

WORK SESSION: A work session will be held at 6:00 p.m. in Conference Room #3, Second Floor, of the Farmington City Hall, 160 South Main Street. The work session will be to discuss the Original Town-Site Residential Zone (OTR) and to answer any questions the City Council may have on agenda items. The public is welcome to attend.

FARMINGTON CITY COUNCIL MEETING NOTICE AND AGENDA

Notice is hereby given that the City Council of **Farmington City** will hold a regular City Council meeting on **Tuesday, November 1, 2016, at 7:00 p.m.** The meeting will be held at the Farmington City Hall, 160 South Main Street, Farmington, Utah.

Meetings of the City Council of Farmington City may be conducted via electronic means pursuant to Utah Code Ann. § 52-4-207, as amended. In such circumstances, contact will be established and maintained via electronic means and the meeting will be conducted pursuant to the Electronic Meetings Policy established by the City Council for electronic meetings.

The agenda for the meeting shall be as follows:

CALL TO ORDER:

7:00 Roll Call (Opening Comments/Invocation) Pledge of Allegiance

PUBLIC HEARINGS:

7:05 Plat Amendment and Subdivision through Metes & Bounds

7:10 Plat Amendments for Hidden Meadows Phase III and Mountain Side Subdivision Plat "F"

SUMMARY ACTION:

7:15 Minute Motion Approving Summary Action List

1. Approval of Minutes from October 4, 2016

7:20 City Council Committee Updates

GOVERNING BODY REPORTS:

7:30 City Manager Report

1. Executive Summary for Planning Commission held October 20, 2016

7:35 Mayor Talbot & City Council Reports

ADJOURN

CLOSED SESSION

Minute motion adjourning to closed session, if necessary, for reasons permitted by law.

DATED this 27th day of October, 2016.

FARMINGTON CITY CORPORATION

By:  _____
Holly Gadd, City Recorder

***PLEASE NOTE:** Times listed for each agenda item are estimates only and should not be construed to be binding on the City Council.

In compliance with the Americans with Disabilities Act, individuals needing special accommodations (including auxiliary communicative aids and services) during this meeting, should notify Holly Gadd, City Recorder, 451-2383 x 205, at least 24 hours prior to the meeting.

CITY COUNCIL AGENDA

For Council Meeting:
November 1, 2016

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

It is requested that City Manager Dave Millheim give the invocation to the meeting and it is requested that City Council Member Cory Ritz lead the audience in the Pledge of Allegiance.

NOTE: Appointments must be scheduled 14 days prior to Council Meetings; discussion items should be submitted 7 days prior to Council meeting.

CITY COUNCIL AGENDA

For Council Meeting:
November 1, 2016

PUBLIC HEARING: Plat Amendment and Subdivision through Metes & Bounds

ACTION TO BE CONSIDERED:

1. Hold the public hearing.
2. See enclosed staff report for recommendation.

GENERAL INFORMATION:

See enclosed staff report prepared by Eric Anderson.

NOTE: Appointments must be scheduled 14 days prior to Council Meetings; discussion items should be submitted 7 days prior to Council meeting.



F A R M I N G T O N C I T Y

H. JAMES TALBOT
MAYOR

BRETT ANDERSON
DOUG ANDERSON
JOHN BILTON
BRIGHAM MELLOR
CORY RITZ
CITY COUNCIL

DAVE MILLHEIM
CITY MANAGER

City Council Staff Report

To: Honorable Mayor and City Council

From: Eric Anderson, City Planner

Date: November 1, 2016

SUBJECT: **PLAT AMENDMENT AND SUBDIVISION THROUGH METES & BOUNDS**
Applicant: **John Hansen**

RECOMMENDATION

Hold a public hearing (if necessary), and;

Move that the City Council approve the proposed Farmington Fields Amended Subdivision Plat Amendment set forth herein, and approve the metes and bounds subdivision related thereto subject to all applicable Farmington City ordinances and development standards and the following conditions:

1. The applicant shall record the CC&Rs and Articles of Incorporation prior to recording the amended plat;
2. The applicant shall place all necessary easements on the plat, prior to recordation, including but not limited to the following: storm water, shared access and parking, secondary water, and other shared utilities.

Findings for Approval:

1. The proposed plat amendment conforms to all of the development standards as set forth in the Farmington City Subdivision and Zoning Ordinances.
2. Any issues that arise because of splitting utilities that were intended to be for one lot have been resolved through both the recordation of the CC&Rs and the necessary easements as described in condition 2 above.
3. The extension agreement that was recorded against the property as part of the original site plan approval will remain in place and runs with the property not the owner.
4. The plat amendment does not affect or alter Parcel A in the Farmington Fields Subdivision which is desirable because it is a regional storm-water detention facility and possible wetlands; this ensures that the parcel will remain "unbuildable".

BACKGROUND

In 2015, John Hansen received site plan approval and constructed two new single story professional office buildings on property located at 491 West Bourne Circle. However, the

applicant now has tenants that wish to own their respective buildings, and as a result, the applicant desires to perform a simple lot split. However, in order to subdivide the property, the plat will have to be amended. The plat was originally amended through City Council approval at their September 1, 2015 meeting so that the Mercedes Benz Dealership could be built.

Because the original site plan was approved for one lot, all utilities and improvements were installed in that manner, meaning that there is only one secondary water line, sewer line, culinary water line, and storm drain line. Additionally, both the parking lot including ingress and egress, and the storm water detention basin was designed for one lot. Now that the applicant is proposing to split the lot, these facilities that were intended for one lot will be split between two. As a solution, the applicant has established an HOA and CC&Rs that will govern the shared utilities and facilities. These will be recorded against the property and ensure that all maintenance and management will remain private, and will provide cross-access guaranteeing that one property owner cannot restrict access to the other. However, the City Engineer would also like to see associated easements on the plat further averting any potential issues that may arise, and make referencing the cross easements easier in the future.

It bears mentioning that at site plan, there were issues with storm water: the City Engineer requested that the storm water ditch be piped per Farmington City standard. The proposed storm water pipe will be in UDOT right-of-way and will therefore require UDOT approval before moving forward. The applicant has received said approval and has piped the ditch per City standards. Additionally, the applicant entered into an extension agreement with the City for curb, gutter, and sidewalk improvements along Park Lane. The Chevron (to the east) has not completed these improvements on Park Lane because the city is not sure if Park Lane will be widened or if sidewalk will ever be completed over the Park Lane interchange. Until this occurs, city staff felt that an extension agreement makes more sense than demanding these improvements that may later need to be moved, torn-out, or altered. The extension agreement runs with the property, not John Hansen, as the current owner of the property.

Splitting one lot into two lots in a platted subdivision requires plat amendment, and a 10-Day Notice of Protestation must be mailed out to every property owner within the subdivision, which has been completed. If there is not a protest within the allotted ten-day period, then the item does not require a public hearing. However, as standard practice, the City Council has held a public hearing regardless, just to ensure that neighbors have a chance to voice their opinions on the matter.

Normally, the Planning Commission does not review plat amendments, but because this application also involves a subdivision, the Commission was responsible for a review of that portion of the application regardless, and staff felt it prudent for them to review and make a recommendation on both portions of this application. The Planning Commission reviewed the subdivision at their October 6th meeting, and recommended that the City Council approve both the plat amendment and subdivision as written in the staff report.

Supplemental Information

1. Vicinity Map

2. Farmington Fields Second Amended Plat

Applicable Ordinances

1. Chapter 7 – Site Development Standards
2. Chapter 19 – Commercial Mixed Use Zone (CMU)

Respectfully Submitted



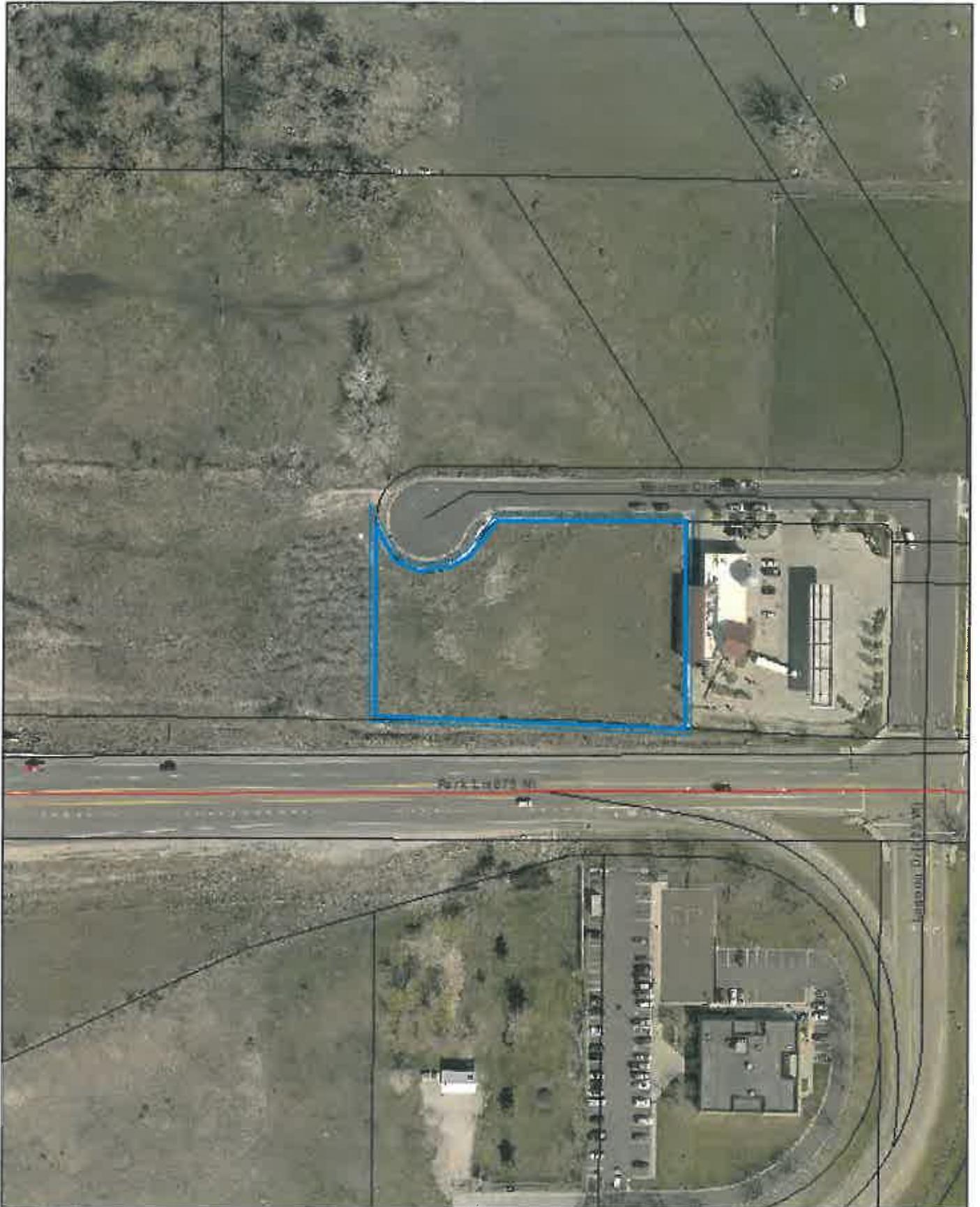
Eric Anderson
City Planner

Concur



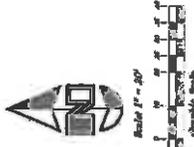
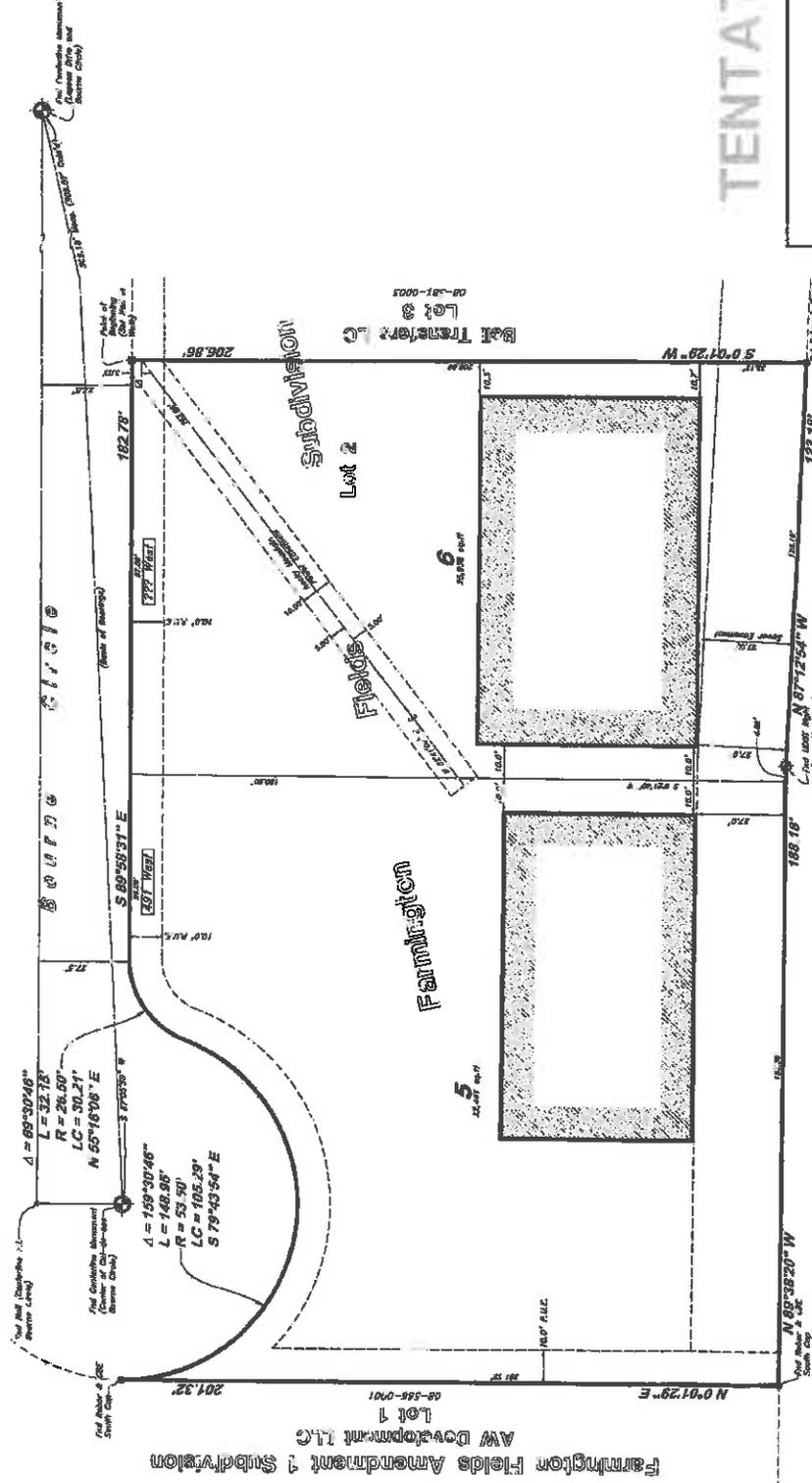
Dave Millheim
City Manager

Farmington City



Farmington Fields Subdivision - 2nd Amendment

Amending Lot 2, Farmington Fields Subdivision
 A part of Section 13, T3N, R1W, SLB&M U.S. Survey
 Farmington City, Davis County, Utah
 August 2016



- Legend**
- 1. Set Mark # Number of Top
 - 2. Set Mark # Number of Top
 - 3. Set Mark # Number of Top
 - 4. Set Mark # Number of Top
 - 5. Set Mark # Number of Top
 - 6. Set Mark # Number of Top
 - 7. Set Mark # Number of Top
 - 8. Set Mark # Number of Top
 - 9. Set Mark # Number of Top
 - 10. Set Mark # Number of Top

TENTATIVE FINAL

DAVIS COUNTY RECORDER
 COUNTY No. _____ FILED FOR RECORD AND
 ACCORDING TO BOOK _____ OF PAGE _____ AT
 RECORDING DATE _____ BY _____
 DATE _____ TIME _____
 DAVIS COUNTY RECORDER



PART 1 OF 2

U:\MICRO\COMPUTER FILES\2016\1472-BASKIN-INC.\20160816-SCALE-AM-1746-11

CITY COUNCIL AGENDA

For Council Meeting:
November 1, 2016

PUBLIC HEARING: Plat Amendments for Hidden Meadows Phase III and Mountain Side Subdivision Plat "F"

ACTION TO BE CONSIDERED:

1. Hold the public hearing.
- 2a. Approve the Hidden Meadows Phase III Subdivision Plat Amendment as set forth herein.
- 2b. Approve the Mountain Side Plat "F" Subdivision Plat Amendment as set forth herein.

GENERAL INFORMATION:

See enclosed staff report prepared by Eric Anderson.

NOTE: Appointments must be scheduled 14 days prior to Council Meetings; discussion items should be submitted 7 days prior to Council meeting.



FARMINGTON CITY

H. JAMES TALBOT
MAYOR

BRETT ANDERSON
DOUG ANDERSON
JOHN BILTON
BRIGHAM MELLOR
CORY RITZ
CITY COUNCIL

DAVE MILLHEIM
CITY MANAGER

City Council Staff Report

To: Honorable Mayor and City Council

From: Eric Anderson, City Planner

Date: November 1, 2016

SUBJECT: **PLAT AMENDMENTS:**

- A. **HIDDEN MEADOWS PHASE III**
Applicant: **Bruce Brierley**
- B. **MOUNTAIN SIDE SUBDIVISION PLAT "F"**
Applicant: **Clint and Becky Wooten**

RECOMMENDATION

1. Hold a public hearing (if necessary), and;
- 2A. Move that the City Council approve the Hidden Meadows Phase III Subdivision Plat Amendment as set forth herein.

AND

- 2B. Move that the City Council approve the Mountain Side Plat "F" Subdivision Plat Amendment as set forth herein.

BACKGROUND

A. The applicant (Bruce Brierley) has purchased his neighbor's property to the west and wishes to combine the two lots so that he can build a pool, pool house, and other accessory buildings related thereto. Neither the building code nor the zoning ordinance allows for buildings or uses (such as pools) that are accessory to a main building to cross property lines or be on a separate lot, therefore, the applicant must combine the two lots in order to complete his proposed plans.

Combining two lots in a platted subdivision requires plat amendment, and a 10-Day Notice of Protestation must be mailed out to every property owner within the subdivision, which has been completed. If there is not a protest within the allotted ten-day period, then the item does not require a public hearing. However, as standard

practice, the City Council has held a public hearing regardless, just to ensure that neighbors have a chance to voice their opinions on the matter.

B. The applicants have purchased Lot 306 of the Mountain Side Subdivision Plat “F” and desire to build a home on the lot. However, the proposed home plans will not fit due to a “restricted building area, conservation, and drainage easement” over the southeast corner of the property. The applicant is proposing to move this boundary so that their home will fit on the site, which requires a plat amendment.

Previously, when the owner of Lot 307 (next door to the east) came in to build their house, the City required them to go through a plat amendment similar to what the Wootens are currently undergoing; the Mountain Side Subdivision Plat “G” is the result of that amended plat application submitted and approved in 2007. Similar to the Mountain Side Subdivision Plat “G” amendment, they moved the boundary of the conservation easement to better fit their proposed home; it is important to note that in so doing, there was not a net loss of the area of the conservation easement, it was just an adjustment of the boundary of that easement; this is allowed because the original densities obtained during the platting process of the Mountain Side Subdivision occurred through the developer setting aside conservation land. Therefore, the total amount of conservation land cannot be reduced as this is how the approved densities were obtained, but the boundary lines of that conservation easement can be amended. The applicant has not provided a plat, because the lot boundaries and survey are not moving, just the area of the conservation easement. Staff is recommending that the final approval be deferred to staff; at the time of recordation, staff will ensure that there is not a net loss of the conservation easement area, and the amended plat meets all of the Farmington City ordinances and standards for the recordation of a plat.

Supplemental Information

1. Vicinity Map – Hidden Meadows Subdivision
2. Proposed Hidden Meadows Plat Amendment
3. Vicinity Map – Mountain Side Subdivision
4. Mountain Side Subdivision Plat “F”
5. Mountain Side Subdivision Plat “G”

Respectfully Submitted



Eric Anderson
City Planner

Concur



Dave Millheim
City Manager

Farmington City



Farmington City



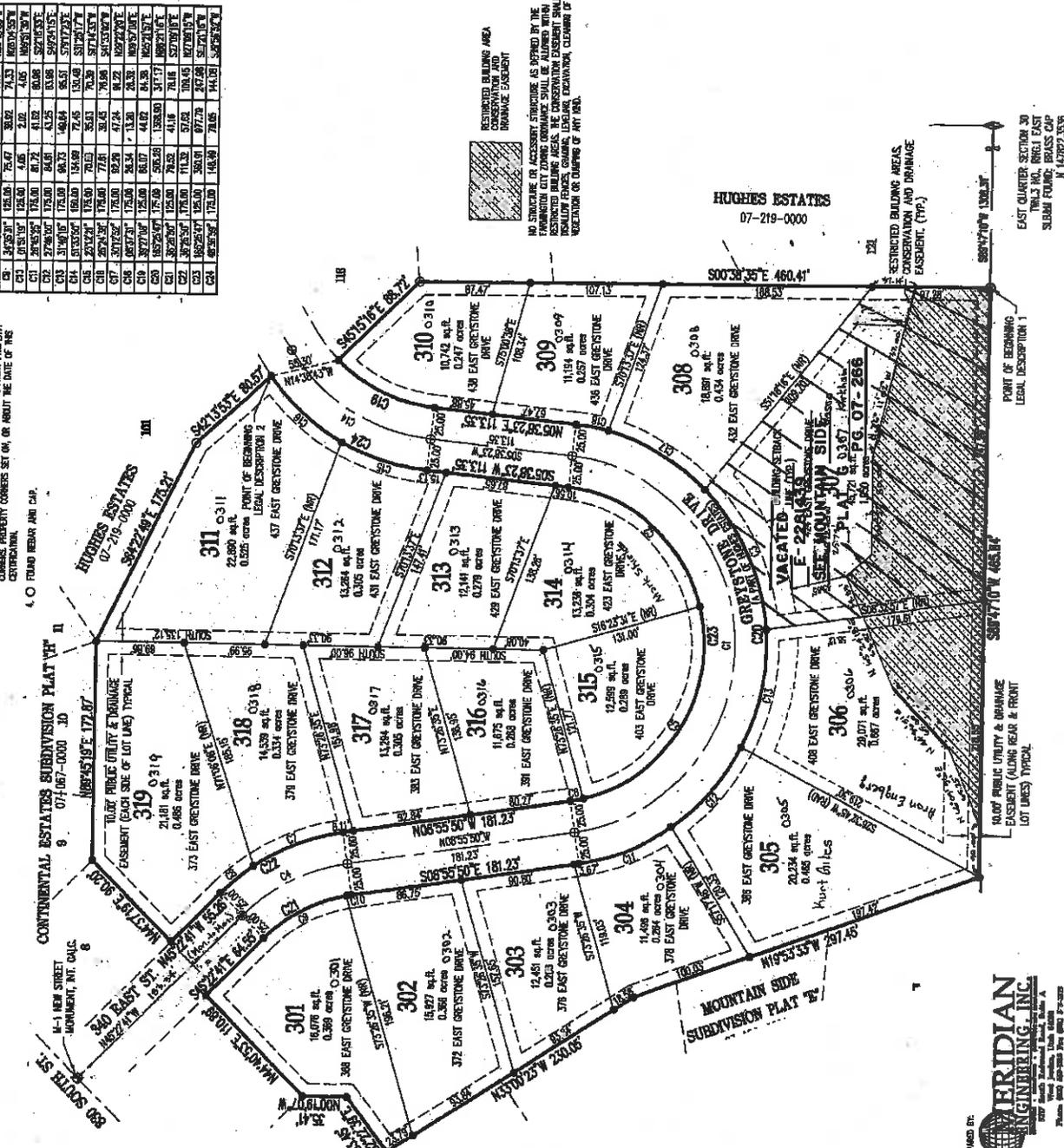
MOUNTAIN SIDE SUBDIVISION PLAT "T"

A PART OF THE NORTHEAST QUARTER OF SECTION 30,
TOWNSHIP 3 NORTH, RANGE 1 EAST, SLBEM
FARMINGTON CITY, DAVIS COUNTY, UTAH

George & Samira Haddad
Trustees Owns All Lots Not Marked

- LEGEND & NOTES:**
- ⊕ DOWING CITY BOUNDARIES
 - ⊕ CITY MONUMENTS TO BE SET
 - ⊙ SET 5/8" INCH BY 10" INCH STEEL BAR WITH SURVEYORS PROFESSIONAL CAP STAMPED, NARRATIVE PLUS 1/2" X 3" ON ALL BACK PROPERTY CORNERS. SET 1/2" FROM CORNER INLET IN SINKHOLE AS WITNESS TO FRONT PROPERTY CORNER. PROPERTY CORNER SET ON, OR ABOUT THE DATE OF THE CENTERLINE.
 - ⊙ FOUND REBAR AND CAP.

CURVE	DELTA	RADIUS	LENGTH	TANGENT	CHORD	CHORD BEARINGS
C1	165.2547	150.00	53.09	107.834	207.59	N 107° 01' 12" E
C2	162.2316	150.00	53.38	108.34	207.59	N 107° 01' 12" E
C3	162.2316	150.00	53.38	108.34	207.59	N 107° 01' 12" E
C4	162.2316	150.00	53.38	108.34	207.59	N 107° 01' 12" E
C5	162.2316	150.00	53.38	108.34	207.59	N 107° 01' 12" E
C6	162.2316	150.00	53.38	108.34	207.59	N 107° 01' 12" E
C7	162.2316	150.00	53.38	108.34	207.59	N 107° 01' 12" E
C8	162.2316	150.00	53.38	108.34	207.59	N 107° 01' 12" E
C9	162.2316	150.00	53.38	108.34	207.59	N 107° 01' 12" E
C10	162.2316	150.00	53.38	108.34	207.59	N 107° 01' 12" E
C11	162.2316	150.00	53.38	108.34	207.59	N 107° 01' 12" E
C12	162.2316	150.00	53.38	108.34	207.59	N 107° 01' 12" E
C13	162.2316	150.00	53.38	108.34	207.59	N 107° 01' 12" E
C14	162.2316	150.00	53.38	108.34	207.59	N 107° 01' 12" E
C15	162.2316	150.00	53.38	108.34	207.59	N 107° 01' 12" E
C16	162.2316	150.00	53.38	108.34	207.59	N 107° 01' 12" E
C17	162.2316	150.00	53.38	108.34	207.59	N 107° 01' 12" E
C18	162.2316	150.00	53.38	108.34	207.59	N 107° 01' 12" E
C19	162.2316	150.00	53.38	108.34	207.59	N 107° 01' 12" E
C20	162.2316	150.00	53.38	108.34	207.59	N 107° 01' 12" E
C21	162.2316	150.00	53.38	108.34	207.59	N 107° 01' 12" E
C22	162.2316	150.00	53.38	108.34	207.59	N 107° 01' 12" E
C23	162.2316	150.00	53.38	108.34	207.59	N 107° 01' 12" E
C24	162.2316	150.00	53.38	108.34	207.59	N 107° 01' 12" E



DEVELOPMENT: MOUNTAIN SIDE SUBD. PLAT "T"
CITY: FARMINGTON
LOTS: 301 THRU 319
SCALE: 1" = 60'
N

NE 1/4 OF SEC. 30, T.3N, R.1E
S.L.M. DAVIS COUNTY, UTAH
FILE# 4306
R 09-12-05



HUGHES ESTATES
07-219-0000

CONTINENTAL ESTATES SUBDIVISION PLAT "T"
07-067-0000 30

107 WEST PARK BLVD. SUITE A
FARMINGTON, UTAH 84201
PHONE: 435-253-1111 FAX: 435-253-1112

PREFIX
07-266

LAST #



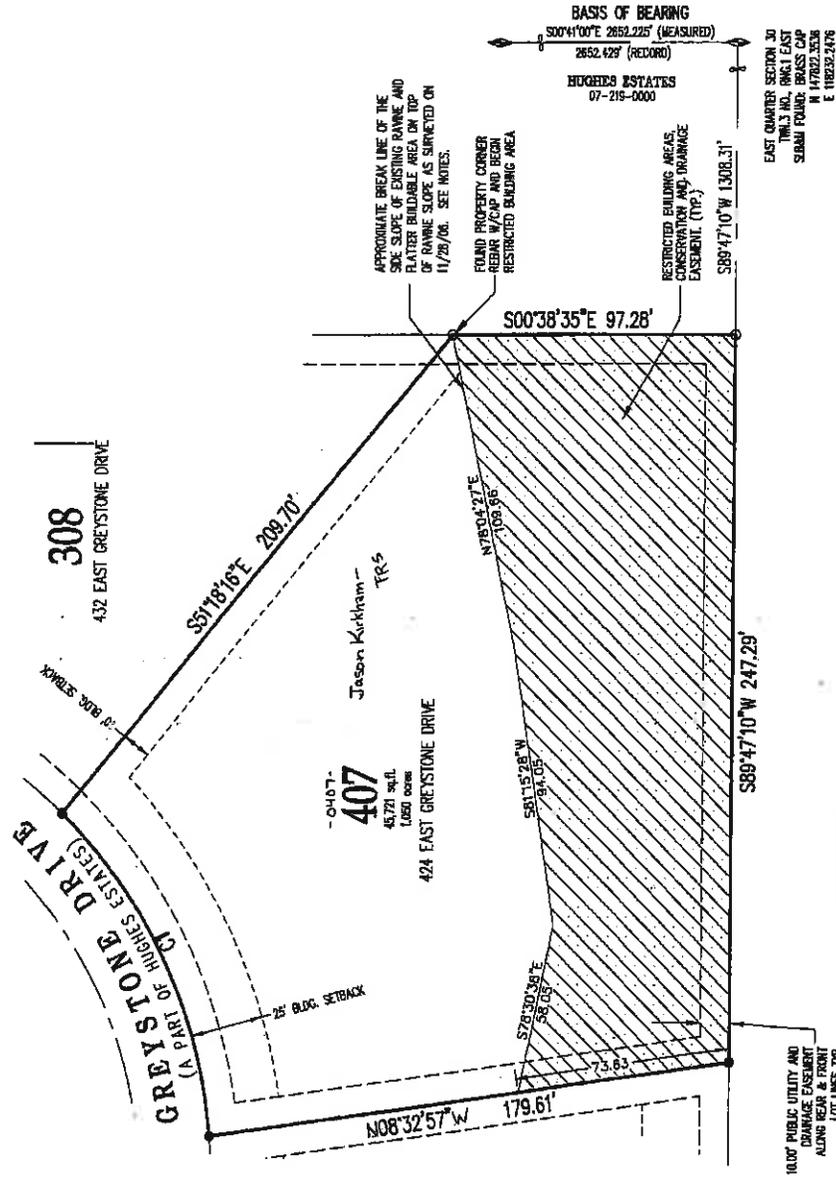
SCALE:
1" = 30'

DEVELOPMENT: MOUNTAIN SIDE SUBD. PLAT G
ONE LOT CONSERVATION EASEMENT MODIFICATION
CITY: FARMINGTON LOT: 407

NE 1/4 SEC. 30, T. 3N, R. 1E
S.L.M. DAVIS COUNTY, UTAH
FILE# 4649
R 06-20-07

MOUNTAIN SIDE SUBDIVISION PLAT "G" ONE LOT CONSERVATION EASEMENT MODIFICATION

A RE-SUBDIVISION OF LOT 407 OF MOUNTAIN SIDE SUBDIVISION PLAT G
ENTRY NO. 1688575 IN BOOK 2664 AT PAGE 469 CONSERVATION EASEMENT MODIFICATION
A PART OF THE NORTHEAST QUARTER OF SECTION 30,
TOWNSHIP 3 NORTH, RANGE 1 EAST, SRM
FARMINGTON CITY, DAVIS COUNTY, UTAH



NOTE:

1. THE INTENT OF THE CONSERVATION EASEMENT IS TO PROTECT THE EXISTING SHAPE OF THE CHURCH DRIVE FOR DRAINAGE PURPOSES AND TO MAINTAIN THE ORIGINAL PLAT BASED ON THE CURRENT CONDITIONS IN THE FIELD. THE SURVEY WAS CONDUCTED IN THE FIELD AND APPROXIMATED BY SURVEY LINES WITH TWO INTERNAL INTERSECTION POINTS WITHIN LOT 407 AS SHOWN.
2. A PROFESSIONAL REPORT WAS PREPARED FOR THIS PROJECT BY MERIDIAN SURVEYING, P.C., UNDER MEPA # 1688575. THE REPORT IS ATTACHED TO THIS PLAT AND IS PART OF THE PUBLIC RECORD. THE REPORT IS FILED IN THE PUBLIC RECORD UNDER FILE # 1688575 UNLESS OTHERWISE NOTED.

LEGEND & NOTES:

1. SET 5/8 INCH BY 24 INCH STEEL BAR WITH SURVEYORS IDENTIFICATION CAP STAMPER, MERIDIAN PLS 483744 ON ALL BACK PROPERTY CORNERS. SET 1/2 INCH COPPER NAIL IN SIDEWALK AS WITNESS TO FRONT PROPERTY CORNERS. PROPERTY CORNERS SET ON OR ABOUT THE DATE OF THIS CERTIFICATION.
2. FOUND REBAR AND CAP STAMPED "MERIDIAN PLS 172891".

CURVE TABLE			
CURVE	DELTA	RADIUS	LENGTH TANGENT CHORD OR BEARING
C1	40°23'14"	175.00	121.30 64.30 120.81 185°30'36"



PREPARED BY:
MERIDIAN SURVEYING, P.C.
1688575

CITY COUNCIL AGENDA

For Council Meeting:
November 1, 2016

SUBJECT: Minute Motion Approving Summary Action List

1. Approval of Minutes from October 4, 2016

NOTE: Appointments must be scheduled 14 days prior to Council Meetings; discussion items should be submitted 7 days prior to Council meeting.

FARMINGTON CITY COUNCIL MEETING
October 4, 2016

CLOSED SESSION

Motion:

At 5:00 p.m., **John Bilton** made a motion to go into a closed meeting for purpose of property acquisition **Brigham Mellor** 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 6:55 p.m., a motion to reconvene into an open meeting was made by **Doug Anderson**. The motion was seconded by **Cory Ritz** which was unanimously approved.

REGULAR SESSION

Present: Mayor Jim Talbot, Council Members Brett Anderson, Doug Anderson, John Bilton, Brigham Mellor, Cory Ritz City Manager Dave Millheim, Assistant City Manager Keith Johnson City Development Director David Petersen, City Recorder, City Attorney Todd Godfrey, Holly Gadd and Recording Secretary Katie Gramse.

CALL TO ORDER:

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

The invocation was offered by **John Bilton** and the Pledge of Allegiance was led by **Brett Anderson**.

Mayor Jim Talbot welcomed the youth city council members **Sabrina Barnett** and **Sarah Barnett**.

PUBLIC HEARING:

Hear Objections Related to the Farmington City, Utah School Safety Assessment Area as Set Forth in the Act; and Related Matters.

Mayor Jim Talbot told the audience of his many years of providing service within the community. He wanted to express his gratitude for a wonderful City and thanked the residents for their contributions. **Mayor Jim Talbot** then encouraged the audience to be considerate and respectful during tonight's meeting. He said the purpose for tonight's public hearing is to hear from the community and not from the Council. The Council Members may not respond to questions during the public hearing but will answer most when the public hearing closes. **Mayor Jim Talbot** said that new information will be provided to the public that the community has not yet received. He also told the audience that the Council has read the emails that have been sent and the staff would like to address some of those questions and concerns and also the steps given to the SAA. He reminded the audience that tonight is an early step in a long process and the residents can control the outcome. There will be opportunities that the residents can communicate their opinions during a public hearing in different stages of this SAA process and the Council and staff would like to hear from them.

Todd Godfrey said this process of the SAA, that has been created, has not been committed to nor finished. The City has adopted a resolution of intent that started this process of the SAA. This process is statutorily dictated, meaning it is time to hear from anybody that would like to speak on this issue. The City has a number of extension agreements that have already been set. The City has approximately 53 properties with extension agreements in this proposed area. The majority of those properties do not have any provisions that relates to the creation of the SAA. Some of the agreements have provisions that say the property owner waives their right to protest the creation of the assessment area. The property owners that do not have any provisions are able, by law to send a written protest of the SAA. Also, the property owners are in control of the process. The goal is to make a choice that both the residents and the City will be happy with.

Todd Godfrey said after tonight, a 60-day protest period will begin. The property owners that are affected by this SAA will have the opportunity to send in written protests and also withdraw any protests. The law does not require the City to hold any more meetings during the next 60 days but it does not prohibit it either. The final area of the SAA is still not determined and the nature of improvements is in the Councils' discretion. **Todd Godfrey** also mentioned that prior to the Public hearing the City Council had a closed session and discussed potential imminent litigation and some property acquisition material.

Keith Johnson said he would answer questions and make a few comments that have been sent to him regarding the SAA. The first question that he posed was, why is the City asking the property owner to pay for the curb gutter, and sidewalk, with asphalt tie in. **Keith Johnson** said the City requires any new property owner to pay for all of the same list of items even if they moved in today. The same payment process is going on currently throughout the City of Farmington, and it is required of any resident in this City. The City has always expected the property owners to pay for these 3 things, curb, gutter, and sidewalks.

Keith Johnson answered another question as to why isn't the School District paying more of the cost. **Keith Johnson** said there is not a law requiring the School District to pay for any more of the cost. There is nothing more the City can do to enforce the School District to make any more street improvements. The School District however is like any other property owner. They are responsible to pay for their curb gutter, and sidewalk with asphalt tie in that is in front of the school's property. They have also agreed to pay for half of the street which is a little bit more than what is expected of them.

Keith Johnson also answered the question why is the City doing these improvements right now at this point in time. He said the High School is opening August of 2018 and the road advances are an intense project. In some areas the road needs to be entirely rebuilt. In doing this construction, the City has to put in new water lines, storm drains, and other improvements. This project will take about 6 months to complete. If the High School is going to open, August of 2018 construction needs to start in April of 2017 to be able to finish by October of 2017. If construction is starting in April, the bidding for this project needs to happen in January of 2017. If the City waits any longer to start the bidding for this project, the cost will continue to increase. For those involved in the payment process it is important to get the bidding done earlier for a lower bid.

Keith Johnson said the City is trying to decrease the cost involved as much as possible and have applied for several grants to help. Any extra funding that will be received from grants will solely be given towards the property owners' assessment if the SAA is formed. Farmington City has received the Tiger Grant which is given by the UTA. However, the total amount is still yet to be determined. The residents and Farmington City staff have been in communication with the County Commissioners. The City is hoping to be able to receive Proposition 1 money. This money is only given to pay for roads in Davis County. The City has asked for \$500,000 but the County has not yet decided on how much they will give to Farmington City.

The City came up with the cost of \$199 per linear foot by working with the City engineer and a contractor. They came up with the total cost of \$4.2 million which includes curb gutter, sidewalks, and asphalt extension. The City has also met with Zions Bank and they gave the City an estimate of how much the bonds and construction loans would be. If the property owners would like to have the 10-year financing option, they would have to approve the SAA. If the SAA is not approved, then the City would have to call on the extension agreements and whatever the agreement says the property owner would have a specific time period to pay their total cost. There would be no finance option for the property owner.

Keith Johnson said the City will let the public know if the City gets any more information regarding the grants or if they gain clarity on any item within the next 60 days. **Todd Godfrey** said the protest to the SAA has to be a written protest. There is a form that the City has that the residents can use. If the property owners use their own form it has to be worded correctly and explain what their protest means. If the form is not clearly stated it might not be legalized as a protest.

Dave Millheim said the City has two other grants they are working on receiving. One is the Safe Routes to School Grant. This grant is spread across the State of Utah and has

approximately \$600,000 a year to decide who receives the money. The City also pursuing the CGBD grant. This grant is primarily focused around the area of the High school. The City applied for this grant earlier but was denied. However, they encouraged the City to reapply. The City has not received any confirmation on either of these two grants but will keep the public and Council notified of any developments.

Brett Anderson asked if the City and owners might be able to postpone the 60-day requirement and wait to hear back from the different grant money to know if the SAA is the best option for the residents. **Todd Godfrey** said did not know the answer to that question at this time but will have the answer to the Council within the next week. **Brett Anderson** said in the code document under the protest section there is a statement that may elude to the fact the property owners could choose which improvements they would want to accept or protest. **Todd Godfrey** said that in his experience it does not allow a line item veto for the property owners it is for the City Council and the process they take on as they proceed with their findings. **Todd Godfrey** said however, he will get a definitive answer.

Mayor Jim Talbot opened the public hearing at 8:03 p.m.

Karlene Mower 1063 South 650 West Farmington. She has been a resident of Farmington for 40 years. She is currently 80 years old and a widow who lives on a fixed income. The City is asking her to pay \$22,750. This added financial burden is a major concern for her. She feels they should raise the property tax of all the citizens because there will be many who will use these streets. Also, the new High School will benefit more than just Farmington City.

Carmen Samuelson 1203 West 475 South Farmington. She said this is not a property owners issue, this is a community issue. Everyone needs safe sidewalks for the children to walk on and roads for safe travel. We as residents have paid for the pool, the gymnasium, trails, and sport fields. However, not all of the residents use them. She understands that there was a bond that the public approved but feels this amount has increased from the initial bond amount. She would like The City to find a way to pay for these roads and sidewalk improvements instead of placing the burden solely on the citizens that live in this area.

Karl Asay 850 South 650 West Farmington. He said there are many commuters or heavy equipment trucks that have been using these specific roads in west Farmington. He feels that the City should take more responsibility instead of putting it on only these specific property owners.

Janelle Bowers 170 south Main Street SLC. She is an attorney with Jones Waldo. She is here representing several of the property owners within the proposed SAA. She said the legality of the SAA is questionable for a few reasons. First, there was misinformation sent out to the property owners telling them they did not have the right to protest if they fall under some certain extension agreements. This is not accurate under Utah State law, anyone with an extension agreement does have the right to protest. She feels that a written form should be sent out to all residents that received this misinformation and let them know they do have the right to protest of the creation of the SAA. She also said there is law that requires the City to show an individualized benefit to each property within the SAA above or beyond that received by the general public to justify assessing the individual properties. She said courts around the country

and even the Supreme Court have reviewed this issue. They found that when there is an exaction on property in substantial excess of the benefit to the property there is an abuse of power and the City is facing a takings issue. She does not believe there is any benefit to the individual properties. This is a community wide project and nothing to do with the individual properties. She said if the SAA is created, there will be some foreclosures within this area. Even with a 10-year financing option some residents will have no way to pay for this.

Philip Paget 1012 South 1100 West Farmington. He said that Davis County School District has known for over 15 years that the High School would be built. He feels that the School District should have been making provisions during this time period knowing there would be street and road construction needing to be made. The lack of planning should not fall on the residents who live around this specific area. He feels the School District should look into other bonds or funding to spread across all the property owners who might have students attending this school. The City is asking about 115 property owners to pay for these improvements where thousands of people will be using them. He feels this is not only illegal but immoral. He also thinks the City should have been more proactive in finding funding this project. He feels that 650 West, South of Glovers Lane should not be involved in this SAA project.

Ted Alexander 418 South 618 West Farmington. He said many of the residents of west Farmington chose this particular area for the rural setting. They want to be able to enjoy the benefits of small town living. Everyone agrees that there needs to be safer roads and sidewalks for all citizens. He feels that the process needs to slow down and an organization of a neighborhood committee should be formed. He said this committee should consist of two non-extension agreement holders, two extension agreement holders and 1 bipartisan member each representing their group to meet with the City Council and negotiate a fair and responsible solution for all parties involved. He said that the residents would like to be involved in the design process. They would like to gain better understanding of how much grant money, proposition 1 money and other funding the City plans on receiving. He feels that the grant money received should remain for the project regardless of the direction of an SAA. He said they would also like to discuss the public utilities and whose responsible for the road work that is being proposed in the current SAA. He said they are not against the SAA fundamentally, but hopes the City Council will have political courage to slow the SAA process down and design an option that maintains Farmington City's unique lifestyle.

David Howes 612 South 650 West Farmington. He thanked Council members **Cory Ritz** and **Brett Anderson** for attending their neighborhood meeting. He said he has recently bought another home around the corner from their current residents. Both properties lie on the proposed road. He is currently trying to sell their first home but is currently assessed at \$75,000 if the SAA goes into effect they will owe over \$100,000 between the two homes. This may result in them selling both homes, so they can pay for the sidewalks and road construction. This SAA is the best option for the City but not for the residents. This has afflicted an unmeasurable amount of stress and anxiety on his family and neighbors. He feels that there has been threats and bullying towards the residents from the City management. Because of these harsh claims, it has turned this community angry. He does not feel it is a good tactic to place fear in the citizens to get what it wants.

Tim Mathews 1563 Oakridge Park Drive Farmington. He owns 6 plus acres on Glovers Lane which is agriculture property. He said his proposed assessment is over \$120,000. He hopes the City will provide a plan for those with and without extension agreements. He feels the extension agreements were not meant for the reconstruction of roads, but to tie into good and existing roads. He asked if their needs to be sidewalks on both sides of the streets. He feels that it would be able to save cost and preserve some of the country-feel that so many of the residents in this area want to keep. He thinks that on the South side of Glovers Lane, it needs to be free of sidewalks so they can expand the equestrian trail.

Greg Hodson 33 Glovers Lane Farmington. He is here speaking for his father because he is currently in the hospital. They have 5 properties in the area. Their proposed assessment is \$145,000 on the home on Glovers Lane. His parents are both in the hospital and are not doing well. The family needs to sell their home and because of the SAA the value of the home has been greatly diminished. This particular property was bought in 1960. His other 4 homes were bought for agriculture properties and not for subdivision or dividing.

Stephen Proven 788 South 650 West Farmington. He mentioned that his proposed assessment is \$60,000. He said he hoped what he had to say was not construed as criticism. He asked the City Council and staff about the UDOT B&C money. He understood this money could be used for road maintenance and construction and these funds do not expire. He obtained this information from **Chris Potter** who works with UDOT and is the local programs engineer. **Stephen Proven** mentioned that in the last 10 years Farmington City has been awarded about \$5.5 million in B&C money. He thought the City could have used some of this funding towards this project, also the City could have applied for federal matching funds. He thinks that the past B&C money would have been spent but hopes that the future amount given could be saved and hope to defray cost of this project. He also wanted to maintain equestrian trails throughout west Farmington.

Kelly Maxfield 121 South 650 West Farmington. He said this SAA process has united this community, but he concurs with the other residents that these roads and sidewalks will be used by many others. He said that 2 years ago, where he lives, there was a similar situation of road construction and many mistakes were made during that project. He feels that this project will have the same outcome. He also said there has been mistrust in the City Management over this project and he encouraged the City Council and Staff to make the right and moral decision that can benefit both the City and this community.

Jared Schetselaar 1060 South 650 West Farmington. He said this is a good time to show other residents of Farmington and other Cities how to use the SAA responsibly. He agreed that coming up with a decision in a timely manner is crucial. He came up with 5 items if changed can make the SAA useful and good.

1. He suggested waiting to cut parts of the SAA out until we know what is included in the SAA. After that, the City should go to citizens and see if they would like to be included in the SAA or if they would be excluded.
2. Remove the entire cost of tearing down, building up, widen roads out of the SAA. He feels this should be the City's responsibility. These roads that are included in the SAA are collector roads not private roads anymore.

3. Remove the financing costs from this project.
4. Reevaluate the width of the sidewalks and park strips. A) 4ft sidewalks might be sufficient. B) Put sidewalks on one side of the road. C) Are park strips necessary. D) Should we adopt what is already in our plan. What he thinks that is included in the plan, is a trail system and he thinks that the City should follow what the citizens have asked for. E) areas of the SAA that the roads should be widened but sidewalks may not be necessary.
5. He thinks the City Council should remove any additional costs and decide exactly what curb gutter and sidewalks are needed, and get a bid on that project. After this particular bid, then apply all applicable grants and ask the citizens if they would like to participate in this SAA with the portion that is left.

Lisa Webster 732 West 500 South Farmington. She feels the changes in Farmington are happening too much, too fast. She said there are some reasons she is against the SAA and is protesting it. She feels that the residents who live on these major roads deserve information and proposals given to them in a fair and reasonable manner. She feels the residents in this area should not be the only ones paying for the cost. She also said the cost of this project is way too high and her current estimate is \$52,000. She also knows that the City has talked about a new High School coming in for about 15 years. She thinks this should have given the City ample time to come up with funding and also give a reasonable estimate to the property owners.

Sandra Carr 547 East 200 North Bountiful. She said she has property on 111 South 650 West in Farmington. She said she has 3 questions for the City Council and Staff.

1. She asked why her linear footage, that is being assessed, longer than her property width. The City has assessed her property at on the website at 113.5 feet and printed in the Davis County Clipper at 112.7 feet. She said her property deed and county plat reads that her property width is 109.5 feet.
2. She mentioned that she has no easements on her property. She said if you pull back the fire hydrate and power pole then there will be an easement on her property. She was curious how the City would handle this.
3. She said she does not have 12 ft. from the gutter to her property line. She measured it at 11 ft 11in. down to 11ft. She mentioned that the road or her property line might be slightly off. If the City does a 7ft width for the park way and a 5ft sidewalk then her property will be affected.
4. She also asked how the severance damages will be paid to the property owners?

Scott Isaacson. 441 South 1100 west. He is here representing himself and his daughter who bought a home next door to his. He mentioned how grateful he was to live in a wonderful community. He would like to know how the City came up with the percentage of what they will pay for this project. He said he has read the code and it is supposed to be for an improvement for the value of the property. He has some concerns with the SAA. He thinks that the City and citizens should work together and come up with a better solution that will benefit everyone.

Cheryl Farnsworth 287 South 1100 West Farmington. She said this project has caused a lot of stress to this community but it has brought them closer together. She encouraged the City

Council and Staff to make a decision to keep bringing this community together. Hopefully, there will be other options that will be more acceptable to all of us.

Don Francis 7578 South 650 West Farmington. He quoted from the City's master development plan, chapter 8 under transportation section 11. He feels that the City's management has failed in taking action on this manner. He said he would like this to be incorporated into Farmington City and this is the main reason he lives here. He said the community needs more trail networks instead of sidewalks.

Mayor Jim Talbot closed the public hearing at 9:04 p.m.

John Bilton said he appreciated the comments from the residents tonight. He wanted to clarify that the residents can decide whether they want to proceed with the SAA or eliminate it by doing so, it will be through their protests. If they do not get enough protests, then the chance to move forward with the SAA might happen and in this assessment changes can be made. The City Council can decide the width of the sidewalks, where exactly they want the construction to happen. They will be able to address these concerns that have been brought to their attention. This can be done if the SAA is passed. If the SAA does not receive enough protests, then the City might have to call upon the extension agreements. The students attending these schools need a safe way to and from school.

Brett Anderson suggested to put this topic of the SAA on the agenda every two weeks so the Council Members might discuss they may have in dealing with these issues. **Dave Millheim** said that it would be a good idea in having this discussion under the Old Business portion of the agenda. He said when the 60-days are over, then it is time for the Council to decide on what they want to do with the SAA and what portions to remove or change. Within the 60-day protest period the Council can gain clarity on information but they cannot come up with any decisions. **Dave Millheim** thought it would be good idea to get correct and more information out to the public and gain more ideas and solutions from them.

Todd Godfrey said he would like confer with another attorney on how much information the Council can decide on and address at the Council meetings. He said he would have this information by the end of the week. **Mayor Jim Talbot** asked to put this question on the next City Council meeting on October 18, 2016 for discussion and clarification.

Dave Millheim also suggested that the City staff have public walk-in times and call-in times available to them in order to answer individual questions or concerns regarding the SAA. He said he would start on Thursday October 6, 2016 and have walk-ins/call-ins every Tuesdays and Thursdays from 3:00 p.m.-6:00 p.m..

Brett Anderson felt it was important that the public write a written form to protest the SAA regardless of any previous notions that they could not. **Dave Millheim** said he would put a list of requirements on the City's website so the public would be aware of the requirements they need to follow in order for the form to be valid.

Motion:

Doug Anderson made a motion to have the City Council close the public hearing for the objections related to the Farmington City, Utah School Safety Assessment Area as Set Forth in the Act; and Related Matters. **Cory Ritz** seconded the motion, which was unanimously approved.

Memorandum of understanding between Davis School District (DSD) and Farmington City for Glover’s Lane and 650 West Street.

David Peterson said he has had many discussions with the School District regarding how much of the road they would be willing to pay for. The School District settled on paying only half the road on Glover’s Lane which is 26 ft. and a portion of 650 West which will be 18.5 ft. They have entered a memorandum of understanding over how much of their portion they will pay. The City committed the School District on this exact amount of payment.

Motion:

John Bilton made a motion to close the memorandum of understanding between Davis School District and Farmington City in regarding improving the road half width for Glover’s Lane and 650 West. **Cory Ritz** second the motion, which was unanimously approved

GOVERNING BODY REPORTS:

City Manager Report- Dave Millheim

Dave Millheim did not have anything to report at this time.

Mayor Jim Talbot

1. He thanked all those who were able to attend the U of U ribbon cutting. He was very impressed with all the individuals who took part—both on the state and local levels.

Council Member – Doug Anderson

1. He also expressed how well the ribbon cutting ceremony was with the U of U Health Care facility. He was thankful he was able to be a part of this ceremony.

Council Member – John Bilton

1. He asked if there was any feedback from **Center Cal** concerning their tax increment and residential component. **Dave Millheim** and **Mayor Jim Talbot** presented today, the letter of explanation to them. They have not received any news back yet by **Center Cal** but anticipates hearing from them within the next few weeks.

Council Members **Brett Anderson** and **Cory Ritz** did not have anything to report on at this time.

ADJOURNMENT

Motion:

At 10:02 p.m., **Doug Anderson** made a motion to adjourn the meeting. **John Bilton** seconded the motion, which was unanimously approved.

Holly Gadd, City Recorder
Farmington City Corporation

DRAFT

CITY COUNCIL AGENDA

For Council Meeting:
November 1, 2016

SUBJECT: City Council Committee Updates

ACTION TO BE CONSIDERED:

None.

GENERAL INFORMATION:

The City Council will give an update on the various committees they serve on.

NOTE: Appointments must be scheduled 14 days prior to Council Meetings; discussion items should be submitted 7 days prior to Council meeting.

CITY COUNCIL AGENDA

For Council Meeting:
November 1, 2016

SUBJECT: City Manager Report

1. Executive Summary for Planning Commission held October 20, 2016

NOTE: Appointments must be scheduled 14 days prior to Council Meetings; discussion items should be submitted 7 days prior to Council meeting.



FARMINGTON CITY

H. JAMES TALBOT
MAYOR

BRETT ANDERSON
DOUG ANDERSON
JOHN BILTON
BRIGHAM MELLOR
CORY RITZ
CITY COUNCIL

DAVE MILLHEIM
CITY MANAGER

City Council Staff Report

To: Honorable Mayor and City Council

From: Eric Anderson – City Planner

Date: November 1, 2016

SUBJECT: EXECUTIVE SUMMARY- PLANNING COMMISSION HELD OCTOBER 20, 2016

RECOMMENDATION

No action required.

BACKGROUND

The following is a summary of Planning Commission review and action on October 20, 2016 [note: four commissioners attended the meeting—Acting Chair Heather Barnum, Connie Deianni, Dan Rogers, and Bret Gallacher. Commissioners Rebecca Wayment, Alex Leeman, and Kent Hinckley were excused.

Item 3 Bruce Bassett – Applicant is requesting preliminary plat approval for the Eagle Cove Conservation Subdivision consisting of 16 lots on 6.25 acres of property located at approximately 1100 West Glover Lane in an AA (Agriculture – Very Low Density) zone. (S-28-15)

Voted to approve the preliminary plat as written in the staff report, amending finding 2 as follows: The proposed development will aid the City in improving Glover Lane and 1100 West, as set forth in the staff report.

Vote: 4-0

Item 4 Nick Mingo / Ivory Homes – Applicant is requesting preliminary plat approval for the Davis Creek Conservation Subdivision consisting of 15 lots on 9.5 acres of property located at 475 West Glover Lane in an AE (Agriculture Estates) Zone. (S-9-16)

Voted to approve the preliminary plat as written in the staff report.

Vote: 4-0

Item 5 Jonathan Hughes and Chase Freebairn / Ivory Homes – Applicants are requesting a recommendation for General Land Use Plan Amendment of 31.79 acres of property located at approximately 600 South 1525 West from DR (Development Restricted, Very Low Density, and/or Agriculture Open Space) to RRD (Rural Residential Density) designation. (Z-2-16)

The commissioners took a field trip to West Farmington to look at how amending the General Plan based on the new 4218 designation line would affect some of the sensitive areas around the lake, and potentially open the area to future development. Staff wanted to illustrate that basing the decision of amending the General Plan solely on the recognition that the 4218 line was erroneously delineated in the 1990s would affect more than the applicant's property.

In the meeting, staff laboriously went through the General Plan to help the Planning Commission determine if there were other reasons to amend the General Plan for this property other than the 4218 line not being where the City originally thought it was. Staff was directed to do a study of the area and determine how a General Plan amendment for this application could potentially impact the City and open up the development restricted zones for development. Although both a rezone and a general plan amendment are legislative acts, a rezone does not technically set a precedent while a General Plan amendment does. Therefore, the Planning Commission wants to better understand what the potential ramifications of this precedent would be if the application for General Plan amendment were approved.

Voted to table the item for further study.

Vote: 4-0

Respectfully Submitted



Eric Anderson
City Planner

Review & Concur



Dave Millheim
City Manager

CITY COUNCIL AGENDA

For Council Meeting:
November 1, 2016

SUBJECT: Mayor Talbot & City Council Reports

NOTE: Appointments must be scheduled 14 days prior to Council Meetings; discussion items should be submitted 7 days prior to Council meeting.