

FARMINGTON CITY COUNCIL MEETING

Tuesday, January 2, 2007

JOINT CITY COUNCIL/RDA WORK SESSION/EAST CONFERENCE ROOM

PRESENT: Mayor Scott C. Harbertson, Council Members Richard Dutson, David Hale, Larry W. Haugen, Paula A. Alder, Sidney C. Young, City Manager Max Forbush, City Planner David Petersen, and Recording Secretary Jill Hedberg.

Mayor Harbertson began discussion at 5:00 P.M. The following items were reviewed:

Agenda Item#13: Proposed Amendments to Title 3, Farmington City Ordinances - 1st Reading

Todd Godfrey reviewed the changes that were made to Title 3 which pertains to the internal and external operations of the City. He focused primarily on Chapters 1 and 2 which include the most significant changes. He explained that many of the changes are required by law. He also explained the difference between traditional forms of government and alternate traditional forms of government. Farmington City operates as a traditional form of government, as do most other cities within the State of Utah. By law, the City Council has the authority to run the City with the assistance of the City Manager who carries out the day-to-day functions of the City.

Max Forbush said over the years, the City's Governing Body and City Attorneys have established principles whereby the City Manager has the authority to supervise the departments, as well as recommend the statutory officers. The City Engineer and City Attorneys who are retained by contract are supervised by the City Council.

Sid Young asked why the City Auditor does not function in the same capacity as the City Attorney and City Engineer.

[**David Petersen** arrived at 5:25 P.M.]

Todd Godfrey explained that the State code provides for the appointment of an attorney and engineer but it does not provide for the appointment of an auditor. Title 5 clarifies the difference between the positions.

[**Larry Haugen** was excused at 5:30 P.M.]

Max Forbush stated that it is important to understand and maintain the proper relationship between the City Manager, Department Heads and City employees.

Todd Godfrey said as the City grows, it is ever important to protect those relationships since the organization can be break down when the chain of command is broken.

Mayor Harbertson recommended that the Council determine whether the title of the City's commissions/committees begin with "Farmington..." or "Farmington City...", and that all of the titles be made consistent.

Todd Godfrey said he would discuss the issue with **Lisa Romney**.

Max Forbush suggested that the format for the Historic Preservation Commission By-Laws be updated since it is the original format that was given by the State Historic Preservation Officer.

The City Council discussed the importance of the City Council ratifying the appointments that are made by the different committees and commissions so there is consistent control.

Paula Alder pointed out that Title 3 should be made consistent with the Leisure Services By-Laws, which allows two non-resident, non-voting members so long as they have a business within the City.

Max Forbush pointed out that several of the duties that are outlined on page 4, Section (3), are actually duties of the Finance Director rather than the City Manager.

The City Council discussed the attendance of the Youth City Council and agreed that the Youth Council members should attend the City Council meetings more regularly.

[**Rick Dutson** arrived at 5:48 P.M.]

As requested by **Council Member Young**, **Todd Godfrey** explained how the Employee Appeals Board functions.

Agenda Item #4: Public Hearing: Consideration of Ordinance amending Chapter 10 (Residential Development) text of the Farmington City General Plan (MP-4-05)

Mayor Harbertson said the proposed amendments to Chapter 10 will improve the text significantly and will make Chapter 10 consistent with the City's General Plan.

The City Council and City Attorney discussed the need to have an Ordinance drafted which pertains to hazards mitigation/geological hazards. The City Manager said there are plans to draft that type of Ordinance in the near future.

Agenda Item #6: Request for Final Plat Approval/Farmington Ranches Phase 8 Subdivision and Associated Agreement with U.S. Bureau of Reclamation - The Boyer Company

Mayor Harbertson stated that the Planning Commission voted to recommend final plat approval subject to 9 conditions, (most are complete) which he reviewed with the City Council. City staff recommends that City Council grant final plat approval.

Max Forbush passed out a copy of a map where Phase 8 is located, as well as a copy of the Encroachment Agreement with the Bureau of Reclamation which pertains to the storm drainage and other utilities crossing their easements within the area.

Agenda Item #7: Request for Final Plat Approval/Farmington Manor Subdivision - Lane Fishburn

Mayor Harbertson explained that the Planning Commission voted to recommend final plat approval for Farmington Manor Subdivision subject to five conditions, (most are complete) which he reviewed with the City Council. He pointed out that a stream exists near the property line of Lot 5. The Council needs to determine whether the City should maintain the stream on the surface or whether the stream should be piped.

REDEVELOPMENT AGENCY BUSINESS
Agenda Items Pertaining to Station Park

Randy Feil reported that he submitted the ADL amendment to **Tom Ellison**, who reviewed the draft and made verbal responses to the proposed amendments. He reviewed the responses that were given by **Mr. Ellison** regarding the following issues:

Road to the North: CenterCal is not in favor of the cost of the right-of-way being included in their 50% from increment. **Mr. Feil** stated that if the developer dedicates property to the City, it will be considered a “credit” rather than an actual payment.

Jean Paul Wardy said CenterCal agreed to pay 50% of the actual payment that is made by the City. The value of the right-of-way may be different than what the City actually pays. CenterCal is willing to include the value of the credit that is given by the City.

Reduction of the Bond for the Road to the North: **Mr. Feil** stated that CenterCal is requesting three reasons to receive a credit for the Road to the North.

Jean Paul Wardy stated that CenterCal wants their cost to be split 50/50 with the City.

Housing: **Mr. Feil** explained that CenterCal is opposed to a cap which would restrict them from building more than 200 units. The City Council was in favor of the cap since they do not want the residential component of the project to become imbalanced with the commercial component.

Randy Feil pointed out that the City will likely allow fewer units if the units are not located above the retail space.

Max Forbush suggested that the developer be limited to 200 residential units. If CenterCal plans to construct additional units, they can make that request before the City.

Jean Paul said CenterCal would like the Agreement to include flexibility since they plan to partner with a company to construct the residential portion of the project within the stated time frame. They want to provide quality residential units that will compliment the retail project.

The City Council and Attorney discussed the issue and agreed that a cap should be included in the text to ensure that the project includes an appropriate mix between retail and residential uses. The bulk of RDA funding should not be used on a residential project since it will generate less sales tax and increment.

Todd Godfrey asked how many units the developer needs to construct in order for the project to be economical.

Jean Paul Wardy stated that CenterCal is accepting of the 200 unit cap.

Completion Date for the Housing Component: **Randy Feil** said the City anticipated that the housing component will be complete by December 31, 2009, which is the completion date for the retail/commercial project. **Tom Ellison** stated that they would like flexibility, and feels that the 2009 deadline is too soon. **Mr. Ellison** proposed that the Agency collect 20% rather than the 5.4% if the housing component is not complete before the tax increment year begins. **Mr. Feil** suggested that the Agency spend it's percentage of the 20 points and keep the 14.6% in an interest bearing account until the units are complete. He said he is not comfortable allowing the contract to be open-ended.

Jean Paul Wardy said CenterCal wants the flexibility to build the units after the retail activity begins which will allow them to find a quality partner. They would like to extend the deadline as long as possible.

Randy Feil asked if CenterCal would be willing to commit to the housing component being complete by the end of the third tax increment year.

Jean Paul Wardy said they would like to extend the deadline as far as possible since the longer they wait, the less the increment is worth. They will have an incentive to complete the project.

Sanitary Sewer: **Randy Feil** said **Mr. Ellison** indicated that CenterCal wants to remove the reference to "collection lines" from the Agreement. They would like a monetary cap of \$200,000 but they have not provided a letter from the Sewer District. **Mr. Feil** suggested that the cap not be included in the Agreement until **Leland Meyer** submits a letter stating that the terms are acceptable. Otherwise, the City will have an obligation to the Sewer District that they are not able to fulfill.

Jean Paul Wardy said he is opposed to entering into an agreement that contains open-ended terms.

Mr. Feil said he thinks it is a protection to the City to include the term “collection lines” so the Sewer District understands that the money will not be used exclusively for pump stations.

Jean Paul Wardy said he is accepting of the \$200,000 cap so long as it is approved by the Sewer District Board.

Max Forbush suggested that the Agreement include a minimum and maximum number that the developer is willing to contribute. He suggested that the maximum amount be \$350,000.

Rich Haws said the initial estimate that was presented to the Sewer District was \$300,000.

After the governing body and CenterCal representatives discussed the issue, **Mr. Feil** suggested that the Agreement include a \$300,000 cap until a written statement is received by the Sewer District.

UTA Issues: CenterCal proposed that if they do not enter into an agreement with UTA regarding the shared parking, they will provide \$1 million towards improvements that are listed on Attachment 4, so long as it is approved by the Agency. **Mr. Feil** said he expected that the \$1 million would be paid to the Agency or used within the project area, as directed by the Agency. He said he is concerned that the \$1 million will not be considered an addition to the improvements which are outlined in Attachment 4. He recommended that the million dollar improvements be written separately from Attachment 4.

[**Larry Haugen** returned at 6:40 P.M.]

Max Forbush suggested that the Agreement not include flexibility which would allow the City to deal directly with UTA.

[**Tom Ellison** (CenterCal Attorney) arrived at 6:40 P.M.]

After **Tom Ellison** arrived, the City Council and CenterCal representatives re-discussed the following issues:

Housing: **Jean Paul Wardy** agreed to cap the housing component at 200 units based on the strength of the concern that was expressed by the Council.

Completion Date for the Housing Component: **Randy Feil** suggested that the deadline for the housing component be the third tax increment year.

The representatives for CenterCal questioned why the Agency is pursuing a deadline for the housing component when they are fully secured. The developer will be the party that is hurt if the project is delayed since they will not receive the increment. He does not want to build units that are not the same quality as the rest of the project.

Randy Feil stated that there needs to be a deadline or the City runs the risk of a lawsuit if the funds are left in an account for an extended period of time. He said he could defend the City's case if the deadline was set at six to seven years.

Jean Paul Wardy agreed to the deadline being extended for seven years but stated that it will not likely be delayed that long.

Sanitary Sewer: Jean Paul Wardy agreed to a \$300,000 cap, which may be lower if a letter is received by the Sewer District.

UTA Issues: Tom Ellison said they can not assure that the site plan will be reviewed in advance. CenterCal is not interested in submitting a low quality plan that has to be improved.

Jean Paul Wardy stated that he wants to present the best plan possible.

Randy Feil said he would like for the developer to submit the best plan possible. The \$1 million in improvements could then be added to it.

Jean Paul Wardy suggested that he submit different plans, some of which include \$1 million worth of improvements, and some of which do not include the improvements.

Randy Feil suggested that the developer present proposals for how the \$1 million will be spent within the site. The Board can then review the proposals and determine whether or not they will be approved.

Jean Paul Wardy agreed to spend an extra \$1 million within the site, according to the proposals that are approved by the Agency.

Development Agreement: Todd Godfrey recommended that consideration of the Development Agreement and the ADL be continued so they can be considered simultaneously.

Attachment 1 and Attachment 4: Randy Feil stated that CenterCal does not want an obligation to build an alternate route if UDOT does not approve the variance for Park Lane.

Tom Ellison stated that UDOT will ultimately approve the access location. CenterCal does not want to build a road that is not related to the proposed concept.

Randy Feil said he is not opposed to eliminating the language that refers to the "alternative route location" so long as the developer is confident that they will receive approval from UDOT. If the developer can not utilize the Park Lane access, the City will have to reduce the increment unless they can agree on an alternative route.

The City Manager suggested that the Council be given adequate time to review the Agreements since the closing will not likely occur on January 5th.

Rich Haws suggested that concept be approved subject to the attorneys reviewing the language.

Todd Godfrey stated that the issues relating to the Development Agreement are close to being resolved. They are not as close to finalizing the terms of the Agreement for Development of Land.

Jean Paul Wardy stated the issues that are yet to be resolved are not significant economic issues.

Randy Feil said the City can not provide the developer with the \$1 million grant if they do not receive it. The Road to the Station will still have to be built.

Jean Paul Wardy said CenterCal can not agree to “unknown terms”. In the event the road needs to be relocated, they will need to know how the road will impact the site.

Todd Godfrey said he does not recommend that the Council grant approval of the two agreements subject to the attorneys resolving the issues.

David Hale stated that the two parties can likely resolve the issues but the Council should be involved in the negotiations. He is willing to approve the concept but he is not willing to approve the actual text.

The City Council agreed to meet on Thursday, January 4, 2007, to review the amendments to the Development Agreement and ADL.

The meeting adjourned at 7:12 P.M.

REGULAR CITY COUNCIL/CITY CHAMBERS/CALL TO ORDER

PRESENT: Mayor Scott C. Harbertson, Council Members Richard Dutson, David Hale, Larry W. Haugen, Paula A. Alder, Sidney C. Young, City Manager Max Forbush, City Planner David Petersen, City Recorder Margy Lomax, and Recording Secretary Jill Hedberg.

Mayor Harbertson called the meeting to order at 7:00 P.M. **David Hale** offered the invocation. The Pledge of Allegiance was led by **Max Forbush**.

Rick Dutson moved that the City Council convene to the Redevelopment Agency meeting at 7:25 P.M. **David Hale** seconded the motion, which passed by unanimous vote.

APPROVAL OF MINUTES OF PREVIOUS MEETING

Sid Young moved to approve the minutes of the December 5, 2006, City Council Meeting. **David Hale** seconded the motion, with changes as noted. The voting was unanimous in the affirmative. **Paula Alder** abstained since she was not present at the December 5, 2006, meeting.

REPORT OF PLANNING COMMISSION (Agenda Item #3)

David Petersen reported proceedings of the Planning Commission meeting held December 14, 2006. He covered the following items:

- The Planning Commission recommended final plat approval for the Hunters Creek Subdivision No. 4 subject to the Improvements Agreement being finalized.
- The Planning Commission tabled consideration of a recommendation for Preliminary PUD Master Plan approval for a development known as the Cottages at Station Park in order to allow the storm drainage issues to be resolved and to allow the traffic engineers for both parties to appear before the Commission to answer any questions they may have.
- The Planning Commission recommended final plat approval for the Farmington Ranches Phase 8 Subdivision.
- The Planning Commission recommended final plat approval for Lane Fishburn's subdivision which is located at the east end of 1175 North Street.
- The Planning Commission tabled consideration of Brady Hall's request for a recommendation to rezone approximately 10 acres located at 48 West 600 North and a recommendation for schematic plan approval for a proposed planned unit development related thereto, to allow the schematic plan to be recalculated.
- Trophy Homes LC withdrew their application. They plan to appear before the Commission at a later time.
- Randy Head also withdrew his application and plans to appear before the Commission at a later time.
- The Planning Commission recommended an amendment to Chapter 10 (Residential Development) of the Farmington City General Plan.
- The Planning Commission granted conditional use and site plan approval to construct a cellular phone tower 100 feet in height on the Knowlton Elementary School grounds.
- The Planning Commission held their elections. **Jim Talbot** will serve an additional year as Chairman, **Kevin Poff** will serve as the Vice Chair, and **Paul Barker** will serve on the Board of Adjustment.

PUBLIC HEARING: CONSIDERATION OF ORDINANCE AMENDING CHAPTER 10 (RESIDENTIAL DEVELOPMENT) TEXT OF THE FARMINGTON CITY GENERAL PLAN (MP-4-05) (Agenda Item #4)

Mayor Harbertson reported that the amendments to Chapter 10 were reviewed extensively during the City Council work session.

David Petersen said the amendments to the Ordinance were ready to be acted upon in 2005, but the City Council chose to postpone consideration until after the NMU text was adopted. The Planning Commission held a public hearing in December 2006, and recommends that the Council adopt the Ordinance.

Public Hearing

Mayor Harbertson opened the meeting to a public hearing and invited the applicant to address the Council.

Tom Owens (The Old Mill) suggested that the Council post additional notice to allow the residents in his neighborhood to review the amendments which could likely effect the future of their area.

Public Hearing Closed

With no further comments, **Mayor Harbertson** closed the public hearing and asked the City Council for their consideration.

Mayor Harbertson stated that he has compared the two versions of the text and has found that the format has improved significantly. This amendment will also resolve discrepancy issues between the zoning text and the General Plan. After having his questions answered by City staff, he feels comfortable with the proposed changes.

David Hale said the Council carefully considered the text in 2005 and held the necessary public hearings. The item was only tabled to allow it to be considered separately from the NMU/CMU text.

Rick Dutson asked if the Planning Commission made any substantive changes to the text when they reviewed it in December.

David Petersen said the Planning Commission did not engage in a considerable amount of discussion since they reviewed it extensively in 2005.

Sid Young asked if it would be appropriate to delay the Council's consideration of the document to allow the residents to review the text.

Larry Haugen suggested that the text be approved since the City has the ability to amend the text if errors are found.

Motion

Rick Dutson moved that the City Council adopt ORDINANCE NO. 2007-01, AN ORDINANCE AMENDING CHAPTER 10 OF THE FARMINGTON CITY COMPREHENSIVE GENERAL PLAN REGARDING RESIDENTIAL DEVELOPMENT. **David Hale** seconded the motion, which passed by unanimous vote.

PUBLIC HEARING: CONSIDERATION OF ORDINANCE TO REZONE APPROXIMATELY 100 ACRES OF PROPERTY LOCATED NORTH OF CLARK LANE, WEST OF I-15 AND SOUTH AND EAST OF PARK LANE FROM A, BP, AND LM&B TO TOD (Z-9-05) (Agenda Item #5)

David Petersen displayed an aerial photo and pointed out where the property is located. He explained that the Van Fleet and Richards properties are not controlled by CenterCal. He spoke with **Aaron Richards** who indicated that he has not reached an agreement with CenterCal so he does not want his property rezoned TOD since it would increase his property taxes. The Planning Commission recommended that the Council approve the request for a zone change, except for the Richards and Van Fleet properties which shall not be rezoned until a developer obtains ownership or control of these properties.

Todd Godfrey recommended that the City Council exclude the Van Fleet and Richards properties from the rezone with the recommendation that the two parcels be reconsidered within a 45-day period. If they are not considered for the rezone within a relatively short time, then the whole rezoning process would have to be done over.

Elizabeth Angyl (CenterCal) said they are currently negotiating with both of the property owners.

In response to a question from **Council Member Dutson**, **Todd Godfrey** explained that if the two properties are reconsidered in 45 days, it will prevent the issue from having to be reconsidered by the Planning Commission. The City needs to determine when it is appropriate to rezone these two properties. He recommended that the Van Fleet property be rezoned at this time since it does not have a structure located on it.

Public Hearing

Mayor Harbertson opened the meeting to a public hearing and invited the applicant to address the Council.

Todd Jones requested that his property be rezoned at the same time as the Richards property. At the Planning Commission meeting, his Attorney, **Steve Christensen**, recommended that the rezone not occur until the property is under contract.

Public Hearing Closed

With no further comments, **Mayor Harbertson** closed the public hearing and asked the City Council for their consideration.

Mayor Harbertson said the Richards property is being given special consideration due to the fact that it has a dwelling located on it. Although he understands **Mr. Jones'** point of view, he does not think it is appropriate to delay the rezone of the Van Fleet property since there is not a dwelling located on it. According to the City's General Plan, the entire area will eventually be zoned TOD.

Larry Haugen suggested that all of the properties be rezoned at the same time.

David Hale suggested that the Council rezone all of the properties. The property owners can approach the County in the event their taxes increase.

Mayor Harbertson reviewed the possible motions. He said he would like to allow **Mr. Richards** additional time since his home is located on the property.

The City Council discussed the issues. It was stated that if **Mr. Richards** has not reached an agreement with CenterCal by January 1, 2008, he can approach the County to have his taxes reassessed. The County will not likely reassess the Van Fleet property since there is not a dwelling located on the property.

Motion

Larry Haugen moved that the City Council adopt an Ordinance to rezone approximately 100 acres of property located north of Clark Lane, west of I-15 and south and east of Park Lane from A, BP, and LM&B to TOD. **Rick Dutson** seconded the motion, which passed by unanimous vote.

REQUEST FOR FINAL PLAT APPROVAL/FARMINGTON RANCHES PHASE 8 SUBDIVISION AND ASSOCIATED AGREEMENT WITH U.S. BUREAU OF RECLAMATION - THE BOYER COMPANY (Agenda Item #6)

Mayor Harbertson explained that the Planning Commission recommended that the Council grant final plat approval for Farmington Ranches Phase 8 Subdivision subject to six conditions. **David Petersen** has indicated that all of the conditions have either been met or will be met at recordation.

David Petersen displayed an aerial photo and pointed out where the property is located. The BOR Easement is necessary since the BOR lines will cross public right-of-ways three times.

The Council discussed the direction the traffic will likely travel prior to the completion of the Road to the North.

Motion

Sid Young moved that the City Council grant final plat approval for the Farmington Ranches Phase 8 Subdivision and Associated Agreement with U.S. Bureau of Reclamation, authorizing the Mayor to sign the same. **Rick Dutson** seconded the motion, which passed by unanimous vote.

The City Council agreed to consider Agenda Item #8 prior to Agenda Item #7.

REQUEST FOR AMENDMENT TO THE STEED PLACE SUBDIVISION TO ENABLE DEMOLITION OF THE THOMAS STEED HOUSE NEAR 200 SOUTH AND 200 EAST/REVIEW OF STRUCTURAL ENGINEER'S REPORT (Agenda Item #8)

Mayor Harbertson explained that the Development Agreement for The Steed Place Subdivision needs to be restructured since it has been determined that it is not necessary to relocate the old rock home since it is not as historic as it was once thought to be. Since the time the original Development Agreement was signed, the old Steed home was involved in a fire so it is now a liability. He referred to a letter that was received from the Historic Preservation Commission which was included in the Council member's packet.

Max Forbush briefly reviewed the structural engineer's report which was included in the City Council packet. The report estimates a minimum and maximum amount that would need to be spent to restore the structure. While visiting the property, the structural engineer indicated that the entire home would have to be rebuilt due to water damage. It is up to the Council to determine whether efforts should be made to find an interested party to restore the old home or whether the developer should be given authorization to demolish the building.

Mayor Harbertson said a portion of the property was zoned R-4 to allow the Steed mansion to be incorporated into the project.

Todd Bradford (Utah Landquest LLC) said the previous Development Agreement is no longer acceptable since the status of the two structures have changed. For liability purposes, they would like to have the Steed home demolished so it is no longer a safety hazard. He offered to donate \$25,000 to the Historic Preservation Commission since his company will no longer be involved in the restoration and/or relocation of the old homes.

Rick Dutson pointed that the developer had already offered to donate \$25,000 to the Historic Preservation Commission since they will not be required to relocate the old rock home. He questioned whether the developer is offering to donate an additional \$25,000.

Todd Bradford said he is offering to give the Historic Preservation Commission a total of \$25,000. He referred to an e-mail he sent to the Council which illustrates that there would be a negative cash flow if the structure were used for a commercial use.

Mayor Harbertson said he is concerned about placing the Steed home on the market for six months since there could be a risk of injury. He is concerned that the City incurred the cost of hiring a structural engineer to analyze the Steed home. The developer previously committed to donate \$25,000 in lieu of relocating the old rock structure. He is also concerned that the developer received the R-4 zone to accommodate the old mansion that will no longer be a part of the Development.

Rick Dutson pointed out that in the original Development Agreement, the developer was willing to relocate the rock structure, as well as improve the Steed home.

Todd Bradford said they previously planned to sell the property without charging for the old home. He suggested that the City use the money for another project within the City.

The Mayor reviewed the possible motions.

Rick Dutson said he is not surprised by the structural engineer's report and agrees that there would be a financial impact if the developer were to lease the building. He said it is not wise to preserve the building.

David Hale referred to the letter from the Historic Preservation Commission which referred to the Brass Comb structure. The City found that the renovation was significantly higher than was anticipated. He suggested that the developer reimburse the City for the cost of the structural engineer's analysis since it expedited the process for the developer.

Todd Bradford pointed out that the City's engineer concurred with their engineer's findings.

Sid Young said he is disappointed the Steed Place development did not occur as agreed.

Todd Bradford said the home was on the market prior to the fire. There were many parties interested in the home, but after reviewing the numbers, they were no longer interested.

In response to a question from **Rick Dutson**, **Todd Bradford** said they have obtained a blank demolition permit and could have the home demolished within ten days.

Larry Haugen said the home was technically on the market for six months since the developer has owned it for a year. The home had significant problems even before the fire.

Sid Young questioned whether the Steed family is still interested in relocating the old rock structure.

Todd Bradford said he has not been contacted by the family for approximately 7 months.

Sid Young suggested that the developer contact the family to give them another opportunity to relocate the structure.

Max Forbush explained that the developer received an increased density on the overall project since he was willing to put the Steed home on the market for six months. The property where the home is located was rezoned R-4 as a result of the negotiations.

David Petersen pointed out where the R-4 property is located. The developer was allowed a higher density in exchange for his attempt to preserve the historic homes. The developer is allowed an additional 11 to 12 units, if he were to maximize the perspective densities. It is not a tremendous amount higher than what was allowed by the previous zone. The residents in the area are not opposed to the proposal due to the success of the Farmington Station PUD which is located in the area.

In response to a question from **Sid Young**, **Todd Bradford** stated that they no longer plan to alter the stream.

Motion

David Hale moved that the City Council authorize the developer to demolish the structures that were involved in the fire (including the large building, as well as the side buildings) as soon as the permit can be issued. The City Council accepts the developer's generous donation of \$25,000 to be used by the Historic Preservation Commission, and requests that the developer reimburse the City for the cost of the structural analysis (up to \$2,000) which expedited the development process. The City Council also requests that the developer contact the Steed family regarding the historic homes. **Rick Dutson** seconded the motion.

David Petersen questioned whether the rock structure will be demolished at the same time as the old Steed home.

David Hale said his motion intends for the old rock structure to be demolished at a later time.

The motion passed by unanimous vote.

Rick Dutson and **Larry Haugen** agreed to serve on the Development Committee.

REQUEST FOR FINAL PLAT APPROVAL/FARMINGTON MANOR SUBDIVISION - LANE FISHBURN (Agenda Item #7)

Mayor Harbertson questioned whether the developer intends to alter the proposed plan, as was done with the Pilcher property.

Lane Fishburn stated that the proposed plan will not change. His plan for the Pilcher property has only been delayed due to property negotiations with UDOT.

David Petersen displayed an aerial photo. He explained that there is a stream that travels through the property which effects three lots. The Council must determine whether the stream should be piped (which would simplify the maintenance for the Public Works Department) or whether the stream should remain in its natural state which contributes to the overall ambience of the City.

Max Forbush pointed out that the City Engineer and Public Works Department are in favor of piping the stream since the City crews would not have to access the stream and provide maintenance.

The Council agreed that the stream should be piped since the stream does not benefit the public and creates a liability for the City.

Motion

Rick Dutson moved that the City Council approve the final plat for Farmington Manor Subdivision subject to the following:

1. Lot 5 shall be a conservancy lot. Prior to or concurrent with the recordation of the final plat for the project, an easement, or some other document, acceptable to the City must be recorded against this lot to restrict its future subdivision or development.
2. The applicant must prepare final improvement drawings, including a grading and drainage plan and accompanying SWPP, and these plans must be reviewed and approved by the City Engineer, Public Works Department, Fire Department, Planning Department, Central Davis Sewer District, and Benchland Water District.
3. The applicant shall convey a storm drain easement acceptable to the City over the stream located in the southeast area of the property prior to or concurrent with the recordation of the final plat to allow the City to pipe the storm water drain.
4. The applicant must comply with all conditions of preliminary plat approval, including, among other things, providing an updated preliminary plat related thereto.
5. All redlines on the final plat must be resolved to the satisfaction of City staff.

Sid Young seconded the motion, which passed by unanimous vote.

MINUTE MOTION APPROVING SUMMARY ACTION LIST (Agenda Item #9)

Sid Young moved that the City Council approve the following items by consent as follows:

- 9-1. Ratification of approvals of Construction Bond Agreements previously signed by Mayor Harbertson.
- 9-2. Approval of November's Disbursement List.
- 9-3. Approval of ACH Services Agreement with Wells Fargo Bank.

Paula Alder seconded the motion, which passed by unanimous vote.

ORDINANCE AMENDING TRANSPORTATION ORIENTED DEVELOPMENT (TOD) TEXT (Agenda Item #10)

David Petersen said the text was approved on December 5, 2006, but the Council chose not to adopt the Ordinance until issues relating to Station Park were resolved. He passed out a copy of the text which includes the recommendations that were made by the Council.

In response to a question from **Mayor Harbertson**, **Todd Godfrey** stated that the definition of "laboratories" will be included in two sections of the text.

Motion

David Hale moved that the City Council adopt ORDINANCE NO. 2007-03, AN ORDINANCE OF THE FARMINGTON CITY COUNCIL AMENDING PROVISIONS OF CHAPTER 18 OF THE FARMINGTON CITY ZONING ORDINANCE, RELATING TO THE TRANSPORTATION ORIENTED DEVELOPMENT (TOD) ZONE to include the amendments recommended by the Council, and to also include the definition of "laboratories" in both sections of the text. **Paula Alder** seconded the motion, which passed by unanimous vote.

APPROVAL OF PROJECT MASTER PLAN FOR STATION PARK (Agenda Item #11)

Todd Godfrey recommended that the City Council adopt the Project Master Plan for Station Park subject to the Development Agreement being adopted.

Motion

Rick Dutson moved that the City Council approve the Project Master Plan for Station Park subject to the correlating Development Agreement being adopted within 60 days. **Paula Alder** seconded the motion, which passed by unanimous vote.

DEVELOPMENT AGREEMENT PERTAINING TO STATION PARK (Agenda Item #12)

Todd Godfrey recommended that the City Council continue consideration of the Development Agreement to allow it to be considered in correlation with the Agreement for Development of Land (ADL). The Development Agreement and ADL will be considered on January 4, 2007.

Motion

Paula Alder moved that the City Council continue consideration of the Development Agreement pertaining to Station Park until January 4, 2007. **Larry Haugen** seconded the motion, which passed by unanimous vote.

PROPOSED AMENDMENTS TO TITLE 3, FARMINGTON CITY ORDINANCES - 1ST READING (Agenda Item #13)

Mayor Harbertson reported that the City Council reviewed the amendments extensively during their work session. The City Attorney will address the issues that were discussed during the work session. A second reading will occur on January 16, 2007.

APPOINTMENTS TO SOUTH DAVIS TRANSIT STUDY SUBCOMMITTEE (FOCUS GROUP (Agenda Item #14)

Mayor Harbertson stated that the consultants working on the South Davis Transit Study requested that a subcommittee made up of Farmington residents be formed for a Focus Group to help them during the process of the study.

The City Council reviewed the list of individuals that was generated by City staff and agreed upon the 12 names to be presented to the consultants. Those appointed are: Paul Barker, George Chipman, Chadwick Greenhalgh, Gary Payne, John Toronto, and Ed Johnson. Also to be on the Committee are: a representative from Davis County Planning Department (Wilf Sommerkorn or another individual); a representative from 200 East (Russ Workman as first choice or else Leo Wilcox); a representative of Lagoon; Elizabeth Angyl representing CenterCal, and Council Member Sid Young. Lee Maxwell was designated as an alternate.

CONSIDERATION OF CRS ENGINEERING SERVICES PROPOSAL FOR DESIGN OF ACCESS ROAD CONNECTION TO THE U.S. 89 FRONTAGE ROAD ADJACENT TO THE GARBETT HOMES DEVELOPMENT (Agenda Item #15)

Max Forbush recommended that the Council table consideration of the proposal until the City has discussed the issue with **Bryson Garbett**.

Motion

Paula Alder moved that the City Council table consideration of the proposal until the City is able to discuss the issue with **Bryson Garbett**. **Rick Dutson** seconded the motion.

Paul Hirst explained that CRS Engineering would work with the State, the City, the developer, and the property owners to the south to make sure the road meets their needs, as well as the State's criteria.

The motion passed by unanimous vote.

MAYOR SCOTT C . HARBERTSON REPORT

Mayor Harbertson reported that he will attend a ICMA conference in North Carolina on February 1 & 2. **Max Forbush**, **David Hale**, and **Keith Johnson** will also attend.

CITY COUNCIL REPORTS

Council Member Paula Alder Report

Paula Alder said residents have expressed concerns to her regarding the amount of construction traffic that is traveling on Welling Way.

Max Forbush suggested that the residents contact **Ken Klinker** to discuss the issue.

Paula Alder reported that the Board of Education had their first reading relating to the high school boundary changes.

Council Member Sid Young Report

Sid Young said he was contacted by a resident regarding the condition of the pavement on 1100 West. He questioned whether the City plans to re-pave the road in the near future.

Max Forbush suggested that the resident submit a letter to the City requesting that the road condition be evaluated.

MISCELLANEOUS

Road to the Station

Max Forbush passed out a copy of the CRS report that evaluated **Mr. Dixon's** proposal regarding the Road to the Station. The report indicates that there are both pros and cons to the

proposal. It was found that the proposal would negatively impact the County property.

The Council discussed different alternatives to access the commuter rail station.

Davis County Visitors Business Guide

Max Forbush passed out a letter from **Viola McKinney** requesting that the City include an advertisement in the Davis County Visitors Business Guide. The cost of a 1/8th page ad would be \$985.00.

After reviewing the proposal, the Council chose not to advertise in the Business Guide since the pricing was too high.

Well Number 2 - Woodland Park Well

Max Forbush reported that Well Number 2 production has stopped since metal filings were found in the water. It will cost \$6,000 to remove the motor and pump which does not include the cost to repair the motor.

Paul Hirst reported that the well is 400 feet deep and pumps 1500 gallons per minutes. It is the City's second highest producing well.

The City Council agreed to allocate funds to be used to make the necessary repairs to the well.

Request for City to install improvements at Lund Lane along the frontage road - Haskell Homes

Mayor Harbertson explained **Guy Haskell's** request to have the City contribute to the curb, gutter and sidewalk for his five lot parcel which is located along the frontage road. **Mr. Haskell** is willing to donate 17.5' of frontage.

Max Forbush illustrated where the improvements would be located and explained that the cost could be justified since the area is included on the Capital Facilities Plan. It is not economically feasible for **Mr. Haskell** to pay the entire cost of the improvements since he is only proposing a five-lot subdivision.

The City Council agreed to form a negotiating team to work with the developer.

Nominations for Marriage Week 2007

The Council agreed to participate in Marriage Week in 2008.

Appointments to Scenic Byway Steering Committee

Rick Dutson volunteered to attend the Scenic Byway Steering Committee meeting with **David Petersen** and **Mayor Harbertson** on January 18, 2007.

City Council/Executive Staff Retreat Agenda for February 9 & 10

The Council reviewed the Agenda for the City Council/Executive Staff Retreat on February 9th and 10th.

ADJOURNMENT

Paula Alder moved that the City Council adjourn at 9:53 P.M. so they can reconvene to the RDA meeting.

Margy Lomax, City Recorder
Farmington City