

## FARMINGTON CITY COUNCIL MEETING

December 5, 2017

### **WORK SESSION**

*Present: Mayor Jim Talbot; Councilmembers John Bilton, Cory Ritz, Brigham Mellor, Brett Anderson; City Manager Dave Millheim, Parks and Recreation Director Neil Miller, City Engineer Chad Boshell, Assistant City Manager Keith Johnson, City Development Director David Petersen, City Planner Eric Anderson, City Recorder Holly Gadd, and Recording Secretary Tarra McFadden*

*Excused: Councilmember Doug Anderson*

### **Review of Audit Report**

**Mike Ulrich**, of Ulrich & Associates presented an overview of the financial audit completed for the FY2017 Fiscal Year ending June 30, 2017. The report met the standards for an unqualified opinion, meaning that the City's financial records and statements are fairly and appropriately presented, and materially correct in all aspects for the year. **Mike Ulrich** stated that because revenues came in higher than budgeted, the City will receive a letter from the Utah State Tax Commission with instructions to reduce the general fund balance in accordance with State Law. **Keith Johnson**, Assistant City Manager, shared that because much of the overage will be put towards capital road projects, the City will soon be in compliance.

**Mike Ulrich** highlighted the success of Station Park and other development and showed that revenues have more than doubled in the last 10 years. Budgets need to be re-evaluated as the operating expenses to revenues are not balancing for water costs and recreation. He recommended examining impact and development fees to cover depreciation expenses. Councilmembers congratulated **Keith Johnson** and the City Staff for maintaining the City's favorable financial position.

### **Councilmember John Bilton**

**John Bilton** thanked the staff for their attention to excellent work and service on behalf of the citizens of Farmington. **John Bilton** expressed that he hoped he had made good decisions on behalf of the City. Mayor **Jim Talbot** appreciated the stability and wisdom that **John Bilton** has brought to his 11 years of combined service on the Planning Commission and City Council.

### **Brownstone PUD**

**Eric Anderson**, Assistant City Planner, briefly presented information regarding the Brownstone PUD application. He noted that it is currently zoned BR which allows for up to 15 multifamily units per acre. This property is just shy of one-acre and is proposing 14 units. He noted that the applicant is not asking for a density bonus and is offering open space as part of the site plan. **Eric Anderson** shared that following the first review by the Planning Commission the matter was tabled over concerns of the steep connection to 200 East. The Planning Commission than visited

the site with the developer who noted that fill dirt would be brought in to make the project work. The Planning Commission unanimously approved the application.

David Peterson discussed the S-shaped road and reported that the Planning Commission directed staff to explore curb cuts and possible road connections for the development. As proposed, the project would have one entry point and a crash gate along SR 106.

Staff noted that the applicant is not requesting a rezone, and that the proposed two-story properties, which would be offered for sale, is a good use for the property.

## **REGULAR SESSION**

*Present: Mayor Jim Talbot; Councilmembers John Bilton, Cory Ritz, Brigham Mellor, Brett Anderson; City Manager Dave Millheim, Parks and Recreation Director Neil Miller, City Engineer Chad Boshell, Assistant City Manager Keith Johnson, City Development Director David Petersen, City Planner Eric Anderson, City Recorder Holly Gadd, and Recording Secretary Tarra McFadden*

*Excused: Councilmember Doug Anderson*

## **CALL TO ORDER:**

Mayor **Jim Talbot** called the meeting to order at 7:05 p.m.

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

The invocation was offered by **John Bilton** and the Pledge of Allegiance was led by Parker Conners of Boy Scout Troop 981.

Members of the Youth City Council introduced themselves. Sabrina Barnett is currently a junior at Viewmont and plans to be an orthodontist. She loves being on the Youth City Council as a way to serve the community. David Stratford is a junior at Davis High School and would like to be a nuclear engineer. His sister previously served on the Youth City Council and encouraged him to serve. He said that it has been a fun opportunity.

## **PRESENTATIONS:**

### **Thank John Bilton for his Dedicated Service to the City**

Mayor **Jim Talbot** offered words of appreciation for outgoing Councilmember **John Bilton**. He complimented him as being wise, mature and a stable force who moved the city forward in a positive manner. **Jim Talbot** also recognized John's wife, Jana and expressed his appreciation for allowing John to serve.

**John Bilton** shared how special it is to live in Farmington and noted that the City staff work hard and are dedicated. The City has grown and the budget and tax base have changed. **John Bilton** shared that he was involved in the hiring of Dave Millheim and the fire chief and other dedicated professionals. He has had the opportunity to work with two mayors and several Councilmembers, all without personal agendas. They make decisions based on what is good for all of Farmington. Staff and leadership have made conservative financial decisions and the City

is in a good position financially. He expressed his love for the community, and thanked his family for supporting him in his decision to serve.

**Jim Talbot** presented a plaque and a gift to Councilmember **John Bilton** for his service. Councilmember **Cory Ritz** expressed appreciation for **John Bilton** and his thoughtful commitment and always giving his best. Councilmember **Brett Anderson** said that **John Bilton** was always well-prepared with intellectual and well-reasoned comments behind his decisions made in Farmington's best interest. Councilmember **Brigham Mellor** shared about the mentorship that **John Bilton** offered him as Brigham began his term, and noted that **John Bilton** was always even keel, and a great friend and ambassador for the community. City Manager **Dave Millheim** shared that through his years of public service he has encountered many City leaders, and knows that good leaders are able to step back and examine the policy questions and understand their impact on the community. **John Bilton** was good at doing that and will be missed. City Recorder **Holly Gadd** shared that she knew **John Bilton** had studied the issues and was well prepared to provide input on key decisions; she appreciated his support for City staff.

### **Review and Acceptance of Audit Report**

**Mike Ulrich**, of Ulrich & Associates presented an overview of the financial audit completed for the FY2017 Fiscal Year ending June 30, 2017. He noted that the General Fund balance increased by \$828,000 over budget as revenues came in higher and expenditures were lower than budgeted. **Mike Ulrich** said that the balance increased above that which is allowable under State law, but that projects slated for FY 2018 will bring the balance back into alignment. He shared that going forward the City is in a healthy position, but should watch the water fund as it is currently operating at a loss. **Mike Ulrich** spoke highly of **Keith Johnson** and his team for the state of the City finances and records.

### ***Motion***

**John Bilton** moved, with a second from **Cory Ritz** to approve the audit report for FY 2017. The motion was approved unanimously.

### **Presentation of "Award of Financial Reporting Achievement" to Keith Johnson**

**Jim Talbot** presented **Keith Johnson** with a Certificate of Achievement for Excellence in Financial Reporting from the Government Finance Officers Association. **Jim Talbot** noted that this is the 16<sup>th</sup> year in a row that **Keith Johnson** has received this award. He was complimented for being a great employee who manages the City's finances with a standard of excellence. **Keith Johnson** thanked the Mayor and the Council for their support, and expressed appreciation for **Mike Ulrich** and his team.

### **PUBLIC HEARINGS:**

### **Brownstone PUD Subdivision Schematic Plan and Preliminary PUD Master Plan**

**Eric Anderson** presented information from the staff report noting that the applicant desires to develop one-acre of property located in the southern portion of the triangle between State Street, 200 East, and SR106. The proposed Brownstone Subdivision has 14 townhomes consisting of

two groups of 4 and one group of 6. The main spine road through the proposed development goes from 200 East to 185 East (SR106), and makes an “S” shape. There is a proposed crash gate for fire access, but not for through traffic. He noted that the site has steep grade changes, but that the applicant proposes the use of fill dirt and stepped lots to fit the topography. The property is currently zoned BR which allows for up to 15 units. Staff is recommending approval as the townhomes would be for sale and preferable to apartments. Because the development is using a zero lot line (the property line being a shared wall between townhomes) the project needs to go through PUD approval. The applicant is not asking for a density bonus and plans to provide 35% open space. As a condition of approval, curb, gutter, and sidewalk on the west side of 200 East will be installed to State Street. Staff feels this is a good infill project with no change to existing zoning. The project was unanimously recommended for approval by the Planning Commission.

Applicant, **Alan Cottle**, 1073 East Woodmore Drive, Bountiful, will be the developer and builder on this project. He has been approached to build more affordable housing and found this property and thought townhomes would be a good fit. The units would be for sale and each have a two-car garage and two-car driveway. He said that he has worked with the City Development Director, the Planning Commission, the Fire Marshall and UDOT to plan the development. He has also reached out to neighbors regarding the project.

Mayor **Jim Talbot** introduced the rules of the Public Hearing made the request of those present to limit their comments to three minutes, and be mindful not to repeat information previously presented but rather add new information with their comments.

*Mayor Jim Talbot opened the public hearing at 7:50 p.m.*

**Greg Firth**, 448 East 100 South, Kaysville, spoke on behalf of his father in law who lives on 200 East. He asked for clarification regarding where curb and gutter would be installed, what type of retaining wall would be in place and expressed concern over a disruption in power, sewer and water services during construction. He also expressed concern regarding where the driveway comes out of the property in relation to his father-in-law’s property line. **Jim Talbot** asked the applicant to answer Greg Firth’s question at the conclusion of the public hearing.

**Dale Scow**, 244 South Dexter Circle, was concerned about snow removal along the private drive and where the snow would end up getting dumped. He also noted that there was a considerable grade to the property which would make a sewer connection difficult and may require a pump system.

**Brandon Arrington**, 1268 St. Andrews Drive, owns a building at 47 South 100 East, and shared that he did not have opposition to the project and felt the development was congruent with other pieces of land.

**Vicki Valentine**, 216 East State Street, said that **Alan Cottle** had not met with neighbors until encouraged by the Planning Commission. She disagreed with the project being compared to Farmington Station because the Brownstone development would be attached units. She expressed concern regarding the difficulty for garbage removal on the tight curved road, a potential for snow buildup at the crash gate and the potential fire hazard of residents grilling on

their back decks. From her review of the site plan, the only common space in the development was road, but the City is representing that the applicant is providing 35% open space. She asked for clarification about how that was calculated. Overall, she stated that the design was unsafe and not a benefit to the community. **Jim Talbot** acknowledged receiving an e-mail of her concerns.

**Sheronne Valentine**, 216 East State Street, said that it was a special place to live, and felt that the proposal jammed too many units into a small triangle of property. The driveway would be along a hill with poor visibility. She expressed that there were too many units with little green space, and could not see the lawn or trees on the site plan. She is not in favor of the proposed development.

*Mayor Jim Talbot closed the public hearing at 8:00 p.m.*

**Alan Cottle** shared that he was new to the approval process and acknowledged that he did not reach out to neighbors until receiving approval from the Planning Commission. He stated that some neighbors received him warmly, and others did not. He acknowledged the condition for curb and gutter abutting his property but said he was not responsible for curb and gutter on the opposite side of the street which he does not own. He addressed the steepness of the property and described the way fill dirt will be used to create stepped lots which will also have a retaining wall. The project will be fully landscaped and snow removal will be handled by a private company. There is a place on the south side of the four-plex which would allow for snow storage. The project will tie-in to sewer lines along Main Street so no pumps will be needed and services will be interrupted for a few hours maximum. Responding to questions from Councilmembers he noted that the turn radiuses are large enough for garbage and fire, and a three point turn could be made along the S-curve. He also stated that he was open to working with UDOT for a curb cut shared with the school district property to make a through street through the project, but acknowledged that visibility would be an issue.

**Eric Anderson** outlined his process for calculating open space at 35% using mapping software and noted that it excludes the road from the calculation. This is measured to make sure that the site tabulations represented by the applicant are accurate. He also clarified that storm water and sewer concerns would be addressed in a review by engineering and public works staff. He said that behind each unit will be four feet of patio and common area, and any fire hazards would be addressed at permitting stage.

**Brett Anderson** noted that the applicant has the right to put in apartments under current zoning and that to deny the current application could face a legal challenge. He stated that what is proposed, with for-sale units that are only two-stories, could be a best case proposal. **Eric Anderson** noted that a denial is only appropriate if the conditions to mitigate the City's concerns are not able to be addressed and that the threshold is very high. **Dave Millheim** said that cities have been advised to remove conditional uses from their code and that if a project meets the rules of the zoning with reasonable efforts, the property owner has vested rights.

**John Bilton** noted that letters sent from Blaine and Barbara Lutz, Ray F. Cox, and Vicki Valentine, were received and reviewed by council and should be entered into the record.

**John Bilton** stated that the staff should work with the applicant and UDOT to explore access to SR 106 to allow for a through street.

***Motion***

**Brett Anderson** moved to approve the schematic plan for the Brownstone PUD Subdivision subject to all applicable Farmington City ordinances and development standards and conditions 1-7 and findings 1-9. **Brigham Mellor** seconded the motion which was approved unanimously.

***Motion***

**Brett Anderson** moved to approve the preliminary PUD master plan for the Brownstone PUD Subdivision subject to all applicable Farmington City ordinances and development standards and conditions 1-7 and findings 1-9. **Cory Ritz** seconded the motion which was approved unanimously.

Conditions for Approval:

1. The applicant shall enter into a development agreement memorializing the approved master plan prior to or concurrent with preliminary plat;
2. The applicant shall obtain approval from the Fire Marshall for the private road prior to submittal of preliminary plat;
3. All driveways must meet the 14% slope requirement as set forth in Section 11-32-060(A)(4), and compliance must be demonstrated for each driveway prior to or concurrent with preliminary plat consideration;
4. The applicant shall provide building footprints for each lot on the final PUD master plan, showing the location of the proposed home to the lot;
5. All outstanding DRC comments for schematic plan shall be addressed on preliminary plat;
6. The units will be stepped to fit the topography, as per the elevations submitted;
7. Curb, gutter, and sidewalk on the west side of 200 E. shall be installed to State Street.

Findings for Approval:

1. The proposed plans meet the requirements of the subdivision and zoning ordinances of a BR (PUD) zone.
2. The proposed development is an in-fill project and allows the property owner the highest and best use of his property.
3. The applicant is not proposing a PUD because he desires increased density, rather, the PUD is so that he can deviate from the standards of the underlying zone, particularly as it relates to setbacks. Therefore, the applicant does not need to provide 20% open space; this notwithstanding, the applicant is providing 35% open space as common area.
4. The HOA is intended to maintain the common areas of the project.
5. The proposed plans are consistent with the General Plan.
6. The attached landscape plan is of a high design quality and meets the standards set forth in Section 11-27-070.
7. The attached elevations are of a high design quality and meet the standards set forth in Section 11-27-070.

8. The subject property is allowed density up to 15 units/acre by city ordinance, and the applicant could feasibly propose two apartment complexes (an 8-plex and a 7-plex). However, the applicant is proposing fourteen for sale townhomes, which is preferable.
9. The proposed project is removed from the road and set amidst high intensity uses such as the Monte Vista School, the Davis School District Administration Buildings, and commercial uses like the Chevron Gas Station, the Rock Hotel Dental Offices, etc.

**NEW BUSINESS:**

**Ordinance Establishing Dates, Times and Place for Holding Regular City Council Meetings**

**Holly Gadd** noted that the January meetings were changed to the 2<sup>nd</sup> and the 16<sup>th</sup> and the first meeting in April would not be held to avoid Spring Break scheduling challenges. **Jim Talbot** recommended that the meeting on October 30 not be scheduled, but could be held on an as-needed basis.

***Motion***

**Cory Ritz** moved to approve the Ordinance Establishing Dates, Times and Place for Holding Regular City Council Meetings, excluding the meeting on October 30 which would only be held if needed. **Brett Anderson** seconded the motion which was approved unanimously.

**SUMMARY ACTION:**

1. Approval of Minutes from November 7, 2017
2. Resolution Raising Tennis Court Reservation Fees and Implement Pickleball Court Rental Fees
3. Resolution Changing Soccer Registration Fees

**John Bilton** asked that the minutes from November 7, 2017 be corrected on page 6 to indicate that his contrarian opinion was offered after **Cory Ritz** and **Doug Anderson** had spoken in opposition, and **John Bilton** had stated that a supermajority was required to move the project forward.

**Brett Anderson** asked staff to clarify how many courts would be open once the pickleball reservation system was in place. **Dave Millheim** noted that only two could be reserved, the remaining six would be open on a first come first served basis.

***Motion:***

**John Bilton** moved, with a second from **Brigham Mellor**, to approve summary action item 1 through 3 as contained in the staff report with the correction to item 1. The motion was approved unanimously.

**GOVERNING BODY REPORTS:**

**City Manager Report**

No updates to report.

## **Mayor Talbot & City Council Reports**

### **Councilmember Cory Ritz**

No updates to report.

### **Councilmember Brigham Mellor:**

**Brigham Mellor** asked about an RFP which was issued for design services for a new liquor store. He asked if the City was going to have any say in where it was or what it looked like. **Jim Talbot** said, in his experience, the State is willing to meet with local leaders and blend with existing buildings. **Dave Millheim** noted that the proposed property is currently owned by the State Department of Transportation and would need to be surplussed and transferred to DABC. **Dave Millheim** asked State representatives that the City be informed and involved once the property is secured.

### **Councilmember Brett Anderson**

**Brett Anderson** reported that the Trails Committee asked about the name for the regional park. **Jim Talbot** stated that the City was pursuing sponsorship opportunities related to naming the park. The Trails Committee would like to use way finder signs along the trails with information about how the trails link to one another. The signs could be scanned and provide geolocation information. **Dave Millheim** said that the City has obtained a grant which would support some of this and suggested that the Trails Committee start with the main trails and develop the logo, signage options to provide consistency, and then spread to other trails with additional grant funding.

### **Councilmember John Bilton**

**John Bilton** acknowledged the memo regarding the thank you and project update related to the 650 West construction and approved of the City's actions. He asked for additional information regarding the memo received about shipping containers as an accessory building. **Dave Millheim** noted that this item has a long history and wanted to inform the Council about how Staff was interpreting the ordinance as it relates to accessory buildings and the prohibition of shipping containers for that use.

**John Bilton** also thanked **Dave Millheim** for following up related to some constituent concerns.

### **Mayor Jim Talbot**

**Jim Talbot** reminded Councilmembers about the Christmas Party at his home.

**Jim Talbot** shared that the County is looking at Police and Fire within the County and the possibility of pursuing a Countywide Unified Police Department. The City is not interested in joining a coalition, and feels its departments work well with other cities. **Jim Talbot** suggested that the recommendation from the City be for the County to focus on changes that may need to be made with the current Sheriff's Department.

**Jim Talbot** shared proposed schematics for the roundabout landscaping project and shared information about a high pressure water line controlled by Weber Basin Water District. **Jim Talbot** stated that the Weber Basin Water District would work with the Bureau of Reclamation to and the City to enable the water feature on the property.

**CLOSED SESSION**

***Motion:***

At 9:00 p.m., **John Bilton** made a motion to go into a closed meeting for purpose of character and competency of an employee. **Brett 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:***

At 9:10 p.m., a motion to reconvene into an open meeting was made by **Brigham Mellor**. The motion was seconded by **John Bilton** which was unanimously approved.

**ADJOURNMENT**

***Motion:***

At 9:11 p.m., **Brigham Mellor** moved to adjourn the meeting.

---

**Holly Gadd**, Recorder

**Posted 01/03/2018**