing to reduce the lease rate for the event. He said he didn't think the City could donate this year, and the City lately has been getting a lot of similar requests coming in. He would like to discuss criteria to follow when deciding what the City will donate to in the future. A retreat with the new City Councilmembers may be a good atmosphere to discuss this, **Pace** said. **Doug Anderson** encouraged the City Councilmembers and City staff members to attend the event.

Wayment thanked the City for installing an electric vehicle charging station, but said it has not been working. **Pace** said he thought it was working because a Public Works employee regularly uses it. **Wayment** said if it becomes well used in the future, the City may want to consider charging a fee for its use similar to how Farmington Station does.

Mayor **Talbot** reminded the City Councilmembers of their Christmas party at his house on December 14 from 6 to 11 p.m. with a white elephant gift. He also mentioned the December 19 City employee Christmas party.

Talbot previewed the December 17 Council meeting, which will include an appreciation open house from 6 to 7 p.m. for outgoing Councilmembers **Doug Anderson, Alex Leeman and Cory Ritz**, along with their families. The regular meeting will be held at 7 p.m., with an audit review presented by Mike Ulrich at 7:30 p.m., a public hearing on the Cook property in the business park, an approval of minutes, and a review of the meeting schedule for the 2020 year. The three outgoing Councilmembers will need to be at the January 7, 2020, meeting to officially open the meeting before inviting the new City Councilmembers to take their positions.

ADJOURNMENT

Motion:

Doug Anderson made a motion to adjourn the meeting. **Leeman** seconded the motion, which was unanimously approved.

Holly Gadd, Recorder