

FARMINGTON CITY – CITY COUNCIL MINUTES

December 17, 2024

WORK SESSION

Present:

*Mayor Brett Anderson,
City Manager Brigham Mellor,
Mayor Pro Tempore/Councilmember Alex
Leeman,
Councilmember Roger Child,
Councilmember Scott Isaacson,
Councilmember Melissa Layton,
Councilmember Amy Shumway,
City Attorney Paul Roberts,
City Recorder DeAnn Carlile,*

*Recording Secretary Deanne Chaston,
Community Development Director Dave
Petersen,
Assistant Community Development
Director/City Planner Lyle Gibson,
Assistant City Manager/City Engineer Chad
Boshell,
Finance Director Greg Davis, and
City Lobbyist Eric Isom.*

Mayor **Brett Anderson** called the work session to order at 6:07 p.m.

LEGISLATURE PREVIEW WITH PRESIDENT STUART ADAMS

Utah State Senate President **Stuart Adams** provided a legislative preview to the City Council. Regarding the transportation utility fee, **Adams** said a fee is a tax on people. He ran a bill in 2015 for housing protection for the LGBTQ community. It also provided tax protection for religious organizations. It is a long process to get those protections in the statute. Some across the United States want to remove those tax exemptions for religious organizations. It is an acute concern to him. In his mind, a hole in the dam can erode it so the whole thing comes down. Having Utah be the example could cause the whole dam to come down. He would support maintaining religious tax exemptions and will let religious organizations speak for themselves. He is not O.K. with exemptions for other nonprofits.

City Manager **Brigham Mellor** said that could affect imposing a transportation utility fee on the University of Utah Hospital, Intermountain Health Care, and public schools in the City. **Mellor** said he is comfortable with not including all nonprofits in tax exemptions. The U of U hospital and the high school have a significant impact on Farmington roads, and the utility fee allows the City to maintain roads. The City gets pushback because it is not like a Truth in Taxation hearing.

City Councilmember **Scott Isaacson** said he has been an attorney for the Church of Jesus Christ of Latter-day Saints for 25 years, and most of his work is international. He said the Church is monitoring the issue of taking tax exemptions away from religious organizations. It is not in the federal Constitution to exempt property and income taxes for churches. However, there is clear precedence. An early Supreme Court ruled in favor of Dartmouth College, saying it shouldn't be taxed and controlled by the government, and needs autonomy from the government. The Chief Justice said the power to tax is the power to destroy, a phrase that has persisted in jurisprudence.

Adams agreed, saying there is a clear distinction between religious organizations and cities, counties, and regular nonprofit organizations. This is a challenge for churches even in other

countries. Churches have been asked to pay for street cleaning and other services, but there is a question of where to draw the line.

Adams addressed homelessness, which is a problem everywhere in the United States. Utah is among the most humanitarian states in the nation and will help others when given the opportunity. He questions housing all homeless in one location, as someone who has a substance abuse problem may cause challenges in that housing environment by not being kind to others. The State should tackle the problem head-on by focusing on treatment, which is more important than incarceration. Taking away and reducing penalties for substance abuse but not providing treatment results in chaos. If the homeless are being housed, they should likewise go through the judicial system. Davis Behavioral Health is a receiving center that can help people through the process. To simply tell communities to house the homeless, without giving them help and assistance, is not the solution. To house without help is inhumane.

Regarding immigration, **Adams** praised Utah's guest worker program, which has served the State well. Giving immigrants driver privilege cards helps the State track them. He hoped the Federal Government would follow Utah with the guest worker program, but they didn't. He is worried that the U.S. birth rate has gone the opposite way since 2000, as more people are dying than are being born throughout the nation. We need population growth instead of a negative birth rate, he said. There is a process of welcoming immigrants in, but those breaking the law should be sent home.

Regarding the Utah Department of Transportation's (UDOT) timing of the widening of Interstate 15 (I-15), **Mellor** said it is the least controversial UDOT project in Farmington. UDOT was responsive to the public's request for a Glovers Lane off ramp. **Adams** said it has to be a sophisticated project since traffic can't be shut down during construction. I-15 runs from Canada to the Mexican border. There has been some pushback around Rose Park, and it will be disappointing if the full width can't be secured all the way through. **Mayor Anderson** said UDOT is aware of Farmington's request for a \$40 million off-ramp to the West Davis Corridor (WDC). **Adams** said this is the time to request it. Farmington is being treated well with the Shepard Lane interchange, and the City has worked through a lot of tough issues with UDOT.

Councilmember **Amy Shumway** said she appreciates the pedestrian overpass going into place. She asked about a new State Park between Bountiful and Farmington in the Wasatch Mountains. Utah has 29 State Parks, and it would be nice to round it to 30.

Adams said Utah's economy has been strong, which has helped the State Legislature cut taxes over the years. Regulatory policy is more important than tax cuts. Utah has one of the highest starting teacher salaries in the West. The State set up an ongoing \$50 million annual revenue source for State Parks. A resident of Layton's east side, **Adams** said he can easily access the Shoreline Trail and can quickly drive to recreational sites within 10 to 30 minutes. There is a need to maintain the recreational quality of life in Utah.

DISCUSSION OF REGULAR SESSION ITEMS UPON REQUEST

Regarding vacation of the Right of Way (ROW) at 1800 North between 1075 and 1275 West, **Mellor** advised that Staff doesn't see the benefit of it besides what would go to the developer. Those people on the south of the ROW already got it, and the people on the north couldn't really use it.

Isaacson said the advantage of the ROW is the City can use it to access and maintain the large storm drain that goes through that area. If it was changed into an easement, it would be someone else's property the City would have to restore, and sheds, fences, concrete, and rock walls that would have to be moved. There is not an advantage to the applicant except they may get a little more area to reconfigure lots. They would be nice lots, not more lots. There is not a big financial benefit.

Community Development Director **David Petersen** said there is no record of the ROW officially being vacated for those landowners on the south. City Councilmember **Alex Leeman** said this is a good opportunity to clean up land records.

Assistant City Manager/City Engineer **Chad Boshell** said that storm drain is always flowing and carries water from Fruit Heights. At some point, it will be a complicated process to replace the line. The property corners need to be re-established, as many landowners are squatting on the City ROW.

Mellor said the Summary Action list is large due to end-of-year clean-up. The water line and well house on the Old Farm property are part of the second largest City infrastructure project, second only to the roads in West Farmington. American Rescue Plan Act (ARPA) funds were spent on those roads, complying with requirements that came with COVID funds. Including the park construction and potential new fire house, \$50 million worth of infrastructure may be underway in 2025, which will be a busy year.

Mayor Anderson suggested moving the Old Farm Letter of Intent (LOI) item earlier in the agenda. **Leeman** said there is no development proposed, no pretty picture to show, and no application filed. This is just a structure to start a discussion.

Councilmember **Roger Child** asked for background on the new police chief decision. **Mellor** said Police Chief **Eric Johnsen**'s retirement came earlier than previously expected. Staff evaluated different candidates both internal and external. **Johnsen** and **Mellor** both agreed on the best candidate. Before an offer was extended to **Austin Anderson**, **Mayor Anderson** and some Councilmembers interviewed him. Councilmember **Melissa Layton** already personally knew him as a neighbor. **Mellor** said he has had four years of experience working with **Anderson** in Syracuse. City Attorney **Paul Roberts** worked with him in Syracuse for seven years. **Johnsen** has been **Anderson**'s mentor throughout his career.

REGULAR SESSION

Present:

*Mayor Brett Anderson,
City Manager Brigham Mellor,
Mayor Pro Tempore/Councilmember Alex
Leeman,
Councilmember Roger Child,
Councilmember Scott Isaacson,
Councilmember Melissa Layton,
Councilmember Amy Shumway,
City Attorney Paul Roberts,
City Recorder DeAnn Carlile,
Recording Secretary Deanne Chaston,*

*Community Development Director Dave
Petersen,
Assistant Community Development
Director/City Planner Lyle Gibson,
Assistant City Manager/City Engineer Chad
Boshell,
Finance Director Greg Davis, and
Youth City Councilmembers Amelia Smith,
Jacob Blood, Hallie Gladwell, and
Charlotte Smith.*

Mayor **Brett Anderson** called the meeting to order at 7:07 p.m. Councilmember **Mayor Anderson** offered the invocation, and the Pledge of Allegiance was led by Councilmember **Alex Leeman**.

PRESENTATION:

Musical number by Music in Me

Farmington’s Music in Me program is for youth ages 2 to 11. The group sang a holiday song for the Council.

Student Spotlight: Asher Valentin

Farmington Baseball Coach **Stan Allen** nominated third grader **Asher Valentin** as student of the month. **Asher** is a “one-man cheering machine” who recognized a fellow teammate when he was struggling.

Motion:

Leeman moved that the City Council move the Letter of Intent (LOI) agenda item up in order to consider it first.

Councilmember **Melissa Layton** seconded the motion. All Councilmembers voted in favor, as there was no opposing vote.

Mayor Pro Tempore/Councilmember Alex Leeman	X Aye	___	Nay
Councilmember Roger Child	X Aye	___	Nay
Councilmember Scott Isaacson	X Aye	___	Nay
Councilmember Melissa Layton	X Aye	___	Nay
Councilmember Amy Shumway	X Aye	___	Nay

Letter of Intent (LOI) to purchase approximately 16 acres of land on Main Street

Mayor Anderson said a LOI is like asking someone to consider going to a dance with the City. It is an invitation to have a discussion with a group to see if there is a proposal the City would be interested in. It is not an application, contract, or proposed use. It is just the start of a conversation. If the City does eventually want to move forward, they would want all kinds of public input. This particular LOI invites the Boyer group to consider having a discussion with Farmington City regarding developing land known as the Old Farm. He is not sure what was on social media that made residents think the Council was making a decision about this today, but they are not. The property was zoned Neighborhood Mixed Use (NMU) in 2005, and there is no proposal to change the zone.

Mayor Anderson said Farmington is having this conversation because the City is in desperate need of building a new fire station. The current fire station recently renovated a utility closet into a bedroom because the department is outgrowing the building. The department is not fully staffed because there is nowhere to put them. He said every time Farmington hits pause on a new fire station, the price increases. What used to be \$12 million has now increased to \$16 million. If the City waits a year, it could cost \$18 million.

The Council has wrestled with how to pay for a new fire station. It could be through sales and property taxes, or using assets the City owns. The City could also bond for it and pay interest. For every \$1 million bonded, the City would pay \$600,000 in interest. If part of the expense was paid for with cash, the bond would be a lot less, residents' taxes wouldn't have to be raised, and the City's budget wouldn't be burdened with interest payments. There is a way to turn Old Farm into cash assets to pay for a new fire station. That is the impetus for this LOI, an initial step for Farmington to consider if this is a viable route to pursue.

Councilmember **Scott Isaacson** said there will be multiple public hearings, and plenty of time for the public to give comments. A decision is not before the Councilmembers at this point. It is not on the agenda as a public hearing tonight. The LOI is not binding on anyone. Getting a new fire station on the west side of Farmington is a health and public safety concern. If an emergency were to make it impossible to get across the freeway, fire trucks could not get to Farmington's west side, where a majority of the City's population now lives.

Leeman said an LOI is nonbinding room to negotiate. Farmington has put out there that it is willing to sell the Old Farm property. The LOI set out some broad parameters in order to dial in the price. Boyer has made no proposal; there are no pictures or maps to look at. Knowing broadly what Farmington is looking for, they can make proposals and go through the full entitlement process. But it has to start somewhere. The LOI is the structure.

Assistant Community Development Director/City Planner **Lyle Gibson** said Farmington put out a Request for Qualifications (RFQ) a few months ago, and they got a few responses. The City solicited for experience and wanted to understand the responding parties' financials. The Boyer Company stood out, so the City decided to go with them instead of others.

Councilmember **Roger Child** said before Farmington goes forward with a decision to sell the Old Farm property, the City would look at other options such as increasing taxes as well. Those elements would be put forward to the public so they could see how much taxes would be lowered if the City sells this property. If Farmington decides to bond for the entire amount to build a new fire station, taxes will be higher. That information will be put forward to the public as well.

Mayor Anderson said the Council is trying to make an informed decision. They can consider various kinds of development, doing nothing and letting it sit, etc. Over the years, groups have come forward with various ideas, some promising and some very expensive. He does not want to turn the ground into a liability that the City will have to pay to maintain. The Council is not interested in putting lots of houses out there. It could be commercial, mixed use, office, housing; the Council doesn't know yet. What a developer is willing to pay is dependent on a sliding scale. If they can get a lot of density, they will pay more. Whatever money Farmington doesn't get for the Old Farm property it will have to pay for in a fire station bond. The gap will grow or shrink depending on what Farmington sells this property for. The question is how much the City wants to stomach on the bond or increase taxes to get the new fire station.

Leeman said Farmington is the property owner, so it is nice that the City gets to hold all the cards. Because zoning entitles the property owner, there is a limit to what the City can approve on this property. If the City doesn't like the proposal, it won't sell the property. The City can wait until it sees something it likes. Staff explained to Boyer why it needs to sell, and told them residents would be interested and watching.

Child said the City is in the process of bidding out developing and improving a park on the west side. Money earmarked for open space is going to that project. A similar request for a park on the east side would increase demands on that same money.

City Manager **Brigham Mellor** said the City has decided to retain the Rock Mill, but it has no resources to maintain it. There is a lot of debate of what is wanted at the Old Mill, and this will also help create resources for it.

Mayor Anderson said the City wants feedback and input from residents. The Council wants to make sure they are thoughtful about this.

Layton said as negotiations proceed, this is not the City vs. the citizens. All Councilmembers are also citizens of Farmington. This is where she lives, where her children's friends are. It is important to her that this is developed in a certain way, and this is an open discussion. Since everyone is on the same team, she would like to take the divisiveness out of this. Residents should be heard.

Mayor Anderson said the proposal better be so awesome that the public wants it. It should be some public amenity like an ice rink. He wants residents to engage in this discussion.

Leeman said there will be opportunities for the Mayor to reach out to the public. Next time there is a public hearing about this, there will be a proposal to put up on the screen for all to see. Then the Council will ask the public, "Do we sell the property at this price for that?" At that point, the public can take their turns at the mic to share their input.

Rick Dutson (2083 Summerwood Drive, Farmington, Utah) addressed the Council. He thanked the Mayor and Councilmembers for explaining this issue to the large crowd that had gathered in chambers.

Isaacson said all the Council is doing is agreeing to talk to Boyer and no one else at this point for a while. By responding to the RFQ, developers showed the City their wallet and experience. If the City doesn't like what Boyer presents, they are not obligated to proceed. The LOI

represents nothing binding. It is an agreement to engage in a conversation with this particular developer to see if the two parties can reach something that can be moved upon.

Leeman said the RFQ is not to be confused with a Request for Proposal (RFP). An RFQ is like showing someone your resume. Boyer knows this property is zoned NMU, and that is about all they know going into this. Boyer is a developer that builds everything from office to single family. They built The Ranches in Farmington.

Mayor Anderson said he looks forward to getting feedback from the Community Council. It is like intense, direct feedback every other month. It is held every second Wednesday at 7 p.m. He invited everyone in the audience to be part of it. He asked the public to email and text Councilmembers with their input. An LOI is like chewed up gum that can be thrown out.

Isaacson said he has received quite a few emails, and he read as many as he could before coming to this meeting. He welcomes the input, and ensured the audience that he will respond to their emails.

Motion:

Shumway moved that the City Council approve the Letter of Intent from The Boyer Company L.C.

Finding 1:

1. The provided LOI sets the tone for a future Purchase and Sale Agreement.

Child seconded the motion. All Councilmembers voted in favor, as there was no opposing vote.

Mayor Pro Tempore/Councilmember Alex Leeman	X Aye	___	Nay
Councilmember Roger Child	X Aye	___	Nay
Councilmember Scott Isaacson	X Aye	___	Nay
Councilmember Melissa Layton	X Aye	___	Nay
Councilmember Amy Shumway	X Aye	___	Nay

PUBLIC HEARING:

Consideration of an ordinance to vacate an unimproved section of Right-of-Way (ROW) at approximately 1800 North between 1075 West and 1275 West

Gibson presented this agenda item, which is a follow up from several months ago. In February of 2022, the City Council rezoned property along the 1075 West frontage road north of this ROW to the Large Residential (LR) zoning district. This zoning allows for the development of 20,000 square feet as a conventional subdivision. Instead of only two 20,000 square foot lots, the applicant is asking for an alternate lot size of 10,000 square feet if the Council determines that sufficient additional benefit is provided as outlined in the ordinance.

While looking at this proposed development, the subject ROW became part of the discussion in order to determine the amount of property the developer actually controls, as well as related future access or development of other area properties. Prior attempts to abandon the ROW in the 1990s and early 2000 were never completed.

In July of 2023, a deed-restricted Accessory Dwelling Unit (ADU) was approved to qualify the project for additional smaller lot sizes. The developer hired a surveyor to identify the ROW with the understanding that the City may wish to vacate it in order to clean up property lines.

The findings of the survey work are that the ROW, identified as Manning Road, was originally a 66-foot ROW. The center line of the 66 feet runs along the north lot line of lots 222 to 226 of the Oakridge Park Estates PUD Plat 2 subdivision. The southern half of the original ROW appears to be within the rear yards of these properties, presumably vacated with the platting of the Oakridge Park Estates PUD Plat 2 recorded in the spring of 1998. Typically, half of a vacated ROW goes to the owner of one side, while the other half goes to the owner of the other side. Survey work indicates that half has already gone to those on the south side. Therefore, the request is to have the remainder 33 feet go to the property owners to the north. **Gibson** said Staff feels these survey results don't match up with what Davis County previously produced, but this is the first on-the-ground survey work that has been completed in many years.

The property is unimproved and not likely to be used or needed as a street. In addition, there are significant slopes in the area. There is an existing storm drain line within or just south of the ROW. The storm drain channels a large amount of water and in some areas is very deep and may require access in the event there is a need to repair, maintain, or replace the line. Currently, the City can access the ROW in order to get access to this system.

While vacation of the ROW could clean up property boundaries and provide residents more direct control of land, it may also limit development options for properties to the north. The project that spurred these discussions would not gain additional lots with the property, but the lots would be slightly larger, which would allow more flexibility for lay out.

Gibson said Staff's recommendation is to leave the ROW in place.

Applicant **Luke Martineau** (1216 Legacy Crossing Boulevard, Centerville, Utah) addressed the Council, saying this ROW is south of the property they want to develop. They plan to do some improvements on the ROW property including detention and utilities. However, they do not plan to add density to their property. They would like to clean up property lines. The City is currently paying taxes on this land, which is too steep for the City to access. They would be happy to put an easement in so the City can access existing infrastructure.

City Attorney **Paul Roberts** said the City doesn't pay property taxes on this land. **Mayor Anderson** said the Council has received several emails about this agenda item, and they will be made part of the record.

Mayor Anderson opened and closed the Public Hearing at 7:58 p.m.

Brent Romney (1252 Carston Court, Farmington, Utah) lives on Lot 223 on the south side of road being discussed. He was surprised and shocked with the letter he was recently sent regarding the fact that they actually didn't get the 33-foot half of the ROW years earlier. He has been mowing and maintaining this land for the past 20 years. This is what he sees outside his back door. He came to an agreement with his neighbor in order to place a shed. He and his neighbors know that the property to the north of them does not belong to them, as it is an abandoned road. As neighbors, they have amicably taken care of and used this land amongst themselves. He would like records inspected so that everything is out in the open and on the table.

Mayor Anderson said there are still some questions on if the ROW was vacated earlier. Staff is trying to decide what happened historically.

Sam Noel (Lot 222, 1262 Carston Court, Farmington, Utah) moved to the western-most property in 2015. At the time, the City told him the property was an abandoned road that could be vacated if everyone was in agreement. There is no good cause to give it all to the property owners on the north. He has a storm drain in his yard, which overflowed one summer. Resulting garbage and residue was in his yard. He likes the idea of leaving the property as an abandoned road so the City can have access to that storm drain, which may need to be cleaned and enlarged. He mows and maintains the land currently. Every wind storm, a lot of trees come down to that area. He doesn't trust the map the developer provided, and has a lot of questions.

Thomas Noel (1262 Carston Court, Farmington, Utah) is **Sam's** son. He said he and his brother always play on the abandoned road. They have a garden there that they cared for. They mow the grass and pick up the leaves.

Laurence Noel (1262 Carston Court, Farmington, Utah) is **Thomas's** brother. He said the northern landowners don't use the abandoned road, as they don't go down the slope. The trees block the area. This land is the only thing he and his family see from their windows.

Jim Reimann (1242 Carston Court, Farmington, Utah) lives in Oakridge Park Estates and already sent an email to the Council. Even though it may be painful, the truth is needed. Trust but verify. He wants due diligence done to verify the situation. None of his neighbors are aware of any communication from the developers.

Rob Potter (1228 Carston Court, Farmington, Utah) moved here 28 years ago. His backyard has flooded. He has a trampoline and play area for his 12 grandchildren in the area and has boarded up an 8- to 10-foot incline. The area is steep and covered by thick shrub oak. Ten years ago, the people above them wanted to just give this land away. He lives 300 to 400 feet down from his neighbor, who has never come down that slope. It would be disruptive and disastrous to him if he had to take out the tramp, playground, and sprinklers there. He is confused why this is coming up at this time.

Cindy Roybal (1267 W. 1875 North, Farmington, Utah) said this is news to her. She asked the City to be fair to all property owners. The storm drain is a really big issue. She was around when the City had a 500-year storm, which flooded all the Fieldstone homes. The drain was not big enough to drain all the water at that time. If another storm of that magnitude comes again, the holding pattern is into the Oakridge Country Club. More research is needed about the storm drain and property lines.

Mayor Anderson closed the Public Hearing at 8:20 p.m.

Isaacson said there was a mistake made with the southern 33 feet of the ROW when the subdivision was created. That should have been transferred to those people. Vacating half of a ROW is not a controversy at all. **Gibson** agreed that the 33 feet has never been vacated according to County records. **Isaacson** said it should have been cleared up, but it wasn't. He is not in favor of vacating the northern half, as there is a major storm water drain there. It is important for the City to get in there to repair and maintain it. He knows some neighbors have been using the property to the north. However, if the City needs to come in an repair a storm drain, they will not hesitate to take out a shed to do so. The City recently sent letters to other

residents who are using a ROW to remind them that someday they may be asked to take improvements off the property. He would like to clear up the southern part so it is not confusing, but does not want to vacate the northern part.

Shumway said it is not a question of if the City needs to replace that storm water line, but when. They know the lines are failing, and obviously this one is old.

Community Development Director **David Petersen** said this might be a 19th Century ROW. In the 1920s to 1940s, things happened and overlapped, which happens in other states as well.

Mayor Anderson said he has no idea what the City told residents in the area in the past, but he thanked those providing public comment tonight for the background. The City is desperately trying to fix this issue.

Assistant City Manager/City Engineer **Chad Boshell** said current Staff doesn't know what conversations were had 10 years ago. He advised Staff against vacating the ROW at this point. He would like to keep the ROW in order to replace the line. The southern 33 feet should have been given to the landowners, but the City should keep the upper north 33 feet.

Motion:

Leeman moved that the City Council deny the request to vacate the remaining portion of the Manning Road Right-of-Way subject to the finding in the Staff Report.

Finding 1:

1. The City has a storm water line in the rear yard of the properties to the south of the subject Right-of-Way. Staff prefers that the City maintain as much control over the access to this line as possible in the event future repair, maintenance, or replacement work needs to happen.

Shumway seconded the motion. All Councilmembers voted in favor, as there was no opposing vote.

Mayor Pro Tempore/Councilmember Alex Leeman	X Aye	___	Nay
Councilmember Roger Child	X Aye	___	Nay
Councilmember Scott Isaacson	X Aye	___	Nay
Councilmember Melissa Layton	X Aye	___	Nay
Councilmember Amy Shumway	X Aye	___	Nay

Leeman made an additional request that Staff try to clean up the southern half in order ensure that the intent of the subdivision plat is fulfilled.

BUSINESS:

Appointment of Austin Anderson as Police Chief beginning February 1, 2025

Mellor presented this agenda item. With the announced retirement of Chief **Eric Johnsen**, the City has need of a new police chief. **Austin Anderson** has worked for Syracuse Police Department for 17 years, and currently serves as their Assistant Police Chief. He has a breadth and depth of experience that will serve the Farmington community well.

Mayor Anderson said Farmington employs several people who used to be employed by Syracuse including **Roberts, Mellor, Gibson**, Assistant Finance Director **Levi Ball**, and Communications Specialist **Jody Peeters**.

Leeman said he spent an hour chatting with **Anderson** alone last week about his experience and background. He was impressed that included in the qualifications packet **Anderson** prepared for the City were thank you notes from people he had interacted with in the past. That spoke volumes and clearly displayed **Anderson's** true values, as those notes are what he saved and is most proud of. This position is a step up for him in his career, and he has a lot to learn.

Shumway was impressed with his desire to learn and continue his education. **Shumway** and **Isaacson** previously met with him to look at his credentials.

Isaacson said choosing a police chief is one of the most important decisions a City Council can make, as a police chief is influential in day-to-day interactions with the City.

Layton said she personally knows **Anderson**, and he is an upstanding human who treats people with respect. He will be a great leader in Farmington.

Mellor said that while no one can replace **Johnsen**, **Anderson** is someone who can continue with the progress that has recently been made in the department. This is a difficult job, but **Anderson** will enhance the department.

Motion:

Isaacson moved that the City Council provide advice and consent to the appointment of **Austin Anderson** as the Farmington City Police Chief, which appointment will be effective on February 1, 2025.

Leeman seconded the motion. All Councilmembers voted in favor, as there was no opposing vote.

Mayor Pro Tempore/Councilmember Alex Leeman	X Aye	___	Nay
Councilmember Roger Child	X Aye	___	Nay
Councilmember Scott Isaacson	X Aye	___	Nay
Councilmember Melissa Layton	X Aye	___	Nay
Councilmember Amy Shumway	X Aye	___	Nay

Fire Alarm Ordinance

Boshell, who is over both Public Works and the Fire Department, presented this agenda item. It is proposed that the Council adopt the proposed ordinance governing fire alarms to encourage business owners to repair or improve their fire alarm systems, reserving public safety resources for actual emergencies. When fire alarms go off, the Fire Department is notified and required to respond. Out of the 785 total calls this year, 23% of them have been false alarms. This is an increase compared to 2023's 15%, 2022's 16%, and 2021's 13%. This sharp increase is troubling, and many are repeat offenders who have no intention of fixing their alarms. Each time the department responds to a call, it costs \$9,000. If false fire alarms are reduced, the Farmington wouldn't have to grow its Fire Department as quickly.

Boshell's intent with the new ordinance is to curb repeat offenders with a charge per false alarm. Some cities create a penalty for multiple false alarms. Currently, there is no charge for false

alarms in Farmington. The Consolidated Fee Schedule is being changed to include a \$500 charge on the third offense, and \$600 after four offenses. **Boshell** said the City will be flexible with new tenants and commercial buildings in their first year as they learn their systems, and there is a grace period. The new ordinance is to try to fix the behavior.

Shumway said the City’s resources are in demand, but they are supposed to eliminate waste. **Isaacson** said an “s” needed to be added to the word “violation” in Section 10 purpose, Section B second line from the bottom. He also asked when the 365-day period starts for the third offense. **Roberts** said it rolls beginning at the first false alarm. **Isaacson** asked if it was intentional in the draft to mention both the fire marshal and fire chief, even though each is not separately defined. **Roberts** said it was intentional. **Isaacson** also wanted to add the word “the” in front of “administrative official” in the first line of Section 80.

Motion:

Layton moved that the City Council enact Chapter 7-12 of the Farmington Municipal Code, related to fire alarms within Farmington City, with **Isaacson**’s suggested edits.

Shumway seconded the motion. All Councilmembers voted in favor, as there was no opposing vote.

Mayor Pro Tempore/Councilmember Alex Leeman	X Aye	___	Nay
Councilmember Roger Child	X Aye	___	Nay
Councilmember Scott Isaacson	X Aye	___	Nay
Councilmember Melissa Layton	X Aye	___	Nay
Councilmember Amy Shumway	X Aye	___	Nay

Miller Meadows Phase 10 Transfer of Development Rights (TDR) Agreement

Gibson presented this agenda item, saying the City has seen a couple of development concepts for this 2-acre piece of property that has been available. The land is currently under contract for those developing single-family lots with Rainey Homes in Miller Meadows, which has excess units available from other phases. They are now interested in doing six lots on this property using TDR. It is a right to purchase what could have been developed in other areas of the City. Staff reviewed the pro forma, which seemed to have sensible amount of \$12,900 for both lots.

Leeman said he is glad to see that the TDR hasn’t been abandoned as a useful development tool.

Motion:

Child moved that the City Council approve the Agreement with Rainey Homes allowing the transfer of two lots to the Miller Meadows Phase 10 Subdivision.

Findings 1-2:

1. The agreement contemplates a value based on a previously reviewed understanding of profit to the developer for the additional lots.
2. The additional lots in the subdivision are compatible with other lots in the immediate area.

Leeman seconded the motion. All Councilmembers voted in favor, as there was no opposing vote.

Mayor Pro Tempore/Councilmember Alex Leeman
Councilmember Roger Child
Councilmember Scott Isaacson
Councilmember Melissa Layton
Councilmember Amy Shumway

X Aye ___ Nay
X Aye ___ Nay
X Aye ___ Nay
X Aye ___ Nay
X Aye ___ Nay

Storm Water Permit and Enforcement Amendments

Boshell presented this agenda item. Last Utah legislative session, House Bill 507 was enacted, completely changing storm water pollution prevention. The proposed amendment is Farmington’s way to comply with the legislation, which takes effect January 1, 2025. The State mandates the fees included on the Consolidated Fee Schedule amendment proposed on today’s agenda. **Boshell** said he hasn’t heard of one city in Utah that is pleased with the direction the legislature is going with this, but there is not much to do but comply at this point. He predicts that within a year, there will be enough violations to this that the City can’t handle them all, and it may swing back.

With the passage of HB507, the City can no longer require a land disturbance permit for construction activity smaller than one acre, with similar best management practices (BMPs) to prevent small-scale construction activity from introducing pollutants into the City’s storm water system. Construction activity can be a major source of pollutants into the City’s storm water system. Per HB507, the permit is now being removed from Farmington’s ordinances.

HB507 also prohibits the storm water official from inspecting a construction site in person unless there is a “documented reason” for the on-site visit. Otherwise the City will inspect via photographic evidence of site conditions provided by the contractor. The bill also took away the ability of the City to stop work on a failed site. All of the storm water officials in the state are working on a way to classify BMPs so that their storm water systems can be protected as much as possible.

Motion:

Child moved that the City Council adopt the ordinance amending various sections within Title 16 of the Farmington Municipal Code, related to storm water pollution prevention and enforcement, and adopt the findings provided in the Staff Report.

Findings 1-3:

1. The amendments bring the City into compliance with mandatory directives from the State of Utah regarding storm water pollution prevention permits associated with construction activity.
2. The amendments preserve as much authority as possible for the storm water official to protect the storm water systems of the City.
3. The prevention of pollution to our storm water system is an important part of the City’s protection of the health and welfare of our residents and the community at large.

Isaacson seconded the motion. All Councilmembers voted in favor, as there was no opposing vote.

Mayor Pro Tempore/Councilmember Alex Leeman
Councilmember Roger Child
Councilmember Scott Isaacson
Councilmember Melissa Layton
Councilmember Amy Shumway

X Aye ___ Nay
X Aye ___ Nay
X Aye ___ Nay
X Aye ___ Nay
X Aye ___ Nay

Mayor Anderson left the meeting.

Zone Text Amendments to Multiple Section of the Zoning Ordinance Regarding Accessory Dwelling Units (ADUs), Subordinate Single Family dwelling (SSFs), and Miscellaneous items

Petersen presented this agenda item. Farmington has had a new ADU ordinance for five months, and now minor changes are needed. The definition of an ADU needs to now be changed to Internal Accessory Dwelling Unit (IADU) and Detached Accessory Dwelling Units (DADU). The Planning Commission previously voted to delete a whole paragraph due to its subjectivity. Other issues include the Certificate of Occupancy, which could affect financing with banks. The change could give flexibility to situations where someone wants to refinance their whole property and carve off some for a DADU. The proposed language could help people subdivide before getting a certificate of occupancy. He is not sure if the City can create a solution for those who don't want to refinance.

Child said the intent and objective was to create affordable housing, not solve all problems.

Leeman said he has always had mixed feelings with this ordinance, which allows people to stick additional homes in people's backyards. He would like a way for the City to step in when something is too big, too much, or too weird. **Isaacson** doesn't want a shipping container to be allowed to be dropped in backyards.

Roberts said there are restrictions in State law on what the City can and can't require. The ability to actually dictate certain things is questionable. All eyes are in Farmington regarding this ordinance, as it has attracted the attention of both the media and Utah League of Cities and Towns. Utah Governor **Spencer Cox** has recently said that Farmington is doing it right.

Petersen said compatibility wars can ensue as people constantly update styles. While **Isaacson** understands the difficulty, he wants something the City can use.

Leeman asked if it is ever advisable to state that the terms and conditions of the statute override the terms of any declared covenants, conditions, and restrictions (CC&Rs). If CC&Rs are eliminated by ordinance, neighborhoods can't get in fights in their Homeowner's Association (HOAs). **Roberts** said people can contractually give their rights away. While he personally thinks HOAs should not keep affordable housing out, he does not think it important to mention that the statute overrides CC&Rs.

Motion:

Isaacson moved that the City Council approve the enabling ordinance (enclosed in the Staff Report) amending Sections 11-2-020, 11-28-200, and 11-17-050 of the Zoning Ordinance, and repealing Section 11-28-110, incorporating Findings 1 and 2 with all their subparts; except a change in the definition of DADU so that we continue to strike the language that says "not physically connected in any way to the single family dwelling," but then put back into the

definition the rest of the deleted language, which is “architecturally compatible to the neighborhood and single family dwelling,” and continuing to strike the last section. In the next IADU definition, add the language that had been stricken in the draft.

Findings 1-2:

1. The City enacted a major amendment of its ADU ordinance on July 16, 2024, including, among other things, the creation of a subordinate single-family dwelling, or SSF. Now after five months since its passage, the modifications in the enabling ordinance (attached in the Staff Report) will help in its continued implementation. Reasons in support of these changes include, but are not limited to the following:
 - a. Setbacks for an SSF lot must follow the building code, and the proposed changes to the definition of a DADU ensure that the Zoning Ordinance is consistent with the building code.
 - b. The amendment removes a “design and character” paragraph and “architecturally compatible” language which are difficult to objectively consider as part of the site plan review process and enforce during and after construction.
 - c. In the past, the City has been able to meet its decades-long minimum 850 square foot dwelling size because the ordinance does not dictate the minimum size of dwelling units (such as apartments or ADUs) within a dwelling. Prior to July, the code limited “dwellings” to single-family, two-family, and multiple-family dwellings. However, an SSF is now a new type of dwelling, not a dwelling unit, yet it is anticipated that some SSFs (like existing DADUs) may be less than 850 square feet. Additionally, it is legally questionable whether a zoning ordinance can contain a minimum size standard for dwellings.

Existing definition in Chapter 2 of the Zoning Ordinance related to dwellings and dwelling units include the following:

DWELLING: Any building or portion thereof which is designed for use for residential purposes, except hotels, apartment hotels, boarding houses, short-term rentals and/or rooming houses, tourist courts and automobile house trailers.

DWELLING, MULTIPLE-FAMILY: A detached building containing three (3) or more dwelling units.

DWELLING, SINGLE-FAMILY: An attached or detached building designed for the occupation exclusively by one (1) family.

DWELLING, TWO-FAMILY: A detached building containing two (2) dwelling units.

DWELLING UNIT: One (1) or more rooms connected together, but structurally divided from all other rooms in the same building and constituting a separate independent housekeeping unit which may be used for permanent residential occupancy by humans, with facilities for such humans to sleep, cook, and eat.

- d. The “or any other yard” phrase of the Original Townsite Residential (OTR) zone text (Chapter 17) may make placement of some ADUs/SSFs

cumbersome, and Staff cannot recall the last time they considered “any other yard” in the placement of a garage or other accessory building.

- e. Typically, subdivisions must be recorded to enable the issuance of most building permits for dwellings. As some developers look to record plats to include SSF lots, consistent with such subdivision recordations, and to meet City moderate income standards if necessary, they are prevented from doing so because the current ordinance does not allow for an SSF lot until after the issuance of a certificate of occupancy for the SSF. A deed restriction represents a good way to resolve this issue—even for the owners of existing lots who wish to pursue an SSF.
2. As in July, the proposed changes support and further objectives of the City’s Affordable Housing Plan—an element of the General Plan—and many of the changes clarify and/or memorialize long-held practices and interpretations by the City.

Shumway seconded the motion. All Councilmembers voted in favor, as there was no opposing vote.

Mayor Pro Tempore/Councilmember Alex Leeman	X Aye	___	Nay
Councilmember Roger Child	X Aye	___	Nay
Councilmember Scott Isaacson	X Aye	___	Nay
Councilmember Melissa Layton	X Aye	___	Nay
Councilmember Amy Shumway	X Aye	___	Nay

Petersen said other cities are developing ADU tool kits as an illustrative method of helping the layman understand what ADUs are. He passed out a proposed draft for Farmington, and asked that any comments about it are back to him by January 9, 2025.

Letter of Intent (LOI) to purchase approximately 16 acres of land on Main Street

This item was addressed earlier in the agenda. **Issacson** asked about the mention that no culinary water rights are required for this project. **Roberts** said the City is not allowed to sell water rights. In some cities, developers have to bring water rights with them in order to develop. In this case, they don’t have to bring any additional rights with them.

Consolidated Fee Schedule Amendments

Assistant Finance Director **Greg Davis** presented this agenda item. The proposed fee schedule includes increases for the false fire alarms as already discussed, as well as some changes in recreation program reservations. Other than that, the changes are not really material.

Mellor said that while talking to City Parks and Recreation Director **Colby Thackeray** earlier that day, **Thackeray** said the lion’s share of the changes related to his department are not controversial, as they mostly apply to nonresidential fees. None of the fees make the City profit; they merely reduce the amount the City subsidizes, especially in recreation. Farmington subsidizes recreation at about \$1 million annually. **Mellor** also mentioned that he would like to look into people dumping trash in City garbage cans so they can be charged for what it costs Farmington to dump others’ trash.

Roberts recommended that the language be changed to mention the third fire alarm offense in a 365-day period, to match the ordinance.

Motion:

Isaacson moved that the City Council adopt the resolution amending the Consolidated Fee Schedule, incorporating the City Attorney’s recommendation (above).

Layton seconded the motion. All Councilmembers voted in favor, as there was no opposing vote.

Mayor Pro Tempore/Councilmember Alex Leeman	X Aye	<input type="checkbox"/> Nay
Councilmember Roger Child	X Aye	<input type="checkbox"/> Nay
Councilmember Scott Isaacson	X Aye	<input type="checkbox"/> Nay
Councilmember Melissa Layton	X Aye	<input type="checkbox"/> Nay
Councilmember Amy Shumway	X Aye	<input type="checkbox"/> Nay

SUMMARY ACTION:

Minute Motion Approving Summary Action List

The Council considered the Summary Action List including:

- Item 1: Consider approval of Stapp Construction for the Main Street waterline replacement project in the amount of \$2.88 million. The City is in need of replacing and upsizing the existing culinary water line in Main Street from State Street to about 630 North. The City received six bids for the project ranging from \$2.288 million to \$43.939 million. **Isaacson** asked that section 4.03 about liquidated damages be filled in with a number.
- Item 2: Consider Stapp Construction for the Shepard Creek well house project for \$2.906 million. The City received seven bids ranging from \$2.906 million to \$4.13 million. **Isaacson** asked that a number be put in the liquidated damages portion.
- Item 3: Release of Trail Easement on County Property. The Farmington Creek trail south of the Western Sports Park and north of the creek has been closed for over two years. There is a trail on the south side, which is used far more than the north side. Vacating the trail on the north side would give room for planned expansion of the Davis County Justice Complex.
- Item 4: Franchise Agreement with SenaWave Communications. The City is required to provide equal access to all providers, and this agreement is similar to those approved for other fiber providers in recent years. **Roberts** noted that the franchise fees are paid to the State, and then the State pays them to Farmington.
- Item 5: Cell Tower Lease Amendment and Extension with Cellco Partnership, dba Verizon, aka American Tower. They have leased the cell tower near the Police Station since 2011. The lease was extended in five-year increments to 2081 for a lump sum of \$30,000, with an annual escalation of 2%. **Mellor** said this represents above-market rent, and they can terminate every seven years. **Roberts** said the City couldn’t terminate the extension even if they wanted to, but they could condemn it.
- Item 6: Monthly Financial Report.
- Item 7: Ordinance establishing dates, time, and place for holding regular Farmington City Council Meetings.
- Item 8: Surplus property including a utility trailer and 2014 Ford F550 service truck.
- Item 9: Approval of Minutes November 12, and November 19, 2024.

Motion:

Child moved to approve the Summary Action list Items 1-9 as noted in the Staff Report.

Shumway seconded the motion. All Council members voted in favor, as there was no opposing vote.

Mayor Pro Tempore/Councilmember Alex Leeman	X Aye	<input type="checkbox"/> Nay
Councilmember Roger Child	X Aye	<input type="checkbox"/> Nay
Councilmember Scott Isaacson	X Aye	<input type="checkbox"/> Nay
Councilmember Melissa Layton	X Aye	<input type="checkbox"/> Nay
Councilmember Amy Shumway	X Aye	<input type="checkbox"/> Nay

GOVERNING BODY REPORTS:

City Manager Report

Mellor said he is taking time off between Christmas and New Year’s. He recently looked at the signs that **Isaacson** mentioned in North Salt Lake. He talked to City officials about the signs, which costs \$350 each time they are changed out every quarter. Residents of North Salt Lake really like them, and that City gets a lot of compliments on them. He likes the sign style and thinks Farmington could pick two to three locations to try it out in 2025. **Mellor** said he would come back on January 7, 2025, with details on the tree sculpture at the new park.

Mayor Anderson and City Council Reports

Layton complimented the Public Works Department for their work at Grandview interacting well with the neighbors. **Mellor** compared that to Huntsville not being able to find a secondary water leak. She appreciates that Farmington saves money that would otherwise be hired out to remove 15,000-pound lids.

Layton said that at 900 West Old Shepard Road adjacent to Smith’s, back behind the car wash strip mall, the houses there have no lights on their street. It is so dark and they want lights. **Mellor** said he would see what is possible there.

Isaacson would like to get a better microphone at the audience podium.

Shumway thanked the Public Works Department for removing tree branches that were covering a traffic signal. She talked to **Thackeray** about taking out a dumpster by Heritage Park. The City should provide a garbage receptacle at a public park. She wants signage indicating a fine, as well as camera to deter misuse of the dumpster. She would like to know how much extra the City is paying the dump dumpsters due to unauthorized use, and what the hotspots are. She would like an audit, and to encourage residents to dump their own mattresses and trash. **Mellor** said each extra dump costs Farmington \$75.

Leeman asked when the raised median is going in at the reconnection of Clark to Park Lane, so that it will prohibit people from turning left. **Mellor** said the project is now under construction. **Leeman** complimented Code Enforcement for patrolling branches in park strips, including his, that are overhanging the street. He and his neighbors recently got an appropriate, well-written, and friendly letter.

He asked how the City handles election signs that have remained up after the election was over, mostly by freeways. **Mellor** answered that the City only has the authority to remove signs on their own or county property. Code enforcement intends to look into the issue, but doesn't want to cause any undue problems with campaigns.

Mellor said the Main Street replacement project has a preconstruction meeting this upcoming Thursday morning, when he will get more details about the project's timing. It is part of the Stapp waterline project.

ADJOURNMENT

Motion:

Youth City Councilmember **Jacob Blood** made a motion to adjourn the meeting at 9:58 p.m.

Shumway seconded the motion. All Council members voted in favor, as there was no opposing vote.

Mayor Pro Tempore/Councilmember Alex Leeman	X Aye	___	Nay
Councilmember Roger Child	X Aye	___	Nay
Councilmember Scott Isaacson	X Aye	___	Nay
Councilmember Melissa Layton	X Aye	___	Nay
Councilmember Amy Shumway	X Aye	___	Nay

/s/ DeAnn Carlile

DeAnn Carlile, Recorder

December 15, 2024

Dear Sirs,

I am writing to express my views concerning the proposed vacating of the Manning Road right-of way. Perhaps a little history of this right-of way may be of interest and have some bearing on the decision. This is the history as I know it and as told to me by my family.

The three 'north' lots were all owned by members of the Manning family. The west lot was owned by my uncle, Rex Manning (Walker), the center lot was owned by my mother, Noreen Manning Olsen and the north lot was owned by my uncle, Roy Manning. I presently reside on the western most of these three lots where I have lived since 1981. The three lots were deeded to the children of my grandfather James Manning. The Manning farm once encompassed all the land bounded by 1875 North, Highway 89, Shepard Lane and Oakridge Lane.

The Manning farm was originally owned by my great, great grandfather William Walker who settled there after moving from the Fielding-Garr ranch on Antelope Island where he had been the ranch foreman.

What is now being called the abandoned right-of-way was originally the driveway into the farmhouse owned by James Manning and is where my mother was raised, The farmhouse was located next to what is now the 2nd green of Oakridge golf course. The lane continued south to where the Walker house was located just north of the Oakridge driving range and then on to Oakridge Lane.

It has always been my contention that the right-of-way was intended to be used as an access to the bottom half of the three north lots. This is also bourn-out by the fact that my original warranty deed included an attached piece of land that was approximately 40 feet wide and 300 feet long that led from the bottom of my lot and connected to 1800 North. This was an extension to the present right-of-way that is under discussion.

Unfortunately, any hopes I had of using the right-of-way as access to the bottom of my lot has been dashed by the manner in which UDOT constructed the frontage road north of us. It is much to steep to allow an access road way to be built.

It is my feeling that the Manning Road right-of-way should be vacated to the north properties. Evidently, as per the packet that was sent by Lyle Gibson

dated 12/17, the southern properties have already been given ½ of the original right-of-way when the Oakridge Park Estates were deeded.

I submit that since the property that is in question was originally Manning property, any vestiges of that property should be returned to the Manning properties'.

Sincerely,

Larry Olsen
1289 West 1875 North
Farmington, Utah

DeAnn Carlile

From: Noel, Samuel J. <SNoel@lowenstein.com>
Sent: Tuesday, December 17, 2024 9:59 AM
To: banderson@farmington.utah.gov; rchild@farmington.utah.gov;
sisaacson@farmington.utah.gov; mlayton@farmington.utah.gov;
aleeman@farmington.utah.gov; ashumway@farmington.utah.gov
Cc: lgibson@farmington.utah.gov; dcarlile@farmington.utah.gov
Subject: Comment for Public Hearing to Vacate the Abandoned Road between Carston Ct and 1875 N
Attachments: Abandoned Road_14SEP2015.jpg

CAUTION: This email originated from outside the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hi Mayor and City Council,

We look forward to the Public Hearing tonight regarding the request to vacate the abandoned road that comes off of 1075 W between Carston Court and 1875 N. I have lived at 1262 Carston Ct (the west-most property on the abandoned road on Carston Ct) since 2015.

As we were purchasing our property, I became familiar with the Utah Code stating that the city can vacate the abandoned road if “good cause exists for the vacation” and “neither the public interest nor any person will be materially injured by the vacation.”

In 2015, I spoke with Dave Peterson at the City Development and then I spoke with the Davis County Surveyor’s Office. Dave mentioned that the city would only vacate the abandoned road if all of the neighboring property owners were on board (in “public interest”) and only if we started at the western-most portion of the abandoned road and move east (to not have a landlocked portion of the abandoned road). When I spoke with the Davis County Surveyor’s Office in 2015, they printed off the attached map showing that the current abandoned road goes pretty much right down the middle of the old road to the south of Levi Thorton’s property.

I then spoke with all of the neighboring property owners. They mentioned that vacating the abandoned road was brought before the city council in the early 2000s and not all of the neighboring property owners were on board, so the city council told us that we could continue using and maintaining the abandoned road. When I approached all of the neighboring property owners in 2015, again, not all of the neighboring property owners were in favor of vacating the abandoned road, so I did not submit a request because per Dave Peterson, the city council would only approve if all bordering property owners were on board.

Now a current request is before the city council from Joey Green and the vacant lot owners at the northeast of the abandoned road to vacate the abandoned road and give the abandoned road to the property owners to the north. Good cause does not exist for their proposed vacation. Also, public interest and people will be materially injured by the proposed vacation.

Good Cause does not Exist for the Proposed Vacation

The attached Davis County Surveyor’s Office map shows the current abandoned road down the middle of the road south of the old Levi Thorton Property. The new map prepared for Joey Green shows the abandoned road being exactly the north half of the Manning Roadway. The notes to the side of the Joey Green map has language like “we set,” “we rotated,” “we shifted,” “we relocated,” “neither...fit the improvements well,” “the Manning Roadway appears to be,” “county ownership maps show the location of the Manning Roadway inconsistently,” “this suggested that,” “for equity we set,” etc. There are a lot of assumptions that make up the Joey Green map. Where there are assumptions to be made and inconsistencies, we believe the Joey Green map is biased towards Joey Green’s desires to obtain the entire portion

of the abandoned road bordering the northeast property. In previous proposals, Joey Green has submitted incorrect maps (e.g., omitting the abandoned road all together), so we do not fully trust the maps provided by Joey Green.

Also, the allegation that the original abandoned road was 66 ft wide does not make sense. The current abandoned road is flat. The north border of the current abandoned road (abutting the north properties) is a steep slope and the south border of the current abandoned road (abutting the south properties) is also a steep slope. It does not make sense that the original abandoned road would include a northern half that is flat and a southern half that is a steep slope.

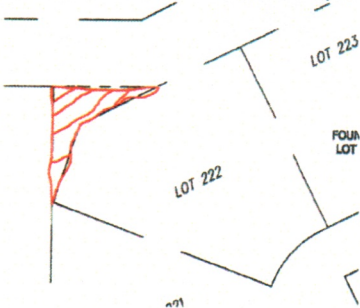
Also, if the city had vacated the southern half of the abandoned road, they should have record of such vacation. The city has not provided any documents showing when and how much of the abandoned road was vacated and given to any property owner.

Good cause does not exist to vacate the abandoned road to the properties to the north based on maps prepared for Joey Green that admit to inconsistencies and that make assumptions especially when the Davis County Surveyor's Office has prepared drastically different maps in the past and there is no record of vacating the southern half of the abandoned road.

Public Interest will be Materially Injured by the Proposed Vacation

As noted by Lyle Gibson in the City Council Staff Report, there is a storm sewer line that is either in the abandoned road or directly south of the abandoned road. On my property at 1262 Carston, we have a manhole for the storm sewer. In August of this year, the manhole overflowed, moving the manhole cover, and leaving debris in our yard. Especially with the proposed development of the vacant lot to the northeast, the storm sewer line will become even more full and will require maintenance and possibly upgrading of size. Vacating the abandoned road would greatly hinder the city's ability to maintain the storm sewer line.

Even if the Joey Green map were accurate, it shows that not all of the alleged southern half of the abandoned road was vacated to 1262 Carston Ct (as shown in red below):



Even if Joey Green's map were correct, the alleged southern half of the current abandoned road has not been given completely to the property owners to the south of the abandoned road. There is a portion of the alleged southern half of the current abandoned road that has not been vacated that borders 1262 Carston Ct. Per Dave Peterson, the abandoned road will not be vacated if all of the bordering property owners are not in agreement with the vacation. As a bordering property owner of an unvacated portion of the abandoned road that would be given to us if half were given to the north and half were given to the south, we do not agree with moving forward with the request to vacate.

Public interest would be materially injured if the abandoned road were vacated and given to the property owners to the north since that will greatly limit the city's ability to maintain the storm sewer line and since not all bordering property owners are in agreement.

People will be Materially Injured by the Proposed Vacation

The property owners along Carston Ct were told by the previous city council that they could use the abandoned road and that is what we have done. We have maintained the road, removing the garbage trees, removing the branches that fall during the snowstorms and windstorms, we have planted grass and gardens, etc. We have used and maintained the abandoned road as part of our backyards. Much time and effort has been put in to maintain the abandoned road by the

property owners along Carston Ct. The properties to the north of the abandoned road are very sloped and long. Given the slope and property length, the bottom half of those properties are not used and have large garbage trees and other vegetation growing on them and also dead vegetation and branches that have fallen over time. If the abandoned road were given to the property owners to the north, where they are not maintaining the southern half of their properties as is, it is unlikely that they would be able to maintain or use the abandoned road. The property owners along Carston Ct, having used and maintained the abandoned road for the last 24 years based on the words of the city council at that that time, would be materially injured by the proposed vacation.

Thank you for your help with this matter. Please let me know if you have any questions.

Best,
Sam

Samuel J. Noel
Counsel
Lowenstein Sandler LLP

T: (801) 304-4672



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