

FARMINGTON CITY COUNCIL MEETING

Wednesday, March 1, 2006

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 6:10 P.M. The following items were reviewed:

Agenda Item #3a: Contribution to the American Cancer Society

The Agenda was amended to include this item. **Pat Sorenson**, the Committee Chair of Pioneer Christmas, will present a \$3,000 check to the American Cancer Society

Agenda Item #5: Public Hearing: Consideration of Farmington Greens Minor Plat Amendment Approval - Proterra

Mayor Harbertson informed the City Council that the plat amendment is to accommodate the three acre LDS church site. The non-residential corner property is not being considered at this time.

Agenda Item #6 - Public Hearing: Review of Costs incurred by the City for demolition of Dangerous Building located at 577 South 1025 West in Farmington

Mayor Harbertson said the dangerous building was demolished in December. The cost of the demolition was \$16,763.00, plus the cost of legal fees.

Keith Johnson said he spoke with **Rick Ashley**, who is one of the property owners. As per **Mr. Ashley's** request, **Mr. Johnson** faxed a copy of the invoice so Mr. Ashley could reimburse the City for the demolition costs.

Agenda Item #7 - Final Plat Approval Consideration of Rice Farm Estates, Phase II - Jerry Preston

The City Council discussed the applicant's request and reviewed the recommendation given by the Planning Commission on January 26, 2006.

Agenda Item #8 - Final (PUD) Master Plan Approval Consideration for the Farmington Crossing South PUD, Phase I/Final Plat Approval Consideration for Phase I of Farmington Crossing South PUD - Garbett Homes

Max Forbush and **David Petersen** informed the Council that the developer agreed to retain at least 7 acre feet of his property or to reshape the County basin. The City has proof that the adjacent property will not flood in a 100 year event.

Sid Young suggested that the City obtain physical evidence to verify that the water is draining away from the adjacent properties. He suggested adding dye to the water. He asked if it would be appropriate to rezone the property to prevent the units from being used for a commercial use.

David Petersen said the change to the zone designation is included in the Planning Commission's recommendation.

David Hale said he was concerned that 25% of the units are owned by investors. A Garbett Homes representative informed him that they require their buyers to sign a letter stating that the unit will not be used as rental property.

In response to a question, **David Petersen** said if the property is rezoned to CMU, individuals who are interested in having a home business in their unit will be required to obtain a Home Occupation Business License.

Agenda Item #9 - Consideration of Request to Acquire City Property - Clyde Heiner

Mayor Harbertson reviewed the applicant's request with the Council. The applicant would like to purchase the detention basin from the City and alter his property line so he would have an 80' frontage on the larger piece. The City would not have to maintain the area but will receive income from the sale of the property, as well as from the property tax. When the applicant sells his home, the 3 parcels will be sold together.

Sid Young said he was informed by the applicant that an easement exists on the pond to the east.

Mayor Harbertson said the City does not maintain the eastern pond. **Walt Hokanson** plans to improve the front pond which would change its aesthetics. **Mr. Hokanson** suggested that if the property is sold to the applicant, an easement should be placed on the property so the City can still have access.

Max Forbush said he was concerned that if the City were to sell the property, they would have less control than that of the property owner. He also pointed out that if the property is sold, the City would have to interact with a different property owner whose demeanor and view of City operations may be less cooperative than Mr. Heiner.

Walt Hokanson said the property is a historic drainage area. The water will continue to find its way to the historic path. If the City weakens their right to maintain the property, it could be a problem for the City, as well as the future property owner.

Max Forbush reported a comment shared by the City attorney that if the City were to sell the property to the applicant, it should receive fair value. The City Attorney also said it is difficult to draft an easement that would be sufficient inclusive to retain the kind of control the City would need.

Sid Young suggested that the City sell a portion of the property to the applicant, rather than the entire piece. He suggested City Staff determine what type of easement is on the pond to the east.

Agenda Item #10 - Street Sweeping Proposal

Mayor Harbertson said the Public Works department requested that the City purchase a new street sweeper. The sweeping of new developments is more time consuming and creates more wear on the sweeper than that of the existing developments. It was proposed that the cost for sweeping the new developments be increased by 50% per dwelling unit.

Max Forbush clarified that the action requested of the City Council is the authorization for City Staff to order the street sweeper and to adjust the budget. The adjustment to the fees would be considered at a later meeting.

Agenda Item #11 - Business of Consent

Mayor Harbertson reviewed the items that would be included in the Minute Motion.

Agenda Item #12 - Utility Billing Agreement with Farmington Crossing HOA

Mr. Forbush passed out a copy of the Agreement between Farmington City and Garbett Homes, Inc. and Farmington Crossing on Spring Creek Pond Homeowners Association. He said the Agreement would allow the City to invoice the Association who will pay the City directly for culinary water usage and storm water utility services. The agreement stipulated residential garbage collection and sanitary sewer services be billed directly to property owners by the City.

Agenda Item #13 - The Steed Place Development Agreement

Max Forbush passed out a revised Development Agreement. He said the Agreement includes the items that were previously discussed by the City Council. He informed the Council that the developer's preference is to take down the historic rock home and rebuild it at the same time.

The meeting adjourned at 7:00 P.M.

REGULAR CITY COUNCIL/CITY CHAMBERS/CALL TO ORDER

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

Mayor Harbertson called the meeting to order at 7:12 P.M. **Rick Dutson** offered the invocation. The Pledge of Allegiance was led by **Boy Scout Kyle Smoot**.

APPROVAL OF MINUTES OF PREVIOUS MEETING

Rick Dutson moved to approve the minutes of the February 15, 2006, City Council Meeting. **Paula Alder** seconded the motion with changes as noted. The voting was unanimous in the affirmative.

Sid Young moved to approve the minutes of the February 23, 2006, Special City Council Meeting. **David Hale** seconded the motion. The voting was unanimous in the affirmative.

SERVICE RECOGNITION & ACKNOWLEDGMENT - SUSAN TANNER HOLMES (Agenda Item #3)

Susan Holmes was unable to attend the meeting. The recognition will be given at a later meeting.

CONTRIBUTION TO THE AMERICAN CANCER SOCIETY (Agenda Item #3a)

Pat Sorenson, Committee Chair for the Pioneer Christmas and Mayor Harbertson presented a \$3,000 check to the American Cancer Society. Funds for the contribution had been raised by the City's Pioneer Christmas Committee who sponsor's the event on an annual basis. The major purpose of the event is to support the American Cancer Society.

REPORT OF PLANNING COMMISSION (Agenda Item #4)

Kevin Poff reported proceedings of the Planning Commission meeting held February 23, 2005. He covered the following items:

- The Planning Commission recommended Final (PUD) Master Plan approval for the Farmington Cross South PUD and recommended final plat approval for the first phase.
- The Planning Commission granted preliminary plat approval for Phase 1D of the Farmington Greens PUD which consists of 21 lots on 8.03 acres and is located at approximately 1400 West Clark Lane in an AE (PUD) zone.

- The Planning Commission granted a recommendation for minor plat approval for a one lot subdivision (2.98 acres) located at approximately 50 South 1525 West in an AE (PUD) zone.
- The Planning Commission recommended that the City Council amend the General Plan regarding 1.7509 acres of property located on the southwest corner of Main Street and South Mountain Road from “Low Density Residential” to “Office/Business Park”, and to rezone the property from LR-F to BP-F.

Rick Dutson referring to the General Plan recommendation, asked if the Planning Commission discussed options other than non-residential for this specific area.

Kevin Poff said they did discuss other options but the majority of the Commissioners did not feel there was a potential for residential use. They felt the office use would be more appropriate due to the heavy traffic.

Mayor Harbertson asked if the Planning Commission discussed the possibility of commercial development continuing down Main Street.

Kevin Poff said they agreed that any use for the property would need to be compatible with the adjacent residential area. He personally felt the proposal was an appropriate use for the area.

Sid Young asked if the Planning Commission discussed the mansion-type homes that would be on Main Street in the NMU area.

Kevin Poff said the Planning Commission discussed the fact that the property is located adjacent to the NMU development. They felt the office use would be appropriate since it is near the NMU zone and is near a busy intersection. His personal opinion was the office building would provide a buffer to the residential area. Although the Planning Commission did not discuss the fact that the NMU zone would buffer Main Street, the majority of the Commissioners were aware that Main Street is considered a buffer area.

Paula Alder asked if **David Petersen** determined when the Master Plan was amended.

David Petersen said the Master Plan for the Pilcher property was amended in 1988 and in 1993. The Master Plan for the NMU area was adopted in July, 2004.

David Hale said the applicant’s second rendering was more attractive than the first rendering. He said it would be beneficial if the rendering illustrated the building in relation to the hillside.

Kevin Poff said he indicated at the Study Session that regardless of what decision is made, there will be issues due to the location of the property. The applicant’s initial proposal was “toned down” so the building appears more residential in nature.

David Petersen explained the proceedings of the Planning Commission study session and meeting. He said he informed the Planning Commission that there were viable residential options for the property. If they chose the residential option, a residential use would likely continue on to Somerset. He also informed them that **Jim Talbot** was concerned about the property having a non-residential use. It was his opinion that both uses have merit. **Mr. Wyss** asked the City Engineer, **Paul Hirst**, for his opinion. **Mr. Hirst** indicated that a residential use would not be appropriate for the property since it is an “orphan piece” and could deteriorate over time during future generations.

- The Planning Commission tabled America West Development’s request to rezone approximately 64 acres of property located west of Park Lane and north of 100 (Clark Lane) North at approximately 1180 West Clark Lane from A to TOD, because they did not receive adequate information from the applicant.
- The Planning Commission recommended approval of the 1100 West Street dedication plat.

PUBLIC HEARING: CONSIDERATION OF FARMINGTON GREENS MINOR PLAT AMENDMENT APPROVAL - PROTERRA (Agenda Item #5)

David Petersen said the City Council is considering a one lot subdivision that is consistent with the amended Master Plan for the area.

Public Hearing

Mayor Harbertson opened the meeting to a public hearing.

Public Hearing Closed

With no forthcoming comments, **Mayor Harbertson** closed the public hearing.

Motion

Sid Young moved that the City Council approve the Farmington Greens minor plat amendment subject to the applicant entering into an extension agreement with the City for the future installation of a public sidewalk running along the property frontage on 1525 West Street. Any development of the property, except for a single family dwelling, shall require a conditional use permit, and said extension agreement must be recorded concurrently with the recordation of the plat. Recordation of the extension agreement doesn’t preclude the City of actually requiring the sidewalk to be constructed concurrent with the development of the property. **Larry Haugen** seconded the motion which passed by unanimous vote.

PUBLIC HEARING: REVIEW OF COSTS INCURRED BY THE CITY FOR DEMOLITION OF DANGEROUS BUILDING LOCATED AT 577 SOUTH 1025 WEST IN FARMINGTON -

WALT HOKANSON/MAX FORBUSH (Agenda Item #6)

Walt Hokanson said the home was abandoned for several years and became a blight. The City attempted to contact the property owner but did not receive a response. As per the neighbors request and with the authorization and direction of the City Council, Public Works personnel demolished the home and hauled the material to the land fill.

Public Hearing

Mayor Harbertson opened the meeting to a public hearing.

Darren White (2281 North 1500 West, Clinton) said he was representing Rick Ashley who is one of the property owners. Mr. Ashley asked that the City submit an invoice including the total amount owed. Mr. Ashley was aware that the City incurred the demolition and land fill costs and is willing to reimburse the City.

Mayor Harbertson said the City Council would prefer to work with the property owner by invoicing him for the costs directly but would proceed with their motion in the event that timely payment is delayed.

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, **Walt Hokanson** said the value of the lot was not diminished since the former structure was a slab on grade so it only required removal with a minimal dig. There was significant changes from Wasatch Energy system for disposing of the debris at the land fill.

Motion

Rick Dutson moved that the City Council accept the report of costs which was submitted by the Public Works Department pursuant to the Code for the Abatement of Dangerous Buildings, as that report was submitted to us, with no corrections, as the City has received no protests or objections to the report. Any additional legal fees incurred by the City should also be added to the list of reimbursable expenses. **David Hale** seconded the motion, which passed by unanimous vote.

Motion

David Hale moved that the costs incurred by the City in this matter be assessed against the property as a special assessment and lien and that direction be given to City Staff to take all steps necessary to carry out this direction in accordance with the Code for the Abatement of Dangerous Buildings. **Paula Alder** seconded the motion, which passed by unanimous vote.

FINAL PLAT APPROVAL CONSIDERATION OF RICE FARM ESTATES, PHASE II - JERRY PRESTON (Agenda Item #7)

David Petersen displayed the Site Plan. He said City Staff recommended approving the application subject to the conditions outlined in the Staff Report.

Paula Alder asked if the road would connect to 200 East in the future.

David Petersen said the road would connect to 620 South. In the future, it may also connect to 700 South should Symphony Homes proceed with their proposed development located east of and adjacent to Phase I of Rice Estates.

Motion

David Hale moved that the City Council approve the final plat subject to compliance with all applicable ordinance requirements and development standards and resolution of the following issues:

1. Applicant must enter into a development agreement with the City prior to or concurrent with final plat approval by the City Council for this phase as well as other phases for the entire project as shown on the approved Final (PUD) Master Plan. Said agreement shall include among other things, specifications and design criteria for the berm and sound wall and sidewalk along the Frontage Road.
2. All concerns of City departments and utilities are addressed.
3. The development must comply with all conditions of schematic plan and preliminary plat approval.
4. The applicant must obtain a flood control permit from the County.
5. Adhere to landscaping plan, including street trees as described.
6. All references to storm drain size must match those approved for Phase 1A.
7. A UPDES permit from the State of Utah is received and a Storm Water Pollution Plan containing all requirements of the UPDES permit is provided to the City.

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

FINAL (PUD) MASTER PLAN APPROVAL CONSIDERATION FOR THE FARMINGTON CROSSING SOUTH PUD, PHASE 1/FINAL PLAT APPROVAL CONSIDERATION FOR PHASE 1 OF FARMINGTON CROSSING SOUTH PUD - GARBETT HOMES

David Petersen displayed a Site Plan and pointed out where the southern phase is located. He said the perimeter trail will be a 10' asphalt strip. The trail will be made up of both road base and asphalt in the areas where the County will access the trail. As per the request of the Trails Committee, the trail will also have a shoulder that will be maintained by the HOA.

Mr. Petersen reported that the Developer is willing to install turf on the outside shoulder of the trail rather than road base to cut down on weeds. The HOA will main the turf.

Mr. Petersen said the City Engineer studied the drainage in the area. It was determined that based on a 100 year storm, the developer must provide 7 acre feet of storage which can occur on-site or off-site at the County's detention basin. He recommended approving the applicant's request.

David Hale said the City Council initially approved the development with the condition that the units would be owner occupied. He said he is concerned because the units are now being sold to investors.

Noel Balstaedt said Garbett Homes requires their buyers to sign an agreement stating that the unit will be owner occupied. They also offer incentives for their buyers to occupy the units. He said they can not legally prevent a buyer from renting his property. He said they have quit selling to investors and are trying to control the issue. It is difficult for them to get financing if the units rented exceeds 18% so they monitor the ratio very closely. He said 85% of the units are owner-occupied.

Mr. Balstaedt said Garbett Homes would prefer to work with the County for the storm water drainage. He explained the route the water will travel away from the area.

Sid Young asked that City Staff seek the advice of the City Engineer regarding the possibility of producing physical evidence that the water is draining away from the adjacent property owners.

Motion

Sid Young moved that the City Council approve the Final (PUD) Master Plan for the Farmington Crossing South PUD subject to all applicable Farmington City Development standards and ordinances, conditions of Preliminary (PUD) Master Plan approval, and that the applicant develop a final plan for storm water retention, either on-site or off-site, acceptable to the City and County. **Paula Alder** seconded the motion, which passed by unanimous vote.

Motion

Sid Young moved that the City Council approve the final plat for Farmington Crossing South PUD, Phase 1, subject to the following:

1. The applicant must comply with all conditions of Final (PUD) Master Plan approval by the City Council.
2. The lot lines shown in Future Farmington Crossing South, Phase 2 shall be removed from the plat.
3. The applicant shall convey the appropriate easements for culinary water and such easements shall be recorded over all rights-of-way within the project. The easements shall also be recorded as a document in the Davis County Recorder's office.
4. An access easement allowing public access to the east property line shall be included on the plat and recorded as a document in the Davis County Recorder's office.
5. The applicant shall provide public access acceptable to the City on all rights-of-way (public or private), including access for emergency and maintenance vehicles in an out of the development.
6. All improvement drawings for the project, including but not limited to a grading and drainage plan implementing best management practices as set forth in the Farmington City Storm Water Management Plan, must be reviewed and approved by the City Engineer.
7. Applicant has been advised that the area to be used to determine the regional basin needs for the effected flood area in Davis County, which includes this project as well as other properties, will be solely determined by Davis County Flood Control. To date, the City has not received adequate information from Davis County Flood Control, regarding storm water and drainage basins and volumes, to enable the City to give final approval on any of the phases of the applicant's overall project. Final plat approval will be subject to additional requirements regarding storm drainage including but not limited to detention basin locations, volumes, piping, etc. Portions of the proposed project areas (Farmington Crossing PUD North and South, including all phases related thereto) may be needed for storm water storage purposes.
8. Prior to occupancy, an individual physical numerical address, acceptable to the City's Fire Department, for each dwelling must be displayed on the back and front of the outside of the building for each unit.
9. The zone designation, as per a prior ordinance, must be changed to CMU. The City Council's concern regarding potential business in the area shall be discussed at the time of the rezone.
10. The roads must have a coordinate reference number which conforms to the

numbering system adopted by the City.

Noel Balstaedt said the development's CC&R's could prevent the units from being used for a commercial use.

Sid Young said the City will work with Garbett Homes to make sure the issue is resolved.

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

CONSIDERATION OF REQUEST TO ACQUIRE CITY PROPERTY - CLYDE HEINER (Agenda Item #9)

Mayor Harbertson explained that **Mr. Heiner** would like to purchase the City property that is located near his property. If the City agrees to sell the property, the flag lot situation will be eliminated and the City will benefit by gaining the property tax and proceeds from the sale. The Public Works Department plans to improve the basin which will detract from the aesthetics. The City Attorney said the City's rights to manage its storm water system will be stronger if they own the property.

Sid Young said the City should determine whether there is an easement on the larger pond to the east.

Larry Haugen said he is not in favor of selling the property. He would like the City to maintain their rights to the property.

The City Council agreed it would be ideal if the City could accommodate the applicant while still owning the drainage area outright. **Mayor Harbertson** said he would discuss the options with the **Mr. Heiner**.

STREET SWEEPING PROPOSAL - WALT HOKANSON/MAX FORBUSH (Agenda Item #10)

Walt Hokanson said sweeping the heavy mud and dirt in new construction areas is very time consuming and creates excessive wear on all the working parts of a street sweeper (estimated to be up to 75% of the wear and tear of the machine). He estimated that the Public Works Department spends 40-50% of their time sweeping new developments. He said it would be ideal if the department could begin a 3 year rotation on the sweeper (replace every three years). He explained that it is difficult to service the sweepers because they are built with many components manufactured by many companies instead of one. Hence they are very high maintenance.

Motion

Paula Alder moved that the City Council authorize City Staff to pursue ordering a new street sweeper and arrange for appropriate financing. **Rick Dutson** seconded the motion, which passed by unanimous vote.

Motion

Paula Alder moved that the City Council direct City Staff to prepare the necessary adjustments in resolution and/or ordinance form for future consideration for the City Council to adjust the street cleaning fees charged on building permits. **Rick Dutson** seconded the motion, which passed by unanimous vote.

MINUTE MOTION APPROVING BUSINESS OF CONSENT (Agenda Item #11)

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

- 11-1. Ratification of Construction Bond Agreements previously signed by Mayor Harbertson.
- 11-2. Approval of “Youth Week Proclamation” as Requested by Elks Club. Authorization for Youth City Council to recommend Youth Citizen of the Year as requested by the Elks Club.

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

UTILITY BILLING AGREEMENT WITH FARMINGTON CROSSING HOA - MAX FORBUSH (Agenda Item #12)

Mayor Harbertson explained that there are master culinary water meters for the entire development so it is difficult to enforce collection of utility bills by shutting off an individual’s water. The proposed Agreement will solve the problem by allowing the HOA to pay for the culinary water and storm sewer fees directly to the City and to collect on substantially delinquent accounts from the HOA when individuals fail to pay for sanitary sewer and residential garbage collection which is billed directly to the property owners.

Motion

David Hale moved that the City Council adopt an agreement between Farmington City and the Homeowners Association of the Farmington Crossing development pertaining to Farmington City utility billing. **Paula Alder** seconded the motion, which passed by unanimous vote.

THE STEED PLACE DEVELOPMENT AGREEMENT (Agenda Item #13)

David Petersen reviewed the changes that were made to The Steed Place Development Agreement, as was provided to the Council in their packets.

David Hale asked if the developer was anxious for the City to determine the final resting place of the old rock cabin.

Kent Nichol (11232 South 675 West) said he his rock expert would like to move the rock in sections to the new location where it will be rebuilt. He said they plan to pour a foundation, footings, and interior slab. The structure will have a frame with rock veneer.

Larry Haugen said he would like the cabin to have rock on the interior and exterior since there may be visitors touring the interior of the cabin. He suggested that the developer cement the interior between the rocks.

The City Council conceptually agreed to alter the Development Agreement to state that the City prefers the rock cabin be moved near the City Museum. They also prefer that rock be used on the interior and exterior of the cabin, and that the roof resemble its original appearance. They also agreed that a bridge may cause a liability to the City so it should not be included in the Agreement.

Kent Nichol said he was willing to work with the City. In response to a question, he said they paid \$3,000 for an appraisal which the City could review.

Motion

David Hale moved that the City Council adopt The Steed Place Development Agreement, as modified on February 27, 2006. **Sid Young** seconded the motion, which passed by unanimous vote.

APPOINTMENT OF CITY COMMITTEE TO RECOMMEND ARCHITECTURAL FIRM FOR PROPOSED POLICE STATION/ADDITION TO CITY HALL - MAYOR HARBERTSON (Agenda Item #14)

Mayor Harbertson appointed **Paula Alder** and **Rick Dutson** to meet with **Max Forbush** and **Chief Hansen** regarding the architectural firm recommendation. He said they are also looking for architects from Farmington who are not bidding on the project to serve on the committee.

Motion

David Hale moved that the City Council recommend **Rick Dutson**, **Paula Alder**, **Chief Wayne Hansen**, and **Max Forbush** to serve on the City Committee to recommend architectural firms for the proposed police station and addition to City Hall. **Larry Haugen** seconded the motion, which passed by unanimous vote.

**POSSIBLE CHANGES IN CITY COUNCIL MEETING DATES - MAYOR HARBERTSON
(Agenda Item #15)**

Mayor Harbertson discussed the possibility holding the City Council meetings on the 1st and 3rd Tuesday of each month with the work sessions beginning at 5:30 P.M. The “Meet the Mayor” meeting will be held on the Wednesday following the City Council meeting.

Motion

Rick Dutson moved that the City Council hold their meetings on the 1st and 3rd Tuesday of the month commencing on May 16, 2006. **Paula Alder** seconded the motion, which passed by unanimous vote. City staff was directed to prepare an appropriate ordinance for consideration at the March 15th City Council meeting.

EAGLE SCOUT COORDINATOR PROGRAM - MAYOR HARBERTSON (Agenda Item #16)

Mayor Harbertson said **Howard Whiteway** and **Nathaniel VanHolten** are willing to serve as Co-Chairmans for the Eagle Scout Coordinator Program. Their responsibilities will include handling the phone calls and posting information on the website. They will serve a three year term beginning March, 2006, and ending in December, 2008.

Motion

David Hale moved that the City Council appoint **Mr. Whitehayes** and **Nathaniel VanHolten** as Eagle Scout Coordinators for the City. **Larry Haugen** seconded the motion, which passed by unanimous vote.

GOVERNING BODY REPORTS (Agenda Item #17)

Discussion on Legacy Highway - Mayor Harbertson

Mayor Harbertson said the Legacy Highway map is complete and includes the pathway that will continue from State Street and terminate under Park Lane. The pathway will be included in the Legacy Highway budget.

Max Forbush passed out a letter from **Steve Thacker**, the Centerville City Manager.

Mayor Harbertson read the letter from **Steve Thacker** which requested Farmington City’s assistance to keep the Parrish Lane intersection at-grade, even though they are unwilling to give up their 1250 overpass. He also read a letter to from **Steve Thacker** to **John Thomas** which requested the 1250 overpass and the possibility for inter-city connection which would provide a secondary

route for west Farmington residents to access Parrish Lane.

Mayor Harbertson said UDOT had been willing to gravel a certain portion of the Sheep Road to allow access to the Centerville City business park. Centerville would want Farmington City to close two of its rail crossings to enable Centerville to obtain a new crossing near their Industrial Park.

Sid Young gave the following legislative summary:

- The tax and budget negotiations represent \$160,000,000 in cut taxes.
- The land use proposal is proceeding, as per the direction that was given to the bill sponsors.
- Senate Bill 267 was amended.
- The House Bill 309 - energy sales and use tax passed.
- The Senate Bill 113, Governmental Immunity Bill negotiation was successful. There will be a 3-4% increase to liability premiums instead of a much higher increase had the original bill's language been approved.
- House Bill 457 allows cities to have a surcharge on tickets issued in construction areas of major freeways and Class 2 counties.
- House Bill 77 was discussed. It would allow municipalities to have an involvement in the creation of school districts and their boundaries.
- Senate Bill 166, Sales Tax Bonding is "dead".

Report on Meeting with Rich Haws - Mayor Harbertson/Rick Dutson

Rick Dutson said **Rich Haws** informed him that the rail site would not be an amenity, but would actually be a detriment. A reputable broker informed **Mr. Dutson** that a retail development should not be built with the expectation that the rail component will make it successful.

Rick Dutson reminded **Mr. Haws** that at a previous City Council meeting, it was agreed that the rail station will have a commercial component. When the RDA funding was discussed, the community was told there would be a grand entrance to the rail station. He reemphasized that the architectural environment should not detract from the City's atmosphere.

Mayor Harbertson said the timeline for Station Park was discussed. In order for the theater construction to begin in 2007, the road needs to be constructed. **Rich Haws** indicated that he needs to sign with a joint venture group in May.

Mayor Harbertson said the platform and enhancements by UDOT were also discussed. He suggested that he would contact **Mr. Freed** regarding the possibility of advertising their park with canopies or artwork.

Other Reports

David Hale said **Gary Payne** of the Davis County School District told him the sports field to the south was seeded.

Larry Haugen reported on the Leisure Services meeting that he attended with **Council Member Alder**. He said the Leisure Services committee was working on an art gallery on Main Street and would like Lagoon to contribute to the improvements. **Mr. Haugen** informed them that the art gallery would create a liability for the City.

Paula Alder said she is serving on the Leisure Services committee to assist them in their efforts to amend their By-laws.

MISCELLANEOUS

Mayor Harbertson said the City received word that the Davis CO6 had approved a \$75,000 HUD "CDB6" grant to construct handicapped ramps throughout the City.

Rick Dutson and **Sid Young** said they were interested in attending the Utah League of Cities and Towns convention in St. George. The convention will focus on promoting emergency preparedness and the responsibility of city officials in an emergency situation. **Paula Alder** said she would also consider attending the convention.

Rick Dutson said he will meet with **Mike Haws** who is attempting to develop the land behind the County jail.

The City Council discussed their concerns regarding the renting of the units at the Farmington Crossing. It was suggested that City Staff contact the City's legal counsel to receive input as to how the issue can be enforced.

The City Council agreed to discuss the City's Master Transportation plan at the next City Council meeting which would allow UDOT time to respond to Centerville City's request.

The City Council discussed the fire sprinkling requirements on residential homes in Farmington. They agreed to have **David Hale** and **Larry Haugen** serve on a committee to discuss the fire sprinkling requirements with the Fire Department and the City's building official. The size of the structure and its location in relation to the foothills should be considered when requiring fire sprinkling of residents.

David Petersen said Farmington City is one of the few cities that has a fire sprinkling ordinance. He said North Salt Lake has a fire sprinkling ordinance that has different thresholds. He

said he would review their ordinance and report back to the Council.

Max Forbush passed out a letter from Gordon Crabtree who is the Farmington Ranches Homeowners Association President. The HOA would like to meet on March 22, 2006. The City Council agreed to hold a closed session on March 15, 2006, to discuss the issues prior to meeting with the Farmington Ranches HOA.

Max Forbush referred to an email he received from **Stan Jorgensen** from Horrocks Engineers. Horrocks is performing the environmental work on the access road to the commuter rail station. A cultural study is needed that will cost an additional \$3,000. The Council authorized proceeding with the cultural study.

CLOSED MEETING

At 10:05 p.m. a motion was made by Council Member Rick Dutson to go into a closed meeting for the purposes of: (1) discussing strategy as it pertains to the acquisition of real property; (2) to discuss strategy as it pertains to the possibility of pending litigation; and (3) to discuss the professional competency of an individual. The motion was seconded by Council Member Sid Young.. The motion carried with voting as follows:

Paula Alder	Aye
Rick Dutson	Aye
David Hale	Aye
Larry Haugen	Aye
Sid Young	Aye

At 11:20 p.m. David Hale moved to go back into open meeting. The motion was seconded by Larry Haugen and was voted on unanimously in favor.

ADJOURNMENT

There being no further business to come before the Council, upon motion to adjourn by Rick Dutson with a second by Paula Alder, the meeting was adjourned at 11:20 p.m.

Margy Lomax, City Recorder
Farmington City