

FARMINGTON CITY COUNCIL MEETING

Wednesday, January 18, 2006

CITY COUNCIL WORK SESSION/EAST CONFERENCE ROOM

PRESENT: Mayor Pro Tem Richard Dutson, Council Members 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 Pro Tem Dutson began discussion at 6:30 P.M. The following items were reviewed:

Agenda Item #5: Public Hearing: Consideration of Ordinance adding PUD designation to commercially zoned property located west of U.S. 89, east of Shepard Creek Parkway and south of Shepard Lane/Consideration of Preliminary Development Plan Approval for development related thereto - Garbett Homes

Larry Haugen said he was concerned that the homes in the Garbett development could be used for commercial uses since the development is located in the commercial use zone.

The City Council agreed that the residents could be restricted from having certain types of commercial businesses in their homes through the conditional use permit.

David Petersen informed the City Council that the Kirkham/Petersen complaints regarding the drainage of their property needed to be resolved with UDOT or the County. The City is not responsible for the poor drainage or the lack of access to the property. County officials informed Mr. Hirst that they do not know the capacity of the detention basin. Mr. Hirst suggested that the development's drainage be retained on-site.

Paul Hirst said he had not completed his global study so his analysis was based on assumptions. Based on a 10 year storm, the detention basin could hold approximately 90 acre feet of storage. The County plans to conduct a survey of their detention area.

Max Forbush said **Maxine Kerr** hired an attorney with the adjacent property owners to prove that the City approved of a development that increased the flood waters and made the adjacent properties unuseable.

Paul Hirst said the Garbett Homes storm drain system is west of Maxine Kerr's property. He will not allow Garbett Homes to drain the water to the east. Based on a 10 year storm, the developer will need approximately 10 acre feet storage to prevent the water from draining onto the Kerr property.

David Petersen said the City Attorney recommended approving the PUD designation since it would require a conditional use permit. He reviewed the recommendation given by the Planning Commission on December 19, 2005. He suggested that the City Council grant approval subject to the City Engineer's review of the drainage capacity in the area and subject to the applicant receiving

a conditional use permit which would state that certain types of commercial use would not be allowed in the development.

Max Forbush suggested that the City Council grant approval subject to the developer acquiring all appropriate permits from State, Federal and local agencies. He said he received an email from the Farmington Trails Committee requesting that the Garbett Homes trail system be modified. **Mr. Forbush** said the trail configuration was already determined in an Agreement between the City and Garbett Homes.

The meeting adjourned at 6:55 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 Pro Tem Dutson called the meeting to order at 7:00 P.M. **David Hale** offered the invocation. The Pledge of Allegiance was led by Boy Scout **Casey Tolman** of Troop 904.

APPROVAL OF MINUTES OF PREVIOUS MEETING

David Hale moved to approve the minutes of the January 4, 2006, City Council Meeting. **Larry Haugen** seconded the motion with changes as noted. The voting was unanimous in the affirmative.

The City Council agreed to address Agenda Items #4, #7, and #8 so **Mayor Harbertson** could be present to make the presentation to **Cindy Roybal**.

REPORT OF PLANNING COMMISSION (Agenda Item #4)

David Petersen reported proceedings of the Planning Commission meeting held January 12, 2006. He covered the following items:

- The Planning Commission recommended that the City Council grant final plat approval for Phase 1A of the Rice Valley Estates PUD.
- The Planning Commission granted a special exception to establish two dwellings on one lot located at 77 West 600 North in an OTR zone (the old Irene Olsen property). The applicants will preserve the interior of the old Hector Haight home.
- The Planning Commission will discuss Harv Jeppsen's proposal to create a parcel on the east side of Main Street at a future meeting.

MINUTE MOTION APPROVING BUSINESS OF CONSENT (Agenda Item #7)

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

- 7-1. Ratification of Construction Bond Agreements previously signed by Mayor Harbertson.
- 7-2. Approval of Improvements Escrow Agreement with Kim Dunn related to Deer Hollow Run Subdivision as enclosed.
- 7-3. Authorization to sell surplus Fire Department equipment as requested in Chief Gregory's memo.

David Hale seconded the motion, which passed by unanimous vote.

CONSIDERATION OF PROPOSED CHANGES TO CULINARY WATER SHUT OFF POLICIES DUE TO NON-PAYMENT OF UTILITY BILLS (Agenda Item #8)

According to packet information, City Staff is recommending the following changes be made to the City's water re-connect policy after water has been shut off for non-payment of City utility bills:

- 1. Require delinquent bill payers, who have had their water shut off for non-payment, to pay all past due balances to get their water re-connected or to keep their water from being shut off.
- 2. Allow Public Works Department to initiate one more warning step in the process by hanging a shut-off notice on the door of the residence where the disconnection will occur 24 hours before disconnection.
- 3. Require customers to pay a \$100 reconnect fee for all reconnects except for the first reconnect. The first fee will remain at \$25. Presently customers get three chances in one year before the \$100 penalty is imposed.
- 4. Allow City Staff to develop a catch-up contract allowing customers to pay their past-due delinquencies over a four- to six-month period as an interim measure for those who have gotten behind. After the customers are caught up, all customers will be required to pay all past-due balances to keep their water from being shut off or have it reconnected.

According to memos prepared by Walt Hokanson, representing the Public Works Department, and from Jeanine Nilson, who sends out the monthly utility bills, the following problems are occurring:

1. A substantial number of customers (approximately 200 per month) receive shut-off warning notices. The majority of these customers are repeat offenders month after month.
2. Shutting off water valves increases the risk of extensive repairs to the shut-off valve or service lateral, etc.
3. An undue amount of time is spent by staff in trying to get a few people to pay their bills on a timely basis. City Staff is asking for a stricter policy, almost a zero tolerance policy, in correcting this problem. Current policy enables the continued habit of being delinquent in the payment of utility bills for quite a few customers.
4. Presently property owners are given three warnings before their water is shut off. Under the proposal they will receive a fourth notice. The difference will be that customers who fall in these categories will be required to pay all of their past-due balances, not just one month, to have their water remain on or to have to be reconnected if shut off.

Max Forbush reviewed the issues and possible solutions pertaining to the City's culinary water shut off policies, which were included in the Council Members' packet material.

Rick Dutson asked if it would be appropriate to increase the initial reconnect fee.

Max Forbush said the fee used to be \$10.00 and was recently increased to \$25.00. He suggested that before any change in existing policy takes effect, the City should send a letter to the delinquent residents informing them of any new policy changes.

Sid Young asked if the City made personal contact with the delinquent residents.

Max Forbush said the delinquent residents usually contact the billing clerk. He said it would likely not be beneficial to contact the residents since the majority of them are repeat offenders.

Larry Haugen suggested that the City make sure that residents are not able to put their water bill in another individual's name if they are still living in the home.

Max Forbush said he would verify that residents are not able to put their water bill in another individual's name. He said he would also research what obligation a resident would have in the event they filed for bankruptcy. He said the billing clerk spends a considerable amount of time

handling the delinquent water bills. It would be helpful for the billing clerk to have a standard established by the City Council to give her more guidance and direction.

The City Council conceptually agreed to follow City's Staff's four recommendations pertaining to the City's water re-connect policy and asked the City Manager to formalize the proposals in resolution or ordinance form for future action.

PLAQUE PRESENTATION TO CINDY ROYBAL - MAYOR HARBERTSON (Agenda Item #3)

[Mayor Harbertson arrived at 7:30 P.M.]

Mayor Harbertson presented Cindy Roybal with a plaque to show the City's appreciation for her four years of service on the Farmington City Planning Commission. Ms. Roybal also served as the Vice-Chairperson for the years 2004 and 2005.

PUBLIC HEARING: CONSIDERATION OF ORDINANCE ADDING PUD DESIGNATION TO COMMERCIAL ZONED PROPERTY LOCATED WEST OF U.S. 89, EAST OF SHEPARD CREEK PARKWAY AND SOUTH OF SHEPARD LANE/CONSIDERATION OF PRELIMINARY DEVELOPMENT PLAN APPROVAL FOR DEVELOPMENT RELATED THERETO - GARBETT HOMES (Agenda Item #5)

David Petersen displayed a Vicinity Map and a Master Plan for the development. The Planning Commission held a public hearing on December 8, 2005. A meeting was also held to discuss the development on December 19, 2005, where they recommended that the City Council add the "PUD" suffix to the underlying zone and approve the Preliminary (PUD) Master Plan for the south and north phases of the proposed Farmington Crossing PUD. He reviewed the conditions that were set by the Planning Commission.

Public Hearing

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

Noel Balstaedt (Garbett Homes) said they received an offer on the commercial property that is located on the corner of Shepard Lane. As part of the overall commercial plan, Maverik plans to trade land with Garbett Homes so they can relocate their store. He said Garbett Homes has met the City's requirements and will continue to do so.

Randy Klein (1713 Sweetwater Lane) said his comments pertained to Application #S-28-05 and Application #S-30-05. He read a letter which he submitted to the Council Members. He said if the City Council approves either of the Garbett Homes proposals, he would like a condition that

the existing development agreement be modified to include a non-paved trail or a side-by-side trail arrangement, and no portion of the trail segment should be constructed without a minimum of a 4-foot width of soil or road base.

Cindy Roybal acknowledged Garbett Homes for meeting all of the Planning Commission's requests. She asked that the City Council approve the PUD designation and the Preliminary Development Plan. She said she would prefer that the trail be constructed of asphalt. She said it would be prudent to make concessions to the density of the development because of the gracious land donation that Garbett Homes made to the LDS Church.

Mark Elgren (LDS Stake President) said he had a vested interest in the project since there is limited space in the area to locate an L.D.S. stake center. The church needs the property so the donation is a "marvelous gesture".

Public Hearing Closed

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

Max Forbush said there is an existing Development Agreement that addresses the size of the trails but he is not opposed to re-evaluating the agreement. He said the City does not have the right to place additional requirements on Garbett Homes. It would be up to the developer to determine if they are willing to consider amendments to the Agreement.

Rick Dutson suggested that the Trails Committee discuss the trail proposal with the developer.

Max Forbush said the public works director should also be included in the discussions since Country trucks access the trails. He also suggested attendance by Davis County Public Works, David Petersen and himself. He said the developer should not be burdened with any additional costs.

Noel Balstaedt said he would discuss the trail options with his landscape architect.

In response to a comment by **David Hale**, **Noel Balstaedt** said the exterior color of the homes had changed so the first two buildings will be repainted in the near future.

Larry Haugen asked if commercial uses would be allowed in the homes since the development is located in the "C" zone.

Noel Balstaedt said their CC&R's would not allow certain commercial uses but he was comfortable with the City creating an overlay zone which would limit certain uses.

David Petersen said the Planning Commission could limit commercial use if the developer receives a conditional use permit.

Rick Dutson said he appreciated Garbett Homes for being flexible through the process. He recognized that the developer preserved the northern end of the development for commercial development, as per the request of the City.

David Petersen said Paul Hirst will have findings from the global drainage study in approximately two weeks. He said the water from the Garbett Homes development will be detained on-site or will be directed to an appropriate detention basin. He recommended that the motion include a condition stating that the drainage plan must be reviewed by Paul Hirst.

Motion

Sid Young moved that the City Council approve ORDINANCE NO. 2006 -06, AN ORDINANCE AMENDING THE ZONING MAP TO SHOW A CHANGE OF ZONE FOR THE “FARMINGTON CROSSING SOUTH” DEVELOPMENT ON PROPERTY LOCATED SOUTH OF SHEPARD LANE, WEST OF U.S. HIGHWAY 89, AND NORTH OF I-15 FROM C TO C (PUD). **Rick Dutson** seconded the motion, which passed by unanimous vote.

Motion

Sid Young moved that the City Council approve the Preliminary (PUD) Master Plan for the south phase of the proposed Farmington Crossing PUD subject to the following conditions;

1. Granting of the PUD suffix and approving the Preliminary (PUD) Master Plan shall not occur until:
 - a. The applicant and Davis County finalize their evaluation and provide the necessary storm water run off and storm water detention solutions for this project which are also acceptable to the City. As part of this evaluation, the applicant must demonstrate that the channelization of Shepard Creek and all other off-site storm water flows entering the project area create no detriment to property adjacent to the proposed planned unit development, this includes but is not limited to the applicant (or the County) obtaining necessary stream alteration permits from the State. After the applicant completes the evaluation, finalizes the information, and receives a recommendation prepared by the City Engineer, the applicant is responsible for notifying the City’s Planning Department when the application is ready to go to the City Council.
 - b. The applicant obtains preliminary plat approval for the respective phase of the Farmington Crossing project ready for City Council consideration.

2. Any approval of the development is subject to the Development Agreement between Farmington City and PBA dated October, 1996, and all other agreements related thereto.
3. All final improvement drawings for the project, including, among other things, a grading and drainage plan, a SWPPP (Storm Water Pollution Prevention Plan), and an address and street numbering system plan, must be reviewed and approved by the City Engineer, Public Works Department, Fire Department, Planning Department, Davis County Flood Control, Central Davis Sewer District, and Weber Basin Water Conservancy District.
4. Due to the proximity of Shepard Creek to the project, the applicant must obtain a flood control permit from Davis County Flood Control.
5. The applicant must receive preliminary plat approval prior to or concurrent with approval of the Final (PUD) Master Plan.
6. It is contemplated that the development will proceed on a phased basis. The developer must show these phases on the Preliminary (PUD) Master Plan. The lotting in the proposed phases must address various issues including but not limited to access, drainage, and trail issues.
7. A schedule indicating the approximate date when construction of the planned unit development will begin should be part of the information accompanying the Preliminary (PUD) Master Plan.
8. The Preliminary (PUD) Master Plan must show a tabulation of the following: total number by type of dwelling units; total acreage of the site and the percentages that are to be designated for various uses, i.e., parking, open space, streets, residential, etc.; growth and net dwelling unit densities; and an estimate of the project population.
9. The applicant should show a landscaping plan indicating the treatment of materials used for private and common open space.
10. Development of the site proposed for a church building and parcels reserved for non-residential uses adjacent to Shepard Lane shall be considered by the City under separate conditional use and/or site plan applications.
11. The drainage plan for the area must be reviewed and approved by the City's Engineer, Paul Hirst.
12. The applicant must acquire all appropriate permits from State, Federal and local agencies.

13. The Planning Commission shall include commercial overlay as part of the conditional use permit.

Rick Dutson seconded the motion, which passed by unanimous vote.

Motion

Rick Dutson moved that the City Council approve ORDINANCE NO. 2006-07, AN ORDINANCE AMENDING THE ZONING MAP TO SHOW A CHANGE OF ZONE FOR THE “FARMINGTON CROSSING NORTH” DEVELOPMENT ON PROPERTY LOCATED SOUTH OF SHEPARD LANE, WEST OF U.S. HIGHWAY 89, AND EAST OF THE SHEPARD CREEK PARKWAY FROM C TO C (PUD). **David Hale** seconded the motion, which passed by unanimous vote.

Motion

Rick Dutson moved that the City Council approve the Preliminary (PUD) Master Plan for the north phase of the proposed Farmington Crossing PUD subject to the following conditions;

1. Granting of the PUD suffix and approving the Preliminary (PUD) Master Plan shall not occur until:
 - a. The applicant and Davis County finalize their evaluation and provide the necessary storm water run off and storm water detention solutions for this project which are also acceptable to the City. As part of this evaluation, the applicant must demonstrate that the channelization of Shepard Creek and all other off-site storm water flows entering the project area create no detriment to property adjacent to the proposed planned unit development, this includes but is not limited to the applicant (or the County) obtaining necessary stream alteration permits from the State. After the applicant completes the evaluation, finalizes the information, and receives a recommendation prepared by the City Engineer, the applicant is responsible for notifying the City’s Planning Department when the application is ready to go to the City Council.
 - b. The applicant obtains preliminary plat approval for the respective phase of the Farmington Crossing project ready for City Council consideration.
2. Any approval of the development is subject to the Development Agreement between Farmington City and PBA dated October, 1996, and all other agreements related thereto.
3. All final improvement drawings for the project, including, among other things, a grading and drainage plan, a SWPPP (Storm Water Pollution Prevention Plan), and

an address and street numbering system plan, must be reviewed and approved by the City Engineer, Public Works Department, Fire Department, Planning Department, Davis County Flood Control, Central Davis Sewer District, and Weber Basin Water Conservancy District.

4. Due to the proximity of Shepard Creek to the project, the applicant must obtain a flood control permit from Davis County Flood Control.

5. The applicant must receive preliminary plat approval prior to or concurrent with approval of the Final (PUD) Master Plan.

6. It is contemplated that the development will proceed on a phased basis. The developer must show these phases on the Preliminary (PUD) Master Plan. The lotting in the proposed phases must address various issues including but not limited to access, drainage, and trail issues.

7. A schedule indicating the approximate date when construction of the planned unit development will begin should be part of the information accompanying the Preliminary (PUD) Master Plan.

8. The Preliminary (PUD) Master Plan must show a tabulation of the following: total number by type of dwelling units; total acreage of the site and the percentages that are to be designated for various uses, i.e., parking, open space, streets, residential, etc.; growth and net dwelling unit densities; and an estimate of the project population.

9. The applicant should show a landscaping plan indicating the treatment of materials used for private and common open space.

10. Development of the site proposed for a church building and parcels reserved for non-residential uses adjacent to Shepard Lane shall be considered by the City under separate conditional use and/or site plan applications.

11. The drainage plan for the area must be reviewed and approved by the City's Engineer, Paul Hirst.

12. The applicant must acquire all appropriate permits from State, Federal and local agencies.

13. The Planning Commission shall include an overlay as part of the commercial use permit.

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

REQUEST FOR FINAL PLAT APPROVAL FOR SILVERWOOD, PHASE II SUBDIVISION AND RELATED DEVELOPMENT AGREEMENT (Agenda Item #6)

David Petersen reviewed the recommendation of the Planning Commission and said the developer had met most of the conditions. The sewer will be placed in the street so the sewer easement will be eliminated. He said approval was given by all of the reviewing agencies. He reviewed condition #6. The developer would like to preserve the existing trees so he submitted a proposal to relocate the trail, which was acceptable to the City. A trail easement has not yet been signed.

David Hale said Rick Wyss owns the property adjacent to the Ivory development. Ivory Homes committed to meet the requests of Mr. Wyss. **David Hale** suggested that the agreement between Ivory Homes and Rick Wyss be included in the Development Agreement.

David Petersen said Ivory Homes committed to provide a fence between the properties and to stub a lateral to the Wyss property from June Drive. Mr. Wyss would then be responsible to pay an Ivory contractor to extend the lateral.

Frank Ivory (6631 Juliette Way, Cottonwood Heights) said an easement would travel through Lot 206 and would be rerouted when it reached the road. The lots would accommodate the their home designs. He said a CRS representative recommended that 5' be added to the 10' public utility easement to accommodate for the slope. The City Engineer's office, after consulting with Public Works, informed Mr. Ivory that 10' would be sufficient. The trail easement would be signed by the end of the week. He asked that the following changes be made to the Development Agreement:

- Change IVORY HOMES, LTD. to IVORY DEVELOPMENT, LLC.
- Paragraph 4.c.i. should refer to "conservation land" rather than "open space"

David Hale asked if Mr. Jeppson planned to build in conjunction with the Ivory Homes development.

Frank Ivory said he thought Mr. Jeppson would use one of the lots for his home. He said he would ask Mr. Jeppson if he would agree to a 24 month time limit to build on the lots. **Mr. Ivory** asked that the following text from paragraph 4.f.i. be stricken since the area is considered uplands:

"The Developer must receive (and submit to the City), if necessary, written verification from the U.S. Army Corp of Engineers identifying any wetlands existing on the Property and that the installation of the 8" culinary water line by the Developer complies with all rules and regulations of the Corp.

David Hale asked that the two Blue Spruce trees be preserved when the road work is done.

Frank Ivory said if it is physically possible, he would have his contractors preserve the trees. He said the pipe should run along the west side of the lane. He referred to paragraph 4f.i. and said the text should read “*no less than 10 feet in width*” since it was approved by the City Engineer.

David Petersen said **Brian Carlson** from the Public Works Department said the easement needed to be 15’.

The City Council discussed the easement and agreed that if the setbacks allow for construction capability, they will accept the size of the easement.

Motion

David Hale moved that the City Council approve the Silverwood, Phase II, Subdivision subject to the following conditions:

1. The developer shall comply with all conditions of preliminary plat approval:
 - a. Lots 7 and 8, if developed as conservancy lots, must address all requirements in the Farmington City Zoning Ordinance.
 - b. A Sensitive Area Designation Plan will be provided as required in Farmington City Zoning Ordinance 11-12-080.
 - c. A petition to vacate lot 25 of the Oakridge Farms Subdivision is submitted prior to final plat approval.
 - d. A soils report is provided before final plat approval.
 - e. A grading plan is provided showing details of structures (berms, swales, etc.) that will be required for individual lots to provide necessary drainage to streets or approved collection areas.
 - f. Drainage easements where flow is identified across adjacent lots are labeled and clearly marked to distinguish them from utility easements.
 - g. A complete storm water pollution prevention plan (SWPPP) containing all information required by the State is submitted before construction begins.
 - h. The developer provides a list of comments from the City of Kaysville. If there are no comments, they should have a letter from the City stating the same.

- i. The transition from Farmington to Kaysville streets shall meet the approval of the Farmington City Engineer.
 - j. All engineering comments submitted by the City Engineer on July 19, 2005, will be incorporated into the subdivision design.
 - k. The underdrain should not connect into the Kaysville underdrain system as shown.
 - l. Provide the house plan that will fit on lot 12.
2. Developer shall loop a culinary water later to 1670 West as shown on the final improvement drawings. The line must be in place and fully operational to the satisfaction of the City prior to the issuance of any building permits in the subdivision. In addition to the easement shown on the final plat, the property owner must grant and record a written easement acceptable to the City concurrently with the recordation of the final plat for the culinary water line. Presently, the easement for the culinary water line only 10 feet in width as shown on the proposed final plat. The Public Works Department may require a wider easement for said water line on the plat and as part of the written document.
 3. The property owner must enter into a development agreement with the City to address, among other things, issues regarding the placement and installation of the culinary water line.
 4. All public improvements for the development, including the culinary water line, grading and drainage plan, and a SWPPP, must be reviewed and approved by the City Engineer, Planning Department, Public Works Department, Fire Department, CDS, and FAPID.
 5. Developer must update the final plat mylar as directed by City Staff.
 6. In the event a trail easement is not obtained on Lots 7 and 8 of Silverwood Phase 1, the developer shall provide an additional easement on Lot 208, the width and location of which shall be acceptable to the City. Said easement shall connect to the easement already recorded with the Silverwood Phase II final plat.

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

Motion

Frank Ivory (Developer) was asked if he had any objection to including the Wyss agreement into the development agreement. He said that he did not, he further stated that he thought it would be a good idea, doing his additional work.

David Hale moved that the City Council approve the Development Agreement for the Silverwood Subdivision, Phase II with the following changes:

1. Page 1: The applicant is Ivory Development LLC.
2. Page 3: Paragraph 4.c.i. shall refer to “conservation land’ rather than “open space”.
3. Page 4: Paragraph 4f.i., 2nd paragraph: Eliminate the sentence: “*The Developer must receive (and submit to the City), if necessary, written verification from the U.S. Army Corp of Engineers identifying any wetlands existing on the Property and that the installation of the 8" culinary water line by the Developer complies with all rules and regulations of the Corp.*
4. Page 4: City Staff may change the size of the easement.
5. Page 4: Paragraph 4k.(iv) shall be added:

Other Considerations: The developer agrees to the following property agreement with Richard and Arlene Wyss:

1. The developer shall provide a fence to separate the Ivory Homes property and the Wyss property. The fence shall meet the specifications of the Wyss family.
2. The developer will stub all utilities to the property line.
3. The applicant will allow his subcontractors to price construction costs for the Wyss property.

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

ENVIRONMENTAL CONSULTING PROPOSAL WITH HORROCKS ENGINEERS - MAX FORBUSH (Agenda Item #9)

Max Forbush said the City received tentative approval to build the road to the commuter rail station using a Federal Transportation Grant. He asked for the City Council’s approval to hire Horrocks Engineers to do the environmental work which will cost approximately \$50,000, so long as the project’s environmental classification is a categorical exclusion. The City Council should first hold a public hearing to amend the budget, then consider a formal engineering agreement. The environmental work will take five months to complete.

Max Forbush reported that eventually the \$50,000 would be reimbursed to the City from tax increment. After the public hearing is held, a vote will be taken as to whether the City Council will approve the formal agreement with Horrocks Engineers.

Motion

Larry Haugen moved that the City Council authorize the City Manager to proceed with having Horrocks Engineers prepare an environmental study agreement and to schedule a public hearing to amend the City's budget. **Paula Alder** seconded the motion, which passed by unanimous vote.

TRAILS COMMITTEE SUGGESTIONS FOR CITY TRAILS - MAX FORBUSH (Agenda Item #10)

The City Council agreed to allow members of the Farmington Trails Committee, the Planning Commission, and the Public Works to meet to review the Trails Master Plan to determine which trails should be paved. The Parks and Recreation Capital Facilities Plan would then likely be amended to include the paved trails.

LEGACY HIGHWAY MEETINGS - MAYOR HARBERTSON (Agenda Item #11)

Mayor Harbertson reported on the meeting he attended with **Max Forbush, David Petersen, and Paul Hirst** regarding the alignment and tentative designs of Legacy Highway trail improvements. He said the Legacy Highway team focused on Farmington trails from Lund Lane to Park Lane. There will be trail heads located at 250 South and at Glover Lane. The team also discussed the possibility of providing equestrian parking. UDOT has property on 250 South that they would consider utilizing so the trails would "flow" with Legacy Highway. UDOT would design and build the trails along the corridor and would likely fund a trailhead facility at 250 South but would not maintain this property after it is complete. UDOT also plans to complete the cul-de-sac at 250 South. He said the Legacy trails and Farmington City trails would connect.

Max Forbush illustrated the location of the proposed property.

David Hale said the Farmington Trails Committee and equestrian users should be involved in the design process.

Rick Dutson said the area near Highway 89 and Park Lane needs to be landscaped and wondered what was planned for the area.

Max Forbush said he would discuss his questions regarding this area with the Legacy team since it should be part of the Legacy landscaping plan.

Scott Harbertson said **Dave Petersen** will contact the school district and developers who plan to build near the trail corridor to ensure that the area "flows" properly.

REVIEW AGENDA FOR CITY COUNCIL RETREAT (Agenda Item #12)

The City Council reviewed the Agenda for the Farmington City Council Retreat. They agreed to the proposed schedule.

GLENN MAUGHAN ZONING ENFORCEMENT ISSUE (Agenda Item #13)

According to packet information, **David Petersen** has been approached by a number of citizens in the area for the City to start enforcing its zoning ordinance against Glenn Maughan. Max Forbush said that due to the fact that it will take a considerable amount of staff time to process the development requests, he wondered if it might not be better that the issue be delayed for a few months.

David Petersen said there are abandoned/unregistered vehicles on the property. City Staff is prepared to focus on the effort but the support of the City Council is needed since legal action may be necessary.

Max Forbush said the last time the City interacted with Mr. Maughan, the matter went to court. He said the City Council may wish to consider enforcement as a whole and not just the matter at hand.

The City Council agreed to drive by the property prior to the City Council Retreat so the matter could be discussed with the City Attorney.

MISCELLANEOUS

Utah League of Cities and Towns - Voluntary Return of Windfall Funds/Energy Sales Tax from Questar Gas Company

Max Forbush referred to the letter that the City received from the Utah League of Cities and Towns. It suggested that each City look at the feasibility of returning any windfall revenues from Questar Gas since their rates have increased nearly 40%. He reviewed the actual numbers and said the City should not be penalized for natural growth. Keith Johnson did a rough estimate on additional revenues. A windfall of \$75,000 for the year could occur, but Keith warned these figures are not based on actual amounts received since gas prices increased.

Sid Young said Questar Gas may not be equipped to credit back to individual cities. He suggested that the City combine efforts with the League in order to reduce the cap. It was agreed that this topic needs more study before taking any action.

Special City Council Meeting

Scott Harbertson asked who would be attending the Special City Council Meeting on January 25, 2006, pertaining to the Gardner-Gust development and pending zoning decisions. He said he invited a representative from the landowners and a representative from Somerset to attend the meeting.

Max Forbush said an EDCU representative, Todd Godfrey, Horrocks Engineers, and Gardner/Gust traffic engineers would all be at the meeting. Cory Pope and a school district representative were also invited.

The City Council agreed that the meeting agenda should include possible City Council action for rezoning the property and considering preliminary development plan approval. They would then have the option to make a decision or to consider the matter at a future meeting.

Sharon Treu asked that City Staff make it clear that the meeting will not be a public hearing.

EDCU Marketing

Past discussions have been held about hiring an “economic development consultant” to help market development opportunities in the City’s non-residential areas.

The City Council agreed to be trained by EDCU to “sell the City” rather than hiring an economic development individual to market Farmington.

Town Hall Meeting

Rick Dutson gave a brief overview of the Town Hall meeting that was held with **Mayor Harbertson**. He said it was a productive meeting in a casual environment.

RDA

Max Forbush said an RDA meeting would be held the first week in February. A Vice-Chair needs to be elected and formalized at the RDA meeting.

Public Hearing Format

Mayor Harbertson said he thought public hearing sign ups should be done prior to the end of the public hearing. If the applicant is present, it should be protocol for them to have the “last word”. He asked that City Staff seek the advice of the City Attorney regarding the matter.

Benchland Irrigation District (FAPID)

David Hale submitted a letter to FAPID asking that he be withdrawn as a candidate, since the FAPID Board had raised concerns about his candidacy. FAPID replied to his letter asking him

to reconsider his decision to serve on the FAPID Board. Mr. Hale has since taken the oath and feels it will benefit the City to have a Farmington representative.

Professional Service Contracts

Sid Young said he did not recall the conversation about changing the professional service contracts for auditing, engineering and legal services. He felt the contract and execution of service should be evaluated, but not necessarily changed.

Larry Haugen said it could work to the City's disadvantage if the service provider decided to increase their cost to the City.

Sid Young asked if the service providers had entered into contracts with the City.

Max Forbush said the auditors have a contractual engagement letter. The City attorneys signed an agreement several years ago. The engineering services for CDBG services were reviewed last year. He felt it would be unwise to change their engineering services during the City's busy growth period. He said he would prepare a list of evaluation questions for the City Council to review. Members of the governing body could then periodically evaluate the service providers.

Fire Break Road

Sid Young said progress was being made regarding the Fire Break Road. He asked if it would be appropriate for him to attend the Farmington Trails Committee meeting prior to the City Council Retreat.

Mayor Harbertson said it would be beneficial for **Sid Young** to attend the Trails Committee meeting.

Service Provider Conflicts

Rick Dutson said if a developer is using a certain service provider, that provider should not be used by the City for that particular project.

Museum Improvements

Larry Haugen said the Museum Committee was making progress and the museum should be put back together within a month.

ADJOURNMENT

David Hale moved that the meeting adjourn at 10:05 P.M.

Margy Lomax, City Recorder
Farmington City