

**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 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 12, 2019, 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

### **PRESENTATIONS:**

7:05 Presentation of Check to Alora's Lights from Charity Bike Race

7:10 Presentation to Gordon Crabtree of the University of Utah

### **PUBLIC HEARINGS:**

7:20 Resolution Amending the Municipal Budget for FY2020

7:25 Plat Amendment for the Corner Stone Subdivision (Applicant withdrew application)

7:30 Amendment to Chapter 8 of the Zoning Ordinance regarding Administrative Review for Public Street Standards not Listed

7:40 Amendment to Chapter 3 of the Zoning Ordinance regarding Special Exceptions and Moderate Income Housing

### **NEW BUSINESS:**

7:50 Surplus Property and Acquisition of used Transport Engine

### **OLD BUSINESS:**

7:55 Plat Amendment for East Brentwood Estates Subdivision

**SUMMARY ACTION:**

*(Items listed are considered routine in nature and will be voted on in mass unless pulled for separate discussion)*

8:00 Minute Motion Approving Summary Action List

1. Approval of Minutes from October 29, 2019
2. Approval of Pass Through Funds Agreement with UDOT for the Transfer of SB 268 Funds

**GOVERNING BODY REPORTS:**

8:05 City Manager Report

1. Building Activity Report for October
2. City Purchasing Card Program

8:20 Mayor Talbot & City Council Reports

**ADJOURN**

**CLOSED SESSION**

Minute motion adjourning to closed session for the character and competency of an individual.

DATED this 7th day of November, 2019.

**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.*

**Posted 11/07/2019**

CITY COUNCIL AGENDA

For Council Meeting:  
November 12, 2019

**S U B J E C T: Roll Call (Opening Comments/Invocation) Pledge of Allegiance**

It is request that City Councilmember Cory Ritz give the invocation to the meeting and it is requested that City Councilmember Doug Anderson 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 12, 2019

**S U B J E C T: Presentation of Check to Alora's Lights from Charity Bike Race**

**ACTION TO BE CONSIDERED:**

None.

**GENERAL INFORMATION:**

Todd Blanch, Motorcycle Race Chair will be presenting a check to Ryan and Brindee Horsley for the Alora's Lights Foundation.

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 12, 2019

**S U B J E C T: Presentation to Gordon Crabtree of the University of Utah**

**ACTION TO BE CONSIDERED:**

None.

**GENERAL INFORMATION:**

Mayor Talbot will be making this presentation.

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 12, 2019

**PUBLIC HEARING: Resolution Amending the Municipal Budget for FY2020**

**ACTION TO BE CONSIDERED:**

1. Hold Public Hearing.
2. Approve the enclosed Resolution amending the budget for FY2020.

**GENERAL INFORMATION:**

See enclosed staff report prepared by Greg Davis, Finance Director.

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  
ALEX LEEMAN  
CORY RITZ  
REBECCA WAYMENT  
CITY COUNCIL

SHANE PACE  
CITY MANAGER

## City Council Staff Report

To: Honorable Mayor and City Council  
From: Greg Davis, Finance Director  
Date: November 12, 2019

SUBJECT: FY 2020 Budget Amendment

### RECOMMENDATION

Approve the enclosed resolution which amends the Budget for FY 2020.

### BACKGROUND

The budget amendment is intended for two purposes:

1. For the purchase of a home for the expansion of Forbush Park REPC approved at City Council meeting on October 29, 2019 in the estimated amount of \$310,000 (price, fees, and taxes). This amendment will increase revenue in the form of an increase to the appropriation of the General Fund's fund balance and an increase to General Fund's capital outlay expenditure budget.
2. For the installation of the Shepard Creek Trail connection to the Legacy Parkway trail between the Red Barn and the Arbinger building in the amount of \$50,000. This will be recouped in the form of a Utah Outdoor Recreation Grant which Farmington City was awarded in spring of 2019 from the Governor's Office. This issue was discussed in a City Council work session on October 8, 2019. This amendment will increase grant revenue budget and increase capital outlay expenditure budget.

### Supplemental Information

1. Amended 2020 FY Budget Summary for the General Fund

Respectfully Submitted

Greg Davis  
Finance Director

Concur

Shane Pace  
City Manager

**RESOLUTION NO. 2019-\_\_\_\_\_**

**A RESOLUTION AMENDING THE MUNICIPAL BUDGET FOR FISCAL YEAR ENDING 6-30-20.**

**WHEREAS**, upon proper review and consideration, the City Council has held a public hearing concerning amending its FYE 6-30-20 municipal budget;

**WHEREAS**, said public hearing has been held as required by law and pursuant to all legally required notices; and

**WHEREAS**, the City Council has heard and considered all public comment advanced at the aforementioned hearings; and

**WHEREAS**, the attached budgets are hereby found to comport with sound principles of fiscal planning in light of the needs and resources of Farmington City Corporation;

**BE IT ORDAINED BY THE CITY COUNCIL OF FARMINGTON CITY CORPORATION, STATE OF UTAH:**

**Section 1. FYE 6-30-20 Municipal Budget Amendment.** The attached document entitled "Farmington City Modified Budget FYE 6-30-20", incorporated herein by reference, is hereby adopted.

**Section 2. Miscellaneous Provisions.**

a. **Severability.** If any part or provision of this Resolution is held invalid or unenforceable, such invalidity or unenforceability shall not affect any other portion of this Resolution, and all provisions, clauses, and words of this Resolution shall be severable.

b. **Titles and Headings.** The titles and headings of this Resolution form no part of the Resolution itself, have no binding or interpretative effect, and shall not alter the legal effect of any part of the Resolution for any reason.

c. **Effective Date.** This Resolution shall become effective immediately upon posting.

d. **Non-codification.** This Resolution shall be effective without codification.

**PASSED AND ADOPTED BY THE CITY COUNCIL OF FARMINGTON CITY CORPORATION, STATE OF UTAH, ON THIS 12TH DAY OF NOVEMBER, 2019.**

**FARMINGTON CITY**

By: \_\_\_\_\_

H. James Talbot,  
Mayor

**ATTEST:**

\_\_\_\_\_  
Holly Gadd, City Recorder

FARMINGTON CITY CORPORATION  
 Approved Budget  
 Fiscal Year Ending June 30, 2020

	Adopted Budget	Amendment #1	Amended Budget
<b>General Fund Revenues:</b>			
Property Tax	2,040,000		2,040,000
Registered Vehicle Fees	210,000		210,000
Sales Tax	5,300,000		5,300,000
Franchise Tax/Fee	1,520,000		1,520,000
Transient Room Tax	70,000		70,000
License /permits	536,500		536,500
Federal /State Grants	47,000	50,000	97,000
Public Safety	138,400		138,400
Development Fees	65,000		65,000
Cemetery Fees	38,000		38,000
Shared Court Revenue	180,000		180,000
Interest	45,500		45,500
Miscellaneous	184,000		184,000
Subtotal	10,374,400	50,000	10,424,400
Road funds:			
Local Transportation Sales Tax	400,000		400,000
Class C funds	890,000		890,000
Interest	2,000		2,000
Subtotal Road funds	1,292,000	0	1,292,000
Appropriated Fund Balance	683,116	310,000	993,116
Total Revenue	12,349,516	360,000	12,709,516
<b>General Fund Expenditures:</b>			
Legislative	146,000		146,000
Administrative	882,811		882,811
Economic Development	348,158		348,158
Engineering	180,661		180,661
Planning / Zoning	651,999		651,999
Police	3,024,247		3,024,247
Fire	1,312,083		1,312,083
Emergency Preparedness	1,500		1,500
Inspection	474,942		474,942
Streets	732,993		732,993
General Government Buildings	497,960		497,960
Parks / Cemetery	1,037,324	360,000	1,397,324
General Recreation	679,138		679,138
Economic Progress	130,000		130,000
Miscellaneous	36,000		36,000
Transfer to Capital Funds	921,700		921,700
Subtotal	11,057,516	360,000	11,417,516
			0
Road Maintenance, Projects:			
General Street Maintenance	290,000		290,000
Overlays, chip seals	1,000,000		1,000,000
Subtotal Road Maintenance, Projects	1,290,000	0	1,290,000
Fund Balance increase	2,000		2,000
Total Expenditures	12,349,516	360,000	12,709,516

CITY COUNCIL AGENDA

For Council Meeting:  
November 12, 2019

**PUBLIC HEARING: Amendment to Chapter 8 of the Zoning Ordinance regarding  
Administrative Review for Public Street Standards not Listed**

**ACTION TO BE CONSIDERED:**

1. Hold Public Hearing.
2. Adopt the enclosed Ordinance amending Chapter 8 of the Zoning Ordinance regarding Administrative Review and Public Street Standards not Listed including Findings for Approval A and B.

**GENERAL INFORMATION:**

See enclosed staff report prepared by David Petersen, Community Development Director.

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  
ALEX LEEMAN  
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REBECCA WAYMENT  
CITY COUNCIL

SHANE PACE  
CITY MANAGER

## City Council Staff Report

To: Honorable Mayor and City Council

From: David E. Petersen, Community Development Director

Date: November 12, 2019

SUBJECT: **SUBDIVISION TEXT AMENDMENT—ADMINISTRATIVE REVIEW FOR PUBLIC STREET STANDARDS NOT LISTED (ZT-6-19)**

### RECOMMENDATION

1. Hold a public hearing.
2. Move that the City Council adopt the enclosed ordinance and amend Section 12-8-100 regarding Administrative Review for Public Street Standards not Listed.

### Findings:

- A. The proposed amendment is reasonably necessary because most administrative modifications to the City's standard street cross sections, except decisions as to whether or not to eliminate sidewalks (which is a policy determination), are considered during the review and approval of improvement drawings by the City Engineer, or out in the field; moreover, the Planning Commission and/or the City Council sometimes do not have the background necessary to make determinations related to such technical design issues as these.
- B. The action is in the public interest because it will improve the review process for the public and property owners.

### BACKGROUND

Recently, the City Council and Planning Commission as per the existing ordinance approved a proposed street modification request to 175 South Street as part of the Mountain View Subdivision project. Neither body was concerned about park strip widths and other details per se (which are now proposed as staff administrative decisions (see recommended changes in the attached ordinance)), but strongly rejected the request to eliminate sidewalk altogether, which is a policy decision [note: the proposed draft changes recommend that such determinations should remain with the Planning Commission and City Council].

Respectively Submitted

David Petersen  
Community Development Director

Review and Concur

Shane Pace  
City Manager

**FARMINGTON, UTAH**

**ORDINANCE NO. 2019 -**

**AN ORDINANCE AMENDING SECTION 12-8-100 OF THE  
FARMINGTON CITY SUBDIVISION ORDINANCE  
REGARDING ADMINISTRATIVE REVIEW FOR PUBLIC  
STREET STANDARDS NOT LISTED. (ZT-6-19)**

**WHEREAS**, the Planning Commission has held a public hearing in which the proposed text changes for Title 12, Section 12-8-100 of the Farmington City Municipal Code were thoroughly reviewed and the Planning Commission recommended that these changes be approved by the City Council; and

**WHEREAS**, the Farmington City Council has also held a public hearing pursuant to notice and as required by law and deems it to be in the best interest of the health, safety, and general welfare of the citizens of Farmington to make the changes proposed;

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF FARMINGTON CITY, STATE OF UTAH:**

**Section 1. Amendment.** Sections 12-8-100 of Title 12 of the Farmington City Municipal Code is hereby amended to read in its entirety as set forth in Exhibit "A" attached hereto and by this reference made a part hereof.

**Section 2. Severability.** If any provision of this ordinance is declared invalid by a court of competent jurisdiction, the remainder shall not be affected thereby.

**Section 3. Effective Date.** This ordinance shall take effect immediately upon publication or posting or 30 days after passage by the City Council, whichever comes first.

**PASSED AND ADOPTED** by the City Council of Farmington City, State of Utah, on this 12th day of November, 2019.

**FARMINGTON CITY**

\_\_\_\_\_  
H. James Talbot, Mayor

**ATTEST:**

\_\_\_\_\_  
Holly Gadd, City Recorder

## EXHIBIT "A"

### 12-8-100: ADMINISTRATIVE REVIEW FOR PUBLIC STREET STANDARDS NOT LISTED:

- A. Consideration: The city ~~engineer council, after receiving a recommendation from the planning commission,~~ may review and approve street standards not listed in the Farmington City development standards but shall consider only modifications and alternatives to standard street intersections, **sidewalk locations**, typical cul-de-sac and standard roadway sections, **but not the elimination of sidewalks altogether. The city council, after receiving a recommendation from the planning commission, may waive the requirement to install sidewalks.** The **city engineer and/or the** planning commission shall not consider changes to remaining standards, including, but not limited to, submittals, quality control, site preparation, grading, excavating, backfilling and compaction, base course, asphalt/concrete, curbs, gutters, drive aprons and walks, slurry sealing, restoration of existing improvements, storm drainage systems, boundary markers and survey monuments, geotextiles and concrete reinforcement. Notwithstanding the foregoing, amendments to the Farmington City development standards may be approved from time to time by resolution of the city council.
- B. Application: An application requesting a street standard not listed shall be filed with the city planner. The application shall include a detailed description of the proposed standard and other such information as may be required.
- C. Investigation: The city planner, city engineer, city public works director and any other city official, as required, shall conduct such investigations as are deemed necessary to compare the proposed standard with sound customary engineering and planning practices. Thereafter, a recommendation shall be provided to the **city engineer or the** planning commission.
- D. Final Determination: The final determination by the **city engineer or the** city council and all information pertaining to it shall be assigned a file number classifying it as an administrative determination and shall become a permanent public record in the office of the community development department. (Ord. 2009-11, 2-17-2009)

CITY COUNCIL AGENDA

For Council Meeting:  
November 12, 2019

**PUBLIC HEARING: Amendment to Chapter 3 of the Zoning Ordinance regarding Special Exceptions and Moderate Income Housing**

**ACTION TO BE CONSIDERED:**

1. Hold Public Hearing.
2. Adopt the enclosed Ordinance amending Chapter 3 of the Zoning Ordinance regarding Special Exceptions and Moderate Income Housing as set for therein and include Findings for Approval A – C.

**GENERAL INFORMATION:**

See enclosed staff report prepared by David Petersen, Community Development Director.

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  
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CITY COUNCIL

SHANE PACE  
CITY MANAGER

## City Council Staff Report

To: Honorable Mayor and City Council

From: David E. Petersen, Community Development Director

Date: November 12, 2019

SUBJECT: **SPECIAL EXCEPTIONS RELATED TO MODERATE INCOME HOUSING (ZT-5-19)**

### RECOMMENDATION

1. Hold a public hearing.
2. Move that the City Council adopt the enclosed ordinance and amend Section 11-3-045 A regarding Special Exceptions and Moderate Income Housing as set forth therein.

### Findings:

- A. The proposed amendment is reasonably necessary because there may be times when due to market forces a developer/builder will be unable to provide moderate-income housing without additional dwelling units allowed by the City.
- B. The action is in the public interest because it will enable and help the City provide housing for moderate-income households such as young families, school teachers, public employees, librarians, etc.
- C. The proposed amendment is consistent with the City's General Plan and in harmony with the objectives and purpose of the Zoning Ordinance. Chapter 11, Community Goal 2 of the General Plan states: "Maintain Community land use plans, policies and regulations that encourage and support a variety of residential development opportunities and land uses".

### BACKGROUND

In the wake of SB 34, recently passed by the Utah State Legislature, the enclosed text modification will enable the City to consider affordable housing options at its sole discretion by agreement in the event additional dwelling units are necessary, as deemed appropriate by the City, to further moderate-income housing needs of the community.

Respectively Submitted

David Petersen  
Community Development Director

Review and Concur

Shane Pace  
City Manager

**FARMINGTON, UTAH**

**ORDINANCE NO. 2019 -**

**AN ORDINANCE AMENDING SECTION 11-3-045 A. OF  
THE FARMINGTON CITY ZONING ORDINANCE  
REGARDING SPECIAL EXCEPTIONS AND MODERATE  
INCOME HOUSING. (ZT-5-19)**

**WHEREAS**, the Planning Commission has held a public hearing in which the proposed text changes for Title 11, Section 11-3-045 A. of the Farmington City Municipal Code were thoroughly reviewed and the Planning Commission recommended that these changes be approved by the City Council; and

**WHEREAS**, the Farmington City Council has also held a public hearing pursuant to notice and as required by law and deems it to be in the best interest of the health, safety, and general welfare of the citizens of Farmington to make the changes proposed;

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF FARMINGTON CITY, STATE OF UTAH:**

**Section 1. Amendment.** Sections 11-3-045 A. of Title 11 of the Farmington City Municipal Code is hereby amended to read in its entirety as set forth in Exhibit "A" attached hereto and by this reference made a part hereof.

**Section 2. Severability.** If any provision of this ordinance is declared invalid by a court of competent jurisdiction, the remainder shall not be affected thereby.

**Section 3. Effective Date.** This ordinance shall take effect immediately upon publication or posting or 30 days after passage by the City Council, whichever comes first.

**PASSED AND ADOPTED** by the City Council of Farmington City, State of Utah, on this 12th day of November, 2019.

**FARMINGTON CITY**

\_\_\_\_\_  
H. James Talbot, Mayor

**ATTEST:**

\_\_\_\_\_  
Holly Gadd, City Recorder

## EXHIBIT "A"

### 11-3-045: SPECIAL EXCEPTIONS:

A. Purpose: A special exception is:

1. ~~A~~ an activity or use incidental to or in addition to a principal use permitted in a zoning district; ~~or~~
2. ~~A~~ an adjustment to a fixed dimension standard permitted as an exception to the requirements of this title; ~~or~~
3. ~~A~~ a transfer of development right (TDR), or rights, established because of blight which results in an additional lot, or lots, or a dwelling unit, or units; ~~or~~
4. ~~A~~ an adaptive reuse of a building or structure eligible, or that may be eligible, for the National Register of Historic Places so long as the adaptive reuse does not compromise such eligibility; ~~or~~
5. **Additional dwelling units to provide housing for moderate-income households, subject to written agreement by the city at the sole discretion of the City Council.**

A special exception has less potential impact than a conditional use but still requires careful review of such factors as location, design, configuration and/or impacts to determine the desirability of authorizing its establishment on any given site. This section sets forth procedures for considering and approving special exceptions to the provisions of this title.

CITY COUNCIL AGENDA

For Council Meeting:  
November 12, 2019

**S U B J E C T: Surplus Property and Acquisition of used Transport Engine**

**ACTION TO BE CONSIDERED:**

Declare the 1994 reserve Fire Engine as surplus, approve the purchase of the used 2001 Transport Engine and apply funds collected from the previous sale of an Ambulance toward the acquisition and in-service placement of the newly acquired Transport Engine.

**GENERAL INFORMATION:**

See enclosed staff report prepared by Guido Smith, Fire Chief.

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

# FARMINGTON CITY FIRE DEPARTMENT

82 North 100 East  
P.O. Box 160  
Farmington, Utah 84025  
Tel. (801) 451-2842  
Fax (801) 451-7865

*Proud Protectors of Your Life and Property - Since 1907*



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## CITY COUNCIL STAFF REPORT

To: Honorable Mayor and City Council

From: Guido Smith, Fire Chief

Date: November 4, 2019

**SUBJECT: SURPLUS PROPERTY & ACQUISITION OF USED TRANSPORT ENGINE**

### RECOMMENDATIONS:

1. Request that the City Council declare the 1994 reserve Engine as surplus.
2. Approve the purchase of the proposed used 2001 Transport Engine.
3. Apply funds collected from the previous Ambulance sold (in August) toward the acquisition and in-service placement of the newly acquired Transport Engine.

### BACKGROUND:

In August 2019, the department received approval to surplus a reserve Ambulance in an effort to apply proceeds to future EMS equipment and/or apparatus acquisition opportunities. At the same time, the department was looking into ways to surplus a much older (26-year old) pumper. The reserve fleet plays a critical role in supporting front line apparatuses during service downtime in addition to covering contracted events; thus, ensuring frontline equipment remains available for emergencies. Reserve fire apparatus also plays a vital role in Farmington maintaining an ISO rating of 3. This preferred rating saves our community hundreds of thousands of dollars in insurance premiums annually. With the above stated, we have an opportunity to consolidate two reserve apparatuses into one without compromising our ISO rating. This opportunity also enables us to replace an aging 26-year old fire apparatus with a newer 18-year old combination fire & ambulance apparatus (a.k.a. "Transport Engine"). In addition to this newer engine being equipped with an ambulance box, it is also equipped with safety features not found on the existing reserve unit to include: Anti-Locking Braking System (ABS), Traction Control, Scene Lighting, Larger Pump, Foam Proportioning System, and Air Conditioning.

### Apparatus Recommended for Surplus:

1994 Pierce Dash Pumper / NFPA Class "A" Structure Engine

VIN# 4PICT02DXRA000462

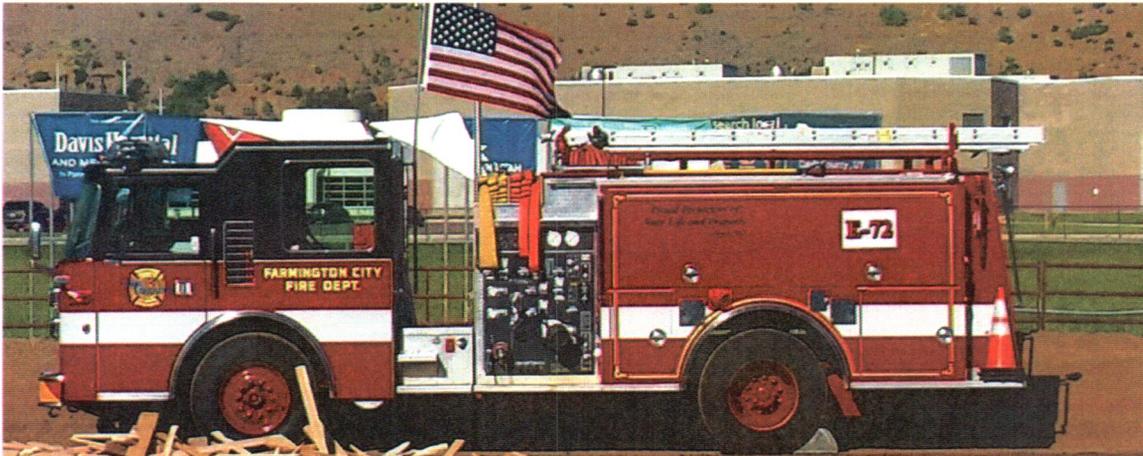
**Apparatus Recommended for Acquisition:**

2001 Pierce Lance Ambulance / Transport Engine NFPA Class "A" Structure Engine

**Funding:**

We negotiated a price of \$25,000 for the used transport engine, costing less than the sale of our Ambulance sold in August. This combination apparatus meets applicable criteria to be funded through the departments EMS enterprise fund; thus, not affecting the existing FY2020 budget. If approved, the intent is to sell the existing reserve engine with proceeds applied to the general budget.

1994 Reserve Engine / Recommended for Surplus



2001 Transport Engine / Recommended Replacement for 1994 Reserve Engine



Respectfully Submitted,

Guido Smith  
Fire Chief

Reviewed & Concur

Shane Pace  
City Manager

CITY COUNCIL AGENDA

For Council Meeting:  
November 12, 2019

**S U B J E C T: Plat Amendment for East Brentwood Estates Subdivision**

**ACTION TO BE CONSIDERED:**

Approve the request to amend the East Brentwood Estates Subdivision plat to re-designate Parcel B as a building lot and include it as part of the proposed Farmington Overlook Subdivision and note that the plat amendment shall only become effective if the Farmington Overlook Subdivision is approved by the City and recorded at the office of the Davis County Recorder and include Findings for Approval 1-4.

**GENERAL INFORMATION:**

See enclosed staff report prepared by David Petersen, Community Development Director.

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

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CITY COUNCIL

SHANE PACE  
CITY MANAGER

## City Council Staff Report

To: Honorable Mayor and City Council

From: David Petersen, Community Development Director  
Meagan Booth, City Planner

Date: November 12, 2019

Subject: **PLAT AMENDMENT (Application #S-15-19)**

Property Owner: Lawrence and Kathryn Welling

Agent: Russell Wilson, Symphony Homes

*Request: Applicant is requesting approval to amend the East Brentwood Estates Subdivision re-designating Parcel B as a building lot and including it as part of the proposed Farmington Overlook Subdivision immediately to the east.*

### Recommendation

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

### Findings for Approval:

1. The plat amendment allows the owners full use of their property in a manner that is not contrary to the General Plan.
2. The lot size is consistent with surrounding properties and meets the minimum requirements for the LR (Large Residential Zone).
3. The amendment does not vacate or amend any public street, right-of-way, or easement.
4. The new lot will be part of the Farmington Overlook Subdivision, if such subdivision is approved by the City and recorded at the office of the Davis County Recorder.

### Background

On October 29, the City Council tabled the item for further research by staff and to explore options discussed during the meeting.

### Plat Amendment

In consideration of a plat amendment, per Section 10-9a-609 of the Utah State Code, the City must determine if there is good cause for the amendment and if no public street, right-of-way, or easement has been vacated or amended. If the petition does not include the signatures of all property owners within

the plat (which is not uncommon for such petitions, and is the case with this request), State Law provides a way whereby owners receive notification and are provided an opportunity to protest such actions.

On October 2, 2019, a notice was mailed regarding a petition to amend the East Brentwood Estates Subdivision to all property owners within the subdivision. Farmington City received five written objections to the proposal (attached) therefore a hearing must be held per state law. The protest letters received present a common theme, that Parcel B was represented by Ivory Homes to remain as open space.

#### Parcel B/Building Lot Designation

The East Brentwood Estates Subdivision property consists of approximately 14.9 acres of which the original property owner, the Welling Family, sold approximately 13.6 acres to Ivory Homes, and retained ownership of 1.3 acres. The Welling Family, uncertain of the future, or agents representing the Welling Family, decided to designate the 1.3 acres as "Parcel B" and "Remainder Parcel" until such time as they were ready to develop it. In the meantime, the family also designated portions of this parcel greater than 30% slope as a "no build area". [Note: "A "Building Lot" is a defined term in the City's Zoning Ordinance, and standards for such lots are set forth elsewhere in the code]. The "Parcel" designation also represents a good place holder for the City because a building permit cannot be issued by future staff who maybe unaware of the history of the situation, nor can potential buyer purchase the property unknowingly, without amending the plat to designate the property as a Building Lot".

#### Open Space Requirement for the Overlook Subdivision

The proposed Overlook Subdivision is zoned LR-F. The minimum lot size in the LR zone is 20,000 s.f. Other development options exist whereby property owners may receive approval for lots less than 20,000 s.f. in area, but these alternatives often require that the developer set aside a certain amount of the property as open space, or obtain a waiver from the City Council which requires compensation. All lots in the Overlook Subdivision are larger than 20,000 s.f. including the now Parcel B, which will comprise just one building lot in the Overlook Subdivision; hence, no open space is required for this development.

#### Standards and Conditions for the East Brentwood Estates Subdivision

The Overlook Subdivision, including Parcel B, does not affect the standards and conditions of approved, including but not limited to open spaced required and met for the East Brentwood Estates Subdivision, which is also zoned LR. Regarding the open space related to the 13.6 acres referenced above, Ivory Homes provided a detention basin, trail easement, and obtained a waiver from the City Council.

#### Property Owner Concerns

In another matter very important to property owners within the East Brentwood Estates subdivision (the 13.6 acres). Apparently, according to emails received, Ivory Homes for some reason showed Parcel B, (property that Ivory did not own) as open space on information provided to these property owners.

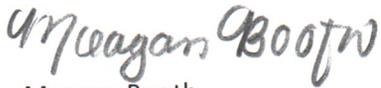
**Supplemental Information**

1. Vicinity Map
2. Petition and Narrative

**Applicable Ordinances**

1. Title 12, Chapter 7 – General Requirements for All Subdivisions
2. Title 11, Chapter 11 – Single Family Residential Zones

Respectfully Submitted



Meagan Booth  
Associate City Planner

Concur



Shane Pace  
City Manager

# East Brentwood Parcel B





**RUSSELL T. WILSON**  
Land Acquisition & Development  
C 801.691.4843  
O 801.298.8555  
111 SOUTH FRONTAGE ROAD  
CENTERVILLE, UT 84014  
rwilson@symphonyhomes.com

September 25, 2019

Farmington City  
C/O Mr. Dave Petersen  
160 South Main Street  
Farmington, Utah 84025

**RE: Petition For Plat Amendment**

Dear Mr. Petersen,

Please consider this letter as a petition to amend East Brentwood Estates (2<sup>nd</sup> Amendment) A Conservation Subdivision to remove Parcel B from the subdivision and allow us to include it as a residential building lot within our proposed Farmington Overlook subdivision immediately to the east.

The owner of Parcel B originally intended the parcel to be a building lot within East Brentwood Estates, but it was never platted as such. The necessary utility easements were provided for Parcel B, but the utility laterals were never connected. The owner approached Symphony Homes requesting that we add the parcel to our proposed development to the east. By including Parcel B in our proposed Farmington Overlook subdivision, additional right-of-way improvements will be added along the frontage of the new lot on North Compton Road, specifically sidewalk and park strip to improve pedestrian safety within the area.

We appreciate your review of this petition. Please feel free to contact me with any questions or concerns.

Sincerely,

Russell Wilson



CITY COUNCIL AGENDA

For Council Meeting:  
November 12, 2019

**SUBJECT: Minute Motion Approving Summary Action List**

1. Approval of Minutes from October 29, 2019
2. Approval of Pass Through Funds Agreement with UDOT for the Transfer of SB 268 Funds

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

## 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 Grotepas 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.

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**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.

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**Holly Gadd**, Recorder



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

H. JAMES TALBOT  
MAYOR  
BRETT ANDERSON  
DOUG ANDERSON  
ALEX LEEMAN  
CORY RITZ  
REBECCA WAYMENT  
CITY COUNCIL  
SHANE PACE  
CITY MANAGER

## City Council Staff Report

To: Honorable Mayor and City Council  
From: Chad Boshell, City Engineer  
Date: November 12, 2019  
SUBJECT: **CONSIDER APPROVAL OF PASS THROUGH FUNDS AGREEMENT WITH UDOT FOR THE TRANSFER OF S.B. 268 FUNDS**

### RECOMMENDATION

Approve the contract for the pass through funds of \$6 million per S.B. 268 for the right of way acquisition, design, engineering, and construction of the 950 North/Sunset project.

### BACKGROUND

The State of Utah passed S.B. 268 which allocates \$6 million for the right of way acquisition, design, engineering, and construction of the 950 North/Sunset project. This is a joint project between Farmington and Kaysville for the construction of 950 North, Sunset, and Angel Streets in anticipation of the WDC and Shepard Lane Interchanges. The City has been working with Kaysville and UDOT to transfer these funds so that the work being done and that will be done on this project can continue. Attached is the contract between the City and the UDOT for the transfer of funds.

### SUPPLEMENTAL INFORMATION

1. Contract

Respectively Submitted

Chad Boshell  
City Engineer

Reviewed and Concur

FOR: Shane Pace  
City Manager

## **PASS THROUGH FUNDS AGREEMENT**

This PASS THROUGH FUNDS AGREEMENT (“Agreement”) is entered into between the Utah Department of Transportation (“UDOT”), an agency of the State of Utah and Farmington City (“City”), a political subdivision of the State of Utah.

### **RECITALS**

**Whereas**, the 2019 S.B. 268, line 93, allocates a total of \$6,000,000 for the right-of-way acquisition, design, engineering, and construction related to Shepard Lane in Davis County.

**Whereas**, Utah Code Section 63J-1-220(2) mandates that the state agency, UDOT, not provide the City with state pass through funding unless an agreement is executed. In addition, the agreement must require the City provide a written description and itemized report at least annually detailing the expenditure of the state money or the intended expenditure of any state money that has not been spent and a final written itemized report when all the state money is spent; and

**Whereas**, this Agreement is written to comply with Utah Code Section 63J-1-220(2).

### **AGREEMENT**

The parties agree as follows:

1. Within 30 days after the execution of this Agreement, UDOT will transfer \$6,000,000 to the City for the right-of-way acquisition, design, engineering, and construction related to Shepard Lane in Davis County. Utah Code Section 63B-18-401(3)(b)(xx) authorizes this transfer of funds.

2. Upon spending all the state money, the City will provide UDOT with a final written itemized report detailing where the money has been spent. If the money is not spent in FY 2019-20, the City will provide a written description and an itemized report at least annually detailing the expenditure of the state money or the intended expenditure of any state money that has not been spent.

3. The City will only spend the money for the purposes as directed in paragraph one.

4. Each party agrees to undertake and perform all further acts that are reasonably necessary to carry out the intent and purposes of this Agreement at the request of the other party.

5. The failure of either party to insist upon strict compliance of any of the terms and conditions, or failure or delay by either party to exercise any rights or remedies provided in this Agreement, or by law, will not release either party from any obligations arising under this Agreement.

6. This Agreement constitutes the entire agreement between the parties and supersedes any prior understandings, agreements, or representations, verbal or written. No

subsequent modification or amendments will be valid unless in writing and signed by both parties.

7. Each party represents that it has the authority to enter into this Agreement and the Agreement may be signed in counterparts.

FARMINGTON CITY

By: \_\_\_\_\_  
Title: \_\_\_\_\_  
Date: \_\_\_\_\_

Approved as to form:

\_\_\_\_\_

UTAH DEPARTMENT OF TRANSPORTATION

By: \_\_\_\_\_  
Title: \_\_\_\_\_  
Date: \_\_\_\_\_

CITY COUNCIL AGENDA

For Council Meeting:  
November 12, 2019

**SUBJECT: City Manager Report**

1. Building Activity Report for October
2. City Purchasing Card Program

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

Month of October 2019	BUILDING ACTIVITY REPORT - JULY 2019 THRU JUNE 2020				
RESIDENTIAL	PERMITS THIS MONTH	DWELLING UNITS THIS MONTH	VALUATION	PERMITS YEAR TO DATE	DWELLING UNITS YEAR TO DATE
<b>NEW CONSTRUCTION *****</b>					
SINGLE FAMILY	6	6	\$2,389,282.94	351	351
DUPLEX	0	0	\$0.00	0	0
MULTIPLE DWELLING	0	0	\$0.00	269	269
CARPORT/GARAGE	1		\$45,408.00	26	
OTHER RESIDENTIAL	0	0	\$0.00	22	21
<b>SUB-TOTAL</b>	7	6	\$2,434,690.94	668	641
<b>REMODELS / ALTERATION / ADDITIONS *****</b>					
BASEMENT FINISH	3		\$28,689.00	89	
ADDITIONS/REMODELS	4		\$157,083.60	99	
SWIMMING POOLS/SPAS	2		\$119,907.00	46	
OTHER	25		\$349,471.00	1249	
<b>SUB-TOTAL</b>	34		\$655,150.60	1483	
<b>NON-RESIDENTIAL - NEW CONSTRUCTION *****</b>					
COMMERCIAL	0		\$0.00	26	
PUBLIC/INSTITUTIONAL	0		\$0.00	7	
CHURCHES	0		\$0.00	1	
OTHER	5		\$946,922.00	40	
<b>SUB-TOTAL</b>	5		\$946,922.00	74	
<b>REMODELS / ALTERATIONS / ADDITIONS - NON-RESIDENTIAL *****</b>					
COMMERCIAL/INDUSTRIAL	5		\$642,097.43	74	
OFFICE	0		\$0.00	19	
PUBLIC/INSTITUTIONAL	0		\$0.00	1	
CHURCHES	0		\$0.00	0	
OTHER	2		\$379,418.00	12	
<b>SUB-TOTAL</b>	7		\$1,021,515.43	106	
<b>MISCELLANEOUS - NON-RESIDENTIAL *****</b>					
MISC.	0		\$0.00	77	
<b>SUB-TOTAL</b>	0		\$0.00	77	
<b>TOTALS</b>	53	0	\$5,058,278.97	2408	0



# FARMINGTON CITY

H. JAMES TALBOT  
MAYOR

BRETT ANDERSON  
DOUG ANDERSON  
ALEX LEEMAN  
CORY RITZ  
REBECCA WAYMENT  
CITY COUNCIL

SHANE PACE  
CITY MANAGER

## City Council Staff Report

To: Honorable Mayor and City Council

From: Shannon Harper, City Treasurer

Date: November 5, 2019

**SUBJECT: CITY PURCHASING CARD PROGRAM**

### RECOMMENDATIONS

1. Discussion only

### BACKGROUND

The City currently has two credit cards and multiple membership cards for various accounts including Home Depot, Costco, etc. Under the existing program, it is often difficult to track who is actually making purchases as the cards are used by more than one employee. We would like to establish a purchasing card program where employees who are frequently making purchases by card would have a card issued in their own name. The employee would be responsible for any charges made on his/her card. The cards would have limit and merchant restrictions based on the need of the employee. The cards would be tracked online and the employee's supervisor would be able to review and approve all transactions using the online system.

We have not yet applied for cards, but would like to establish our program through the existing State of Utah contract with US Bank. We are also working to establish a Purchasing Card Policy that will require approval from the Council prior to the program rolling out.

Respectfully Submitted

Shannon Harper  
City Treasurer

Review and Concur

Greg Davis  
City Finance Director

CITY COUNCIL AGENDA

For Council Meeting:  
November 12, 2019

**S U B J E C T: 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.