

FARMINGTON CITY COUNCIL MEETING

Tuesday, March 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:

Agenda Item #10: Review of CRS Engineering Proposals

- **Water Rights Evaluation**
- **Storm Sewer Analysis at Station Park**

Max Forbush explained that the evaluations will be beneficial to the City while planning for growth and the future of the City's water rights. He reviewed the estimates that he received from CRS Engineering. If approved by the Council, the amounts will be paid over the next two years.

The City Council discussed the water rights study proposal and agreed it would be beneficial for the Mayor to meet with the City Manager, the City Engineer and Walt Hokansen to further discuss the proposal. It was suggested that the Council place a cap on the total amount that the City will spend for the analysis.

Max Forbush reviewed CenterCal's \$4 million plan for underground storm water detention basins in the area. The City Engineer's proposal also included the storm water analysis for the Station Park area and the impact of drainage on the site from nearby UDOT facilities. Max Forbush suggests the cost of the proposal be split; 50% by City and 50% by Center Cal.

Agenda Item #3: Public Hearing: Consideration of Amending Farmington City Budget for Fiscal Year Ending June 30, 2007

Keith Johnson reviewed the amendments to Farmington City's Corporation Budget General Fund Balance. The current projections indicate there will be approximately \$513,000 in the fund balance which is approximately \$200,000 more than anticipated. The total expenditure increase is \$727,055 which includes several deposits into other funds. **Mr. Johnson** explained that the funding that was allocated for the economic development study will now be used for the downtown Master Plan revision study.

Agenda Item #5: Request to Rezone approximately 10 acres located west of 1525 West and North and adjacent to Farmington Ranches Phase III Development from "A" to "AE" (Z-15-06)/Consideration of Schematic Plan Approval - Randy Head/John McDonald

The Mayor and City staff reviewed the issues with the City Council. The Planning Commission recommended that the City Council grant the applicant's request to rezone the property from "A" to "AE". It has since been found that the schematic plan is not acceptable since the westerly end of the proposed minor collector street does not line up appropriately with the Howard Kent or SLI property. City staff recommends that the Council approve the rezone request but withhold schematic plan approval.

Agenda Item #4: Public Hearing: Consideration for Adoption of a Resolution Authorizing the Issuance and Sale of not more than \$3,750,000 Aggregate Principal Amount of General Obligation Bonds, Series 2007, of Farmington City, Utah; Fixing the Maximum Aggregate Principal Amount of the Bonds, the Maximum Number of Years over which the Bonds may Mature, the Maximum Interest Rate which the Bonds May Bear, and the Maximum Discount from PAR at which the Bonds may be Sold; Providing for the Publication of a Notice of Bonds to be Issued; Providing for the Running of a Contest Period; and Related Matters

Jonathan Ward from Zions Bank Public Finance reviewed the proposed schedule of events pertaining to the General Obligation Bonds. The bid process will likely begin on March 16, 2007, but official action will not take place until April 17, 2007.

Agenda Item #8 - Boundary Line Adjustment Request between LDS Church (Steed Creek Chapel) and Holmes Creek Development, LC

Mayor Harbertson explained that the LDS Church is requesting a boundary adjustment with the property to the north which is owned by Holmes Creek Development, LLC. The adjustment will consist of approximately 1.01 acres thereby increasing the size of the Church parcel from 3.57 to 4.58 acres and decreasing the size of the other parcel from 1.82 to .81 acres.

Agenda Item #9: Authorization to Sponsor two Pageants: (1) Miss Farmington and (2) Miss Legacy - Kari Dutson

Rick Dutson explained that the request is to allow two young women represent the city of Farmington at the Miss Utah Pageant by awarding two titles at the Miss Farmington pageant. Since the time the packet was created, it has been found that the title "Miss Legacy" is not available.

Agenda Item #11: Minute Motion Approving Summary Action List

Mayor Harbertson reviewed the items that were included on the Summary Action List.

Agenda Item #12: Amendments to Building Regulations - Title 10 Farmington City Municipal Code

David Petersen passed out the proposed amendments to Title 10 - Building Regulations.

Agenda Item #13: Ordinance Repealing and Recodifying Title 4 of Farmington City Municipal Code regarding Justice Court

Max Forbush explained that Title 4 of the Farmington City Municipal Code needs to be repealed and recodified since the City now contracts the Justice Court service to the County.

Agenda Item #14: Amendments to OTR Zone Text (Title 11, Chapter 17) and related amendments

According to the letter addressed to the City Council from David Petersen, dated March 2, 2007, the City Council tabled action regarding changes to the OTR zone text on September 19, 2006, to allow David Hale and David Petersen to present the Council's recommendations to the Historic Preservation Commission.

Mayor Harbertson stated that **David Hale** and **David Petersen** met with the Historic Preservation Commission. He reviewed the recommendations that were given by the Commission.

The Council discussed Section 11-17-050 (4) (b) which pertains to what percentage of the garage should be exposed on the front of the home.

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, Recording Secretary Jill Hedberg and Youth City Council Members Cody Nelson and Michelle Alder.

Mayor Harbertson called the meeting to order at 7:00 P.M. **Max Forbush** offered the invocation. The Pledge of Allegiance was led by **Larry Haugen**.

APPROVAL OF MINUTES OF PREVIOUS MEETING

David Hale moved to approve the minutes of the February 20, 2007, City Council Meeting. **Larry Haugen** seconded the motion with changes as noted. The voting was unanimous in the affirmative.

PUBLIC HEARING: CONSIDERATION OF AMENDING FARMINGTON CITY BUDGET FOR FISCAL YEAR ENDING JUNE 30, 2007 (Agenda Item #3)

Keith Johnson briefly reviewed the Farmington City Budget for Fiscal Year Ending June 30, 2007, as he did during the City Council work session.

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 adopt the amended budget as presented. **Rick Dutson** seconded the motion, which passed by unanimous vote.

Motion

Sid Young moved that the City Council adopt the amendments to original budget intent to include the following items:

- Initiative for exercise program to encourage healthy lifestyles for employees.
- Purchase of surveillance camera for Police Department.
- Initiative of physical fitness programs for Police Officers by providing temporary gym memberships to enable officers to pass vigorous physical fitness program required by URMMA.

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

PUBLIC HEARING: CONSIDERATION FOR ADOPTION OF A RESOLUTION AUTHORIZING THE ISSUANCE AND SALE OF NOT MORE THAN \$3,750,000 AGGREGATE PRINCIPAL AMOUNT OF GENERAL OBLIGATION BONDS, SERIES 2007, OF FARMINGTON CITY, UTAH; FIXING THE MAXIMUM AGGREGATE PRINCIPAL AMOUNT OF THE BONDS, THE MAXIMUM NUMBER OF YEARS OVER WHICH THE BONDS MAY MATURE, THE MAXIMUM INTEREST RATE WHICH THE BONDS MAY BEAR, AND THE MAXIMUM DISCOUNT FROM PAR AT WHICH THE BONDS MAY BE SOLD; PROVIDING FOR THE PUBLICATION OF A NOTICE OF BONDS TO BE ISSUES; PROVIDING FOR THE RUNNING OF A CONTEST PERIOD; AND RELATED MATTERS (Agenda Item #4)

Max Forbush explained that as a result of November's bond election, the City will sale bonds to be used towards a new police station, the remodeling of the fire station to allow for 24 hour fire coverage, and City Hall will be rebuilt in the future.

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

Rick Dutson moved that the City Council adopt RESOLUTION NO. 2007-19, A RESOLUTION AUTHORIZING THE ISSUANCE AND SALE OF NOT MORE THAN \$3,750,000 AGGREGATE PRINCIPAL AMOUNT OF GENERAL OBLIGATION BONDS, SERIES 2007, OF FARMINGTON CITY, UTAH; FIXING THE MAXIMUM AGGREGATE PRINCIPAL AMOUNT OF THE BONDS, THE MAXIMUM NUMBER OF YEARS OVER WHICH THE BONDS MAY MATURE, THE MAXIMUM INTEREST RATE WHICH THE BONDS MAY BEAR, AND THE MAXIMUM DISCOUNT FROM PAR AT WHICH THE BONDS MAY BE SOLD; PROVIDING FOR THE PUBLICATION OF A NOTICE OF BONDS TO BE ISSUES; PROVIDING FOR THE RUNNING OF A CONTEST PERIOD; AND RELATED MATTERS. **David Hale** seconded the motion. Council Members Haugen, Young, Hale, Dutson, and Alder all voted in favor.

PUBLIC HEARING: REQUEST TO REZONE APPROXIMATELY 10 ACRES LOCATED WEST OF 1525 WEST AND NORTH AND ADJACENT TO FARMINGTON RANCHES PHASE III DEVELOPMENT FROM “A” TO “AE” (Z-15-06)/CONSIDERATION OF SCHEMATIC PLAN APPROVAL - RANDY HEAD/JOHN MCDONALD (Agenda Item #5)

David Petersen displayed an aerial photo and pointed out where the property is located. The developer is working with an engineer and adjacent property owners to shift the road so it will connect to 1875 West. City staff recommends that the Council withhold schematic plan approval until an acceptable schematic plan is presented to the City. The Planning Commission recommends that the property be zoned “AE”.

Public Hearing

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

Randy Head (9650 North Dorchester, Cedar Hills 84062) said he is working with his engineer to redesign the schematic plan so the road connects to Howard Kent’s property without effecting the open space area.

Mayor Harbertson explained where the trail will be located which ties in with the Farmington Ranches trail.

David Petersen stated that an adjacent property owner requested that the road be moved further west. The developer has not expressed a preference. The sewer depth needs to accommodate four developments. He explained how the trail will likely travel through the area.

In response to a question from **David Hale**, **David Petersen** pointed out where the stop sign will be located. He said the engineers have reviewed the road system, including the steep areas.

Public Hearing Closed

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

Mayor Harbertson explained that the railroad crossings will be closed down in the future as a result of the Woodside Homes subdivision that is being developed in the area.

Motion

David Hale moved that the City Council adopt ORDINANCE NO. 2007-15, AN ORDINANCE AMENDING THE ZONING MAP TO SHOW A CHANGE OF ZONE FOR PROPERTY LOCATED WEST OF 1525 WEST STREET AND NORTH OF PHASE III OF THE FARMINGTON RANCHES SUBDIVISION FROM “A” TO “AE” (APPLICATION Z-15-06). **Paula Alder** seconded the motion, which passed by unanimous vote.

Motion

David Hale moved that the City Council table consideration of the schematic plan. **Paula Alder** seconded the motion, which passed by unanimous vote.

DAVIS CHAMBER OF COMMERCE - JOHN PITT, PRESIDENT (Agenda Item #6)

John Pitt introduced himself and discussed the future plans for the Davis Chamber of Commerce. He reviewed the items that were included in the packet that was given to the members of the Council. His goal is for the Chamber to be enterprising, educating and entertaining. He asked the Council for their continued support in the coming years.

David Hale suggested that the Chamber offer it’s members insurance discounts, as is done by the Chambers in other counties.

REQUEST FOR FINAL PLAT APPROVAL FOR FARMINGTON GREENS, PHASE 2A SUBDIVISION - CHARLES AKERLOW (Agenda Item #7)

David Petersen said the suggested motion which was included in the City Council packet is identical to approvals that the developer has received for previous phases. City staff recommends approving the request.

Motion

Rick Dutson moved that the City Council grant final plat approval for Farmington Greens, Phase 2a, Subdivision subject to the following:

1. The setbacks and preliminary elevations or perspectives of all building types proposed for this phase of the Farmington Greens Planned Unit Development will be submitted to the City by the developer. The setbacks and building's elevation will be consistent with the Development Agreement between the developer and Farmington City for this project.
2. The developer will prepare and submit a consistent street lighting plan, fencing plan, and illuminated house addressing system for review and approval by the City.
3. The developer will provide landscaping plans acceptable to the City for the open space area.
4. Fully executed declaration of covenants, conditions, and restrictions together with open space easements and other bonds, guarantees or easement agreements will be provided to the City as required by the Planned Unit Development Chapter of the zoning Ordinance and/or the City Attorney.
5. This final plat approval shall be subject to the Development Agreement made and entered into the 19th day of July 2000, by and between Farmington City and Claims, Inc., and any amendments related thereto.
6. All conditions of preliminary plat approval must be met.

Larry Haugen seconded the motion, which passed by unanimous vote.

BOUNDARY LINE ADJUSTMENT REQUEST BETWEEN LDS CHURCH (STEED CREEK CHAPEL) AND HOLMES CREEK DEVELOPMENT, LC (Agenda Item #8)

David Petersen reviewed the applicant's request for a boundary adjustment with the property to the north. It is anticipated that the LDS Church will soon submit a conditional use application to expand the parking area at the Steed Creek Chapel located at 347 South 200 West in a BP zone. He reviewed the possible motions. City staff recommends that the City Council approve the request.

Motion

Paula Alder moved that the City Council approve the boundary line adjustment as requested and authorize the Mayor to sign a notice of Boundary Adjustment prepared by the City Attorney subject to receiving letters of consent from both property owners.

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

AUTHORIZATION TO SPONSOR TWO PAGEANTS: (1) MISS FARMINGTON AND (2) MISS LEGACY - KARI DUTSON (Agenda Item #9)

Sue Anne Phillips explained that they are proposing that two titles be awarded at the pageant which will allow two young women to compete at the State level.

Kari Dutson requested that the Council approve the request and appropriate \$500.00 for the event.

As requested by **Kari Dutson**, the Council offered suggestions for the name of the new title. It was agreed that the title should be “Miss North Cottonwood” since North Cottonwood was Farmington’s original name.

Motion

Rick Dutson moved that the City Council authorize the pageant to include two titles, “Miss Farmington” and “Miss North Cottonwood”. **Paula Alder** seconded the motion, which passed by unanimous vote.

Rick Dutson moved that the City Council appropriate \$500 for the event. **Paula Alder** seconded the motion, which passed by unanimous vote.

[**Cody Nelson** and **Michelle Alder** were excused at 8:15 P.M.]

REVIEW OF CRS ENGINEERING PROPOSALS: WATER RIGHTS EVALUATION / STORM SEWER ANALYSIS AT STATION PARK (Agenda Item #10)

Mayor Harbertson informed the members of the audience that the issue was discussed during the City Council work session. 50% of the analysis at Station Park will be paid by RDA administration funds and 50% will be paid by CenterCal.

Motion

Paula Alder moved that the City Council authorize the proposed water rights evaluation and planning study with a cap of \$10,500. The proposal shall be reviewed by the Mayor, City Manager, Walt Hokansen, and Larry Famuliner. **Rick Dutson** seconded the motion, which passed by unanimous vote.

Motion

Paula Alder moved that the City Council direct the City Manager to prepare or have agreements prepared with CenterCal asking CenterCal to pay one-half of the cost of this storm water analysis, authorizing the other 50% to come from the Redevelopment Project administrative costs. **Rick Dutson** seconded the motion, which passed by unanimous vote.

MINUTE MOTION APPROVING SUMMARY ACTION LIST (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 Verizon Wireless Termination Agreement. With the approval, the City will receive a check for \$14,700 as part of the agreement.
- 11-3. Approval of Standard Conservation Easement Agreement across remnant parcel of property south of Phase 7A of Farmington Ranches Subdivision (Parcel 08-073-0048).
- 11-4. Minute motion assigning the Problems Resolution Committee, comprised of Council Member Hale and Young, to meet with Symphony Development to hear impact fee concerns. The Committee will also consist of the City Engineer, City Manager and Community Development Director.
- 11-5. Approval of Surety Bond Agreement for Farmington Ranches, Phase 8.
- 11-6. Approval of two Easement Encroachment Agreement with the U.S. Bureau of Reclamation, Weber Basin Water, PCI #1, L.L.C and Farmington City pertaining to Farmington Green, Phase 2a Subdivision.
- 11-7. Authorization for Mayor Harbertson to sign letter to be sent to the Attorney General's office.
- 11-8. Ratification of City Manager's comments responding to proposed Wasatch Front

Regional Council 2030 Regional Transportation Plans and 2030 Transit Plan.

- 11-9. Approval of Reimbursement Agreement with Davis County for installation of Telecommunications fiber conduits along State Street.

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

AMENDMENTS TO BUILDING REGULATIONS - TITLE 10 FARMINGTON CITY MUNICIPAL CODE (Agenda Item #12)

Mayor Harbertson reviewed the proposed amendments to Title 10 - Building Regulations.

Motion

Sid Young moved that the City Council adopt ORDINANCE NO. 2007-16, AN ORDINANCE AMENDING AND RECODIFYING TITLE 10 OF THE FARMINGTON CITY MUNICIPAL CODE REGARDING BUILDING REGULATIONS. **Larry Haugen** seconded the motion. Council Members Alder, Dutson, and Hale all voted in favor.

ORDINANCE REPEALING AND RECODIFYING TITLE 4 OF THE FARMINGTON CITY MUNICIPAL CODE REGARDING JUSTICE COURT (Agenda Item #13)

Mayor Harbertson explained that the Ordinance is necessary since Farmington has entered into an Interlocal Cooperation Agreement for Justice Court Service with Davis County.

Motion

David Hale moved that the City Council adopt ORDINANCE NO. 2007-17, AN ORDINANCE REPEALING AND RECODIFYING TITLE 4 OF THE FARMINGTON CITY MUNICIPAL CODE REGARDING THE FARMINGTON CITY JUSTICE COURT AND JUDICIAL CODE. **Larry Haugen** seconded the motion. Council Members Young, Dutson and Alder all voted in favor.

AMENDMENTS TO OTR ZONE TEXT (TITLE 11, CHAPTER 17) AND RELATED AMENDMENTS (Agenda Item #14)

David Petersen said the proposed Ordinance reflects the desires of the Council. The Council agreed with the Historic Preservation Commission regarding items 1 and 2. The draft for item 3 incorporates language discussed by **David Hale** and members of the Commission which strengthens the review process for new construction in the OTR zone. He informed the Council that the Historic Preservation Commission is opposed to the text that is included in Section 11-17-050 which pertains to garages. He asked the Council to offer their input.

The Council discussed the issue and agreed that attached garages shall comprise no more than 33% of the front plane of the home.

Mr. Petersen informed the Council that the Historic Preservation Commission is in favor of prohibiting vinyl fences in the OTR zone. He reviewed the proposed amendments and asked the Council for their input.

The Council discussed Section 11-17-060 which pertains to fences. They agreed that the text should state that fences on the side and corner yards shall be prohibited except for fences which have a woodgrain appearance. Chainlink fences shall not be allowed.

Mr. Petersen reviewed the other proposed amendments which were acceptable to the Council.

Motion

David Hale moved that the City Council adopt an Ordinance amending Chapter 17 of the Farmington City Zoning Ordinance, titled "Original Townsite Residential Zone" (OTR) and sections and definitions related thereto, as discussed and presented. **Larry Haugen** seconded the motion, which passed by unanimous vote.

I.T. SERVICE AGREEMENT WITH 3C BUSINESS SOLUTIONS (Agenda Item #15)

Mayor Harbertson stated that the agreement will end on the last day of June so it will be on the fiscal year calendar. The agreement was reviewed and approved by **Keith Johnson**.

Motion

Rick Dutson moved that the City Council approve the Agreement with 3C Business Solutions. **Sid Young** seconded the motion, which passed by unanimous vote.

DEVELOPMENT AGREEMENT REGARDING WILLOW CREEK SUBDIVISION AT LUND LANE AND I-15 FRONTAGE ROAD - FIRST READING (Agenda Item #16)

David Petersen displayed an overhead of the site plan. The developer has a significant amount of improvements for a five lot subdivision. He is dedicating 17.5% open space on the Frontage Road. The City has agreed to contribute the cost for half of the improvements along the Frontage Road only since it is included on the Capital Improvements list. The developer will pay for all of the Lund Lane improvements and bring the utilities to the edge of his property. He reviewed the terms of the agreement between the developer and the City. The City Attorney has not yet reviewed the agreement.

Larry Haugen questioned why this developer should only have to provide 6% open space when other developers are required to provide 10% open space.

David Petersen said the berm and wall combination will have to extend beyond the boundaries of the subdivision so they would prefer an attractive side treatment rather than an ineffective berm. The Planning Commission plans to conduct a field trip to the property to see if the proposed side treatments are compatible with the Cave Hollow and Centerville City side treatments.

Larry Haugen asked how the drainage will be handled since the water currently drains to the corner lot.

Paul Hirst said a portion of the water will travel under the freeway and the other portion will travel to the north to the existing barrow. The Master Plan indicates that in the future, the water should travel to the regional detention basin.

Larry Haugen asked if there are plans for an off ramp to be constructed at Lund Lane.

City staff indicated that the WFRC Regional Transportation Plan calls for an off-ramp at Lund Lane. The properties will be removed by UDOT if it is justified.

Larry Haugen said the developer should be required to follow the City's requirements, regardless of the size of the property. He is concerned that a precedent will be set for future developers if this is approved.

Rick Dutson said he does not want other small properties to remain undeveloped because it is not economically feasible for the developer to provide the improvements.

REIMBURSEMENT AGREEMENT WITH JERRY PRESTON REGARDING STORM SEWER FACILITIES NEAR GLOVER'S LANE AND I-15 FRONTAGE ROAD - FIRST READING (Agenda Item #17)

The City Council reviewed the Reimbursement Agreement which was drafted by the City Attorney.

Max Forbush explained that the first Development Agreement for Rice Farms subdivision states that there may be a need for a regional detention basin to be constructed, which would require a Reimbursement Agreement. There is an honest difference of opinion between City staff and Mr. Preston as to how much of the cost is attributable to the City and how much is attributable to Mr. Preston. He recommended that a committee be formed to meet with Mr. Preston in an attempt to reach a compromise. Mr. Preston is concerned about proceeding with the next phases until the issue is resolved.

Larry Haugen and **Sid Young** agreed to serve on the committee.

A representative for **Jerry Preston** explained that phases 1 and 2 have received approval. Phase 3 is about to be recorded. He asked if it would be possible to proceed with phase 4 prior to phase 3 since they would prefer constructing the multi-family housing before the single family homes.

Mayor Harbertson said the issues pertaining to the storm sewer and detention basin need to be resolved before the City considers swapping the order of the phases.

Sid Young and **Larry Haugen** agreed to meet with Mr. Preston and City staff on March 13, 2007.

Motion

Paula Alder moved that the City Council create a committee made up of **Larry Haugen**, **Sid Young**, City staff and the City Engineer to meet with Mr. Preston to discuss the Reimbursement Agreement. **Rick Dutson** seconded the motion, which passed by unanimous vote.

FARMINGTON RANCHES NEIGHBORHOOD PARK AGREEMENTS - FIRST READING (Agenda Item #18)

Mayor Harbertson explained that the Boyer Company is requiring the Farmington Ranches Homeowner's Association to obtain the signatures of all of the property owners adjacent to the open space area that is planned to be subdivided into five lots stating that they are accepting of the proposed subdivision. The HOA needs permission from the Boyer Company to sell five of the lots and use the proceeds for the park.

Max Forbush stated that if the lots were sold, the conservation zone, Title 12 would need to be amended to reduce minimal lot size to 8,500 square feet. He questioned if that would have a major consequence on the conservation zone.

David Petersen stated that the number of lots would not be appreciably effected. The smaller lot size is only designed to be used in tight situations.

Max Forbush stated that a public hearing before the Planning Commission is to be held on March 15, 2007, to consider the amendments to Title 12.

HUNTER'S CREEK/SPRING CREEK SUBDIVISION IMPROVEMENTS AND REIMBURSEMENT AGREEMENT/SPRING CREEK, PHASE I, CONSERVATION EASEMENT AGREEMENT (Agenda Item #19)

David Petersen said this Improvement Agreement is referenced in the Agreements with Hunter's Creek and Spring Creek. It will replace the previous Improvement Agreements. He displayed an aerial photo and pointed out where the property is located. He explained how the issues regarding the roads and railroad crossings will be addressed in the future. He reviewed the key elements of the Agreement, including the requirement that certain properties be condemned if the Ford/Stathis road is not constructed within the next two years. He recommended that the Council table consideration of this agenda item until the Conservation Easement Agreement for Phase 1 is prepared.

Sid Young recommended that City staff verify that the Agreement provides sufficient time to exercise their power of domain since it may be difficult to receive a court date within that period of time.

Motion

Rick Dutson moved that the City Council approve the Reimbursement Agreement and authorize the Mayor to sign the same subject to the City Manager verifying the dollar amount for the cost per square foot for the Capital Facilities Plan. **Sid Young** seconded the motion, which passed by unanimous vote.

Motion

Rick Dutson moved that the City Council table consideration of the Conservation Easement Agreement. **Sid Young** seconded the motion, which passed by unanimous vote.

WOODSIDE/CITY LAND SWAP AGREEMENTS NORTH OF BURKE LANE AND WEST OF I-15 - FIRST READING (Agenda Item #20)

Mayor Harbertson explained that the Agreement will allow the City to trade property with UDOT so the City is not responsible to maintain the property.

Max Forbush said the engineers for the City and Woodside Homes will meet to determine the actual size of the City property. Woodside Homes, UDOT and City staff conceptually agree to the terms of the Agreement but it has not yet been reviewed by the attorneys.

FOURTH AMENDMENT TO FARMINGTON PRESERVE AGREEMENT (Agenda Item #21)

The City Council tabled consideration of this item.

MAYOR HARBERTSON'S REPORT (Agenda Item #22)

- **Mayor Harbertson** met with Weber Basin's appraiser. The appraiser agreed that two of the City's concerns are valid.
- **Mayor Harbertson** met with **Rich Haws** regarding the Road to the North.
- **Mayor Harbertson** met with **Cory Pope** and **Diane Maguir** regarding the Basic Grey office proposal. UDOT is willing to lease the property for \$100 per year but they are not willing to sell it.
- **Mayor Harbertson** met with CenterCal to discuss the progress of Station Park.
- **Mayor Harbertson** and **Max Forbush** met with **Ron Martinez** to discuss TOD zone issues.
- **Mayor Harbertson** met with **Mr. Freed** in an attempt to negotiate the contract for the police department providing security at Lagoon.

CITY COUNCIL REPORTS (Agenda Item #23)

Council Member Haugen Report

- **Larry Haugen** attended the Burn Plant meeting. Attempts are being made to trade properties to assist Layton City and Hill Air Force Base.
- **Larry Haugen** informed City staff that 600 North is deteriorating near the stop sign.

Paul Hirst said he is aware that the road is deteriorating but the road will not be able to be permanently repaired until the temperatures increase.

Council Member Young Report

- **Sid Young** reported that the Leagues of Cities and Towns did not hold their last legislative policy meeting.

Council Member Young asked when the Council plans to discuss the future of the City cemetery.

Mayor Harbertson said the City is considering other options than to expand the cemetery into the park. He will discuss the issue with **David Petersen**.

Council Member Hale Report

- **David Hale** attended the Historic Preservation meeting where they discussed the old Steed rock cabin. A third party historic architect visited the property and indicated that the structure is not historic unless there is an old foundation below the surface. The Historic Preservation Commission also discussed the plans for the Whitaker Barn property.

David Hale stated that he will not be attending the meeting with **Rich Haws** since it is a conflict of interest.

Max Forbush said the City Attorney recommends that the City remain neutral on any transportation planning for the Legacy to Legacy Connection and access points to Park Lane until the Horrocks Engineers completes their studies.

Council Member Dutson Report

- **Rick Dutson** reported that he attended the Youth City Council meeting. The new Youth City Council members will be sworn in by the City Council in the near future.
- **Rick Dutson** attended the Relay-for-Life meeting. He asked that the Council and City staff form teams for the event.
- **Rick Dutson** reported that the International Conference of Shopping Centers will be held in Las Vegas. He offered to let another member of the Council attend.

Mayor Harbertson said it he would speak with **Jean Paul Wardy** to determine if the conference will be beneficial to the City. He recommended that the City Manager and other members of the Council visit the CenterCal development that is located in Portland, Oregon.

Council Member Alder Report

Paula Alder reported that she is working with the Arts Council.

CLOSED MEETING

At 10:25 p.m., a motion was made by **Sid Young** for the Council to go into a closed meeting to discuss the professional competency and character of an individual and to discuss strategy as it pertains to potential litigation. The motion was seconded by **Paula Alder**. The motion passed with Council Members **Haugen, Hale, Dutson, Alder and Young** all voting in favor.

At 10:25 p.m. **Sid Young** moved to go into a closed session to discuss the professional competency of an individual. The motion was seconded by **Paula Alder** and passed with all Council Members voting in favor.

At 10:55 p.m. a motion was made by **Rick Dutson** and seconded by **Larry Haugen** to go back into open session. The motion passed by all Council Members voting in favor and the meeting was convened into an open session.

The City Manager reported the Utah Transit Authority is applying for a grant and would like Farmington City and Murray City to participate by being sponsors for two, 8-hour workshops to promote Wasatch Choices 2040 principles. Citizens and interested people will be invited to come

to them. UTA's goal is to reduce the number of vehicle miles traveled (VMP) per capita by promotion of mass transit.

David Hale moved to authorize Farmington City to participate with the Utah Transit Authority, along with Murray City, to be sponsors for two, 8-hour workshops to promote Wasatch Choices 2040 principles along with limiting vehicle miles traveled (VMP) per capita. The motion was seconded by **Larry Haugen**. The motion passed with Council Members Hale, Haugen, Dutson and Young voting "aye", and Council Member Alder voting "nay".

At this point in the meeting, **Larry Haugen** recused himself and left the building.

At 11:00 p.m. a motion was then made by **Rick Dutson** to go back into closed session to discuss strategy as it pertains to pending litigation. **Paula Alder** seconded the motion with Council Members Dutson, Alder, Hale and Young all voting "aye" the meeting was convened into a closed session.

At 11:08 p.m. **David Hale** moved to go back into open session. The motion was seconded by **Sid Young** and passed with all voting in favor.

SWORN STATEMENT

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

Scott C. Harbertson, Mayor

ADJOURNMENT

There being no further business to come before the body and upon motion by David Hale with a second by Sid Young the meeting was adjourned at 11:08 p.m.

Margy Lomax, City Recorder
Farmington City