

FARMINGTON CITY COUNCIL MEETING

January 8, 2008

CITY COUNCIL WORK SESSION / WEST CONFERENCE ROOM

PRESENT: Mayor Scott C. Harbertson, Council Members Richard Dutson, David Hale, Paula A. Alder, Sidney C. Young, Cory Ritz, City Manager Max Forbush, and Recording Secretary Kami Mahan.

Mayor Harbertson began discussion at 5: 41 p.m. **Paula Alder** offered the invocation.

CITY COUNCIL CLOSED SESSION

Motion

Sid Young made a motion to meet in Closed Session at 5:50 p.m. to discuss strategy as it pertains to acquisition of real property **Paula Alder** seconded the motion, which was approved unanimously.

SWORN STATEMENT

I, Scott Harbertson, Mayor of Farmington City, do hereby affirm that the items discussed in the closed meeting were as stated in the motion to go into closed session and that no other business was conducted while the Council was so convened in a closed meeting.

Scott C. Harbertson, Mayor

Motion

Rick Dutson moved to adjourn to a work session at 6:20 p.m. The motion was seconded by **Paula Alder**, and unanimously approved.

[**Ken Klinker** from the Planning Department, and Parks and Recreation Director **Neil Miller** arrived at the meeting at 6: 20 p.m.]

CONSIDERATION OF VARIOUS PARKS & RECREATION DEPARTMENT REQUESTS (Agenda Item #9):

Mayor Harbertson briefly reviewed each of the following items:

- **Allow Department to select Performing Arts Producers & Directors**
- **Allow Department to purchase three (3) 8' x8' x48' metal storage containers all approximately \$4,000 each.**

- **Approve revised swimming pool season pass recommendations**
- **Approve Woodland Park Master Plan process and recommendations**

Mayor Harbertson reported that the stream and park berm of Woodland Park will remain wooded. **Neil Miller** said vegetation on the south side of the area will remain untouched, and that if the area needs cleaning out the Parks staff would like to get started. **Max Forbush** said neighboring residents need to be contacted concerning the project, which will then be brought before the Planning Commission.

- **Approve Parks & Recreation Master Plan Committees and authorization to conduct survey**

Mayor Harbertson stated that he, **Rick Dutson**, **Cory Ritz** and **Paula Alder** will be on the Master Plan Committee.

- **Discuss recommended modification of Heritage Park use allowing Recreation soccer**

Mayor Harbertson passed out to the Council an updated list of available soccer fields. Council members received clarification on some of the proposed changes, including parking, placement of lines, and where football games will occur. **Neil Miller** said there may be some parking restrictions in the soccer field areas.

Mayor Harbertson proposed location options for new fields, such as Farmington Ranches and the Howard Kent property. **The Mayor** said **Neil Miller's** crew is spending hours maintaining parks which are not being utilized. **Max Forbush** suggested sending notice to affected residents about what is being proposed. A public hearing on the matter will be held.

ORDINANCE ENACTING TITLE 16 OF CITY CODE REGARDING STORM WATER MANAGEMENT AND POLLUTION CONTROL (Agenda Item #11):

Max Forbush reviewed the history of the storm water management plan and explained some proposed changes to the ordinance. **Ken Klinker** reviewed some details of the S.W.P.P.P. (Storm Water Pollution Prevention Plan) and fees, and said there will now be a permit per lot requirement. **Max Forbush** said the City will try to simplify the process of obtaining a permit, and that the bond provisions will be strengthened. **Ken Klinker** said residents do not police themselves. **Sid Young** commented on the issue of a companion law to this ordinance regarding dust.

Mr. Forbush said the storm water situation is improved, and that the public works department must be trained to abide by the same provisions as residents. Developers are becoming more compliant. The Council briefly discussed the law with respect to farmers.

The meeting adjourned at 7:00 p.m.

[**David Hale** left the meeting at 7:00 p.m.]

REGULAR CITY COUNCIL/CITY CHAMBERS/CALL TO ORDER

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

Mayor Harbertson called the meeting to order at 7:07 p.m. **Rick Dutson** offered the invocation. The Pledge of Allegiance was led by Boy Scout **Jake Luker**.

READING AND APPROVAL OF MINUTES OF PREVIOUS MEETINGS (Agenda Item #2):

The City Council reviewed the minutes of the City Council meetings held December 6th, 2007, and December 11th, 2007, and the Special City Council meeting held December 21, 2007.

Mayor Harbertson pointed out corrections on the minutes of December 6th, 2007.

Motion

Sid Young moved to approve the minutes of the December 6, 2007, City Council minutes, with changes as noted. **Larry Haugen** seconded the motion, which passed unanimously.

Motion

Larry Haugen moved to approve the City Council minutes of December 11, 2007, with additions as noted. The motion was seconded by **Paula Alder**, and passed by a unanimous vote.

Motion

Larry Haugen made a motion to approve the minutes of the Special City Council meeting held December 21, 2007. **Paula Alder** seconded the motion, and the Council approved unanimously.

Mayor Harbertson recognized Youth City Council member Madeline Newhouse.

**ADMINISTERING OATH OF OFFICE TO NEW CITY COUNCIL MEMBERS -
JUDGE DAVID M. CONNORS**

**ACKNOWLEDGEMENT OF SERVICE TO LARRY W. HAUGEN, JIM TALBOT,
CORY RITZ AND ANDREW HILLER - MAYOR SCOTT C. HARBERTSON (Agenda Item #3):**

Mayor Harbertson introduced Judge David M. Connors, who administered the oath of office to **Cory Ritz**, **Sid Young** and **Rick Dutson** as members of the City Council.

Mayor Harbertson announced that **Cory Ritz**, **Andrew Hiller**, and **Jim Talbot** were stepping down as members of the Planning Commission, and awarded each of them a plaque for their service.

Mayor Harbertson presented a plaque and a personalized ring to **Larry Haugen** commemorating his twelve years of service on the City Council.

PRESENTATION OF SAFE KIDS AWARD - MAYOR HARBERTSON / OFFICER BRETT WINKLEMAN (Agenda Item #4):

Mayor Harbertson invited Farmington Police Officer **Brett Winkleman**, representing the Board of Directors of Safe Kids Coalition, to come forward along with Teresa Smith, for the presentation of the “Safe Kids Award” (the “Buckle Up” program). She presented the award to public works department representatives **Walt Hokanson**, and **Ray White**, who expressed appreciation to **Officer Winkleman** as being the most proactive officer with respect to children’s safety.

SPECIAL VISIT FROM HILL AIR FORCE BASE DIGNITARIES INCLUDING NEW COMMANDER COLONEL LINDA R. MEDLER REGARDING UTILITY BILL ABATEMENT PROGRAM FOR ACTIVE DUTY MILITARY SERVICE PERSONNEL (Agenda Item #5):

Mayor Harbertson introduced the new Hill Air Force Base Commander Colonel **Linda Medler**, and Chief Sergeant **Gurney**, and invited them to answer questions regarding the utility bill abatement program. **The Mayor** explained that active duty military members can have their utility bills waived with this program.

Colonel Medler and **Sergeant Gurney** distributed handouts to the Council members entitled “Utility Companies Surrounding HAFB Offering Utility Bill Abatement Programs to Military members Deployed to the AOR”. **Colonel Medler** said the program is optional, and cities are provided a list of deployed military personnel who may qualify for the waiver of utility fees. Qualified personnel may provide a copy of their orders to prove eligibility. **The Mayor** said most of those deployed are heads of households, and this program is a great benefit to the spouse remaining at home.

Sid Young stated that his only concern was water overages. **The Mayor** said that a pertinent ordinance can be drafted as needed.

Max Forbush said the City does not have authority to waive the fees for military personnel for Central Davis Sewer District. The City can contact the Sewer District to see if they are agreeable to participating in the program. **Chief Gurney** said the program was originally conceived because of lost family income during deployment due to the spouse left behind sometimes having to quit work. **Chief Gurney** said participating in the proposal is more than a monetary assistance, but it also sends a great message of appreciation for those making sacrifices for our country.

Motion

Rick Dutson moved to consider the proposal regarding utility bill abatement for active duty military personnel. **Paula Alder** seconded the motion, which passed by a unanimous vote.

Max Forbush asked which branches of the military are involved in this program, and **Colonel Medler** said she would look into this. She said identifying eligible participants may involve a marketing campaign to residents.

Mayor Harbertson said that **Kevin Poff** was teaching a class and would arrive later in the meeting to give the Planning Commission report.

PLANNING COMMISSION REPORT (Agenda Item #6):

Later in the meeting, Planning Commission Chairman **Kevin Poff** reported the proceedings of the Planning Commission meeting held January 3, 2008:

- The Planning Commission moved to reconsider preliminary plat approval of the North Park Development, and moved to allow for the immediate reconstruction of a street with adjusted standards.
- The Planning Commission recommended approval of the Scenic Byway Master Plan with the understanding that there will be many more zoning steps involved in ensuring uniformity for the entire corridor.
- The Woodside Homes request for a second entrance sign to the subdivision was granted. There was also discussion in Planning Commission with respect to the need or desire for a Farmington City identification sign in the northern part of the City. City Council members expressed interest in having a sign.
- The Planning Commission granted a Conditional Use permit to Farmington Pointe LC (Kindercare), but was not in favor of the development's proposed access onto Shepard Lane. **Kevin Poff** said that the Commission suggested having access off of Shepard Parkway as an alternative due to safety and traffic concerns.
- The Planning Commission elected Randy Hillier to represent the Commission on the Board of Adjustment.
- The Planning Commission discussed the possible street vacation of some downtown property, and had reservations due to the lack of real benefit to the City, and a problematic lot configuration.

The Council briefly discussed access alternatives for the Kindercare facility.

(PUBLIC HEARING): CONSIDERATION OF ORDINANCE VACATING A PORTION OF 600 NORTH STREET NEAR MAIN STREET AND ROCK MILL LANE (Agenda Item #7):

Mayor Harbertson introduced this Agenda item. **David Petersen** pointed out the subject property on an overhead map, and said that the Canyon Park subdivision recently received plat approval

from the Planning Commission. **Mr. Petersen** said that a portion of Rock Mill Lane was previously vacated .

Mr. Petersen pointed out on the map the portion of the 600 North right-of way proposed to be vacated, and the landscape proposal which will still be in the right-of-way after vacation. **Mr. Petersen** referred to the memorandum dated January 4, 2008 contained in the Council packet for this Agenda item, and detailed the conditions of approval. He said Staff was recommending a stay of the street vacation until the vacation ordinance can be recorded with the final plat. A new fifth condition is also proposed, that because existing utilities and other entities are involved, the street vacation should be subject to final plat approval. Access to manholes needs to be maintained.

Mayor Harbertson invited developers to provide their input.

Terry Deru, 99 Cove Lane, Layton, said he agrees with Staff recommendations. He said the area will be maintained permanently by the Homeowner's Association of the subdivision. He said they were not notified of the Planning Commission meeting when this issue was addressed. In reviewing the motion, they are concerned about proposals for 90 West. Mr. Deru said if UDOT is involved in the process this may cause unusual delays.

Public Hearing Opened

Mayor Harbertson opened the meeting to a public hearing at 7:56 p.m.

Tom Owens raised concern about how fencing will be addressed. He said different areas need different types of fencing, and uniformity is an issue. He said deer have caused him problems in the past by destroying property and eating trees and other vegetation.

Mr. Owens said that this is the first City Council in the 160 year history of Farmington that did not have an historical representative. There is maximum assault from developers and old town Farmington needs protection. He said the future is in the Council's hands. **Mr. Owens** asked the Council to preserve and protect historic Farmington.

Larry Haugen, 94 East 500 North, said he does not park cars along the City right-of-way as **David Petersen** had indicated in his review of the Agenda item. **Mr. Haugen** said the Judds and Bradshaws are worried about access onto Main Street, but they have access on 600 North. The City has already given three quarters of 600 North away, and there is only a small piece left on the east side.

City Engineer **Paul Hirst** said that landscaping can be an enemy to utility lines. The City must be careful what landscaping is allowed. Low lying vegetation with high trees will not work. Sanitary sewers, culinary waters, and irrigation lines seek moisture sources.

Public hearing Closed

Mayor Harbertson closed the public hearing at 8:05 p.m. and asked the Council for discussion.

Terry Deru pointed out on the overhead map of the area how the entrance is a focal point of the development. He said the fence along the east side will be wrought iron. The Rock Mill Lane fence may be something that blends in chain link with the vegetation. **Mr. Deru** said many of these decisions have been not been made.

In response to questions by Council members, **Mr. Deru** said trees may be a problem, and that Paul Keeler was aware of the utility lines when he drew the elevations. **Mr. Deru** said dwarf or semi-dwarf trees were being considered, rather than large trees. **Sid Young** said post holes could be an issue as well, and that there were additional utilities involved other than those listed.

Motion

Rick Dutson moved that the City Council adopt the ordinance vacating a portion of 600 North Street, upon the conditions stated in the memorandum from David Petersen dated January 4, 2008, a fifth condition that it be “subject to final plat approval” and that the landscape design must be sensitive to the existing utilities. **Paula Alder** seconded the motion, which passed by a unanimous vote.

CONSIDERATION OF PLANNING COMMISSION RECOMMENDATION FOR A MODIFIED STREET CROSS SECTION FOR 90 WEST / CONSIDERATION OF COST SHARING OF STREET IMPROVEMENTS ON 90 WEST BETWEEN CITY AND DEVELOPERS (Agenda Item #8):

Mayor Habertson introduced this Agenda item. **David Petersen** reviewed a short history of the development and explained the information contained in the memorandum dated January 4, 2008 in the Council packet for this Agenda item. **Mr. Petersen** said Staff met with the Judds, the Bradshaws and the developer, and determined that a sidewalk was important. Because the improvements are already abutting the development, the sidewalk should be a similar width to the sidewalk on the west side of Bountiful Boulevard, which is approximately 8 feet.

Rick Dutson asked how the two remaining undeveloped feet of the property will be maintained. **Mr. Petersen** said the adjacent property owners will be required to maintain that area. **Mr. Petersen** said the Planning Commission is recommending modification of the cross section for 90 West Street, and to defer installation of an 8-foot sidewalk until adjacent parcels are developed, the Bradshaw property is developed, or the City constructs the sidewalk. **Mr. Petersen** said that the City currently does not have funding for a sidewalk. According to the ordinance, the abutting development is responsible for improving the street.

It was pointed out that the developer should only be required to develop to the north side of the property. Instead of a sidewalk, it was suggested to paint a temporary line to provide a shoulder for pedestrians and bikes. “No Parking” signs can be posted.

Motion

Sid Young moved to accept the Planning Commission's recommendation for a modified street cross section for 90 West Street, with the conditions and findings in the memorandum dated January 4, 2008 from David Petersen, as well as the cost of sharing street improvements. **Cory Ritz** seconded the motion which passed by a unanimous vote.

Mayor Harbertson said that the next Agenda item covered would be #15.

CONSIDERATION OF VARIOUS PARKS & RECREATION DEPARTMENT REQUESTS
(Agenda Item #9):

- **Allow Department to select Performing Arts Producers & Directors**
- **Allow Department to purchase three (3) 8' x8' x48' metal storage containers all approximately \$4,000 each**
- **Approve revised swimming pool season pass recommendations**
- **Approve Woodland Park Master Plan process and recommendations**
- **Approve Parks & Recreation Master Plan Committees and authorization to conduct survey**

Mayor Harbertson reviewed each of the Parks and Recreation Requests.

Paula Alder asked for clarification concerning who was on the Parks & Recreation Master Plan Visioning Committee. **The Mayor** appointed **Ms. Alder** to the Youth City Council Committee. **Mayor Harbertson** referred to the list of committee members in the Council packet, and stated that everyone is included on the committee of "Those who have a stated interest" except Ann Marie Bunker. In response to a question by **Paula Alder**, **The Mayor** said that some non-residents can be included on committees.

Mayor Harbertson gave the names included on Committees as follows:

Current and Past Instructors - Lois Slagowski

Coaches - Jason Barton, RJ Barnes, Charlie Maqueen, Robert Welch, Scott Corry, Mike Embrey and Brent Bishop

Arts - Jeremy Everts, Megan Cannon, Tony Asay, Chadlie Anderson, Jo-Ann Callahan, Dan Haltiner, Joey Hansen, John or Carolyn Toronto, and Debbie Hefner

The Mayor stated that an effort was made to include a mix of Arts, Athletics and Special Events people.

Max Forbush said that **Neil Miller** also suggested Sue Ann Phillips. None of the applicants have

been contacted yet, but letters will be sent out. Some individual applicants were discussed by the Council. **Max Forbush** explained that the Steering Committee will meet several times in the process, and the larger group will meet three or four times to develop visioning statements and to set long-range goals. At this point the entire group will be divided into Arts, Special Events, and Sports groups. Then, a survey will be sent out to validate their recommendations.

[**David Hale** returned to the meeting at 8:40 p.m.]

Mayor Harbertson said that the proposed resident survey can be conducted through the internet or through mailings. He reported that earlier Keith Johnson had arranged a video conference with a survey company to illustrate their product. The Mayor reported that Council Member Sid Young, Max Forbush and Keith Johnson had joined him in the presentation. The vendor proposes to provide 5 surveys per year for \$2,500, and this would include up to 5,000 responses. The next available level is \$5,000 per year for unlimited surveys and 10,000 responses. **The Mayor** said he sees many benefits in conducting surveys. One of the surveys would meet the needs of the Parks & Recreation Master Plan update.

- **Discuss recommended modification of Heritage Park use allowing Recreation soccer**

Max Forbush said that names and addresses of affected property owners can be obtained from utility bills, and information can be sent to them. **David Hale** commented that some previous problems at other sports venues have occurred because of lights, public safety, limited parking, and scheduling conflicts, and that these issues need to be resolved for this site.

Motion

Sid Young moved to approve all the above-referenced Parks and Recreation Requests, and **Paula Alder** seconded the motion, which passed by a unanimous vote. A summary of the requests is as follows: (1) Authorization for Parks & Recreation to appoint Performing Arts Directors and Producers; (2) Authorize an expenditure of up to \$12,000 to purchase three metal storage containers; (3) Approval of staff recommendations to adjust season swimming pool pass fees for all City employees (excepting seasonal employees) to \$25; (4) Approval of process to develop Master Plan for Woodland Park; and (5) Authorize use of Heritage Park for youth soccer subject to public hearing with surrounding neighbors.

MINUTE MOTION APPROVING SUMMARY ACTION LIST (Agenda Item # 10):

- **Ratification of Approvals of Construction Bond Agreement**
- **Approval of Rainey Homes Escrow Improvements Agreement**
- **Appointment of Larry Haugen to Museum Board**
- **Approval of Arts Coordinator Contract with Stephanie Paget**

Mayor Harbertson pointed out a typographical error at the bottom of Page 1 of the Agreement with Stephanie Padgett regarding the cell phone. It should read “*and/or shall pay.....*”. On Page 2 of the same Agreement, it was suggested to add to the “Responsibility” category the phrase, “or other incidental duties as directed by the Parks and Recreation Director.”

- **Authorize \$1,762.50 annually to participate in costs for operating a USGS stream gauge on Farmington Creek**
- **Approval of November’s Disbursement List**

[Youth Council Committee member **Alex Crowley** joined the Council.]

Several wording changes were suggested for the By-Laws of the Farmington Youth City Council:

Page 1, Article III: Organization: Part 1: Membership and Appointment: Add a phrase at the end of the second to the last sentence reading “...and ratified by the City Council.”

Page 3 , Bottom line: Add “sworn in by *The Mayor* or a member of the City Council.”

Page 4, Section 3: Change the expiration of term to March 1st; There is also a typo in the second line - one “in” needs to be removed.

Regarding Page 4, Section 4: Removal, Sid Young suggested specifying behaviors that warrant removal of a member of the FYCC, such as “including, but not limited to abuse, illegal behavior, destruction...”

Page 5, Section 4 (bottom of page), change “January” to “February.”

Page 6, Part 4: Change title “Subcommittees” to “Committees”, and remove “sub” from each word “subcommittee”. Also remove the entire last sentence in Part 4 regarding dissolution of a standing subcommittee.

Page 6, Article V: Meetings, Section 1: Typo of the word “Municipal” needs to be corrected. Section 2: Change meeting place from “City Hall” to “Parks and Recreation Building.”

Page 7, Article VI: Parliamentary Procedure: Insert “The duties of the Parliamentarian are to ensure that Robert’s Rules of Order are followed.” There will also be a Sergeant at Arms to maintain order and /or remove unruly participants.

Alex Crowley suggested attaching a copy of Section 3-03-070 of the Farmington City Municipal Code to the Youth By-laws.

- **Reaffirmation of City Council's position to maintain the policies, objectives and goals and its General Plan with respect to building limitation below 4,218 foot elevation**

Mayor Harbertson referred to **David Petersen's** concern in the memorandum dated December 27, 2007 (contained in the packet for this Agenda item), pertaining to future development following the Glover's Lane water line installation. He said it is expected that there will be negotiation with area property owners, particularly if there is a westerly transportation corridor.

Rick Duston said the City should be on solid ground with respect to restricting development below the elevation of 4218 feet. **Cory Ritz** said an initial number must be determined, then changes may be addressed as negotiations progress. **Mr. Dutson** said there was some ambiguity in determining the number, and he wanted to make sure it is defensible during the development process. **Max Forbush** said he and **David Petersen** have some ideas that may modify the number. Standards can be set but something special may need to be negotiated.

Motion

Rick Dutson moved to approve the Summary Action List with changes as noted. **Sid Young** seconded the motion, which passed unanimously.

ORDINANCE ENACTING TITLE 16 OF CITY CODE REGARDING STORM WATER MANAGEMENT AND POLLUTION CONTROL (Agenda Item #11):

Mayor Harbertson said the details of this ordinance were discussed during the work session.

Motion

Rick Dutson made a motion to adopt the Ordinance enacting Title 16 of the City Code regarding storm water management and pollution control. The motion was seconded by **Sid Young**, and Council members **Alder, Hale, Dutson, Young** and **Ritz** all voted in the affirmative.

2008 INTERLOCAL AGREEMENT BETWEEN DAVIS COUNTY AND FARMINGTON CITY FOR ANIMAL CONTROL SERVICES (Agenda Item #12):

Mayor Harbertson introduced this Agenda item. **Paula Alder** said that Animal Control is out of raccoon traps. They are rented and not returned. **The Mayor** suggested people should buy their own traps.

Mayor Harbertson pointed out that the wild animal charge in the Interlocal Agreement was based on calls placed in 2006. He said the math in the letter from Animal Control appears to be in error.

Motion

Sid Young moved to approve the Interlocal Agreement between Davis County and Farmington City for Animal Control Services based on the reaffirmation of the cost. **Rick Dutson** seconded the motion, which passed unanimously.

RESOLUTION APPOINTING REPRESENTATIVE TO SERVE ON ADMINISTRATIVE CONTROL BOARD FOR WASATCH INTEGRATED WASTE MANAGEMENT DISTRICT (Agenda Item #13)

Mayor Harbertson said this resolution has been a matter of interest and concern. The Waste management district was contacted and it was discovered that in Davis County the mayor of every city except Farmington was serving on the Board. **Mayor Harbertson** said that payment is not important, and he is willing to serve on the Board.

In response to a question by **David Hale**, **The Mayor** said that city mayors are on the Board due to a request from the Wasatch Management District. **The Mayor** said he wants to ensure that Farmington is not being “bulldogged” by other mayors. A transfer station needs to be set up in Davis County, but he does not necessarily want it in Farmington. He raised concern about potential legislation and said it is important to monitor the referendum in Box Elder County.

David Hale expressed concern about lack of representation from governing bodies for such entities as the sewage plant and the mosquito abatement program. He commented that money is being spent without representation. **Paula Alder** said that when opportunities arise for choosing City representation on these committees in the future, this issue should be remembered.

Paula Alder nominated **Mayor Harbertson** to serve on the Board for Wasatch Integrated Waste Management District. **Rick Dutson** seconded the nomination which passed unanimously.

Motion

Sid Young made a motion to pass the resolution appointing **Mayor Scott Harbertson** as the representative to serve on the Administrative Control Board for Wasatch Integrated Waste Management District. **Paula Alder** seconded the motion which passed by a unanimous vote.

RESOLUTION APPOINTING CITY COUNCIL AND OTHERS TO CITY COUNCIL COMMITTEES AND ASSIGNMENTS AND PROVIDING FOR APPOINTMENT OF INDIVIDUALS TO REPRESENT FARMINGTON CITY ON VARIOUS BOARDS, COUNCIL, AND COMMISSIONS (Agenda Item #14):

Mayor Harbertson said he received input from the Council members regarding their participation on various committees, and made assignments as follows:

- | | |
|--|-----------------------------|
| Personnel/ Problems Resolution Committee - | Sid Young and David Hale |
| Special Events Liaisons - | Paula Alder and Cory Ritz |
| Development Review Committee - | Rick Dutson and Cory Ritz |
| Historic Preservation Liaisons - | Sid Young and David Hale |
| Youth City Council Director/Assistant Director | Paula Alder and Rick Dutson |
| Trails Committee Liaisons - | Sid Young and Paula Alder |
| Davis County Chamber of Commerce Rep. - | Cory Ritz |
| Utah League of Cities and Towns Rep. - | Sid Young |
| Special Districts - | Mayor Scott Harbertson |

Mayor Harbertson stated that one nomination for Mayor Pro Tem was received for **Rick Dutson**, and that this position is approved by consent of the Council.

Nominations Opened

Mayor Harbertson asked if there were additional nominations for Mayor Pro Tem. There were no other nominations.

Nominations Closed

The Mayor closed the nominations. The Council voted unanimously to appoint **Rick Dutson** as Mayor Pro Tem.

Sid Young questioned if the responsibilities of Mayor Pro Tem can be increased if necessary. **Mayor Harbertson** said that Mr. Dutson has represented him several times in various capacities.

Motion

Sid Young moved to approve the Resolution appointing the above City Council members and others to City Council Committees and Assignments and providing for appointment of individuals to represent Farmington City on various boards, councils and commissions. **David Hale** seconded the motion which passed by a unanimous vote.

DISCUSSION WITH REGARD TO REMOVAL OF BASKETBALL STANDARDS IN STREET RIGHT OF WAY (Agenda Item #15):

David Petersen stated that 49 violation notices were sent out, and 41 people complied. **Mr. Petersen** explained why specific citizens were added to the list of violators. He said that individual driveways vary, and the need for the basketball standard being near the right-of-way differs. It was pointed out that many driveways are suitable for placement of a standard. If owners have a flat driveway, a basketball standard should not be in the right-of-way.

Max Forbush said that the issue under consideration is the re-writing of the ordinance to allow permits. Most violators complied with the request to remove the basketball standard. It is not fair to allow others not to comply. If variances are allowed on a permit basis, there is liability exposure. A willingness for owners to accept liability needs to be part of receiving a permit. Another requirement should be that basketball standards must be permanent, not portable.

Sid Young quoted the portion of the ordinance stating that basketball standards “not be detrimental to all City operations” and said the meaning of this phrase needs to be specified. **David Petersen** said that cement sleeves are available enabling the basketball pole to be removed during winter months.

Rick Dutson said the situations of future citizens need to be accommodated where possible. **Mayor Harbertson** said he was concerned about basketball standards in the street being detrimental to neighboring property owners. He said Staff should take responsibility to determine if neighbors are opposed to a particular owner’s request for a permit.

Cory Ritz suggested that rather than putting this burden on Staff, the City could have an indemnification clause put into the ordinance with regard to neighbors being adversely affected. **Max Forbush** suggested the possibility of mailing notices to affected neighbors giving them the opportunity to give comment within a certain period of time. If neighbors have opposition their reasons must be considered valid. Council members discussed the subjective nature of possible neighbor objections to a variance. **Sid Young** pointed out how this issue can be problematic with other sports as well. **Max Forbush** reiterated the possible liability. **Mr. Young** said he liked the concept of removable sleeves for poles. **David Petersen** said that if the resident has a reasonable driveway, this should be considered in the approval of a permit.

Max Forbush said Staff will work on the issue and return to the Council with details.

NIMS TRAINING REQUIREMENT (Agenda Item #16):

Mayor Harbertson verified that **Cory Ritz** had received the NIMS Training information.

LYNN STODDARD APPEAL OF WATER IMPACT FEE PAYMENT FOR CONNECTION IN WEST FARMINGTON (Agenda Item #17):

Mayor Harbertson reviewed the “General Information” on this Agenda item. Staff recommendation is to give Mr. Stoddard the refund he is requesting, with the hope that he will cooperate with the City with respect to future development.

Max Forbush explained that Mr. Stoddard ran an 8-inch water line several hundred feet to his ex-daughter-in-law’s property. This is a large investment for one property. It would be appropriate for future property owners to pay their share of the cost of the line and of the impact fee as they develop. This obligation would end at a certain date, as has been done in similar situations. **Mr. Forbush** said that returning the money to Mr. Stoddard will help the City in the long run.

Motion

David Hale made a motion to reimburse Lynn Stoddard for a \$3,665 impact fee payment for connection in West Farmington. **Max Forbush** said he would obtain an agreement for a payback provision. **Paula Alder** seconded the motion, which passed unanimously.

Sid Young asked for clarification on the amount of reimbursement. **Max Forbush** explained that when the amount was discussed with Mr. Stoddard, he did not realize the plumber had plumbed the connection for a one-inch meter, rather than a 3/4 inch meter. **Mr. Forbush** said he did not know this until the following day.

EDCU’S INVITATION FOR CITY PARTICIPATION AT ICSC 2008 CONVENTION (Agenda Item #18):

Mayor Harbertson said it was his opinion that the City should not participate in EDCU’s invitation because of the cost. In previous years the City has used CenterCal’s booth which has been free. **The Mayor** said the booth this year should be centered on Station Park, and that a tie-in to EDCU is unnecessary.

Rick Dutson pointed out that cities who participate have much economic development, and Farmington is limited in what it can do. **Mayor Harbertson** said approval was needed from the Council to send representatives to ICSC. Currently he and **Rick Dutson** are set up as members. This year would be even more beneficial. Seventy to eighty letters of intent have been received from retailers. **Mr. Dutson** said people are excited about the Station Park proposal. The progress of Station Park and the impressiveness of its design was discussed

MAYOR HARBERTSON’S REPORT (Agenda Item #19):

- **Report on meeting with Howard Kent regarding two-acre park adjacent to 1875 West Street**

Mayor Harbertson reported that Mr. Kent will sell the two-acre parcel for approximately \$20,000 per acre, and will pay approximately \$12,000 towards a decorative fence. The net cost to the City is approximately \$28,000 an acre. **Max Forbush** said Mr. Kent would not donate the parcel, but the proposal is still beneficial.

Mayor Harbertson said he talked to Dave Bailey of Destination Homes, who is willing to negotiate the cost of fencing, park amenities and other details of the development.

CITY COUNCIL REPORTS (Agenda Item #20):

Paula Alder reported that she received a call from a citizen regarding truck permits on Main Street in North Farmington. **Max Forbush** said this area is exempt from permit requirements. **Ms. Alder** asked about a reduction in speed limits in this area, and **Mr. Forbush** explained that speed limits in some areas are controlled by the State. The City previously attempted to have limits reduced but the State was not willing to do so in their area. **Mr. Forbush** said he can have this re-evaluated.

Ms. Alder said that the Youth City Council held a successful dance as a fund-raiser.

Ms. Alder reported that there are ten applicants for YCC, and that there has been a high turnover. **The Mayor** said the key to YCC success is appointing those who are serious about being members. **Ms. Alder** pointed out that most attendance problems involve seniors who are leaving.

Rick Dutson raised the issue of having a Council retreat, which the Council discussed. **Mayor Harbertson** said cost and public opinion were concerns.

Sid Young suggested that City Council Members be provided with the names and pictures of City employees.

Rick Dutson suggested that it may help the public to know which Council members are on which committees, and that perhaps this should be included in the City newsletter. **The Mayor** said more information on the Council members and their pictures can be included.

Mayor Harbertson said it may be beneficial to send delegates to the National League of Cities and Towns Conference in order to obtain access to higher level politicians. The cost would be approximately \$1,000 per person. **Max Forbush** said he would investigate this possibility. **The Mayor** suggested that Council members can alternate attendance each year.

Paula Alder announced that January 23rd is Local Officials Day at the capital. **Margy Lomax** distributed information on the event to the Council members.

David Hale asked about the status of 1075 West Street. **Max Forbush** said the City is trying to

rewrite the program for federal funding. They met with UDOT. Because CenterCal has occupied much time on the road to Station Park, only surface improvements will be made. At that time the four-way stop may be removed and traffic may be allowed to flow through. Plans need to be changed and resubmitted without the signal. This should happen in 2008.

Mr. Hale asked for an update on the Shepard Lane bridge. **Mr. Forbush** said they are waiting for UDOT to establish costs, requirements for the City, and other details. **Mr. Forbush** said he will check this out again.

Sid Young said that members of the Farmington Trails Committee are planning to attend a Kaysville City Council meeting about the Haight Creek Trail. They were concerned that the Kaysville Planning Commission took the trail off the plan. **Mr. Young** asked if it was appropriate for them to attend the meeting as individuals or if they could go as representatives of the City. **Mayor Harbertson** said that they can attend as members of the Farmington Trails Committee, but are not official representatives of the City.

MISCELLANEOUS (Agenda Item #21):

a. Miscellaneous Items

Max Forbush said he, **Mayor Harbertson**, Police Chief Hansen, and Fire Chief Gregory met to discuss police and fire services. The police department is interested in providing services to Fruit Heights. The County Sheriff's department is providing service to Fruit Heights for eight hours per day, which includes response to any calls, for \$113,000 per year. This amount could buy two more police officers and enhance services to both Farmington and Fruit Heights cities.

Mr. Forbush said the City wants to maintain good relations with the County. The fire department is not interested in participating because of the demographics of response time. However, it was agreed to continue to keep the concept alive with Kaysville City to possibly create a fire district in the future. Fruit Heights will try to set up another meeting with the County.

Max Forbush said he received a visit from Representative Julie Fisher regarding complaints about developer Brian Crocket harassing Fruit Heights residents who walk by his development. Mayor Harbertson and staff will meet with him to ask him to refrain from this harassment. **Rick Dutson** said debris has been dumped on the property. **Max Forbush** said this may have violated the City Code.

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

ITEMS OF GENERAL CORRESPONDENCE (Agenda Item #22):

ADJOURNMENT

David Hale moved to adjourn the meeting at 10:40 p.m. The motion was seconded by **Paula Alder** and passed unanimously.

Margy Lomax