

FARMINGTON CITY – CITY COUNCIL MINUTES

OCTOBER 29, 2019

WORK SESSION

Present: Mayor Jim Talbot; City Manager Shane Pace; City Councilmembers Brett Anderson, Doug Anderson, Alex Leeman, and Cory Ritz; City Recorder Holly Gadd; Community Development Director Dave Petersen; Finance Director Greg Davis; Economic Development Director Brigham Mellor; City Planner Meagan Booth; Recording Secretary Deanne Chaston; and Visionary Homes Development Manager Dallas Nicoll.

Economic Development Director **Brigham Mellor** discussed that a group from San Francisco is looking at moving their operation to land in Farmington. The city has been working with EDCUtah as well as the Utah Governor's Office of Economic Development in this effort.

A recent event at Rich Haws's Red Barn Farms unveiled branding for the North Farmington Station business park. There is a lot of interest in projects to the north.

Mayor **Jim Talbot** asked that the City Council not lose sight that developing a business park is preferable to residential development. He said it will take a strong Council to stand up for that objective. If the Council focuses only on housing, they could miss out on commercial opportunities. The Mayor said the business park should come first, and then housing will infill afterward in the next five to seven years.

Mayor **Talbot** showed the Council the North Farmington Station's new logo with a northern direction compass insignia and a Sycamore tree. He said that both Rich Haws and Tom Stuart, owners of large pieces of ground there, are supportive of the new project.

HAIGHT CREEK SUBDIVISION BUILDING ELEVATIONS

A work session was held to discuss and review new building elevations for the Haight Creek Subdivision.

Community Development Director **David Petersen** referred to site plan previously approved, as well as height elevations that have been previously viewed by Council members. He mentioned that previously, the City Council didn't want heights above 36 feet. The subdivision project has been sold to Visionary Homes, which is considering changing the appearance of the project, and has presented these new ideas to the Planning Commission recently. **Petersen** said Visionary Homes' new plans call for a footprint change of about 2 to 3 feet. He was asking for the City Council to share their thoughts on the project's new appearance.

Mayor **Talbot**, Councilman **Alex Leeman** and the other Council Members said that the new appearance was too institutional. **Petersen** said the Planning Commission had a similar reaction, as they preferred more rooflines instead flat roofs. The Development Review Committee wants the developer to work in more balconies, something that was appealing about the Avenues at the Station development.

Dallas Nicoll, Visionary Homes Development Manager, discussed that garages would be in the back, and that the color of the project would include blues and grays with adapted three-story heights. He encouraged the Council to view the companies' other projects in Providence, North Ogden and Clearfield.

Councilman **Leeman** reminded the Council that a citizen group had addressed this project earlier, saying they would like the two-story buildings to be on the outside of the project, and the three-story buildings to be on the inside. He wants the Council to review the new elevations with this same citizen group.

Councilman **Cory Ritz** said he wants to see balconies over the garages. Mayor **Talbot** asked **Nicoll** to provide the city with new renderings for an upcoming Planning Commission meeting.

Petersen said he would check the development agreement to determine if new renderings need to be attached for the upcoming Planning Commission meeting.

PLAT AMENDMENT FOR EAST BRENTWOOD ESTATES SUBDIVISION

Councilman **Leeman** asked **Petersen** what was included on the prior two plat amendments on this subdivision, the last of which was recorded in March of 2019. **Petersen** replied that it included the same number of lots, but lot lines had been shifted a few feet. The City had asked the developer to provide for a new plat for clarity. He said the Welling family owned the 14.9 acres of property of this development, and they retained 1.3 acres for themselves to be developed in the future. However, Ivory Homes, the developer of the subdivision, presented information including a map and letter to buyers that this 1.3 acres would remain as open space. **Petersen** said that open space was not a requirement for the density, as the trails, retention basin, and waiver paid by the developer were enough to get the density approved. **Petersen** said the 1.3 acres is enough for the Wellings to have two lots, but their intention is only for one.

Leeman said the developer sold the building lots abutting the 1.3 acres as "privacy lots." He said he had researched court cases involving how other local city ordinances address plat amendments. He pointed to 2017 case law in Park City, the Baker appeal case, which mentioned that the City Council would need to have a rational reason for either approving or denying the plat amendment. This case referred to undue harm to adjacent property owners as well as an incompatibility with existing lots in proximity. He said the statute doesn't give clear guidance on what "good cause" is that the Council must cite when making their decision on the plat amendment, other than that a reasonable mind must be able to reach the same conclusion. It must not be arbitrary and capricious. **Leeman** said he wants the City's decision to be defensible, and that he would listen carefully to the land owners attending the meeting later that day in regards to the factual impacts approving the plat amendment would have on them including lack of privacy. However, he noted that he would also consider the highest and best use of the land on a busy road.

Mayor **Talbot** said that the Council should remember that the Welling family has property rights.

Ritz said that the 1.3-acre lot borders Compton Road, a major thoroughfare in the city, and thus it would be a prime spot for future development, despite the developer's misrepresentations during the selling process. Mayor **Talbot** agreed with **Ritz**.

Leeman noted that the official plat does not identify this 1.3 acres as "open space," and that the buyers should have looked for this on the official plat before closing on their properties.

City Manager **Shane Pace** said this sort of thing happens all the time, where the property owners don't want to pay higher taxes because the lot has been approved and has sidewalk, curb, gutter and other infrastructure improvements. Therefore, it is not recorded as an approved lot, and a plat amendment would be needed before the property owners could proceed with future development. He encouraged Council members to not focus on what Ivory Homes did.

City Planner **Meagan Booth** noted that in the original minutes, the City Council didn't find a reason to preserve this 1.3 acres as open space, because of the trail and waiver. She said they mentioned Compton Road, the usability of open space, and the importance of the trail.

Councilman **Brett Anderson** said one of his clients is a lot owner, so he could have a potential conflict of interest. He said the current lot owners may have grounds for a civil suit against Ivory Homes.

REGULAR SESSION

Present: Mayor Jim Talbot; City Manager Shane Pace; City Councilmembers Brett Anderson, Doug Anderson, Alex Leeman, and Cory Ritz; City Recorder Holly Gadd; Community Development Director Dave Petersen; Finance Director Greg Davis; Economic Development Director Brigham Mellor; City Planner Meagan Booth; 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)

Councilman **Doug Anderson** offered the invocation, and the Pledge of Allegiance was led by **Sergeant Eric Johnsen**.

PRESENTATIONS:

Police Chief **Wayne Hansen** introduced new Police Officer **Robbie Davis**. Davis has experience with Ogden Police Department and Woods Cross Police Department, as well as 20 years of military experience.

Police Chief **Wayne Hansen** recognized **Brian Cooper** for his dedicated service and announced his promotion to Sergeant in patrol. In February, **Cooper** will have been with the City for nine years serving in patrol and as a detective.

Mayor **Talbot** said when he speaks with surrounding cities such as Layton, they are complimentary of the Farmington Police Department and the quality of its police officers.

City Recorder **Holly Gadd** performed the Administration of the Oath of Office to both Officer **Davis** and Sergeant **Cooper**.

PUBLIC HEARINGS:

Secondary and Accessory Dwellings in the Business Park Zone

Petersen said a few weeks ago, an investor in the Brookside Hollow Subdivision, the PUD south of the chapel on 200 West, came to the developer asking if he could have a secondary dwelling for his daughter with disabilities. The investor noticed that it was a conditional use in other zones of the city ordinance, but not in the Business Park Zone. **Petersen** said the Planning Commission unanimously recommended in favor of allowing secondary dwellings in the BP Zone, since it was a conditional use in most all the other zones in the city, including all other residential and agricultural zones. Although it was not the original intent, the staff added accessory dwellings as a conditional use in the BP Zone as well, since it is allowed in every other residential and agricultural zone in the City. If the Council adds secondary and accessory dwellings in the BP Zone, applicants will have to submit a Conditional Use Application, meet building code for separation of units, and comply with building coverage requirements.

Petersen noted that accessory dwellings will not be allowed on smaller lots. The Planning Commission is fine recommending accessory dwellings be added as a conditional use in the BP Zone with these added guards.

Petersen said that it is rare to allow secondary and accessory dwellings in the BP zone, as most other property zoned BP has already been developed in the City. Therefore, tonight's agenda item is considering the needs of one property owner. The other undeveloped parcels in the BP Zone are the one south of Horizon Credit Union, and one on the corner of Compton Road, Park Lane and Main Street. Both of these are not large enough to support residential development.

Mayor **Talbot** opened the public hearing. No members of the public came forward to address this issue. Mayor **Talbot** closed the public hearing.

Motion:

Councilman **Doug Anderson** moved to approve the ordinance amending Section 11-14-030 of the Zoning Ordinance to allow secondary and accessory dwellings in the Business Park Zone, including findings for approval 1 through 3. The motion also included correction of a typo in the ordinance under "CONDITIONAL USES," changing 11-4-050 to 11-14-050.

Brett Anderson seconded the motion, which was unanimously approved.

Plat Amendment for East Brentwood Estates Subdivision

Petersen presented the staff report, identifying the low density Overlook Subdivision with nine lots, which includes one parcel across the street that is part of the Brentwood Estates plat. When Brentwood Estates was developing their subdivision, 13.6 acres was sold by the **Lawrence** and **Kathryn Welling** family to the developer, while the family retained 1.3 acres for themselves.

Petersen said there could be reasons why the family did this, including that if that 1.3 acres had been left as unplatted property, it would have been considered a building lot. Since the family

was not prepared to make the decision then whether or not to develop it at that time, they wanted to withhold, and therefore titled it a remainder parcel. In doing so, there are some tax advantages to the family, since the property would not be required to have improvements. The advantage to the city of that is that the owners would have to go through the plat amendment process and apply for a building permit before the land could be developed in the future. The Overlook Subdivision across the street does not need this 1.3 acres for their open space requirements. The 1.3 acres was also not needed for Brentwood Estates to get their density, as the developer had enough open space to fulfill the 10 percent requirement with the detention basin marked as Parcel A, the trail, and the \$10,000 waiver paid by the developer for any open space requirement the Council felt they did not meet at the time.

Petersen said that by state code, the City has to hold a public hearing for this plat amendment if they get at least one letter of protest. The City received six protest letters that are now part of the record. The letters came from property owners near the 1.3 acres, as they are concerned after the subdivision's developer, Ivory Homes, portrayed that this 1.3 acres would remain as open space.

Russell Wilson, Land Acquisition and Development Manager at Symphony Homes, 111 S. Frontage Road, Centerville, Utah, provided background on how his company became involved in this. Symphony Homes is under contract to purchase 10 acres from the Welling family, including the eight other lots identified as the Overlook Subdivision. The family approached them to find out if they wanted to buy the one piece of property across the street. The family was under the impression that it was a finished lot, but Symphony discovered it was not a finished lot, and that additionally it was part of Brentwood Estates. **Wilson** said the property has a good-sized building envelope.

Mayor **Talbot** opened the public hearing on this matter, reminding audience members they had three minutes to address their concerns.

Robert Reynolds, 401 Welling Way, Farmington, Utah, stated that he objects to the plat amendment based on the representations of Ivory Homes while they were selling lots in Brentwood Estates for premium prices. Part of the justification for the increased prices of the lots was that the land in question would remain as open space. Ivory Homes used the terms of "extended back yard" when selling the nearby lots. Reynolds lived in Centerville, Utah, for 28 years before buying his lot in Brentwood Estates, hoping this would be his last home. The open space of the land in question was a significant factor for him when he chose to buy his lot. He said he would like to have the opportunity to purchase the land in question so that it could be kept as open space, which Ivory represented to the lot owners it would be. Reynolds said some of his neighbors are also interested in buying the property so that it can remain as open space.

Leeman asked **Reynolds** what impact it would have on him if the plat amendment for the 1.3 acres was granted. **Reynolds** said it is very significant to him, as the hillside is fantastic, the sun shines down it, he has a pool in his backyard, he has paid to have a lot of landscaping in his yard, and he expected to have privacy in his backyard. He said it is not fair to have a large home on a large lot look down on his yard, especially after he paid a premium price for privacy.

Kenneth Bement, 407 Welling Way, Farmington, Utah, said he grew up in Davis County, moved to California for 14 years, and bought a lot in Brentwood Estates for a home for him, his wife, and his four children. He said he was looking for a lot with a clear view of the mountains, and was thrilled with the trail at Brentwood Estates. It took him two years to go through the process with Ivory Homes, which always represented and marketed with the idea that the 1.3 acres identified as Parcel B would remain as open space. **Bement** said that was a huge factor, as line of sight to the mountain was important to him and his wife, and a home on the land in question would obstruct views. He questioned if putting a home on the steep hillside of the 1.3 acres would cause the mountain to fall down.

Casey Harbertson, 1628 N. 400 West, Syracuse, Utah, said he has been looking for a half-acre, west-facing, private lot with a hillside behind it for two and a half years. He grew up in Farmington, and his father was involved in city government for eight years. This lot in Brentwood Estates was his “dream lot.” When he met with Ivory in November of 2018, he asked what would be happening with the open space. He said they were adamant that it would not be built on, and mentioned Forest Service land. **Harbertson** said that because he wanted to make sure that his lot would have privacy, he looked at county records, which identified the property as belonging to both Ivory and the Welling Trust. He said if the plat amendment is granted, it would impact him because a house on the land in question would be able to see into his master bath, master bedroom, and family room. He said his house is designed with an open back to see the views of Farmington Canyon. He said the Council’s decision would affect if he moves forward with building a house on the lot he has purchased.

Julie VanSweeden, 1391 W. South Paddock Drive, West Farmington, Utah, said she closed on Lot 18 of Brentwood Estates in August of 2018, and her home is in the framing stages now. The lot purchase price was equivalent to the value of the home she lives in now. She said Ivory Homes used marketing materials that identified the land in question as “open space.” She designed her home according to the view and slope, which was significant. She has spent thousands of dollars on excavation, and tens of thousands of dollars to make the lot usable. She said she has a 15-foot easement on the west end of her lot for the trail, and she feels she has been shortchanged on the sale of the lot.

Mayor **Talbot** closed the public hearing.

Leeman asked if anyone from Ivory Homes was attending the meeting that day. No one was.

Councilman **Brett Anderson** said he represented a client who had **Casey Harbertson** as his client, and as such would listen to the Council’s discussion but not comment until he had talked to the City’s legal counsel.

Petersen said looking at past approvals, the Welling family never meant for the 1.3 acres to be included in the Brentwood Estates, but instead it was a remainder parcel, with intent to develop in the future. He said it would be nice to verify this with the family, who was not in attendance at the meeting. **Petersen** said it needs to be verified if Parcel B was part of the yield plan process, and if there was density obtained from this property. If there was, that would be significant as the City doesn’t allow double dipping. If it wasn’t used, it is telling that the

property was never intended to be part of the Brentwood Estates Subdivision. **Petersen** said parts to the west on that plat are identified as a no-build area due to slope, a steep hill that is about a three to four-story jump from one place to another.

Mayor **Talbot** asked **Petersen** if people are obligated to look at City or County plats to make their decision before purchasing property. He said there are efforts made to record things or references on plats if the City thinks there is something future land owners should know. **Petersen** said the final plat is often a part of the final stack of documents buyers sign before purchasing a property. The 1.3 acres was not recorded on the plat as open space. Although there have been two amendments of that plat in question, nothing changed on Parcel B during that process.

Doug Anderson said he appreciates the efforts to record things on a plat, but that he wouldn't have come to the City to look at the plat while in the process of sitting with the developer to purchase a lot for his final dream home.

Councilman **Ritz** said he would like clarity on what happened between schematic to final approval, and if there was something that triggered Ivory's strong assertion that the plat was "open space."

Leeman said that he had spent a lot of time over the weekend and that day looking at law and statute, and he could not find any factually valid reason for Ivory to claim that was open space. It was a misrepresentation and there was not legal reason to constrain that plat as open space. He thinks it was wrong of Ivory to say that. However, he said the Council can't take away someone else's property rights because another person misrepresented the facts. He said the highest and best use of the 1.3 acres would be to use the land for construction of home, with sidewalks and improvements. He said the Council can amend the plat if there is good cause to do so, but good cause is not defined in statute or City ordinances. He said the Council must identify a decent reason to amend an entire plat after looking at the impact it would have on an entire neighborhood and city overall. He said he can see reason to vote either way. He said he is upset to be in this situation, when the party that caused this doesn't have any skin in the game. As a practicing attorney, **Leeman** said he would take notice if he heard of a situation like this where land owners are claiming loss of privacy and that they designed homes accounting for open space. He said he is not sure which way he would vote yet, as the Council's decision is not whether or not Ivory misrepresented the facts, which could play out in another arena.

Mayor **Talbot** said there is not a real strong answer one way or another.

Doug Anderson said he wants to discuss this issue with Ivory Homes as well as the Welling family.

Ritz asked **Reynolds** to further detail his offer to buy the property in question, as the City has had similar opportunities in the past with other difficult properties. **Reynolds** said he would be happy to buy it himself or partner with willing neighbors. **Reynolds** said the Welling family would not be penalized if they got fair market money for their property.

Petersen noted that there could be a compromise in the future.

After consulting with the City attorney, **Brett Anderson** said he has no personal financial interest in this matter, and could proceed to participate in the discussion as long as he disclosed his interests.

Leeman said the Council's decision could drastically change the bargaining position of one party or another, and make property either valueless or valuable. He said he is uncomfortable stripping a lot of development rights, but that he heard things tonight that makes him hesitant to vote at this time. He would like to table the Council's vote to another meeting, and let the parties explore if they could make this item a "nonissue." **Ritz** wants **Petersen** to explore whether or not that 1.3 acres was being discussed in the past, and if there were any items that didn't make it on the plat that should have. He also mentioned he had been on the property seven years ago when Brentwood Estates was in discussions with the City, and he would like to visit the property again, or go on a field trip to get "fresh lenses."

Brett Anderson said he wants a history of ownership of that land, in order to identify if there was co-ownership between Ivory and the Wellings. He said there is legal significance in partnerships engaged in a business enterprise. **Leeman** said in 2013, the land was conveyed from the Wellings to Ivory, then in December of 2018 it changed from Ivory back to the Wellings.

Mayor **Talbot** said this is an interesting case, as case law doesn't show anything strong one way or the other. He would like to see the Council explore items that have been proposed, as well as consult with the City Attorney before a decision is made. He said he is surprised that the 1.3 acres wasn't part of Brentwood Estates to begin with, and now there has been an attempt to tie it to the subdivision across the street, as it has frontage on a major thoroughfare and artery through the city. He recalls this being a heated discussion when Ivory first came in, with the main issues being access, slopes and a retaining wall. He said it surprises him now that he looks back that this Parcel B was included in that. He wants to give the parties the opportunity to get together to see what the value of this ground holds, and suggested that Symphony Homes be sensitive to the surrounding land owners. **Talbot** also asked how the land would be preserved as an unbuildable lot if another individual purchased it with that intent. He asked if such a designation would stand up in court. He said he doesn't want the Council to move forward with a decision with so many outstanding questions.

Mayor **Talbot** closed the public hearing, saying that a public hearing will not need to be held on this issue again in the future.

Motion:

Alex Leeman moved to table the issue to the next meeting in order to explore the historical issues.

Cory Ritz seconded the motion, which was unanimously approved.

Deanne Chaston, who was recently hired as the City's Recording Secretary, introduced herself.

Ritz excused himself from the meeting for a short time.

NEW BUSINESS:

Moderate Income Housing Plan

Mayor **Talbot** said the Moderate Income Housing Plan, Senate Bill 34 of the 2019 Utah Legislature General Session, is one of the hottest issues on the Hill, and the City has been getting pressure to get it completed.

City Planner **Meagan Booth** said that the City has looked at the 23 options allowed by the State, presenting the Planning Commission with the proposed plan in April, and the City Council in July. The City is required to adopt this plan. **Booth** reviewed the eight findings for approval including that the City adopt a general plan that addresses Moderate Income Housing growth, which is addressed in the City's Housing Plan; S.B. 34 mandates cities of the first, second, third or fourth class to amend their general plans before December 1, 2019, to include an estimate of the need for moderate housing in the next five years; the plan include a recommendation to implement at least three or more strategies from the state's approved list; the plan comply with S.B. 34; the City has held all appropriate public meetings to amend the general plan; the plan will guide the City in future considerations for Moderate Income Housing options; the city set a standard of being proactive in committing to Moderate Income Housing; and staff has completed a review and analysis according to State standards. She said **Mellor**, who has been hired in the last year, can help staff with reviewing the City's current Moderate Income Housing Element, as well as making an analysis according to State standards that may change in the next legislative session.

Mayor **Talbot** said the City is ahead of other communities in implementing a Moderate Income Housing Plan, which must be adopted by December 1, 2019. Other cities are panicked, but Farmington has been ahead of the game. He praised the Planning Department for their efforts.

Motion:

Doug Anderson moved the City Council approve the ordinance to amend the General Plan adopting the Moderate Income Housing Plan (MIH) as an element of its General Plan, subject to all applicable Farmington City ordinances, and findings for approval 1-8.

Brett Anderson seconded the motion, which was unanimously approved.

Booth said it is a requirement to place the plan on the website; next year the City will have to report to the Utah Department of Workforce Services.

Real Estate Purchase Agreement with Ekstrom, Dorthy F. Trust

Mellor said the City is closing on this property on November 14, 2019. It is planned that the Parks Department will take the home down this spring after a budget amendment has been done. He will work with Finance Director Greg **Davis** on accounting for the necessary funds.

Mayor **Talbot** said this is a big deal that has been a long time in coming. He feels the City has been very fair with the sellers to get to this win-win transaction. **Pace** said the funds will come out of the fund balance. **Brett Anderson** asked if the home and fence could be taken down

before Festival Days. Mayor **Talbot** said the trees need to be surveyed and a decision will need to be made whether or not to keep them. He thanked **Davis** for his help with this issue.

Motion:

Alex Leeman moved to approve the Real Estate Purchase Agreement to purchase 0.472 acres at 87 South 100 West, parcel ID 07-028-0055, for \$305,000 plus fees and taxes as outlined in the agreement.

Doug Anderson seconded the motion, which was unanimously approved.

This item will be part of the November 12, 2019, budget public hearing.

Ritz rejoined the meeting.

License Agreement for Parking Space within the 200 East Right-of-way

Petersen said this issue is in regards to a parking space associated with 435 N. 200 E., in the old town of Farmington. In the past, the City did a major Special Improvement District with about 150 property owners by putting in curb and gutter, which affected parking in the area. In the past, according to applicant **Cassi Grotepas**'s father, he worked with the City to get some pavement installed for a parking space. Their current neighbor **Zachary Patterson** believes the Grotepases are parking on his property when they use this paved spot. However, City staff has identified the spot as being located in the right-of-way. **Grotepas** wants to memorialize the past funds that were used to pay for the asphalt. **Petersen** didn't want to write up an agreement before first finding out if this is something the Council would consider. There are no sidewalks in the area, just curb and gutter.

Pace said he is not in favor of an agreement for a number of reasons. It sets a precedence that there is a certain parking space for a certain resident. This particular spot is not in front of the applicant's home. He recognizes that a citizen may have installed the asphalt, but the citizen did not purchase the right of way. He expressed concern that there are no sidewalks on either side of the street, and residents are parking trailers in the right of way, causing pedestrians to walk in the street.

Mayor **Talbot** said trailers are not flattering to the appearance of the property. He is not in favor of a licensing agreement. If this is something that has been done in the past, he suggests it apply only until the principal individual passes on or sells the property. He does not want such an agreement to run with the property. **Petersen** said that the City could write the agreement so that it could be broken the same day that the right-of-way needs to be used. Mayor **Talbot** said sometimes when an extension agreement is extended, residents may have forgotten they had the agreement to begin with, so the city just reminded them of something they didn't know they had. **Brett Anderson** asked if the City is ready to police it.

Petersen said it has become an issue now because **Patterson** had a problem with his neighbor parking on what he thought was his property. When staff informed **Patterson** that it was public property, he was not as mad. Therefore, this may be a situation that no longer needs a solution.

Leeman said it would be expensive to install sidewalks in the area, which is historic. He said he doesn't want to give residents the impression that the City is O.K. with using the public right-of-way to store trailers, vehicles, and RVs. **Petersen** said topography should be considered if installing sidewalks.

Motion:

Doug Anderson moved to deny the request from the owner of property at 435 North 200 East (Davis County Tax I.D. #07-023-0024) regarding exclusive long-term use of a parking space located within the 200 East Right-of-way.

Brett Anderson seconded the motion, which was unanimously approved.

Fence Agreement – Creekside Manor, Lot 107 (950 West 450 South)

Petersen said this item is in regards to fence requests from possible future owners of Lot 107 of the yet-to-be-recorded Creekside Manor Subdivision. Farmington Creek exists along the entire west boundary of the lot. **Petersen** said that **Pace** had previously addressed this issue with the Council to get their input on installing a fence on the east side of the trail, but not until the trail goes through. It was also contemplated to use this area as an easement to get to the detention basin. He asked the Council to consider asking if the property owners still want a fence once the trail goes in. Although the Council didn't get the proposed language on Friday, it was posted appropriately to the City website. The developer considered the language Thursday evening, and he came back with amended language to the proposed agreement including removal of the word "opaque," which the staff agrees with. City staff also agrees with the developer's addition of the language "in the event the trail that runs through the owner's property" and "fence to integrate into existing landscape." The developer wants the owner to have input on the type of material used for the fence, but City staff does not agree with that.

Mayor **Talbot** said the City has been working on this for a long time, and he is perplexed why it can't get resolved. **Petersen** said staff hasn't had a chance to get a united proposal until now. **Brett Anderson** recalled that the owner who had the burden of the trail may not want to see the trail or the users of it. Mayor **Talbot** said if the City is paying to put in the fence, the City should have sole discretion in its materials and installment. However, he is still perplexed as to why the City is going to pay for it. He asked if this is an item the Council or staff should deal with. **Leeman** said one landowner who wants creek access has been told the City won't put in a fence, while another landowner is upset the City won't put in a fence.

Pace said any time a trail is being put through in an area that is already developed, it can get complicated. When the fence or trail will go in is still a question at this point. The City will do a detention pond and needs access to that pond, but beyond that, the City has not provided property owners on the west side of the creek with an offer. Mayor **Talbot** asked for **Ritz's** input. **Ritz** said the trickiest part of this whole deal, other than access to the pond, is the trail. He suggested that a Memorandum of Understanding be addressed at a later point, and that the current Council not lock themselves into doing the trail at this point. **Leeman** said he would be fine putting in a trail, but that he doesn't think the City should agree to a fancy wrought iron fence. He thinks the

City should not keep putting off a decision on this issue. **Doug Anderson** said that this is a sensitive issue, and the trail has to come before development will come around it. Mayor **Talbot** said he feels bad that this issue has become an emotional casualty. These people are people the Council all knows, and the issue involves a developer that the City has been dealing with for a long time. Being this picky on a fence that the City is putting in doesn't make sense to him. He said the developer may be upset with his opinion.

Motion:

Alex Leeman moved the City Council authorize staff to enter into an appropriate Memorandum of Understanding.

Doug Anderson seconded the motion, which was unanimously approved.

SUMMARY ACTION:

Minute Motion Approving Summary Action List

Motion:

Alex Leeman moved to approve the Summary Action List items as noted in the staff report including plat amendment for Taylor Ridge Subdivision; modification to 175 South Street Cross-Section for Mountainside Subdivision; Pick-up Contribution for Firefighters on State Retirement; and the Preserve at Farmington Creek Rezone and Preliminary (PUD) Master Plan.

Doug Anderson seconded the motion, which was unanimously approved.

GOVERNING BODY REPORTS:

City Manager Report

Shane Pace presented the Monthly Fire Activity Report for September. He noted that he will be spending his first week as a Farmington resident.

Mayor Talbot and City Council Reports

Doug Anderson discussed the possibility of the city sponsoring the Frodsham Christmas fundraising event on December 17, 2019, that has been going for 27 years for Salt Lake and Davis County families in need. It is a Farmington tradition that used to be held on the Frodsham farm, but now is done at the Legacy Center. Last year, 937 people were served, and buses brought in children from Title 1 schools. He said he knows the City is sensitive in determining events it will sponsor, but the Frodsham's donations have been harder and harder to obtain. It takes \$3,000 to operate this event, with most of the expense coming from renting the venue.

Mayor **Talbot** said the City has to be careful with the precedence of donations, especially when done in conjunction with a business. He said he gets lots of donation requests, which he passes on to **Pace**. He is sometimes uncomfortable with organizations that other cities donate to. **Pace** said he looks for donations that will give value back to the community. If it is being sponsored by another government entity such as a city, county, or state, Farmington typically pulls back. He said it is clear that the Frodsham event is giving value back to the community. **Leeman**

suggested the City look into the possibility of cooperating with Davis County to get the rent for the Legacy Center waived for this event. **Ritz** suggested the Youth City Council may want to take this on as a project. Mayor **Talbot** asked that Frodsham and Davis County Commissioner **Randy Elliott** attend the November 12, 2019, work session and make a formal request.

Brett Anderson asked where TDR (Transfer of Development Rights) money is being spent so he can tell his constituents when they ask. **Pace** said it always goes to the parks. **Brett Anderson** also asked if the City is aware of renewable energy opportunities. Mayor **Talbot** said he is bombarded with emails from national and other organizations regarding renewable energy. **Pace** said Sandy City bought into a solar farm in Delta, but that the results were unfortunate. He said Salt Lake and Park City have purchased large amounts.

Ritz asked if anyone on the Council had heard feedback about the statue. He had heard positive feedback from the Smith family. Mayor **Talbot** said he had not received any negative feedback.

Ritz asked about the damaged grass in the park near the Ascent Academy charter school, suggesting that the City consider installing surveillance cameras. **Pace** said the City could look at the costs associated with cameras, but that North Salt Lake recently went through a situation where residents wanted cameras in all public parks, which was impossible. He said the police should check with Ascent Academy to see if they have a camera on their building that documented the grass damage. He would like a formal appointment with the new principal of Ascent Academy regarding City use of their parking lot and the associated issues. Mayor **Talbot** said the City should consider fencing that limits vehicle access to areas of the park.

Ritz said he is concerned with the pickup and drop off of students at the school, as parents line up on Deer Clover, resulting in limited room for cars to pass as children dart in and out between vehicles. **Brett Anderson** wondered if school boundaries should be researched, as Eagle Bay Elementary School is underutilized.

Leeman asked if the City could encourage UDOT to install a cross walk on State Street. Mayor **Talbot** said it is an appropriate request, although he is not sure the City will get a response from UDOT. **Pace** said he would make a call the next day.

Mayor **Talbot** thanked those involved with the sign situation for helping out. He has noticed some new signs and more professional conduct. He asked members of the Council to put Saturday, December 14, 2019, on their calendars for a Christmas party at his home at 6 p.m.

CLOSED SESSION

Motion:

Alex Leeman made the motion to go into a closed meeting for the purpose of **land acquisition**.

Cory Ritz 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:

Alex Leeman made a motion to reconvene to an open meeting. The motion was seconded by **Doug Anderson**, which was unanimously approved.

ADJOURNMENT

Motion:

Alex Leeman made a motion to adjourn the meeting.
Cory Ritz seconded the motion, which was unanimously approved.

Holly Gadd, Recorder