

FARMINGTON CITY COUNCIL MEETING

Tuesday, February 6, 2007

CITY COUNCIL 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 5:30 P.M. The following items were reviewed:

Reading of Previous Minutes

The City Council reviewed the minutes of the City Council meeting that was held January 16, 2007.

Agenda Item #4: Public Hearing: Consideration of Ordinance rezoning approximately 10 acres of property located at 48 West 600 North from OTR and A-F to LR-F (Z-14-06) and Schematic Plan Approval - Brady Hall

Larry Haugen referred to the following condition that was recommended by the Planning Commission on January 11, 2007:

8. *In the event the old adobe home is demolished, the property shall be used as open space and shall not become a building lot.*

Larry Haugen questioned whether the property owner would be required to preserve the footprint of the remnant lot or if he would be required to preserve the footprint of the old home. He stated that the Hansens are participating in the land swap so they will have the ability to add on to their existing home. He expressed concern that the Planning Commission motion may prevent the Hansens from being able to add on to their existing home.

David Petersen stated that it was the Planning Commission's intent to prevent an additional structure from being constructed on the property. If the Hansens were to add on to their home, it would not be considered an additional dwelling. The developers did not include the Hansen property on their yield plan. The Planning Commission recommended that the entry to the development be as attractive as the rest of the development. The City Council may wish to recommend that the Hansens provide an attractive entrance. He said the City is not required to vacate a portion of their right-of-way.

The City Council discussed the issue and agreed that the current or future property owner should provide an attractive entrance to the development.

David Petersen said he was informed by the developer that they plan to provide attractive landscaping on both sides of the street.

Mayor Harbertson suggested that the City Council only approve the rezone request if the schematic plan is approved.

In response to a question from **Rick Dutson**, **David Petersen** stated that the Planning Commission recommended the following condition, which will ensure that the applicant proceeds with the schematic plan that is presented to the Council:

2. *The LR-F zone designation shall revert back to the original zone designation if the applicant is unable to obtain preliminary plat approval within 12 months of the zone change.*

Larry Haugen stated that he will no longer be willing to sell his property to this developer if they have not received City approval by May, 2007.

David Hale stated that he has been told by many residents that they would prefer that the Haugen garage remain in it's current location than to relocate to another area within the City. He recommended that Mr. Haugen's business include a repair shop but that the other aspects of the business (salvaged/used cars) be located outside of the City limits. If the Haugen family could assure the residents that they do not plan to relocate within the City, it would alleviate a concern that is shared by many residents.

Larry Haugen stated that the City does not have the right to tell a business owner that they can not relocate their business to an area that is zoned appropriately for the use.

David Hale stated that if **Mr. Haugen** plans to relocate his garage within the City limits, he will not likely be in favor of moving the garage from its current location.

David Petersen stated that the property owners who are involved in land swaps with the developers signed affidavits agreeing to the initial application to rezone the property to R-2. The City Attorney recommends that the City obtain new affidavits for the current application. The City has only received them from two of the four property owners. The Council may not have the ability to act on the application until the City has received all of the affidavits.

Larry Haugen suggested that the Council approve the application subject to the two property owners providing affidavits to the City.

Agenda Item #5: Public Hearing; Consideration of Request for PUD Designation on Property presently zoned LR and R-4 located west of I-15, north of Burke Lane, south of Shepard Lane and east of the UTA railroad right-of-way/Consideration of Preliminary PUD Master Plan

Approval including rezoning portions of property from LR to R-4 and from R-4 to LR for a development related thereto (S-7-06) - Woodside Homes

Mayor Harbertson reviewed the conditions that were recommended by the Planning Commission. Before Woodside Homes can receive the PUD designation on the property, the City needs to transfer their seven acre property to UDOT, who will then transfer the property to Woodside Homes. He said the Planning Commission's motion included a condition which states that the applicant agrees to work with UDOT and the City to create a plan to beautify and maintain the property that UDOT will be purchasing from the applicant.

David Petersen stated that the condition regarding the maintenance of the UDOT property was not recommended by City staff but the Planning Commission was hopeful that an agreement could be made between the City, the applicant and UDOT.

David Hale stated that it is in the best interest of the City and the developer for the property to be maintained but it is not in UDOT's best interest to create a park-like setting. He stated that even if a park is not constructed on the property, he would prefer that it be landscaped with grass.

Max Forbush stated that if an agreement were reached between the three parties to construct a park, the funding would have to come from the City's capital facilities park project. It would not be considered a long-term improvement.

The City Council reviewed and discussed "Table 1: Traffic Summary Analysis - 2031" which was conducted by the applicant's traffic engineer and was included in the City Council packet.

Thane Smith explained that if the development were built today, the Level of Service would be an "E" in one location only, but it could be remedied if a four-way stop were added to the intersection. The intersection in question is Shepard Lane and 2000 West.

David Petersen reported that after meeting with the applicant's traffic engineer, the Planning Commission was satisfied with the traffic conditions since all of the intersections around the development were found to be acceptable. The worst intersection near the development is located in Kaysville City. The City's traffic engineers were accepting of the data that was included in the study.

Max Forbush stated that a traffic signal will be added to the 1075 West Shepard intersection when it is warranted.

The applicant provided the Council with a complete copy of the traffic study which included the findings for Shepard Lane.

David Hale expressed concern that the roads in the area will not be complete prior to occupancy occurring at the Woodside Homes development.

Max Forbush said the City Planner recommends that the Council not grant the PUD designation until the future UDOT transportation corridor traversing the project is secured which will involve a 3-way property exchange between UDOT, Woodside and the City.

David Petersen explained that when the City enters into Improvement Agreements with the property owners to the west, the issues regarding the railroad closures will be addressed. The City will enter into a separate Improvement Agreement for Hunter's Creek, Spring Creek and The Cottages at Station Park.

Sid Young asked if the developer's traffic engineer studied Shepard Lane.

Thane Smith said the traffic engineer studied the capacity of Shepard Lane, as well as the Shepard Lane/ intersection. Shepard Lane has a Level of Service "C" or above.

Agenda Item #6: Public Hearing: Consideration of Request for a Zone Change on approximately 2.3 acres located on southwest corner of 200 South/200 East from A and R-4 to R-4 PUD (Z-1-07)/Consideration of Amendment #1 to the Steed Place Development Agreement - Todd Bradford

Mayor Harbertson referred to page 3 of the January 25, 2007 Planning Commission Staff Report. The "Possible Motion" includes a condition which states that ten percent of the site shall consist of common area as set forth in the City Ordinance. The new site plan which submitted by the applicant does not appear to include adequate common area.

Max Forbush stated that the applicant plans to include the front yards of the homes as part of their common area requirement.

In response to a question from **David Hale, David Petersen** stated that a common area is an area that is held in common by all of the owners. If the property were developed with multi-family housing, the common area would increase. The Planning Commission prefers that the property be developed with single family homes but it will be difficult for the developer to provide adequate common space. He reported that the developer will provide elevations for the narrow lots that are located within the development.

David Hale suggested that the developer adjust the lot line in order to provide additional open space.

David Petersen suggested that a flag lot be created which would provide open space near the creek.

The City Council agreed to further discuss the issue with the developer since there appears to be opportunity for the developer to provide additional open space.

Agenda Item #7 - Public Hearing: Consideration of minor plat approval for a two-lot subdivision consisting of 6.74 acres located at 235 South 200 East in an R-2 Zone (S-21-06) - Garff Cannon

Mayor Harbertson reported that the applicant is requesting minor plat approval for a two-lot subdivision which will eliminate a curb cut on 200 East. City staff recommends that the Council approve the applicant's request.

Agenda Item #9: Request for Final Plat Approval, Hunter's Creek, Phase IV Subdivision - Woodside Homes

Mayor Harbertson stated that City staff recommends that the Council grant approval of the applicant's request subject to the Improvement Agreement being signed by the applicant within a 30 day period.

Agenda Item #10: Consideration of Spring Creek Development Agreement - Howard Kent

Mayor Harbertson stated that the Agreement was reviewed and approved by the City Attorney. City staff recommends that the Council grant approval subject to the applicant signing the Improvement Agreement within 30 days. A question arose with regards to a strip of land adjacent to the development (north side) and across the street from Larry and Lynette Elliott on 900 North Street.

Max Forbush stated that the City will maintain the open space since it is located adjacent to the future Legacy North Corridor and will one day be a part of a widened street. Mr. Forbush reported that it is wise to accept maintenance responsibility in exchange for securing right of way.

Agenda Item #11: Request for Final Plat Approval for Rice Farms, Phase III, Subdivision - Jerry Preston

Mayor Harbertson stated that City staff recommends that the Council grant final plat approval for Rice Farms, Phase III, Subdivision. The City Attorney also recommends that the Council grant approval but withhold plat recordation until the applicant makes his advertising sign conform with the City's ordinances.

Agenda Item #12: Request to Move Street Location in Miller Meadows Subdivision - Ron Rigby

Mayor Harbertson explained the applicant's request to move the street location in the Miller Meadows subdivision which would allow his brother to have a larger lot. He referred to the memo to the Council dated February 2, 2007, from **David Petersen** which included the following condition of approval which was established by the Planning Commission on November 11, 2004:

Due to the number of lots proposed by the applicant, the open space requirement for the Miller Meadows subdivision shall be no less than 16.2837 acres. All proposed conservancy lots shall be at least 4 acres in size as set forth in Section 11-12-110(b) of the Zoning Ordinance. Any significant new lot configuration as determined by the City Planning Department must be presented to the Planning Commission for approval.

Mayor Harbertson stated that the Rigby family already received approval to decrease the size of the conservancy lot in Phase II from 4 acres to 3.37 acres. Now they are requesting to shift the road in Phase V further to the south thereby reducing the size of the conservancy lot associated with this phase from 4.03 acres to 3.72 acres. If the Council grants the applicant's request to relocate the street, they may wish to require the applicant to provide 16.2837 acres of open space and meet the open space requirement for Phase 2 of the subdivision, and reach an agreement with the City regarding how the home is located on the lot.

David Petersen said the City could compromise with the applicant by deeming the entire lot a conservation lot. The single family home would be a permitted use. He stated that if the Council deems the relocation of the street a significant change, the request must be heard by the Planning Commission.

The City Council discussed the request and agreed that it is not a significant change to the subdivision. They agreed that the home should be located on the lot as if it is part of the subdivision.

David Petersen suggested that certain members of the Council meet with the Rigby family and participate in a conference call with the City Attorney. The request could also be assigned to the Resolutions Committee.

Agenda Item #13: Proposal for Installation of Underground Fiber and/or Electrical Conduit in or Near Portions of State Street and Clark Lane and Adjacent Connecting Streets - Max Forbush

Max Forbush passed out a copy of the "Proposal" for installation of underground fiber conduit and/or electrical conduit in or near portions of State Street and Clark Lane and adjacent connecting streets. The total cost to the City would be \$63,353.25. In the event the City shops are relocated, the City could recover the costs of the conduits by renting the same. In his opinion, the costs are fair. If the Council authorizes the extensions, the City budget will need to be amended to include the estimated costs.

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. **Mayor Harbertson** offered the invocation. The Pledge of Allegiance was led by **David Hale**.

APPROVAL OF MINUTES OF PREVIOUS MEETING

Rick Dutson moved to approve the minutes of the January 16, 2007, City Council Meeting. **David Hale** seconded the motion with changes as noted. The voting was unanimous in the affirmative.

REPORT OF PLANNING COMMISSION (Agenda Item #3)

Kevin Poff reported proceedings of the Planning Commission meeting held January 25, 2007. He covered the following items:

- The Planning Commission recommended final plat approval for Phase 3 of the Rice Farms Estates PUD consisting of 16 lots on about 4.1 acres located at approximately 750 South Frontage Road in an LR (PUD) zone.
- The Planning Commission recommended minor plat approval for a two-lot subdivision consisting of 6.74 acres located at 235 South 200 East in an R-2 zone.
- The Planning Commission recommended to rezone property located at the southwest corner of 200 South and 200 East from A and R-4 to R-4(PUD), and Preliminary (PUD) Master Plan, Final (PUD) Master Plan and final plat approval for a 14 lot PUD related thereto.
- The Planning Commission recommended a zone change on approximately 10 acres of property located west of 1525 West and north of Phase III of the Farmington Ranches Subdivision from A to AE, and schematic plan approval for a subdivision related thereto.
- The Planning Commission recommended that the Council consider text changes to the Zoning Ordinance regarding Alternative members for the Planning Commission and the Board of Adjustment.

[**Larry Haugen** excused himself from the rostrum and did not participate in the discussion of Agenda Item #4.]

PUBLIC HEARING: CONSIDERATION OF ORDINANCE REZONING APPROXIMATELY 10 ACRES OF PROPERTY LOCATED AT 48 WEST 600 NORTH

FROM OTR AND A-F TO LR-F (Z-14-06) AND SCHEMATIC PLAN APPROVAL - BRADY HALL (Agenda Item #4)

David Petersen displayed an overhead of a Vicinity Map and pointed out where the property is located. He also displayed a schematic plan. The developer is proposing that four single-family homes be located on 200 East. He also displayed an overhead of a table (which was included in the City Council packet) which outlines the six issues that were identified in the Planning Commission staff report. The developer is proposing that all of the old homes on the property be demolished. He recommended that the developer create single family homes on Main Street in order to justify the demolition of the old home and in order to prevent a precedent from being set for other undeveloped properties in the area. The Planning Commission conceptually approved the schematic plan concept but they were unwilling to establish findings until they have received additional information.

Mr. Petersen explained that the stub road could provide a local crossing across Farmington Creek in the future. It is in the City's best interest to provide a local street to provide an alternate route across Farmington Creek and to provide fire protection. Although the current property owners are not willing to allow the road, it may be possible in the future.

Public Hearing

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

Terry Dreu (99 Cove Lane, Layton) said their current proposal has improved as a result of the input given by the City and its residents. He displayed a slide presentation which demonstrates that this development maintains the historic character of the OTR zone; increases open space compared to a traditional development; is sensitive to existing historic features; removes community health risk; ensures long-term care and maintenance through the PUD; is a fully conforming use; and will provide a dramatic visual improvement to the area. The development will include a HOA, an architectural committee, and CC&R's that restrict the units from being rented except in the case of long-term leases or leases with family members.

David Petersen stated that he had not received affidavits from two of the property owners who are involved in the land swaps agreeing to the rezoning request.

Joel Anderson (57 West 600 North) said the project meets the current PUD requirements of the City. The PUD will offer continual control over the development. He expressed appreciation to the Council for considering the senior citizens who are interested in this project which is cost effective for residents who are on fixed-incomes. He believes there will be a high demand for this type of project.

Tom Owens (Old Mill) said the current proposal has improved but the density does not conform with the City's plan and is contrary to the input that was given at the Visioning Committee meetings. The twin homes will not be masked by the single family homes. It will change the image of the City's downtown area. He submitted a petition which included the names of 30 residents from the southern end of old town Farmington who oppose this project.

Jim Taylor (83 East 600 North) submitted a petition which included the names of 47 residents who oppose this project. Ninety-eight of the 100 residents who signed the original petition still oppose the project. He expressed concern that the project will set a precedent for the other properties in the area. He said there should be additional studies conducted on the traffic, the well head and the safety of the area.

Joe Judd (108 West 600 North) said the residents want to preserve the small town, single-family character of the old town area. The City should protect the existing residents and should not allow properties to be developed to their maximum density. The developers have never commissioned a legitimate traffic study. There should also be a geo-technical survey conducted. He submitted a petition which includes the names of 17 residents from the Compton Bench area who are opposed to this development.

Gary Rose (48 West 600 North) said the residents who are opposing this project are attempting to control how the property is developed. He is in favor of the project and said he would like to live in this development.

Larry Haugen (94 East 500 North) said this area was not effected by the mud slides that occurred in 1983. He stated that none of the old homes on the property are safe. The Haugens have never been opposed to the proposals of property owners in the area but the residents in the area are always opposed to the proposals made by the Haugens. He is not yet decided as to whether he will continue to run his business in Farmington since the costs are too high.

Don Bradshaw (650 North 90 West) said if the City allows twin homes to be developed on this property, it will be difficult to prevent him and the Evans family from developing twin homes on their properties. Old town Farmington should include single-family homes. The units can not be limited to senior citizens unless there is a provision included in the CC&R's.

Hank Semadeni (Farmington Resident) said he is opposed to the zone change since the zoning is the design for the area. This is a beautiful area that should be developed with single-family homes. He asked that the Council maintain the current zone and protect the efforts that have been made to preserve the old town.

Ted Lowe (644 North 40 East) said it is deceptive to state that there are two homes per acre since there is a high density cluster on the southern portion of the property. A traffic study should be conducted since the roads in the area are already dangerous. He referred to a study which indicates

that incidents of disease are related to the distance one lives from a major roadway. The additional 186 trips per day that will be generated by this development will contribute to a major roadway.

Richard Ellis (44 East 400 North) said there have been two homes built in his back yard that do not conform to old town Farmington. The design of the old town is a matter of opinion. The size of old town Farmington has decreased over the years. This project will be a benefit to the City.

Public Hearing Closed

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

In response to a question from **Rick Dutson**, **Terry Dreu** stated that the Yield Plan calls for 30 buildings. There will be 24 buildings located on the lower 8 acres with an additional 4 structures up above.

Brady Hall stated that there are actually 12 twin homes. There will be four single-family homes located on the front portion of the property and four single-family homes located on the rear portion of the property.

In response to a question from **Paula Alder**, **Brady Hall** stated that the lots along Main Street will be included in the PUD. According to the yield plan, the lots that are located on Main Street will be at least 12,000 square feet.

As requested by **Council Member Young**, **David Petersen** explained how the PUD will differ from Low Density Residential. The Planning Commission agreed that there would be an advantage to allowing a PUD on this particular property.

Rick Dutson asked the developer to list the projects he has been involved with that are similar to this proposal.

Terry Dreu stated that he built two custom homes and an office complex. He was also involved in renovating a property that is located in Salt Lake City. Their contractor, Sage Contracting, was involved in projects such as Thanksgiving Point, the Riverwoods, and projects in Cedar City and Herriman.

Brady Hall did not have any projects to add.

In response to a question from **Paula Alder**, **Brady Hall** stated that the single-family homes will not have the same appearance. The twin homes will have a mix-match appearance. They will achieve as much variety as possible. The twin homes will have approximately 4,000 square feet on

the main floor between the two residents. The single family homes will be consistent in size and materials.

Rick Dutson questioned whether the developer is concerned about the aesthetic value for the units facing the single-family homes since the garages will have a rear or side entry.

Terry Dreu stated that the rear of the homes will include a front-type facade.

As requested by **Council Member Young, David Petersen** explained the standard of review for granting a zone change. The City Council has the right to request additional information, including a preliminary master plan, if they are uncomfortable proceeding with the amount of information they have been given.

David Hale said in his opinion, the City Council is in need of additional information. He said he is unsure about the proposal to create four single-family lots.

Rick Dutson said he is concerned that if this project is approved, a precedent may be set for the other undeveloped properties in the area.

Brady Hall said their proposal conforms with the City's Master Plan for this area. The Planning Commission recommended that the front portion of the property be OTR.

Sid Young complimented the developers for their efforts to meet the needs of the City. In his opinion, the Master Plan did not intend for twin homes in this area. He is concerned that a precedent may be set if this project is approved. He is also concerned about the amount of traffic this type of development will generate. If the project is approved, the CC&R's should state that the units are restricted to senior citizen residents.

Rick Dutson said the input received from the Visioning Committee and the City survey indicate that the residents are concerned about the number of high density developments in the City. He would like the Council to have a better plan as to how they will deal with high density developments in the City since most of their experience relates to single-family developments.

Mayor Harbertson said he agrees with the comments of the Council. There have been great efforts to make the proposal acceptable. If a traffic study is conducted, it will likely find that the traffic will not be an issue. His biggest concern is the input that was received from the Visioning Committee. The Council needs to be concerned that the density may travel to the properties to the west. He is concerned about the visual aspect that is being created along Main Street.

Max Forbush said any developer that is interested in developing this property needs to be aware of the high cost of the impact fees. The current plan indicates that the development will generate traffic on Rock Mill lane so this street will need to be partially improved. The public right-

of-way on the south side of the development needs to be landscaped which will also raise the development costs.

David Petersen stated that it may also be costly to develop the four lots that are removed from an improved street. He pointed out that the Visioning Committee was not opposed to alternative housing styles, they just did not want such large amounts.

Mayor Harbertson said the Visioning Committee also indicated that they wish to preserve historical structures. This development would not be an issue if there were not a risk that it will set a precedent for the properties to the west of this development.

The City Council discussed the possibility of eliminating one of the single-family homes on Main Street to increase the size of the lots. Concern was expressed that it may make the twin homes more visible from the main street.

David Petersen recommended that the City Council conduct a field trip to similar developments in South Davis County so they can better understand what type of residents this type of development will how attract and how the units hold their value.

Max Forbush said this development has natural geographic boundaries such as the Farmington Creek stream channel, the existing road to the Bradshaw property, etc. which provide a buffer to the adjacent properties.

Rick Dutson stated that although this property provides a natural buffer, he is still concerned that there may be legal implications to the City if the property owners to the west are not allowed to develop a multi-housing project.

Terry Dreu said this is a unique property with special challenges. It is not economically feasible to reduce their density any further since they are incurring a significant cost by cleaning up the area. He does not think this development will set a precedent since the properties do the west do not pose a health hazard to the community and do not provide a buffer to the adjacent zone.

Rick Dutson said he would like to discuss the City's strategy regarding multi-housing developments prior to considering this development.

Sid Young stated that although he is sensitive to the Haugen's situation and the efforts that have been made by the developer, he has concerns regarding the limited sight distance that exists on certain roads in this development.

Motion

Rick Dutson moved that the City Council table consideration of the rezone and the schematic plan until the City Council has the opportunity to discuss the City's strategy regarding multi-family housing during their strategic planning session. **David Hale** seconded the motion.

The City Council discussed whether the item should be tabled since the strategic planning session will not likely generate any changes.

David Hale stated that there may not be reason to table consideration of this item since the developer indicated that it is not economically feasible for them to alter their plan any further.

Max Forbush stated that the City's prevailing concern should be that two of the property owners who are involved in the development have not submitted affidavits stating that they support the current application for rezoning the property to LR. The City Council should not tie the developer to the strategic planning session since it does not involve this development. This strategic planning session should not involve discussion of pending development.

Paula Alder stated that she would like the applicant to submit a different plan. Her concerns will not be resolved by discussing the issue at the strategic planning session.

Motion

Rick Dutson moved that the City Council table consideration of the rezone request and schematic plan until the City receives affidavits from two of the property owners involved in the land swap with the developer. **David Hale** seconded the motion, which passed by unanimous vote.

Tom Owens gave verbal permission for the City to use his previous affidavit approving R-2 zoning to the development, changing his consent for an LR rezone request.

Brady Hall stated that the Hansens indicated that they are not opposed to the City using their previous approval (for R-2 zoning) for this application (LR zoning).

Mayor Harbertson stated that the City will consider this issue in two weeks, so long as the City receives a signed affidavit from the remaining property owner stating that they support this application.

PUBLIC HEARING: CONSIDERATION OF REQUEST FOR PUD DESIGNATION ON PROPERTY PRESENTLY ZONED LR AND R-4 LOCATED WEST OF I-15, NORTH OF BURKE LANE, SOUTH OF SHEPARD LANE ANE EAST OF THE UTA RAILROAD RIGHT-OF-WAY/CONSIDERATION OF PRELIMINARY PUD MASTER PLAN APPROVAL INCLUDING REZONING PORTIONS OF PROPERTY FROM LR TO R-4 AND FROM R-4 TO LR FOR A DEVELOPMENT RELATED THERETO (S-7-06) - WOODSIDE HOMES (Agenda Item #5)

Mayor Harbertson reviewed the information that was discussed during the City Council work session.

Public Hearing

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

Thane Smith (Danville Investments, LLC/Woodside Homes) indicated that Woodside Homes received a 404 Permit from the Corp of Engineers for this layout. This development will include homes that are between 1,600 and 2,000 square feet on a smaller lot. As requested by the Planning Commission, the width of the roads and park strips was increased.

David Petersen pointed out that the developer also followed the Planning Commission's recommendation to include trees in the park strips and realigned the driveways so they are all in the courtyard. The developer also added two more tot lots and a club house.

Thane Smith stated that a traffic study was also commissioned by Woodside Homes which was reviewed and approved by the City's traffic engineer. The traffic study included data that was obtained from Wasatch Front Regional Council.

David Petersen pointed out that City staff requested that the traffic from this development not interact with the traffic from the Class "A" Business Park so the developer turned all of their roads inward to the development.

The City Council and developer discussed the possibility of realigning the road near the Romney property. **Thane Smith** indicated that they are flexible and willing to work with the City to resolve the road issue.

In response to a question from **Rick Dutson**, **Thane Smith** pointed out where the trail will be located. There may be an additional trail located in the development so long as they provide boardwalks to cross the wetlands. He pointed out which areas are made up of wetlands and where the detention basin will be located on Howard Kent's property. Woodside Homes is willing to work with Questar to accommodate their building.

Thane Smith stated that the lots in the R-4 zone are approximately 2,800 square feet. The garages will be side loaded.

David Petersen stated that the lot size in this development is comparable to the lot size in the Cave Hollow Subdivision. The width of the road is 55 feet which meets the City's road standard. The width of the major collector is 80 feet.

Brian Fisher (2209 South 250 East) asked what type of facility Questar plans to construct on the property.

David Petersen stated that the Questar structure is considered a conditional use which requires a separate public hearing.

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 the Council should not approve the Ordinance until the seven acre property has been transferred to UDOT and until the Improvement Agreement is in place.

Thane Smith stated that Woodside Homes was the only party interested in bidding on the City's property several years ago. He pointed out that if the City negotiates a land swap with UDOT, the property value will increase with entitlement.

Mayor Harbertson stated that Region One is responsible for UDOT's surplus property. Approval can not be given until the Improvement Agreement is finalized.

Motion

David Hale moved that the City Council grant preliminary PUD Master Plan approval subject to all applicable Farmington City development standards and ordinances and the following:

1. The applicant must provide written approval from U.S. Army Corp of Engineers regarding the proposed development and the wetland delineation in that portion of the project south of the proposed Legacy North alignment and written verification that the proposed fill embankment across Haight Creek is acceptable to the Corp.
2. The applicant must provide 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 provide storm water detention in a manner and location acceptable to the City Engineer. This may include an off-site location.
4. The property must be rezoned to accurately reflect the Master Plan.

5. The applicant must enter into an agreement with the City that will provide, among other things, a traffic solution regarding the two unsafe railroad crossings near the project, and additional or alternative routes from the site.
6. Pursuant to both a previous verbal commitment by the applicant, and a verbal commitment provided by the applicant at the Planning Commission meeting, the applicant shall extend, or post a bond acceptable to the City, for a paved street from Sharp Shooter Drive westerly within the 950 North alignment to the western corporate limit line of Farmington City. The road shall consist of two safe travel lanes, the dimensions of which must be determined by the applicant and the City.
7. The CC&R's must include language that will prohibit rentals into perpetuity. The language must be submitted to the Planning Commission for review and comment.
8. John Swain (or the City) must provide "review comments" regarding the landscape plan.
9. The HOA will maintain the exterior of the units and the private road.
10. The applicant must be responsible for the snow removal in the "court yard" areas.
11. The applicant agrees to work with UDOT and the City to create a plan to beautify and maintain the property that UDOT will be purchasing from Danville Land Investments, LLC, Woodside Homes.
12. If necessary, the applicant must provide flexibility regarding the road connection on the southern portion of the property.

Sid Young seconded the motion.

David Petersen stated that this development may include an excessive number of parking areas. There may be areas that could be used as landscaped open space.

The motion passed by unanimous vote.

Thane Smith indicated that Woodside Homes plans to participate in a boundary line adjustment with UDOT. He asked that the City consider participating in the boundary line adjustment prior to selling the parcel so the City can do a two-way swap with UDOT.

Mayor Harbertson stated that he will discuss the issue with City staff.

Motion

David Hale moved that the City Council table consideration of the rezone so it can be considered simultaneously with the PUD overlay. **Paula Alder** seconded the motion, which passed by unanimous vote.

PUBLIC HEARING: CONSIDERATION OF REQUEST FOR A ZONE CHANGE ON APPROXIMATELY 2.3 ACRES LOCATED ON THE SOUTHWEST CORNER OF 200 SOUTH/200 EAST FROM A AND R-4 TO R-4 PUD (Z-1-07)/CONSIDERATION OF AMENDMENT #1 TO THE STEED PLACE DEVELOPMENT AGREEMENT - TODD BRADFORD (Agenda Item #6)

David Petersen displayed the applicant's original schematic plan and then displayed the revised schematic plan. He explained that this public hearing will be the Council's final time to consider this development. He explained that a PUD designation requires that the applicant provide 10% open space. The applicant is providing approximately 3.4% open space.

Public Hearing

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

Todd Bradford stated that he is attempting to create a beautiful community. He displayed a plat which includes the open space and common areas. They plan to include the front yards as open space which will provide 18% open space. He provided an elevation of the 2,000 square foot floor plan that will be used for the narrow lot.

Mayor Harbertson suggested that the applicant provide additional open space along the creek which would enable him to meet the 10% open space requirement.

David Petersen explained if a flag lot were created, the common space area would be extended.

Members of the Council questioned whether the front yards should be considered common area.

Todd Bradford stated that this project is made up of single-family homes and is less dense than the units at Farmington Station. The CC&R's will include a provision which limits the sale of the units to residents who are at least 55 years old.

Larry Haugen recommended that the HOA maintain the yards since this development is considered an empty nester PUD.

Mr. Bradford stated that the front yards will be maintained by the HOA. He is willing to consider providing rear yard landscape maintenance through the HOA.

Matt Poulsen (1732 North Main) questioned whether the fire that occurred on the property was found to be arson.

Mayor Harbertson indicated that the cause of the fire was not determined. It appears to be arson since backpacks and gas cans were found near the property.

Mr. Poulsen said he did not think the front yards should be counted towards the 10% open space requirement.

Public Hearing Closed

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

Mayor Harbertson suggested that the developer meet the 10% open space requirement by reconfiguring the lots which would provide open space near the creek.

In response to a question from **Council Member Hale**, **David Petersen** explained where the City owns property near the development. **Council Member Hale** suggested that the City work with the developer to allow the City-owned property (the remnant portion on the north side of Steed Creek) to be used as open space.

The City Council discussed the status of the old rock structure that is located on the property. **Mr. Bradford** informed the Council members that according to the Steed family records, the old rock structure is not historic so they are not interested in preserving the structure. Members of the Steed property visited the property to take photos of the old rock structure and to obtain artifacts from the home.

David Hale recommended that the developer meet the open space requirement since he would not have to reduce the number of lots on the yield plan. The Council would not be opposed to a flag lot being created since there is a trade off for the increased open space.

Todd Bradford stated that the plans have already been redrawn to meet the requirements of the PUD ordinance.

Mayor Harbertson stated that the Council is not willing to consider the plan because it does not meet the 10% open space requirement.

David Petersen explained how the open space could be increased if the boundary lines were adjusted.

Motion

Rick Dutson moved that the City Council approve a zone change from A and R-4 to R-4 PUD which shall become effective at the time of recordation of an acceptable plat, which the City Council authorizes the Mayor to sign when the applicant has provided 10% open space. **David Hale** seconded the motion, which passed by unanimous vote.

Motion

Sid Young moved that the City Council approve Amendment #1 to The Steed Place Development Agreement (which shall become an exhibit to the Agreement). **Rick Dutson** seconded the motion, which passed by unanimous vote.

The City Council agreed to consider the Final (PUD) Master Plan after City staff has posted adequate notice.

Rick Dutson followed the recommendation given by the City Planner needed to repeal his previous motion revising it as follows:

Motion

Rick Dutson moved that the City Council approve a zone change from A and R-4 to R-4 PUD which shall become effective at the time of recordation of an acceptable plat, which the City Council authorizes the Mayor to sign when the applicant has provided 10% open space. The rezone is subject to the motion being reviewed by the City Attorney. **David Hale** seconded the motion, which passed by unanimous vote.

David Petersen stated that the applicant can revise his Master Plan and if it is acceptable to the Mayor, the applicant can prepare the Mylar.

PUBLIC HEARING: CONSIDERATION OF MINOR PLAT APPROVAL FOR A TWO-LOT SUBDIVISION CONSISTING OF 6.74 ACRES LOCATED AT 235 SOUTH 200 EAST IN AN R-2 ZONE (S-21-06) - GARFF CANNON (Agenda Item #7)

Mayor Harbertson reviewed the applicant's request which was discussed during the City Council work session.

Public Hearing

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

Garff Cannon stated that he is available to answer any questions the Council may have.

Public Hearing Closed

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

Motion

Paula Alder moved that the City Council approve the minor plat for the proposed two-lot subdivision as recommended by the Planning Commission including the findings that were set forth by the Planning Commission in the City Council packet. **Rick Dutson** seconded the motion, which passed by unanimous vote.

PUBLIC HEARING: CONSIDERATION OF ZONING ORDINANCE TEXT CHANGE PROVIDED FOR THE APPOINTMENT OF ALTERNATE MEMBERS TO THE BOARD OF ADJUSTMENT AND PLANNING COMMISSION (TITLE 11, CHAPTERS 3 AND 5) (Agenda Item #8)

Mayor Harbertson stated that this item was discussed by the Council at a previous meeting.

Public Hearing

Mayor Harbertson opened the meeting to a public hearing.

Public Hearing Closed

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

Motion

Rick Dutson moved that the City Council adopt ORDINANCE NO. 2007-08, AN ORDINANCE OF THE FARMINGTON CITY COUNCIL FOR THE APPOINTMENT OF ALTERNATE MEMBERS TO THE PLANNING COMMISSION AND THE BOARD OF ADJUSTMENT. **Larry Haugen** seconded the motion, which passed by unanimous vote.

REQUEST FOR FINAL PLAT APPROVAL, HUNTER'S CREEK, PHASE IV SUBDIVISION - WOODSIDE HOMES (Agenda Item #9)

Mayor Harbertson reviewed the applicant's request. He stated that if the Council chooses to grant the request, it should be subject to the applicant entering into an Improvement Agreement with the City within 30 days.

Motion

Sid Young moved that the City Council approve the final plat for Hunter's Creek, Phase IV, Subdivision and authorizing the Mayor to sign the same subject to the applicant meeting all applicable Farmington City development standards and ordinances and the following:

1. The final plat shall be subject to all conditions of preliminary plat approval.
2. Review and approval fo the plat and improvement drawings, including a grading and drainage plan, by the City Engineer, Public Works Department, Fire Department, Central Davis Sewer District, Benchland Irrigation District, and the Planning Department, including the Farmington City Storm Water Official.
3. The applicant shall make changes to the final plats as noted by City staff.
4. The developer must comply with the improvements agreement and other related agreements pertaining to the UTA railroad crossing and Burke Lane. In lieu of this, the City and Developer may enter into another agreement to discuss the timing and routing of traffic around the 1525 West and Burke Lane railroad crossings.
5. The developer shall convey a conservation easement acceptable to the City, including any trail easements, over and across all remaining open space in the Hunters Creek Subdivision.

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

CONSIDERATION OF SPRING CREEK DEVELOPMENT AGREEMENT - HOWARD KENT (Agenda Item #10)

Mayor Harbertson explained that the applicant must sign the Improvement Agreement within 30 days or the Development Agreement will become void.

Motion

Paula Alder moved that the City Council approve the DEVELOPMENT AGREEMENT FOR THE SPRING CREEK SUBDIVISION subject to the improvement agreement being signed within 30 days. **David Hale** seconded the motion, which passed by unanimous vote.

REQUEST FOR FINAL PLAT APPROVAL FOR RICE FARMS, PHASE III, SUBDIVISION - JERRY PRESTON (Agenda Item #11)

David Petersen displayed an aerial photo and pointed out where the property is located. He also displayed a schematic plan which includes a 6' sidewalk.

Motion

Rick Dutson moved that the City Council approve the final plat for Rice Farms, Phase III, subject to all applicable Farmington City development standards and ordinances and the following:

1. The project must comply with all conditions of the Development Agreement between the applicant/developer and the City.
2. Improvement drawings, including a grading and drainage plan, must be reviewed and approved by the City Engineer, Planning Department, Public Works Department, Fire Department, Central Davis Sewer District, Benchland Water District, and Davis County Flood Control, including obtaining and maintaining a flood control permit.
3. The development must comply with all conditions of schematic pan and preliminary development plan approval.
4. The applicant must adhere to the landscaping plan, including street trees as described.
5. The applicant must receive a UPDES Permit from the State of Utah and must provide to the City a Storm Water Pollution Plan containing all requirements of the UPDES permit.
6. The signage that is located on the property must conform to City standards prior to the recordation of the plat.

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

REQUEST TO MOVE STREET LOCATION IN MILLER MEADOWS SUBDIVISION - RON RIGBY (Agenda Item #12)

Mayor Harbertson explained the applicant's request to realign the road between Phase 1 and Phase 4 of the Miller Meadows Subdivision.

David Petersen displayed an overhead of the schematic plan and pointed out where the applicant would like the road located.

Mayor Harbertson pointed out that this is a minor issue so it does not need to be considered by the Planning Commission. He reviewed the condition that was established by the Planning Commission on November 11, 2004 which states that *“the open space requirement for the Miller Meadows subdivision shall be no less than 16.2837 acres. All proposed conservancy lots shall be at least 4 acres in size as set forth in Section 11-12-110(b) of the Zoning Ordinance.”* He stated that the conservancy lot in Phase 2 was reduced to less than 4 acres. This easement would also reduce the size of the conservancy lot to less than 4 acres. The City Council agrees that the applicant should provide no less than 16.2837 acres.

Randy Rigby stated that the size of the conservancy lot in Phase 2 was decreased because they provided a detention pond on two of their lots. When it was found that the detention pond was no longer needed, they made a financial contribution for the easement to develop a regional detention basin which reduced the easement to 3.5 acres. They agreed that the other conservancy lots would be at least 4 acres in size.

David Petersen said the Agreement with the City was that **Mr. Rigby** would provide at least 16.2837 acres of open space in the subdivision to meet the conservation easement requirement.

Randy Rigby stated that they have not received consideration for placing the 2.5 acre detention basin on their open space that is located in Phase 3. The basin detained a significant amount of water for the City prior to the water being relocated to the regional detention basin.

Max Forbush explained that the storm water was addressed in an Amendment to the Agreement, whereby each party paid a prorata share of the cost. The City paid for the detention facilities that had a regional benefit. The Rigbys were required to provide 16.2837 acres of open space in exchange for density. The governing body does not want to violate the terms of that Agreement or the City’s ordinance.

An issue came up with regards to the timing and placement of a conservation easement on the conservancy lot in question.

Mayor Harbertson stated that the Council is willing to work with the Rigby’s but they must provide the 16.2837 acres of open space. The City does not want to designate where the homes are located but they want them in a logical location so the adjacent property owners are not adversely effected.

Mr. Rigby stated that the condition regarding the location of the homes on the conservancy lots was never stated prior to this meeting, but he is willing to work with the City.

Motion

Sid Young moved that the City Council grant **Mr. Rigby's** request to move the street location in Phase 5 of the Miller Meadows Subdivision subject to the applicant providing 16.2837 acres of open space and subject to the home on Lot 220 being placed in a location that is reasonable and acceptable to the City. An imaginary dotted line between the two property corners shall serve as the edge of the conservation easement.

Max Forbush stated that City staff recommends that the conservation easement boundary be located from the south east corner of Lot 221 to the southwest corner of Lot 219.

Randy Rigby asked if the City identifies where the homes are located on conservation easements in other subdivisions.

David Petersen explained that in subdivisions such as Hughes Estates, the City provides a building envelope for the conservation lot. The rest of the property is conservancy property.

Max Forbush stated that it is less complicated to describe the buildable envelope which does not have conservation constraints.

Randy Rigby expressed his frustration that the Agreements have evolved over time. He was not made aware that the conservation easements would limit the location of the buildable area.

David Petersen explained that the City's ordinance defines the percentage of conservation constraints but does not refer to the location of the structure.

Randy Rigby gave the Council a letter from his attorney which states that the City's requirement exceeds the language of the ordinance.

After further discussing the conservation easement, **Sid Young** amended his motion.

Motion

Sid Young moved that the City Council grant **Mr. Rigby's** request to move the street location in Phase 5 of the Miller Meadows Subdivision subject to the applicant providing 16.2837 acres of open space and working with City staff to finalize the conservation easement and determine the location of the building lot. **Rick Dutson** seconded the motion, which passed by unanimous vote.

PROPOSAL FOR INSTALLATION OF UNDERGROUND FIBER AND/OR ELECTRICAL CONDUIT IN OR NEAR PORTIONS OF STATE STREET AND CLARK LANE AND ADJACENT CONNECTING STREETS - MAX FORBUSH (Agenda Item #13)

Mayor Harbertson reviewed the proposal to authorize the City Manager and City Finance Director to continue negotiations with Davis County in cost sharing and perhaps electrical conduit along the south side of State Street from 200 West to Main Street and from Main Street to 100 East and the extension of conduits in west Farmington on parallel and north of the State Street overpass from the UP tracks to 650 West Street. He explained that the final cost is not fixed. It will be necessary to amend the budget if the Council approves the proposal to install conduit.

Max Forbush illustrated where the conduits would be installed. The City's shared cost would be \$63,000, which would be included in the amended budget if it is acceptable to the governing body.

Mayor Harbertson stated that it would be a wise business decision for the City to install the conduit since the cost will be shared and the conduits could be leased to another company in the future.

Max Forbush pointed out that although the cost will be shared, the City will own two of the 4" conduits.

Motion

David Hale moved that the City Council authorize the City Manager and City Finance Director to continue negotiations with Davis County in cost sharing of fiber conduit from 200 West to Main Street and from Main Street to 100 East and this extension of conduits in west Farmington on the north side of State Street overpass from the UP tracks to 650 West Street. **Paula Alder** seconded the motion, which passed by unanimous vote.

REVIEW OF BUFFALO RANCHES WEST TRAIL PLAN AND BUDGET - MAX FORBUSH/WALT HOKANSON (Agenda Item #14)

According to packet information, the City received approval for a grant for \$77,500 a year or so ago for this project. The City is obligated to match that grant by at least \$77,500.

The City Council packet included a document entitled "Buffalo Ranches West Trail Grant Budget" which gives an outline of costs for the project. Most of the work will be done by the City's Public Works crew. A portion that will likely be done by contract is the grading of the existing Buffalo Ranches Trail (the portion that is completed thus far), and the placement of 2" crusher fines on the graded trail that has been completed thus far. The figures include the balance of the project yet to be constructed by the City's Public Works crew. When it is complete, the contractor will do a final grading on the road base and add crusher fines to that portion also. The City is presently getting a cost proposal on this contractual part.

The project costs enumerated on the draft budget, without adding contract costs, amounts of \$152,758.

Max Forbush reviewed the “General Information” which was included in the City Council packet. He explained that the cost to purchase, haul and place the crusher fines would be approximately \$76,000 which would come from the Park Improvement Impact fees. He explained that there are other competing projects in the City where the funds could be used. He informed the Council that John Knudsen (Head of the State Trails) is in favor of crusher fines. **Mr. Forbush** questioned whether the crusher fines are worth the cost and effort that would be required.

Walt Hokansen suggested that the City use the funds to complete the trail loop. In the past, the City has used the Buffalo Ranches fencing for the trail. The City will now need to provide the fencing for the remaining portion of the trail.

George Chipman (Chairman of the Trails Committee) stated that the preferred trail surface is crusher fines. He recommended that signage be installed to separate the equestrian traffic from the bikers and pedestrians.

Max Forbush suggested that the City contract for the installation of the fence, drop the crusher fine placement from the project.

Motion

David Hale moved that the City Council authorize the City Manger to determine whether it is more cost effective for the City to contract the fencing or the grading of the trail. **Sid Young** seconded the motion, which passed by unanimous vote.

WELL #2 REPAIR PROCEDURES - PAUL HIRST/WALT HOKANSON/LARRY FAMULINER (Agenda Item #15)

According to packet information, Well #2 is out of operation and has been for some time. The pump motor and pump have been pulled out of the well casing.

Paul Hirst, Walt Hokanson and **Larry Famuliner** reported the options on repair and putting the well back in operation. There needs to be additional diagnostic testing on the water before a firm decision can be made as what to do next. A video was presented to the Council to illustrate how the water has been effected by either sand or aggressive water. There is also a serious iron bacteria growing within the well casing that seals off the perforation to the well. It may have to be treated chemically to kill the iron bacteria. The cost to repair the well will be approximately \$89,000.

After the City Council and City staff discussed the options to repair the well, the City Manager recommended that the well be repaired.

Motion

Rick Dutson moved that the City Council authorize City staff to continue the procedures to rehabilitate Well #2. **Paula Alder** seconded the motion, which passed by unanimous vote.

MINUTE MOTION APPROVING SUMMARY ACTION LIST (Agenda Item #16)

Larry Haugen moved that the City Council approve the following items by consent as follows:

16-1. Ratification of Approvals of Construction Bond Agreements previously signed by Mayor Harbertson.

16-2. Ratification of authorization to jointly apply with the Utah Transit Authority for Highway Enhancement Funds to pave D&RGW railbed for a trail.

16-3. Approval of December's Disbursement List.

16-4. Approval of Public Improvements Extension Agreement with Jake Lawson.

16-5. Approval of Clyde-Geneva request to reimburse water impact fee for temporary construction trailer. The City Manager recommends that this be given after the project is completed; after the trailer is moved off the site; and after the "corporation stop" is shut off from the main line thereby disconnecting the service lateral.

16-6. Approval of two easement encroachment agreements with Weber Basin Water Conservancy District, Richmond American Homes and Symphony Homes. Richmond American Homes is developing Chestnut Farms. Symphony Homes is developing Farmington Greens subdivision. In both subdivisions, existing Bureau of Reclamation facilities run underneath some streets. The City and the developers have to get an easement over the utility lines.

16-7. Approval of Ordinance allowing "Relay for Life" Event in Shepard Park.

16-8. Approval of Improvements Agreement with SLI Commercial Real Estate for Spring Creek Estates, Phases #1 and #2.

~~16-9. Approval and authorization for Mayor Harbertson to sign the Easement Encroachment Agreement with U.S. Bureau of Reclamation.~~

16-9. Approval and authorization for Mayor Harbertson to sign three Conservation Easements for Farmington Ranches Phase 8.

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

CONSIDERATION OF AMENDMENT TO 3-030-020(h) DIRECTING CHAIRPERSONS OF CITY COMMITTEES TO PRESENT VERBAL REPORTS ON COMMITTEE ACTIVITIES TO CITY COUNCIL (Agenda Item #17)

Mayor Harbertson stated that the City Council discussed this item at a previous meeting. This Ordinance will formalize that discussion.

Motion

Sid Young moved that the City Council adopt ORDINANCE NO. 2007-10, AN ORDINANCE AMENDING SECTION 3-03-020 OF THE FARMINGTON CITY MUNICIPAL CODE TO ADD A NEW SUBSECTION (H) REGARDING ANNUAL COMMITTEE CHAIR REPORTS TO THE CITY COUNCIL. **Rick Dutson** seconded the motion, which passed by unanimous vote.

CONSIDERATION OF ORDINANCE AMENDING STREET NAME CHANGE IN BAYVIEW HEIGHTS SUBDIVISION AS REQUESTED BY CARL JENSEN (Agenda Item #18)

Consideration of this item was tabled.

CONSIDERATION OF RESOLUTION/ORDINANCE AMENDING 12.030(c)(3) OF THE CITY PERSONNEL POLICIES PERTAINING TO THE HIRING OF RELATIVES FOR SEASONAL JOBS (Agenda Item #19)

Mayor Harbertson stated that the City Council discussed this item at a previous meeting. This Ordinance will formalize that discussion.

Motion

Rick Dutson moved that the City Council adopt Ordinance 2007-11 amending 12.030(c)(3) of the City Personnel Policies pertaining to the hiring of relatives for seasonal jobs. **Larry Haugen** seconded the motion, which passed by unanimous vote.

PROPOSED SOLUTION (COST SHARING) OF PUBLIC IMPROVEMENTS IN WILLOW CREEK SUBDIVISION AS REQUESTED BY GUY HASKELL (Agenda Item #20)

According to packet information, this issue was presented to the Council some time ago and was delegated to a committee. The City Manager has not met with the committee but is making a recommendation to the full City Council. His recommendation is that the City ought to participate in the cost sharing of the public improvements along the I-15 frontage road since the developer will have to pay all frontage improvements within the subdivision streets, and also all frontage improvements along Lund Lane.

The City Manager is recommending that the cost sharing of public improvements along the I-15 frontage road be patterned after a special improvement district law where the cost of one-half of one side is shared by everyone. In this instance, the cost is shared by the City.

Max Forbush explained the proposal, which was included in the City Council packet.

- a. The developer pays for half of the frontage feet along the frontage road. This amounts to approximately 172 lineal feet. These improvements would include curb, gutter and a four foot wide sidewalk. It would also include paying the asphalt tie in from the existing asphalt to the lip of gutter.
- b. The developer would also pay half of the cost of the improvements around the street radius at the intersection (approximately 20-30 feet). This would include half the cost of the wheel chair ramp.
- c. The City would pay for its share of the front footage along the frontage road which is approximately 172 feet of curb, gutter and an 8' wide sidewalk. The City would also pay for the increased size of the sidewalk along the developer's portion of sidewalk from 4' to 8' since expanding the size from 4' to 8' is a "system improvement". The City would also pay one half the cost of the radius improvements.
- d. The City would also pay 100% of the cost of landscaping the area from the private lots to the top back of curb. The City would maintain the landscaping along this section of the frontage road. Eventually the 8' sidewalk will extend north and tie into improvements at the south park.

Max Forbush stated that the pipe that is located at Lund Lane that travels under the freeway will resolve drainage issues and will serve as detention and water conveyance. He was contacted by Mr. Haskell who agreed to the terms.

Motion

Paula Alder moved that the City Council conceptually approve the City Manager's recommendation for the City to share in the cost of public improvements along the I-15 frontage road

fronting Willow Creek Subdivision which shall be formalized in a Development Agreement between the City and Guy Haskell. **Rick Dutson** seconded the motion, which passed by unanimous vote.

RESPONSE LETTER TO DAVIS COUNTY CONCERNING TRAILS IN SHEPARD CREEK CHANNEL (Agenda Item #21)

Mayor Harbertson stated that the City received a letter from the County expressing their concern that the trails are being built too close to stream channels, etc. He discussed the issue with the Public Works Department, as well as with the Trails Committee. The Trails Committee activities need to be coordinated with the City Manager and the City Council.

Motion

David Hale moved that the City Council authorize the City Manager to solicit Attorney's assistance in drafting the appropriate easement. **Larry Haugen** seconded the motion, which passed by unanimous vote.

MAYOR HARBERTSON'S REPORT (Agenda Item #22)

- **Mayor Harbertson** attended a meeting with Basic Gray who is interested in constructing a 6,000 square foot single story building on the southern portion of the Pilcher property. He will attend another meeting with Rick Dutson, Sharon Treu, and the developer to further discuss the proposal.
- **Mayor Harbertson** attended a meeting with UDOT representatives who suggested that the City form a Citizens Committee to review the Legacy North options.
- **Mayor Harbertson** attended a meeting with Theodore Thatcher and Rich Haws to discuss the Shepard Creek drainage on the Road to the North property. Mr. Thatcher will work pro bono for the City to attempt to obtain approval from the Corp. to clean the creek without a permit.
- **Mayor Harbertson** attended a meeting with the County Commissioners to discuss the Legacy North proposal. The County has the ability to perform the work on Shepard Creek.
- **Mayor Harbertson** met with the Legacy Parkway team. He was informed that the trail will travel to the other side of Park Lane even though it is not currently shown that way on the Legacy Parkway plans.
- **Mayor Harbertson** reported that he attended an informative conference in North Carolina.
- **Mayor Harbertson** attended a meeting with the Weber Basin Water Conservancy District regarding the proposal to locate the police station to their property. City representatives will attend a meeting with the Board to explain why the appraisal does not seem accurate. They also discussed the water rights for the Farmington Ranches park.

- **Mayor Harbertson** attended a meeting with Dan Nixon regarding the 130 acre property that is located on the north side of Park Lane.
- **Mayor Harbertson** attended a meeting with the County and the Davis County School District to discuss issues regarding the downtown area.
- **Mayor Harbertson** informed the Council that the Utah League convention will be held on April 12th and 13th. **Rick Dutson, Sid Young, and Paula Alder** agreed to attend the convention.

CITY COUNCIL REPORTS

Council Member Young Report

- **Sid Young** attended the Leagues of Cities and Towns Legislative Policy Committee meeting. He reported on the bills that are before the Legislature.

Motion

David Hale moved that the City Council authorize City staff to contact legislators to express opposition to House Bills 282, 233, 352 and 334. **Paula Alder** seconded the motion, which passed by unanimous vote.

Council Member Hale Report

- **David Hale** attended the ICMA leadership conference in North Carolina. He reported that Farmington was one of the only cities represented from the west.

Council Member Alder Report

- **Paula Alder** reminded the Council of the dinner theater.

Council Member Alder questioned whether the Youth City Council should accept every applicant.

Mayor Harbertson stated that every applicant will be accepted by the by-laws need to be followed by all of the members.

MISCELLANEOUS

Authorization to Apply for Historic Preservation Grant

Max Forbush passed out a letter he received from the Chair of the Farmington City Historic Preservation Commission regarding the 2007-2008 CLG grant application. The City Council

reviewed and discussed the letter and the amounts that were proposed for specific areas relating to historic preservation.

Motion

Rick Dutson moved that the City Council revise the Utah CLG Program Grant Application as follows and authorized the Mayor & City Manager to discuss the application with Alysa Revell:

1.	Program Administration:	\$1,330
2.	Reconnaissance Level Survey:	\$5,200
3.	Public Education:	\$3,350
9.	Preservation Planning:	\$0
11.	Other Activities:	<u>\$2,000</u>
		\$11,880

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

ADJOURNMENT

Sid Young moved that the meeting adjourn at 12:45 A.M.

Margy Lomax, City Recorder
Farmington City