

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 audit report 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, December 18, 2018, 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 Review and Acceptance of Audit Report

ACTION ITEMS:

7:10 Ordinance Establishing Dates, Time and Place for Holding Regular City Council Meetings

SUMMARY ACTION:

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

7:15 Minute Motion Approving Summary Action List

1. Approval of Minutes from November 13, 2018
2. Ratification of Approvals of Cook Agreement and Accompanying Documents

Minute motion adjourning to the Redevelopment Agency meeting.

(See RDA Agenda)

GOVERNING BODY REPORTS:

7:40 City Manager Report

1. Creekside Manor Update

7:55 Mayor Talbot & City Council Reports

1. Possible Planning Commission Appointment

ADJOURN

CLOSED SESSION

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

DATED this 13th day of December, 2018.

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 12/13/2018

CITY COUNCIL AGENDA

For Council Meeting:
December 18, 2018

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 Mayor Jim Talbot 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:
December 18, 2018

SUBJECT: Review and Acceptance of Audit Report

ACTION TO BE CONSIDERED:

None.

GENERAL INFORMATION:

Mike Ulrich from Ulrich & Associates 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.



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: Mayor and City Council

From: Keith Johnson, Assistant City Manager

Date: December 12, 2018

Subject: **AUDIT REPORT FOR APPROVAL.**

RECOMMENDATIONS

Hear the auditors presentation of the audit and approve the audit report for FY 2018.

BACKGROUND

Enclosed is the CAFR (comprehensive annual financial report) for FY 2018. The auditors have completed the audit of the City finances and will present their report to you in the work session and for your approval in the City Council meeting.

The audit report shows that the General Fund for the City ended with a fund balance of \$2,886,639, with the unassigned balance of \$2,640,670 and the rest either restricted or assigned. This is a decrease to the fund balance of around \$469,000, which the original budget showed the fund balance decreasing by \$1,355,101. Revenues came in higher than budgeted by over \$730,000 from the original budget. Overall expenditures were around \$215,000 more than originally budgeted, and were almost \$422,000 less than the amended budget. This is good to have the expenditure be under budget. The biggest change in revenue was in taxes with sales tax being about \$200,000 more than originally budgeted. Sales taxes increased by over \$360,000 from the previous fiscal year and revenues overall increased by over \$419,000 or over a 3.9% increase. Expenditures increased overall by 15.6%, which was in part the reconstruction of 650 West street.

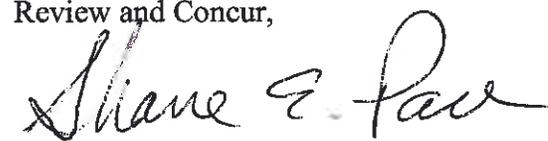
All other funds look good even though the water fund did not cover operating expenses with operating revenues. This was because the City built the new water tank and other operating capital projects. It is necessary to stay up on these improvements to keep these systems at a good operating level. The recreation never covers expenses as the General Fund always transfers monies in for the overhead and personnel costs for the recreation programs.

Respectfully Submitted,



Keith Johnson,
Assistant City Manager

Review and Concur,



Shane Pace,
City Manager

CITY COUNCIL AGENDA

For Council Meeting:
December 18, 2018

S U B J E C T: Ordinance Establishing Dates, Time and Place for Holding Regular City Council Meetings

ACTION TO BE CONSIDERED:

Approve the Ordinance establishing dates, time and place for 2019 City Council meetings.

GENERAL INFORMATION:

See enclosed staff report prepared by Holly Gadd, City Recorder.

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: Mayor and City Council

From: Holly Gadd

Date: December 13, 2018

SUBJECT: **ORDINANCE ESTABLISHING DATES, TIME AND PLACE FOR
HOLDING REGULAR CITY COUNCIL MEETINGS**

RECOMMENDATION

Approve the attached Ordinance establishing dates, time and place for 2019 City Council meetings.

BACKGROUND

1. Pursuant to Utah Code Section 52-4-202, any public body which holds regular meetings that are scheduled in advance over the course of a year shall give notice at least once each year of its annual meeting schedule and shall specify the date, time, and place of such meetings. Special meetings can be added during the year when necessary. Regular meeting may also be cancelled if workload does not require a meeting.

Respectfully Submitted

Holly Gadd
City Recorder

Review & Concur

Shane Pace
City Manager

ORDINANCE 2018-

**AN ORDINANCE ESTABLISHING DATES, TIME AND PLACE FOR HOLDING
REGULAR FARMINGTON CITY COUNCIL MEETINGS**

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

Section 1. Time and Place of Regular Council Meeting.

The Governing Body shall generally conduct two regular meetings per month which shall be held on the first and third Tuesday of each month or as noted otherwise herein.

Meetings shall be held in the **City Council Room of the Farmington City Hall, 160 South Main Street, Farmington, Utah**, unless otherwise noticed. Each meeting shall begin promptly at 7:00 p.m. The schedule of meetings for 2019 shall be as follows:

| | | | |
|-----------|---|---|----|
| January | 8 | & | 22 |
| February | 5 | & | 19 |
| March | 5 | & | 19 |
| April | | | 16 |
| May | 7 | & | 21 |
| June | 4 | & | 18 |
| July | | | 16 |
| August | 6 | & | 20 |
| September | 3 | & | 17 |
| October | 1 | & | 15 |
| November | | | 12 |
| December | 3 | & | 17 |

Section 2. Effective Date. This ordinance shall take effect immediately upon posting after passage.

PASSED AND ORDERED POSTED BY 5 of 5 Council Members present at the regular meeting of the Farmington City Council held on this 18th day of December, 2018. Notice should be given as required by the Utah Open Meetings Act.

FARMINGTON CITY CORPORATION

ATTEST:

By: _____
H. James Talbot
Mayor

Holly Gadd, City Recorder

CITY COUNCIL AGENDA

For Council Meeting:
December 18, 2018

SUBJECT: Minute Motion Approving Summary Action List

1. Approval of Minutes from November 13, 2018
2. Ratification of Approvals of Cook Agreement and Accompanying Documents

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

November 13, 2018

WORK SESSION

Present: Mayor Jim Talbot; Councilmembers Rebecca Wayment, Cory Ritz, Alex Leeman, Brett Anderson; City Manager Dave Millheim, Fire Chief Guido Smith, City Development Director David Petersen, City Recorder Holly Gadd, and Recording Secretary Tarra McFadden

Excused: Councilmember Doug Anderson

Farmington Creek Trail / Creekside Manor

Jim Talbot said that the proper notice was not given for the Farmington Creek Trail item. His plan was to open the public hearing tonight and recommended the Council continue the item to December 4th.

Jerry Preston shared the challenges of being a developer on the remaining properties in Farmington. He said that people want to live in Farmington, but affordable housing is a challenge. He said that most families cannot afford to start out in a home and are opting for apartments or townhomes. He referenced the Makin property that was rezoned and divided to make more affordable lots, but the homes on that property will end up between \$400,000 and \$550,000. He said that through the TDR process he is essentially splitting the profits on the property with the City and that it is adding \$28,000 to the cost of those homes. He noted that on most projects density has to increase for the project to make economic sense. Jerry Preston suggested that the City Council look at other zoning options for the remaining property in Farmington

Jerry Preston said that with the Creekside Manor property four landowners in the middle of West Farmington want to do a conservation subdivision or a TDR to have large lots and provide some open space to the city. The landowners do not want to have a trail in their backyard as they are looking for exclusivity with their subdivision. He feels that the City should not force a trail on landowners.

Alex Leeman asked if the application was being presented to the City Council with the option of the trail and if the landowners do not want the trail if it needs to go back to the Planning Commission.

Cory Ritz clarified that the application is for the subdivision without the trail, and the Planning Commission added a trail as a condition of their recommendation. **David Petersen** noted that the Planning Commission did not have a preference for a TDR or a conservation subdivision but want the trail as part of the approval. **Brett Anderson** said that if the application was for five homes, the applicant has the acreage and the zoning to do so and the City Council does not have much discretion, but because the applicant is asking for increased density the Council has more discretion with approval.

Business Park

Dave Millheim suggested this item be covered in the work session unless people attend the City Council meeting for the public hearing. **Brigham Mellor** presented the item as the rezone of 19.24 acres at Burke Lane and 1525 West to OMU. The City is purchasing property from the Kelly family

with mitigation funds for the park which was zoned TMU. As a condition of the sales contract, the subject property needs to be rezoned OMU.

Alex Leeman asked if the owners would lose the rezone if construction did not begin in two years (citing 11-6-50). **Dave Millheim** said that this did not apply since the City is the applicant for the rezone. **Rebecca Wayment** said that granting the zoning makes sense, but wondered if the City Council would have some say in what gets built or if the zoning was enough of an entitlement to allow them to build townhomes/apartments without approval. **David Petersen** said that the projects would still have to go through the normal approval process and that OMU would not allow residential projects.

CRA 1 & 2

Brigham Mellor said that a public hearing is required for comments addressing the ordinance. He said that he has met with every taxing entity and they have all agreed to the terms. The next steps are for the City to adopt the ordinance. He noted that this would not guarantee that any one party will get the funds and that subsequent steps will also have public input. **Dave Millheim** said that applications will soon be coming in and it would be good to capture those revenues to support future infrastructure. **Jim Talbot** said this would not impact taxes for residents. **Brigham Mellor** explained that 70% of the taxes collected from new buildings will go into a pot for infrastructure improvements. **Brett Anderson** asked what development might look like without the CRAs in place. **Brigham Mellor** said that Station Park without the CRA would likely be strip malls and retail only, but with the financing was able to be developed with landscaping, fountains, etc.

REGULAR SESSION

Present: Mayor Jim Talbot, Councilmembers Rebecca Wayment, Doug Anderson, Cory Ritz, Alex Leeman, Brett Anderson; City Manager Dave Millheim, City Development Director David Petersen, City Planner Eric Anderson, City Recorder Holly Gadd and Recording Secretary Tarra McFadden

Excused: Doug Anderson

CALL TO ORDER:

Mayor **Jim Talbot** called the meeting to order at 7:04 p.m.

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

The invocation was offered by **Brett Anderson** and the Pledge of Allegiance was led by **Rebecca Wayment**.

Youth City Council representative **David Stratford** introduced himself as a senior from Farmington High School. He has enjoyed interacting with the community and helping out with various events as part of serving on the YCC.

PUBLIC HEARINGS:

**Ordinance Adopting the North Station Community Reinvestment Area 1 (CRA I)
Project Area Plan**

Dave Millheim said that the area north of Station Park, south of Shepard Lane and between I-15 and the DRG trail went through a planning charrette with all of the property owners and a sub-area master plan was developed. The property will be a mix of office, retail and residential properties.

Dave Millheim explained Tax Increment Financing as a way for cities to capture future property tax revenue increases to invest in infrastructure.

Brigham Mellor said that Station Park was planned as a 20 year RDA which will be paid off in less than 8 years. Using the CRA mechanism will allow the city to put roads in place before the Shephard Interchange is completed and attract companies to fill office space.

Dave Millheim said that state law requires that 10% of revenue must be dedicated to low-income housing; the city could either contribute to the State Olene Walker Housing Loan Fund or set the funds aside for future development.

Mayor Jim Talbot opened the public hearing at 7:32 p.m.; with no one signed up to address the Council on the issue, he immediately closed the public hearing.

Motion:

Brett Anderson moved that the City Council approve the included ordinance authorizing the adoption of North Station CRA 1.

Cory Ritz seconded the motion which was approved unanimously.

**Ordinance Adopting the North Station Community Reinvestment Area 2 (CRA2)
Project Area Plan**

Mayor Jim Talbot opened the public hearing at 7:33 p.m.; with no one signed up to address the Council on the issue, he immediately closed the public hearing.

Motion:

Cory Ritz moved that the City Council approve the included ordinance authorizing the adoption of North Station CRA 2.

Rebecca Wayment seconded the motion which was approved unanimously.

**Rezone of 19.24 acres located at the northeast corner of Burke Lane and 1525 West to
OMU**

Brigham Mellor noted that this item was covered in the work session. He explained that the property selected for the mitigation of the 1100 West Park is a property located in the heart of the business park. The subject property will be rezoned as OMU as part of the purchase agreement of the park ground. **Jim Talbot** said that it was a lot of work with the City, UDOT and the property owners to secure the park property, and it will be good to close this deal.

Mayor Jim Talbot opened the public hearing at 7:43 p.m.; with no one signed up to address the Council on the issue, he immediately closed the public hearing.

Motion:

Brett Anderson moved that the City Council approve the rezone to OMU of property (19.24 acres) located at the northeast corner of Burke Lane and 1525 W subject to all applicable Farmington City development standards and ordinances and Findings for Approval 1-3.

Alex Leeman seconded the motion which was approved unanimously.

Findings for Approval

1. The rezone is consistent with the general plan
2. The rezone is consistent with the 2016 North Station Small Area Master Plan
3. There are road improvements being done along Burke Lane in the coming year that make the rezone pertinent at this time

Motion:

At 7:44 p.m., **Cory Ritz** moved to adjourn to the Redevelopment Agency Meeting. **Rebecca Wayment** seconded the motion which was approved unanimously.

Motion:

At 7:54 p.m., **Cory Ritz** moved to reconvene to the City Council Meeting. **Alex Leeman** seconded the motion which was approved unanimously.

Resolution Granting Consent to the Farmington City Redevelopment Agency to Receive Tax Increment for the Farmington North Station Community Reinvestment Area 1 (CRA I)

Brigham Mellor referred to the staff report for this item. **Alex Leeman** provided a correction to paragraph "2. City's Contribution of Tax Increment Financing" noting that it should read 70% both numerically and textually

Mayor Jim Talbot opened the public hearing at 7:58 p.m.; with no one signed up to address the Council on the issue, he immediately closed the public hearing.

Motion:

Alex Leeman moved that the City Council approve the included resolution authorizing the execution of the interlocal agreement for NORTH STATION CRA I with one change to paragraph "2. City's Contribution of Tax Increment Financing" which should numerically and textually be 70%,

Brett Anderson seconded the motion which was approved unanimously.

Resolution Granting Consent to the Farmington City Redevelopment Agency to Receive Tax Increment for the Farmington North Station Community Reinvestment Area 2 (CRA2)

Mayor Jim Talbot opened the public hearing at 8:00 p.m.; with no one signed up to address the Council on the issue, he immediately closed the public hearing.

Motion:

Alex Leeman moved that the City Council approve the included resolution authorizing the execution of the interlocal agreement for NORTH STATION CRA 2 with one change to paragraph “2. City’s Contribution of Tax Increment Financing” which should numerically and textually be 70%,

Cory Ritz seconded the motion which was approved unanimously.

Schematic Subdivision Creekside Manor

Mayor **Jim Talbot** explained that due to improper notice the public hearing would be opened for comments to be received on November 13, but will also be continued to the next Council meeting scheduled on December 4.

David Petersen reviewed the application for the Creekside Manor subdivision. The area is zoned AE which would allow for five one-acre lots under conventional zoning but noted that one lot would not meet standards so the yield is 4 lots under current zoning. The application is for 8 total lots on 5 acres which is allowable in a Rural Residential Density but the applicant must do something for the increased density-either establish as a conservation subdivision with 1.5 acres of unconstrained open space or use the TDR process for 4 lots. **David Petersen** said that the Chapter 27 PUD option could also be explored. The development is along Farmington Creek and a trail along the Creek is identified on the Master Plan. The Planning Commission recommended a trail as part of TDR or in lieu of the open space requirement. **David Petersen** reviewed the findings and conditions for approval contained in the staff report. He noted that the Planning Commission, Public Works and the Parks Department all recommend including the trail as part of the development.

Jim Talbot asked how much right of way would be needed for the trail. **David Petersen** responded that the typical right of way in this instance is twenty feet. **Jim Talbot** asked if there was an agreement from adjacent property owners to continue the trail. **Jim Talbot** noted that the property owners could come in with a proposal for four lots and not have the trail as a condition for approval, but the trail was raised as a concession to receive the increased density.

Applicant, **Jerry Preston**, 177 North Main Street, said that the City did not have agreements signed from the property owners to the north or south of the subject property to continue the trail. He suggested that the trail is still conceptual and that the East West connection could happen along 500 South to the Rio Grande trail. **David Petersen** clarified that the City does have trail easements on the Nelson property and along the Eagle Creek property. Jerry Preston said that they may be asking for 3 or 4 TDR lots but the Planning Commission approved this as a conservation easement with a trail as the condition. Jerry Preston asked for approval via the TDR process not the conservation easement and trail. He also identified an acre lot on 500 South, but are interested in trading a lot for one on the interior of the subdivision; if the approval for the subdivision as presented does not happen, the Allen’s will likely build a home on their one-acre property and the rest of the subject property will become land-locked.

Mayor Jim Talbot opened the public hearing at 8:22 p.m.

Robert Wilkes, 1108 South 650 West Farmington, stated that his home will be impacted by the West Davis Corridor and will be taken by UDOT. His neighbor approached him about the opportunity to build a home behind the neighbor's home. This would allow his family to stay in the same neighborhood and schools. The landowners and interested parties approached Jerry Preston about building. They did not know that the trail requirement would be in the mix. He said that he currently lives along a trail and said that trails do not make great neighbors. He said that he has to be careful to keep things locked up and kept protected from public view. He said that the trail would devalue the property and he would not want the property separated from the creek by a trail. He asked the City Council to approve via the TDR process. He stated that he would not invest in the property if it was separated from the creek.

William Dell Moyes, 918 West 500 South, said that he built his home 20 years ago and his property was eventually annexed into Farmington City. He loves that atmosphere and has fond memories of Richard's Dairy. He noted that the rural atmosphere has changed with new schools, parks and the gym. He said that he was approached about selling his house and land who wanted enough for a home and animals with access to the creek. Mr. Moyes expressed interest and approached Jerry Preston about development options and navigating the approval process. The Planning Commission approved the project with the trail along the creek. He said that the landowners of West Farmington have sacrificed enough. He said that years ago the City approached him about access to the creek to dredge the creek. The property owners did not agree to that. He said that was the last time he had heard that the City was interested in a trail along the creek. He said that the West Davis Corridor plan includes trail connectivity to the bird refuge. He said the trails are important but not at the sacrifice of the land owners who have given up a lot for Davis County and Farmington.

Travis Allen, 1641 West Beamon Street, West Jordan, said that he owns a half-acre piece of land that Jerry Preston referenced. He said that if the deal is approved, he will take a piece deeper in the property. He suggested that there were other ways to connect the trails rather than along the creek. He does not want to prevent Robert Wilkes or Dell Moyes from developing, but that he would not want to be a part of the development if the trail goes through the property.

Susanne Moyes, 918 West 500 South, Farmington, said that the City would have to get the permission of several surrounding properties to be able to connect the trails. She said that 500 south would need a sidewalk put in and wondered if Farmington was ready to widen the road to continue the trail. She also noted that one would have to cross two streets if built along Nielson's property. She said it was ridiculous to be building a trail now that would be a small piece that does not connect to anything. She said that trail connection would not be as smooth as presented. She said that it will be difficult to let go of some of their property as she has enjoyed the trees and wildlife. She said taking out the trees along the creek would impact air quality and wildlife. She said that if the project is not approved, they will keep the property and continue fighting the trail even if the City feels that they have the power to take the property.

Motion:

At 8:40 p.m. Alex Leeman moved that the City Council continue the Public Hearing to the December 4, 2018 City Council Meeting. Rebecca Wayment seconded the motion which was approved unanimously.

Brett Anderson said that in reviewing the code he wondered how the Planning Commission was able to impose the condition of a trail. **David Petersen** said that the Planning Commission recommended the trail be part of the TDR process. **Brett Anderson** pointed out that the code indicates a cash payment is part of a TDR and asked if the Planning Commission overstepped their authority related to a TDR. **David Petersen** said that a TDR would require an agreement with the developer and that it is not as clean cut as the conservation easement approach but it is possible. **Dave Millheim** said that the TDR and conservation easement has a lot of flexibility. He said that he would clarify with the City Attorney about whether or not a TDR can be used in this instance. He said the TDR process has been in place for 4-5 years and in that time six out of nine applications have been approved. He reminded the Council that the process gives them discretion.

Cory Ritz clarified that the TDR can be used, but the question is whether or not the trail exaction condition can be used in congruence. **Alex Leeman** identified that the conservation subdivision ordinance has a fee in lieu provision. He said that regardless of what vehicle is used, it will come down to whether or not the City Council is willing to accept cash in place of a trail or just insist on a trail or not approve the application. **David Petersen** said that if cash is given to the City for the TDR it has to be spent on recreation or open space, so why not use invest in the regional trail.

Alex Leeman asked that at the next Council meeting **Dave Millheim** present information about what alternative compensation would be, either the TDR amount or the fee in lieu amount, and for what it could be used. **Dave Millheim** noted that TDR approval requires the valuation decision to be made early and up front and so he will meet with Jerry Preston about the options.

Cory Ritz said that previous TDR denials have come primarily due to neighborhood concerns, which does not seem to be the case here. He said that trails do make poor neighbors and said that trespassing and lack of privacy are big issues. **Brett Anderson** said that he had received an email from Dave Reeder that said he was not opposed to the density, but was not in favor of the trail. Dave Reeder expressed concern about inmates taking walks along a wooded trail, and also about pedestrian safety at 500 South and 1100 West. **Dave Millheim** asked if the trails committee needs to weigh in and the City Council confirmed that they would like the trails committee to present at the continued public hearing. **Rebecca Wayment** said that she enjoys living on a wooded creek, she said that she will be interested to see who attends the public hearing and the comments from the trails committee. She said that it was important to preserve the use that best fits the City.

The City Council adjourned for a break at 9:01 p.m. and reconvened at 9:07 p.m.

Brett Anderson asked that **Dave Millheim** discuss 11-28-240(a) where it references that the transfer be “elsewhere in the city” and subpart (e) where “cash” is referenced. **Alex Leeman** noted that 11-12-65 to apply the waiver would require a supermajority of the Council.

NEW BUSINESS:

Ordinance Amending Provisions of the City Code relating to the Use of Public Rights of Way and Franchise Agreements (Title 9 Chapter 4)

Dave Millheim said that his item impacts the summary action item of the new franchise agreement. **Todd Godfrey** reviewed the ordinance and said that it was out of compliance with State law. The franchise agreement cannot be approved until the ordinance is amended.

Motion:

Alex Leeman moved that the City Council repeal Chapter 9-4 and approve the enclosed chapter 9-4a of the City Ordinance. **Cory Ritz** seconded the motion. A roll call vote was taken with Councilmembers Leeman, Ritz, B. Anderson and Wayment voting in favor. **Doug Anderson** was excused.

SUMMARY ACTION:

1. Franchise Agreement with First Digital Telecom
2. Approval of Minutes from October 16, 2018
3. UTA Shuttle Service Agreement
4. Park Lane Commons Parcel B Plat Amendment
5. Resolution Amending the Consolidated Fee Schedule related to Pool Rentals
6. Surplus Property – Trailer

Rebecca Wayment moved, with a second from **Brett Anderson**, to approve summary action item 1 through 6 as contained in the staff report.

The motion was approved unanimously.

DISCUSSION ITEMS:

ISO

Chief **Guido Smith** presented information about the Insurance Service Office and their audit of Farmington Fire Department operations. He noted that the results show that there have been great improvements to dispatch and staffing, deployment capability and water delivery. He said that the City has improved from a Class 7 to a Class 3. He said that he is proud of the work that the Department has done to improve their services for the City. With the improved rating from ISO, homeowners can approach their insurance agencies and may reduce their homeowner insurance costs. **Guido Smith** suggested that a newsletter article be written to communicate the information to residents. **Jim Talbot** thanked **Guido Smith** for his focus on improvements and the great work of his Department.

GOVERNING BODY REPORTS:

City Manager Report

1. Building Activity Report for September
 - a. **Dave Millheim** referred to the staff report on this item
2. Farewell
 - a. **Dave Millheim** expressed appreciation for the opportunity to be the City Manager and reviewed information about the transition for Shane Pace.

Mayor Talbot & City Council Reports

Councilmember Rebecca Wayment

Rebecca Wayment said that she wanted the trails committee to weigh in on the Creekside Manor issue and be a part of the staff report for the public hearing scheduled for December 4.

Rebecca Wayment noted that Santorini's, a new Greek restaurant, has opened in Station Park.

Councilmember Brett Anderson

Brett Anderson said that residents have been discussing the Rigby development and the use of sewer pumps. He noted that his own subdivision uses sewer pumps which fail every three to four years. He asked the City to dissuade against the use of sewer pumps. **Dave Millheim** noted that he would follow-up on the issue.

Councilmember Cory Ritz

No updates to report.

Councilmember Alex Leeman

Alex Leeman asked that the City Council go into a closed session to discuss trail connections related to Creekside Manor.

Mayor Jim Talbot

1. Photos for the City Council
 - a. Mayor **Jim Talbot** asked that a new photo shoot for the new City Council be completed soon.
2. **Dave Millheim** Retirement Luncheon
 - a. This will be held December 6 from 12-2:00 p.m. at the Community Center.
3. Veteran's Day Event
 - a. **Jim Talbot** expressed appreciation for those involved in the Veteran's Day event held on November 11, 2018.
4. Christmas Party
 - a. **Jim Talbot** is hosting a party for Councilmembers on December 15th at 6 p.m.
5. Staff Christmas Party
 - a. This will be held December 20 from 12-2:30 p.m.
6. Scenic Byway
 - a. **Brigham Mellor** and **Jim Talbot** met with **Stuart Adams** and Tim Hawkes about moving the Scenic Byway designation moving forward. Tim Hawkes will sponsor the legislation.
7. Park Mitigation
 - a. He noted that he is very pleased with how the park mitigation turned out. The park should be well planned and will be an asset for the City.

CLOSED SESSION

Motion:

At 9:53 p.m., **Alex Leeman** made a motion to go into a closed meeting for purpose of **property acquisition**. **Rebecca Wayment** 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 10:00 p.m., a motion to reconvene into an open meeting was made by **Alex Leeman**. The motion was seconded by **Rebecca Wayment** which was unanimously approved.

ADJOURNMENT

Motion:

At 10:00 p.m., **Brett Anderson** moved to adjourn the 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: David E. Petersen, Community Development Director

Date: December 18, 2018

SUBJECT: **Cook Agreement and Accompanying Document(s)**

RECOMMENDATION

Move that the City Council ratify the enclosed Shepard Creek Trail Agreement with the Karen B. Cook Recreational Trust and quit claim deed, and accept the trail easement as conveyed to the City by said trust.

Findings for Approval:

1. An ALTA survey by an agent for the owner showed that the City owned a long strip of land running the entire length, and abutting the west boundary, of the Cook property north to south approximately 4,000 s.f. in fee title adjacent to the east side of the 1525 West r.o.w.
2. Shepard Creek runs east to west on the Cook property and is identified on the City's Trail Master Plan, an element its General Plan, as a location of a future trail connecting the UTA DRG&W trail to 1525 West Street.
3. The conveyance of the City property discussed in Finding 1 to the Karen B. Cook Recreational Trust in exchange for the easement in Finding 2 represents a good use of public resources to advance the policies and goals of the City's General Plan.

BACKGROUND

The Mayor and City staff executed the attached agreement and documents as directed by the City Council at their December 4, 2018 meeting.

Respectively Submitted

David Petersen
Community Development Director

Review, and Concur

Shane Pace
City Manager

0/6

Office of the Davis County Recorder

E 3132685 B 7154 P 1161-1166
RICHARD T. MAUGHAN
DAVIS COUNTY, UTAH RECORDER
12/06/2018 04:35 PM
FEE \$0.00 Pgs: 6
DEP RTT REC'D FOR FARMINGTON CITY
CORP



RETURNED
DEC 06 2018

Recorder
Richard T. Maughan
Chief Deputy
Lalle H. Lomax

THE UNDERLYING DOCUMENT ATTACHED HERETO IS AN ORIGINAL DOCUMENT SUBMITTED FOR RECORDING IN THE OFFICE OF THE COUNTY RECORDER OF DAVIS COUNTY, UTAH. THE DOCUMENT HAS INSUFFICIENT MARGIN SPACE FOR THE REQUIRED RECORDING ENDORSMENT STAMP. THIS PAGE BECOMES THE FRONT PAGE OF THE DOCUMENT FOR RECORDING PURPOSES.

THE DOCUMENT HEREIN RECORDED IS A Agreement
(Document Type)

08-072-0001
Tax Serial Number(s)

Corrected Agreement correcting the original agreement dated December 5, 2018 and recorded at the office of the Davis County Recorder, Entry #3132148, Book 7153, Page 181-185, 12/05/18.

AGREEMENT

THIS AGREEMENT is made and entered into as of the 6th day of December, 2018, by and between **FARMINGTON CITY**, a Utah municipal corporation, hereinafter referred to as the "City," and the **KAREN B. COOK RECREATIONAL TRUST**, hereinafter referred to as "Owner."

RECITALS:

A. Owner owns approximately 11.26 acres of property (the "Property") located at approximately 350 North east of 1525 West Street and next to the west side of the UTA (Utah Transit Authority) D.R.G.&W Trail. The Property is more particularly described as set forth in **Exhibit "A"** attached hereto and by this reference made a part hereof.

B. The City received an subdivision application on June 21, 2018, requesting, among other things, approval for one building lot (the "Church Lot"), approximately 4.413 acres in size to allow for the future construction of a church building for the Church of Jesus Christ of Latter-day Saints.

C. Shepard Creek traverses the Property from east to west and the proposed Church Lot is located on the north side of the Creek. The City's Trail Master Plan, which is an element of its General Plan, identifies the location of a future trail next to Shepard Creek (the "Shepard Creek Trail") connecting 1525 West Street to the D.R.G.&W. Trail.

D. Presently, the City owns approximately 4,006 square feet of property in fee title (the "City Property") between the Property and the 1525 West r.o.w. running the entire length of the Property from north to south. The City Property is more particularly described and illustrated on **Exhibit "B"** attached hereto and by this reference made a part hereof.

E. The City desires to convey the City Property to the Owner in exchange for a trail easement for the Shepard Creek Trail, which trail must be located on the north side of the creek and shall only be 10 feet in width and installed adjacent to and abutting the Church Lot. The City will install a wire fence along the final south boundary of said easement.

NOW, THEREFORE, in consideration of the mutual covenants contained herein, and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties hereby agree as follows:

1. **Recitals.** The above recitals are hereby incorporated into this Agreement.
2. **Deed.** The City hereby agrees upon the execution hereof to immediately deed to the Owner the City Property.

3. **Trail Easement and Fence.** Owner hereby agrees to concurrently upon the execution hereof to immediately grant to the City a recordable trail easement for the Shepard Creek Trail on the north side of Shepard Creek, 30 feet in width, in a form acceptable to the City, the legal description of which is set forth in Exhibit B. Upon completion of the trail improvements, the City agrees to convey back to Owner the portion of the 30 foot easement south of the 10 foot trail improvements and fence.

4. **Entire Agreement.** This Agreement contains the entire agreement and understanding of the parties with respect to the subject matter hereof and supersedes any prior negotiations, promises, inducements, representations or agreements pertaining to the subject matter hereof which are not set forth herein.

5. **Binding Effect.** This Agreement shall inure to the benefit of, and be binding upon the parties hereto and their respective heirs, officers, employees, representatives, agents, successors and assigns.

6. **Severability.** If any portion of this Agreement is held to be unenforceable or invalid for any reason by a court of competent jurisdiction, the remaining provisions shall continue in full force and effect.

7. **Amendment.** This Agreement may be amended only in writing signed by the parties hereto.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement by and through their respective, duly authorized representatives as of the day and year first hereinabove written.

“CITY”

FARMINGTON CITY

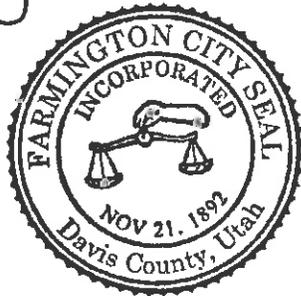
ATTEST:



City Recorder

By: 

Mayor



“OWNER”

KAREN B. COOK RECREATIONAL TRUST

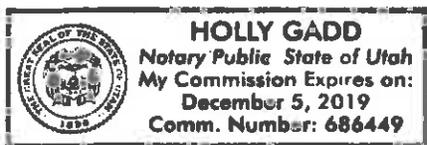
By: 

Karen B. Cook, Trustee

CITY ACKNOWLEDGMENT

STATE OF UTAH)
)
:SS.
COUNTY OF DAVIS)

On the 16th day of December, 2018, personally appeared before me H. James Talbot, who being duly sworn, did say that he is the Mayor of **FARMINGTON CITY**, a municipal corporation of the State of Utah, and that the foregoing instrument was signed in behalf of the City by authority of its governing body and said H. James Talbot acknowledged to me that the City executed the same.



My Commission Expires:

Holly Gadd
Notary Public
Residing at:

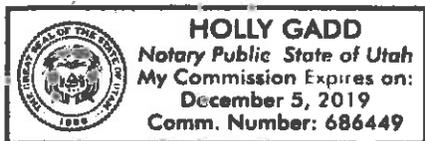
12/05/2019

DAVIS COUNTY

OWNER ACKNOWLEDGMENT

STATE OF UTAH)
)
:SS.
COUNTY OF DAVIS)

On the _____ day of December, 2018, personally appeared before me Karen B. Cook, did say that she is the Trustee of the Karen B. Cook Recreational Trust, who duly acknowledged to me that she executed the same on behalf of said Trust.



My Commission Expires:

Holly Gadd
Notary Public
Residing at:

12/05/2019

DAVIS COUNTY

EXHIBIT "A"

PROPERTY LEGAL DESCRIPTION

BEG AT A PT 188 FT E OF N 1/4 COR OF SEC 23-T3N-R1W, SLM; TH N 34°40' W 311.59 FT; TH S 3°23'30" W 82.17 FT; TH S 5°52' W 58.2 FT; TH S 6°39'30" W 53.67 FT; TH S 12°15' W 27.11 FT; TH S 12°56'40" W 195.09 FT; TH S 8°33' W 90.84 FT; TH S 0°41'20" W 209 FT; TH S 0°01'20" E 399.81 FT; TH N 89°48' E 847 FT; TH N 34°40' W 1032.68 FT TO POB. CONT. 11.26 ACRES

EXHIBIT "B"

CITY PROPERTY AND SHEPARD CREEK TRAIL LEGAL DESCRIPTIONS

City Property Legal Description:

Commencing at the intersection of the West line of the Karen B. Cook Property and the East right of way line of 1525 West Street, said point is 15.48 feet South 89°46'20" West along the Section line and 21.11 feet North 00°13'40" West from the North Quarter corner of Section 23, Township 3 North, Range 1 West, Salt Lake Base and Meridian, to the POINT OF BEGINNING; and running thence four (4) courses along the West Boundary line of the Karen B. Cook Property, as follows:(1) South 12°56'57" West 179.18 feet; (2) South 08°33'00" West 90.84 feet; (3) South 00°41'20" West 209.00 feet; and (4) South 00°01'20" East 399.81 feet more or less to the North line of Farmington Ranches East Subdivision (Book 3569 Page 575); thence South 89°48'00" West 1.96 feet along said North line to said East right of way line; thence five (5) courses along said East right of way line as follows: (1) North 00°02'03" East 659.82 feet; (2) North 0°18'38" East 18.75 feet to a point of non-tangent curvature of which the radius point lies South 89°41'23" East; (3) Northerly along the arc of a 217.00 feet radius curve to the right a distance of 80.08 feet (Central Angle equals 21°08'42", and Long Chord bears North 10°52'58" East 79.63 feet); (4) North 21°27'19" East 82.22 feet to a point of curvature; (5) Northerly along the arc of a 281.95 feet radius curve to the left a distance of 41.88 feet (Central Angle equals 08°30'39", and Long Chord bears North 17°11'59" East 41.84 feet) to the POINT OF BEGINNING. Containing 4,006 square feet, more or less.

Shepard Creek Trail Easement:

A 30' wide strip of ground being South of the Southerly and Easterly boundary line of lot 1 of the 1525 West Street Church Subdivision, more particularly described as: Commencing at the North Quarter corner of Section 23, Township 3 North, Range 1 West, Salt Lake Base and Meridian and running South 00°09'06" East 57.05' along the section line; thence West 43.07'; thence South 21°27'19" West 41.26' to a point of curvature; Southwesterly along the arc of a 217' Radius curve to the left a distance of 80.08' (Central Angle equals 21°08'42" and Long Chord bears South 10°52'58" West 79.63' to a point of tangency; thence South 0°18'38" West 18.75'; thence South 0°02'03" West 503.54' to the POINT OF BEGINNING; thence North 61°44'12" East 203.71'; thence East 82.93'; thence North 51°41'38" East 52.94'; thence North 13°18'35" East 373.54'; thence South 34°40'0" East 40.38'; thence South 13°18'35" West 356.95'; thence South 51°41'38" West 73.80'; thence West 85.80'; thence South 61°44'12" West 212.31'; thence North 0°02'03" East 34.07' to the POINT OF BEGINNING. Contains 0.497 Acres, more or less.

When recorded return to:
David S. Cook
85 West 400 North
Bountiful, Utah 84010

E 3132150 B 7153 F 188-189
RICHARD T. MAUGHAN
DAVIS COUNTY, UTAH RECORDER
12/05/2018 10:48 AM
FEE \$0.00 Pgs: 2
DEP RTT REC'D FOR FARMINGTON CITY
CORP

Send any tax notices to:
Karen B. Cook, Trustee
1077 East 75 South
Bountiful, Utah 84010

QUIT CLAIM DEED

Farmington City, a Municipal Corporation of the State of Utah, Grantor, hereby quit claims to Karen B. Cook, Trustee of the Karen B. Cook Recreational Trust dated May 20, 2014 and to the Successor Trustee of said Trust, Grantee, the following strip along the east side of 1525 West, West Farmington, County of Davis, State of Utah:

Commencing at the intersection of the West line of the Karen B. Cook Property and the East right of way line of 1525 West Street, said point is 15.48 feet South 89°46'20" West along the Section line and 21.11 feet North 00°13'40" West from the North Quarter corner of Section 23, Township 3 North, Range 1 West, Salt Lake Base and Meridian, to the POINT OF BEGINNING; and running thence four (4) courses along the West Boundary line of the Karen B. Cook Property, as follows: (1) South 12°56'57" West 179.18 feet; (2) South 08°33'00" West 90.84 feet; (3) South 00°41'20" West 209.00 feet; and (4) South 00°01'20" East 399.81 feet more or less to the North line of Farmington Ranches East Subdivision (Book 3569 Page 575); thence South 89°48'00" West 1.96 feet along said North line to said East right of way line; thence five (5) courses along said East right of way line as follows: (1) North 00°02'03" East 659.82 feet; (2) North 0°18'38" East 18.75 feet to a point of non-tangent curvature of which the radius point lies South 89°41'23" East; (3) Northerly along the arc of a 217.00 feet radius curve to the right a distance of 80.08 feet (Central Angle equals 21°08'42", and Long Chord bears North 10°52'58" East 79.63 feet); (4) North 21°27'19" East 82.22 feet to a point of curvature; (5) Northerly along the arc of a 281.95 feet radius

08-072-0001, 5 feet

curve to the left a distance of 41.88 feet (Central Angle equals 08°30'39", and Long Chord bears North 17°11'59" East 41.84 feet) to the POINT OF BEGINNING.

Containing 4,006 square feet, more or less.

Combine with 08-072-0001 for taxing purposes

WITNESS the hand and seal of Grantor Farmington City, a municipal corporation, this 5th day of ~~November~~, 2018.

December



ATTEST:

FARMINGTON CITY, A MUNICIPAL CORPORATION:

[Signature]

JAMES TALBOT, MAYOR,

[Signature]

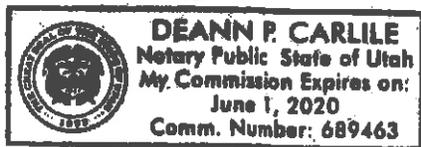
HOLLY GADD, CITY RECORDER

STATE OF UTAH)
 :SS
COUNTY OF DAVIS)

On this 5th day of ~~November~~ ^{December}, 2018, personally appeared before me JAMES TALBOT, Mayor of Farmington City, and HOLLY GADD, Recorder of Farmington City, who duly acknowledge to me that they executed the foregoing Quit Claim Deed.

[Signature]

NOTARY PUBLIC



1/2

Office of the Davis County Recorder



E 3132683 B 7154 P 1157-1158
RICHARD T. MAUGHAN
DAVIS COUNTY, UTAH RECORDER
12/06/2018 04:35 PM
FEE \$12.00 Pgs: 2
DEP RTT REC'D FOR FARMINGTON CITY
CORP

Recorder
Richard T. Maughan
Chief Deputy
Lailie H. Lomax

RETURNED
DEC 06 2018

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THE DOCUMENT HEREIN RECORDED IS A Revocation & Abandonment
(Document Type) of Easement

08-072-0001
Tax Serial Number(s)

Minute motion adjourning to the Redevelopment Agency meeting.

1. Roll Call

CITY COUNCIL AGENDA

For Council Meeting:
December 18, 2018

SUBJECT: City Manager Report

1. Creekside Manor Update

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:
December 18, 2018

S U B J E C T: Mayor Talbot & City Council Reports

1. Possible Planning Commission Appointment

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