

# FARMINGTON CITY COUNCIL MEETING

Tuesday, March 3, 2009

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## CITY COUNCIL WORK SESSION/EAST CONFERENCE ROOM

**PRESENT:** Mayor Scott Harbertson, Council Members Richard Dutson, David Hale, Paula Alder, Sid Young, Cory Ritz, City Manager Max Forbush, Recording Secretary Kami Mahan, and architects from Edwards Daniels Architects (EDA). City Planner David Petersen arrived at the meeting at 5:50 p.m.

**Mayor Harbertson** began discussion at 5:35 p.m. The following items were reviewed:

### Discussion of Site Development and Architectural & Design Issues pertaining to the new City Hall

Architects from Edwards Daniels Architects (EDA) displayed an updated plan for the new City Hall, and reviewed details concerning the proposed locations for city departments, City Council chambers, restrooms, and the kitchen area. The Council discussed the plans, including the possibility of a water feature. Configuration of the city chambers and a potential sloping floor were discussed. The City Manager pointed out that the building is the seat of city government and the city chambers should reflect a formal atmosphere.

Some members of the City Council and some staff members reviewed their tour of other city halls and discussed their likes and dislikes of those buildings. The architect stated that the new city hall can be built as a shell if finances become an issue. He said they would begin revisions immediately, consult with staff, and submit a packet as soon as possible. The Council gave conceptual approval of the new plans. **Mr. Forbush** suggested that fund-raising efforts may be needed to finance extras such as a clock tower. He noted the potential life span of the building, and said it should be the anchor of the campus. It is hoped that the plans will be ready for Planning Commission approval in approximately a month.

[The architects left the meeting at 6:05 p.m.]

**Dave Hale** offered an invocation.

### (Agenda Item #2): Reading and Approval of Minutes -

The Council reviewed the minutes of the meeting held February 17, 2009, and determined that the motion for Agenda item #5 (Page 8) regarding street cross sections for the "Road to the North" needs to be clarified during the meeting.

**(Agenda Item #4): Swearing in of Youth City Council/Presentation of Quarterly Report.**

**Mayor Harbertson** raised the issue of how frequently a Youth City Council report should be given. **Paula Alder** felt that monthly or quarterly would be appropriate. This issue will be decided at a later date.

**(Agenda Item #6): Public Hearing: Consideration of request to rezone property at 1266 North Main Street from Large Residential (LR) to Multi-Family Residential. (R-4) (Z-08-08).**

Copies of a petition to the City from concerned citizens regarding this matter were distributed, as well as a March 3, 2009, memorandum from Glenn Symes. **Mayor Harbertson** briefly reviewed the reasons why denial was recommended by the Planning Commission.

**(Agenda Item #7): Appeal of staff's decision to eliminate stop sign at intersection of 1300 North and Hidden Meadow Way - Paul Underwood.**

**Mayor Harbertson** explained the configuration of this intersection, and reviewed a traffic study done by engineer Tim Taylor. He also reviewed the results of a student study showing the lack of effectiveness of the stop sign in the area. **The Mayor** said that there are many similar intersections in the City and that once a stop sign is installed, it is difficult to eliminate. He said a key issue is that stop signs are not put in place to control speed. The Council discussed this matter.

**(Agenda Item #8): Minute Motion approving Summary Action List.**

- **Ratification of Approvals of Construction Bond Agreements.**
- **Approval of January's Disbursement List.**
- **Approval of Application for CDBG Stimulus Grant.**
- **Authorization for Trails Committee to Spend \$200 towards County-Wide Trail website.**
- **Authorization for Trails Committee to spend \$2,900 on Webcoat benches for trails.**

**Max Forbush** explained as part of the application for CDBG funds that truncated domes need to be installed on ADA ramps which do not currently have them. He said this is the new standard and that many domes are still needed in the Farmington Ranches area.

**(Agenda Item #9): Inter Local agreement with Davis County for Animal Control services.**

**Max Forbush** explained that the pick-up of wild animals is currently handled by the County which charges the City \$25.00 per animal. He said the issue is whether this cost should be assessed against the property owner requesting the service, and this was discussed by the Council. **Mayor Harbertson** noted that when the County proposed charging each caller a mandatory \$25.00 fee before an animal would be picked up, calls dropped from approximately 100 weekly to 15. The City then received the calls, so the County agreed to pick up the animals and bill the City.

The Council discussed how significant the problem was throughout the City, particularly with raccoons. **Max Forbush** said the City is trying to cut costs to stay within budget while this proposal increases the budget significantly. He said Animal Control has increased coverage to include weekends.

**Max Forbush** said that this issue, and dispatch service, would be justification to increase property tax revenues. He said the head of Animal Control services indicated that if animals are not picked up, citizens tend to handle the problem themselves. It was noted that Farmington is second in the County next to Layton in requests for these services. **Mayor Harbertson** proposed having the City pay for pick-up of the first animal, and having the resident cover expenses for subsequent pickups. The Council discussed this and other options for Animal Control services.

**(Agenda Item #10): Resolution amending Farmington City personnel policies to enact Section 17.130 regarding Americans with Disabilities Policies.**

This item was briefly reviewed.

**(Agenda Item #11): Consideration of Ordinance enacting Temporary Regulations regarding Code Enforcement and other changes for Real Estate/Property Signs - 2<sup>ND</sup> Reading.**

**Mayor Harbertson** said the draft of the ordinance was not yet ready.

**(Agenda Item #12): Request for splitting cost of flood plain survey near 500 South and 1100 West near Farmington Creek for purposes of filing a Letter of Map Revision (LOMR) with the Federal Emergency Management Agency.**

**Max Forbush** explained that engineer David Wilding was hired by the developers of Farmington Creek Estates to examine the area. He said one provision in the Development Agreement provided that the developers would try to file a LOMR (Letter of Map Revision) to remove some of the lots from the FEMA designated flood plain. Mr. Wilding was going to do this, but Davis County officials said they were going to do improvements to Farmington Creek. The County had trouble obtaining easements to improve the banks, so only part of the creek was improved. People in the subdivision were complaining about high insurance costs.

**Mr. Forbush** said Ken Klinker spoke with the developer, which did modeling and surveying through Wilding Engineering, and found an area outside the subdivision to be in the flood plain. The developer did not want to spend the extra money for further surveying, was not willing to go outside the subdivision, and Mr. Klinker did not want to exclude it from the survey. **Mr. Forbush** said Davis County has agreed to pay 50% (\$1,500) of the cost of the additional survey work.

**(Agenda Item #13): Fuel Break Road Easement Discussions near Steed Canyon.**

**Sid Young** reported on a proposed meeting time with Doug Allen and Jerry Stevenson. He said Mr. Stevenson is trading some of his property to Mr. Allen, but will still own the property on the north side where the problem is.

**Max Forbush** reviewed the background of this matter. He said the Stevenson property contains an access road owned by Weber Basin which in the past has been used as the fuel break road with a gate and rocks blocking emergency access to the road. He said a proposal is being prepared for a new easement with gates on both ends for non-motorized traffic. Mr. Stevenson has not responded. In the meantime, the State Forestry Service who has funded improvements to the road said that money will lapse on March 6<sup>th</sup> if an easement can't be secured.

**Sid Young** noted that Jerry Stevenson was reluctant to make commitments knowing he has a partner who wants to acquire some of the property. Annexation and control needs to be addressed.

The meeting adjourned at 6:59 p.m.

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### **REGULAR CITY COUNCIL/CITY CHAMBERS/CALL TO ORDER**

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

**Mayor Harbertson** called the meeting to order at 7:04 p.m. **Rick Dutson** offered the invocation, and the Pledge of Allegiance was led by **Sid Young**.

### **APPROVAL OF MINUTES OF PREVIOUS MEETING (Agenda Item #2)**

The Council reviewed the minutes of the meeting held February 17, 2009. **Sid Young** clarified that the intent of the motion regarding street cross section standards for the "Road to the North", was to include the entire right-of-way, with the space beyond the curb and gutter to include decorative lighting, street trees, and lawn or landscaped areas. This clarification will be given in a written addendum to the February 17<sup>th</sup> minutes.

### **Motion**

**Sid Young** moved to approve the minutes of the meeting held February 17, 2009, with the clarification as noted. **David Hale** seconded the motion, which passed unanimously.

### **PRESENTATION OF SERVICE AND SHARP SHOOTER AWARDS BY POLICE CHIEF. (Agenda Item #3)**

**Mayor Harbertson** invited Police Chief **Larry Hansen** forward. **The Mayor** explained that City Council members and their spouses are invited to participate in annual shooting activities with the police. **Chief Hansen** presented Councilman **Rick Dutson** with this year's Sharpshooter Award.

Later in the evening, police dispatch supervisor Sue Jacobson was presented with a 20-year Service Award by **Chief Hansen**, who complimented her dedication and service.

#### **SWEARING IN OF YOUTH CITY COUNCIL/PRESENTATION OF QUARTERLY REPORT.** **(Agenda Item #4)**

**Mayor Harbertson** invited the new Youth City Council Mayor, Mareille Jewett, and the rest of the Youth Council forward and introduced them. Members include Adam Barlow, Sarah Bilton, Marissa Brown, Becca Burnham, Makenzie Court, Adam Creager, Kara DeCoursey, Tasha Fernley, Sydney Gibson, Haley Harbertson, Ashleigh Hefner, Mareille Jewett, McKenzie Madsen, Jessica Mansell, Nick Mason, Layne McKenna, Jessica Memmott, Cait Miller, Alexa Nelson, Tanner Phillips, Megan Reeder, Kara Riley, Elli Slagowski, Rebecca Smith, Matt Swanson, Alexon Tiem, Emily Wahlstrom, Emily Welch, Melissa Welling, and Alexis Wiscombe.

**Mayor Harbertson** administered the oath of office to the new Youth City Council. Council member **Paula Alder**, who works with the YCC, joined the group and pictures were taken.

YCC Mayor **Mareille Jewett** reported on the Council's first quarter activities, which included a January dance, interviews and election of officers in February, a planned retreat on March 13<sup>th</sup> and 14<sup>th</sup>, and an Easter Egg Hunt scheduled for April.

**Paula Alder** invited YCC members to stay for the Council meeting and announced that refreshments were available.

#### **PLANNING COMMISSION REPORT (Agenda Item #5)**

Chairman **John Bilton** reported on the proceedings from the February 26, 2009, Planning Commission meeting. He reviewed the following items:

- The Planning Commission tabled a request by Jerry Preston for an amendment to the Rice Farms Estates PUD, pending Mr. Preston meeting with area residents.
- The Planning Commission recommended approval of CL Martineau Homes' request for a conditional use permit for the placement of a tennis court on property at 541 West 1300 North.

**PUBLIC HEARING: CONSIDERATION OF REQUEST TO REZONE PROPERTY AT 1266 NORTH MAIN STREET FROM LARGE RESIDENTIAL (LR) TO MULTI-FAMILY RESIDENTIAL. (R-4) (Z-08-08). (Agenda Item #6)**

**Mayor Harbertson** introduced this Agenda item. **David Petersen** displayed overhead maps of the area and pointed out the subject property. He said the Planning Commission recommended denial of the request in January. He referred to the Findings in the packet staff report, and said denial was based primarily on the proposal's inconsistency with the General Plan.

**The Mayor** invited developer Dwight Poulson to address the Council. **Mr. Poulson** stated that he wanted to do senior housing in this location, and had no intention of building two-storey four plexes. He said he wanted to improve the entire plot, and could only envision accomplishing this financially with the rezone proposal. He said he is happy with the flag lot, and appreciates what the City does.

**Public Hearing Opened**

**Mayor Harbertson** opened the meeting to a public hearing at 7:36 p.m.

**Paul Underwood**, 603 West 1300 North, said his property is adjacent to the flag lot. He asked for clarification of R-4 zoning. He urges the City to review this matter because of the surrounding zoning, and because it is not in the City's Master Plan. He is concerned with what a future purchaser might be allowed to do with the property if it is rezoned.

**Greg Costa**, 471 Hidden Meadow Way, said he is in full support of Mr. Poulson's withdrawal of his petition.

**Robert Flynn**, 1291 Meadowbrook Court, said his home is across the street from the proposed development. He noted that these homes are in the million dollar range, and he was opposed to the proposed density.

**Public Hearing Closed**

**Mayor Harbertson** closed the public hearing at 7:42 p.m.

A motion was made and seconded, and after a brief discussion concerning the intent of the developer's comments, the motion was restated.

**Motion**

**Rick Dutson** moved to deny the request to rezone property at 1266 North Main Street from LR to R-4, based on the Findings from the March 3, 2009, memorandum from Glenn Symes, as follows:

1. The request for zone change is not consistent with the Farmington City General Plan.
2. There are no adjacent or surrounding properties in the general area with a zoning designation similar to what the applicant is requesting.
3. There are traffic issues in the area.
4. It would be a spot zone.
5. Entitlements were granted in the past year.

The motion was seconded by **Paula Alder** and approved unanimously.

**Cory Ritz** said that as a former Planning Commission member, he noted the importance of not taking the Commission's recommendations lightly when decisions are made.

**APPEAL OF STAFF'S DECISION TO ELIMINATE STOP SIGN AT INTERSECTION OF 1300 NORTH AND HIDDEN MEADOW WAY - PAUL UNDERWOOD. (Agenda Item #7)**

**Mayor Harbertson** referred to a petition received by **Paul Underwood**. **Max Forbush** explained how signage placement is determined in developments. He said a traffic study performed by engineer Tim Taylor indicated that a stop sign was unwarranted. **The Mayor** said there is a concern that these streets are becoming more of a thoroughfare, and speed increases due to the downhill nature of the street. He said that although people believe the stop sign slowed traffic, this is not the case, which is why Tim Taylor recommended its removal. **The Mayor** also referred to a recent study by a student showing that the majority of cars did not stop even when the stop sign was in place. **The Mayor** turned the matter over to the Council for discussion.

**Sid Young** noted that there is criteria for signage. He suggested having the speed limit painted on the road, which has helped a similar situation in his neighborhood. **Rick Dutson** proposed placing speed trailers in the area. He said the Council must rely on professionals like Tim Taylor, and that although the original placement of the sign may have been a mistake, downhill speed needs to be addressed. **David Hale** noted that future development will result in increased traffic. **Paula Alder** said she has noticed more patrolling of the area, and felt that a stop sign in this location did not make sense.

**Mayor Harbertson** said there are similar situations elsewhere in Farmington, and he raised a concern with creating a precedent. **Max Forbush** said the police will move the speed trailer around the City on request, and are usually familiar with which areas have this problem. He added that similar requests for stop sign placement to control speed have been denied based on Tim Taylor's and past engineers' recommendations.

**Motion**

**Rick Dutson** moved to approve the transportation engineer's recommendation to eliminate the stop sign at the intersection of 1300 North and Hidden Meadow Way. **Sid Young** seconded the motion,

which passed by a unanimous vote.

**Mayor Harbertson** invited **Paul Underwood** to address the Council. He read from Section D on Page 1 of the Technical Memorandum of WCED Engineers regarding stop sign guidance conditions. He said 1300 North differs from other streets in this situation because of its significant curvature. He said emerging spring foliage will obscure visibility of oncoming traffic. He has observed the situation closely. He felt the original engineers foresaw problems which is why a stop sign was installed in the first place. He emphasized the limited sight distance, and noted that 1300 North is the higher volume street. He also noted the high number of teenage drivers in the area. He asked the City Council to reconsider its decision.

**Mayor Harbertson** said **Mr. Underwood** had some valid points. He said it is difficult to go against the recommendation of the traffic engineer. **Rick Dutson** said **Mr. Underwood's** concerns warrant consideration by the Council, and that the situation should be monitored. He supports the engineer's findings and recommendations. **Mayor Harbertson** asked whether anyone wanted to change the motion, and no one did. He told **Mr. Underwood** the situation would be monitored.

**MINUTE MOTION APPROVING SUMMARY ACTION LIST. (Agenda Item #8)**

- **Ratification of Approvals of Construction Bond Agreements.**
- **Approval of January's Disbursement List.**
- **Approval of Application for CDBG Stimulus Grant.**
- **Authorization for Trails Committee to Spend \$200 towards County-Wide Trail website.**
- **Authorization for Trails Committee to spend \$2,900 on Webcoat benches for trails.**

**Mayor Harbertson** briefly reviewed each of these items.

**Motion**

**Cory Ritz** made a motion to approve the Summary Action List. **David Hale** seconded the motion, which passed by a unanimous vote.

[**Paula Alder** left the meeting momentarily.]

**INTER-LOCAL AGREEMENT WITH DAVIS COUNTY FOR ANIMAL CONTROL SERVICES. (Agenda Item #9)**

**Mayor Harbertson** said this matter was discussed in the work session. **David Hale** asked members of the audience how they handle wild animal problems. He commented that it is expensive for the City to have Animal Control do animal pick-up, and that a better solution is to have residents pay the cost. The Council briefly discussed the issue.

**Motion**

**Rick Dutson** moved to approve the agreement subject to legal review. The motion was seconded by **Cory Ritz** and was unanimously approved.

**RESOLUTION AMENDING FARMINGTON CITY PERSONNEL POLICIES TO ENACT SECTION 17.130 REGARDING AMERICANS WITH DISABILITIES POLICIES. (Agenda Item #10)**

**Motion**

**Dave Hale** moved to approve this Resolution. **Rick Dutson** seconded the motion, which passed by a unanimous vote.

**CONSIDERATION OF ORDINANCE ENACTING TEMPORARY REGULATIONS REGARDING CODE ENFORCEMENT AND OTHER CHANGES FOR REAL ESTATE/PROPERTY SIGNS - 2<sup>ND</sup> READING. (Agenda Item #11)**

The Council passed on this item pending receipt of the draft.

**REQUEST FOR SPLITTING COST OF FLOOD PLAIN SURVEY NEAR 500 SOUTH AND 1100 WEST NEAR FARMINGTON CREEK FOR PURPOSES OF FILING A LETTER OF MAP REVISION (LOMR) WITH THE FEDERAL EMERGENCY MANAGEMENT AGENCY. (Agenda Item #12)**

**Mayor Harbertson** briefly reviewed this item.

**Motion**

A motion was made by **David Hale** to authorize the City Manager to contact the Davis County Public Works Director to agree to pay one-half the costs of doing the additional surveying in the vicinity of the 500 South 110 West intersection for an official LOMR request. **Cory Ritz** seconded the motion, which passed unanimously.

**Mayor Harbertson** said the neighbors would be contacted to allow them to obtain appropriate flood insurance.

**FUEL BREAK ROAD EASEMENT DISCUSSION NEAR STEED CANYON. (Agenda Item #13)**

**Mayor Harbertson** stated that this matter was reviewed during the work session.

**Motion**

**Sid Young** moved to authorize the Mayor to enter into and sign an easement agreement with Jerry Stevenson. **David Hale** seconded the motion, which was unanimously approved.

#### **MAYOR HARBERTSON'S REPORT (Agenda Item # 14)**

**The Mayor** had no report.

#### **CITY COUNCIL REPORTS (Agenda Item #15)**

**Paula Alder** reported on a citizen's question regarding the road to the commuter station, and asked who was responsible for the road. **Max Forbush** replied that the City is working with the developer for Phase 2 improvements. He said the road is not finished and has not been dedicated to the City. **Ms. Alder** reminded the Council of the YCC retreat on March 13<sup>th</sup> and 14<sup>th</sup>. **The Mayor, Mr. Forbush**, and Council Members **Dutson** and **Young** will be attending. **Ms. Alder** also stated that she would like to change the YCC budget to an enterprise account, and the Council was in support of this change.

**Rick Dutson** reported on the Zions Bank open house and thanked those who attended. He believes that spring foliage will alleviate the concerns raised about the landscaping. **Mr. Dutson** noted the great benefit of touring other city halls. He also reported on the sign ordinance committee meeting, and said the standards which will be proposed are realistic and no dramatic changes are being considered.

In response to an inquiry by **The Mayor, Sid Young** said he would attend the meeting regarding the Farmington Ranches Park.

**David Hale** updated the Council on mosquito abatement, and said there could be some West Nile virus. He also reported that an educational program on mosquito protection is held for 4<sup>th</sup> and 5<sup>th</sup> graders.

**Sid Young** reported on the policy meeting of the League of Cities and Towns. He updated the Council on bills regarding the Uniform Building Code, centralized public notice, military base development, and an ambulance bill. He also reported that Lyle Hilliard addressed the League on requirements of the stimulus package. **Mr. Young** reported that Rocky Mountain Power is installing a third transmission line on the City's west side. He also reported that the Trails Committee will be publishing a brochure. **George Chipman** said 3,000 brochures will be published at a cost of \$150.00. **Mr. Young** said he also discussed a "No Trespassing" sign on the Fuel Break Road with Jerry Stevenson. The sign has been posted on Mr. Stevenson's property, and has caused some confusion as to whether it refers to Armstrong Road. He clarified that the sign is on non-city property.

#### **MISCELLANEOUS (Agenda Item #16)**

- **Miscellaneous items.**
- **Minute Motion adjourning to closed session, if necessary, for reasons permitted by law.**

**Mayor Harbertson** reported that **SueAnn Phillips**, director of the Miss Farmington pageant, has proposed changing the timing of the pageant to the last week of June to coincide with Festival Days and to accommodate participants' school and college activities. **SueAnn Phillips** noted that this timing is more consistent with most other cities, and will have a positive impact on participation. Viewmont High School is being considered as a venue. It was suggested that the existence of air conditioning at the school be verified. The Council was in support of the change of timing for the pageant, which is planned for June 27<sup>th</sup>. **Ms. Phillips** said she would return to the Council with details at the next meeting.

**Max Forbush** reported that interviews were held for the position of Arts Coordinator. It is being recommended that two co-chairs be appointed, with SueAnn Phillips directing the Miss Farmington pageant, and Sarah Hale the Festival Days celebration. Each will take primary responsibility for her job, and be the secondary support for the other. They would then rotate duties as co-coordinators in Performing Arts events. **Mr. Forbush** stated that this is a contractual agreement that runs until June 30, 2010. This proposal will reduce costs by \$5,000 to \$6,000 per year.

### **Motion**

**David Hale** moved to support staff recommendation appointing SueAnn Phillips and Sarah Hale as Co-Chairs of the Arts Committee. **Paula Alder** seconded the motion, which was unanimously approved.

**Max Forbush** stated that contracts would be drawn up and submitted to the Council.

**Mayor Harbertson** reported that the State is proposing that an increase in the gasoline tax not be shared with the cities. He said the League of Cities and Towns requests that a resolution be passed that any increase of B and C road funds be shared by the cities.

### **Motion**

**Dave Hale** made a motion that any increase in the gasoline tax be shared with cities. The motion was seconded by **Rick Dutson** and was unanimously approved.

### **ITEMS OF GENERAL CORRESPONDENCE (Agenda Item #17)**

No items were discussed.

### **ADJOURNMENT**

**David Hale** moved to adjourn. **Sid Young** seconded the motion, and the meeting adjourned at 8:44 p.m.

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Margy Lomax, City Recorder  
Farmington City

## **Addendum and clarification to City Council Minutes of March 3, 2009, approved at the March 17, 2009, City Council meeting.**

### **Fuel Break Road Easement Discussions near Steed Canyon**

Page 4, third paragraph should read:

“**Sid Young** noted that Jerry Stevenson was reluctant to make commitments knowing he has a partner who wants to acquire some of the property. ~~Annexation and e~~Control needs to be addressed.”

### **Appeal of Staff's Decision to eliminate Stop Sign at Intersection of 1300 North and hidden Meadow Way - Paul Underwood**

Page 7, first paragraph under the above heading should read:

“**Mayor Harbertson** referred to a petition received by **Paul Underwood**. **Max Forbush** explained how signage placement is determined in developments. He said a traffic study performed by engineer Tim Taylor indicated that a stop sign was unwarranted. **The Mayor** said there is a concern that these streets are becoming more of a thoroughfare, and speed increases due to the downhill nature of the street. He said that although people believe the stop sign slowed traffic, ~~this is not the case~~, **this should not be the reason to have a stop sign installed** which is why Tim Taylor recommended its removal. **The Mayor** also referred to a recent study by a student showing that the majority of cars did not stop even when the stop sign was in place. **The Mayor** turned the matter over to the Council for discussion.”