

FARMINGTON CITY COUNCIL MEETING

Tuesday, April 21, 2009

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, City Planner David Petersen, Assistant City Planner Glenn Symes, and Recording Secretary Kami Mahan.

Field Trip to Assess City Roads

At 5:00 p.m., the Council and representatives from City staff met with Utah State Legislators Julie Fisher and Roger Barrus, and Ken Bullock from the League of Cities and Towns, to tour the City to assess the condition of Farmington City streets. Following the field trip, the agenda was reviewed by the Council. The work session convened at 6:43 p.m.

Glenn Symes distributed copies of an amended agenda.

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

The Council reviewed the minutes of the Special City Council held March 31, 2009, and the regular City Council meeting held April 7, 2009. Several clarifications/corrections were made. Sid Young made a clarification to the minutes of April 7, 2009, stating that the matter of vacating the trail was not brought up by the City but by the Creekside Estates Homeowners Association.

Paula Alder reported that she learned at a training session that each Council Member should be listed individually in the minutes for the voting on all motions. She also said that a quorum needs to be present in the building during meetings. A third member cannot be brought in electronically, although a fourth or fifth can be.

(Agenda Item #3): Acknowledgment of Kennen Sparks, a student at Farmington Jr. High, winner of Utah's Geography Bee.

Mayor Harbertson said that a list of geography questions has been prepared for Kennen Sparks to answer after the presentation of his award. Each Council member will ask one question.

(Agenda Item #5): Public Hearing: Consideration of Ordinance to vacate a 6-foot wide public trail right-of-way within Creekside Estates PUD (adjacent to and north of Lot 116) connecting 965 South (Shady Lane) to 200 East Street.

Mayor Harbertson reported that he walked the Creekside Estates trail, and said that although it needs some maintenance, it is a wonderful trail and he did not see any reason to put it into negotiations. Other Council members agreed with keeping the trail. **Max Forbush** encouraged the

Council to comment during the meeting since it was the City which initiated notice and there may be questions. The Council briefly discussed the trail, and agreed that its usage will most likely increase in the future.

(Agenda Item #6): Public Hearing: Consideration of proposed amendments to Title 15 (Sign Ordinance).

Glenn Symes distributed copies of a letter received from Historic Preservation Commission Chairman Alys Revell requesting that language be included in the amendment requiring permission from abutting property owners for temporary residential off-site signage as well as model home and open house signs. **David Petersen** noted that the City can impound signs.

(Agenda Item #7): Request of funding sponsorship for Davis Cable TV - John Pitt/Bill Francis.

The Council briefly discussed this proposal and questioned what the City paid compared to neighboring cities. **Cory Ritz** pointed out that residents west of the freeway cannot get cable TV. **Mayor Harbertson** said he is not opposed to supporting the proposal but does not think Farmington should pay more than other comparable cities.

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

- **Ratification of approvals of Construction Bond Agreements**
- **Authorization for Mayor to sign “Youth Week” Proclamation**
- **Authorization for Mayor to sign “Foster Care Month”**

The **Mayor** briefly reviewed these items.

(Agenda Item #9): Nicholl’s Nook Subdivision policy consideration.

- a) **Development Agreement**
- b) **Planning Commission Recommendation for Public Street Width**
- c) **Pioneering Agreement**

Mayor Harbertson said these items would be handled in the order of b), a), and c). In response to a question, the **Mayor** explained that the Planning Commission recommended a 30 foot right-of-way, and to extend the curb and gutter to two and a half feet. Asphalt will be decreased from 26 to 25 feet. The concern is that in the future, this street could be extended from 100 West to 200 West which will increase foot traffic. The possibility of widening the street needs to be considered to ensure at least 27 feet of asphalt, which will increase safety. **David Petersen** noted that this situation is similar to Farmington Station, and that if it had been known the street would go through the City would have required that it be wider. He said there is a high probability this street will eventually go through to 200 West.

The meeting adjourned at 7:05 p.m. _____

REGULAR CITY COUNCIL/CITY CHAMBERS/CALL TO ORDER

PRESENT: Mayor Scott C. Harbertson, Council Members Richard Dutson, Paula Alder, Sid Young, Cory Ritz, City Manager Max Forbush, City Planner David Petersen, Assistant City Planner Glenn Symes, Deputy City Recorder Holly Gadd, and Recording Secretary Kami Mahan. Councilman Hale was absent due to a home emergency.

Mayor Harbertson called the meeting to order at 7:10 p.m. **Sid Young** offered the invocation, and the Pledge of Allegiance was led by Boy Scout **Daniel Montgomery**.

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

The minutes of the Special City Council meeting held March 31, 2009, and the regular City Council meeting of April 7, 2009, were reviewed during the work session.

Motions

Paula Alder moved to approve the minutes of the Special City Council meeting held March 31, 2009, as amended in the work session. **Sid Young** seconded the motion. Council members **Alder, Dutson, Young, and Ritz** all voted in favor.

A motion was made by **Paula Alder**, and seconded by **Cory Ritz**, to approve the minutes of the April 7, 2009, City Council meeting, with changes as noted. Council members **Alder, Dutson, and Ritz** voted in favor of the motion. Councilman **Young** abstained due to his absence at that meeting.

ACKNOWLEDGMENT OF KENNEN SPARKS, A STUDENT AT FARMINGTON JR. HIGH, WINNER OF UTAH'S GEOGRAPHY BEE. (Agenda Item #3)

Mayor Harbertson presented Kennen Sparks with a certificate for his accomplishment as the winner of the State Geography Bee. The **Mayor** announced that Kennen will go to Washington D.C. to participate in the National Geography Bee on May 19th and 20th to compete for a \$25,000 prize. Kennen answered geography questions from the Council members.

PLANNING COMMISSION REPORT (Agenda Item #4)

Chairman **John Bilton** reported on the proceedings of the Planning Commission meeting held April 16, 2009:

- The Planning Commission recommended approval of Jerry Preston's request for an amendment to the Rice Farms Estates PUD amending a previous approval of 16 single family detached units to 25 single family attached units.

- The Planning Commission recommended a 30-foot width street standard (a standard not listed in the City guidelines) for the dedication of Elliot Lane in the Nicholl's Nook PUD.
- The public hearing regarding changes to a Scenic Byway Overlay Ordinance, proposed to be Chapter 41 of the Zoning Ordinance, was continued to April 30th.
- The Planning Commission also continued the public hearing regarding changes to the Official Zoning Map creating a Scenic Byway Overlay Zone.
- The Planning Commission recommended approval of a conditional use permit for the placement of the proposed Farmington City Hall facility.

PUBLIC HEARING: CONSIDERATION OF ORDINANCE TO VACATE A 6-FOOT WIDE PUBLIC TRAIL RIGHT-OF-WAY WITHIN CREEKSIDE ESTATES PUD (ADJACENT TO AND NORTH OF LOT 116) CONNECTING 965 SOUTH (SHADY LANE) TO 200 EAST STREET. (Agenda Item #5)

Mayor Harbertson stated that this issue was continued from the last City Council meeting. **David Petersen** pointed out the subject area on an overhead aerial map and briefly reviewed the content of the April 17, 2009, Memorandum to the **Mayor** and City Council regarding pros and cons of the proposed trail vacation.

Public Hearing Opened

Mayor Harbertson opened the meeting to a public hearing at 7:31 p.m.

George Chipman, 433 South 10 East, representing the Farmington Trails Committee, said he hoped that if the City closed the trail, it would be left open by future owners. He said he knew there were liability, maintenance, and safety issues. He felt the trail should be treated like other trails, and liability should not be imposed on the HOA. He suggested placing shorter steps in front of the higher ones to increase stability, and said this would make a good Eagle Scout project. He recommends leaving the trail open.

Randy Kline, 1713 Sweetwater Lane, is opposed to the City divesting the trail property. He asked what the City would gain by this action, and is concerned with setting a precedent. He felt it would be discriminatory, and that the trail is needed since there are few trails in this area. He asked that if it is closed, the Trails Committee be given several months to rework the trail. He noted the value of the land and asks that it be appraised. He said the Trails Committee passed a recent resolution urging the City to retain ownership, and that the resolution included a request that the land be transferred to the committee for less than market value in the event of a vacation.

Lynn Beckman, 106 Shady Creek Lane, president of the HOA, said that residents voted in a December HOA meeting to have the trail vacated to the Laur Barker family if the City approved the vacation.

Laur Barker, 174 Shady Creek Lane, the owner of Lot 16 adjacent to the trail, said the trail is only used by neighboring residents, and most Farmington residents would not know the difference if it wasn't there. He is concerned that modifications to the lot would affect the current landscaping. He said it was built out of their landscaping after they moved in. It would be their intent to leave it open as a private path.

Jim Barnett, 938 South Creekside Court, said he believes the liability issue is solved with the vacation of the trail. He said there is a trail that runs east/west behind the subdivision. He favors the vacation of the trail to the Barkers.

Public Hearing Closed

Mayor Harbertson closed the public hearing at 7:41p.m.

The **Mayor** said he visited the area, and he commended **Mr. Barker** on blending the landscaping into the trail. He is concerned about the steepness of the steps and said safety precautions such as steps or a railing could be added. He disagreed with **Mr. Kline's** concern about setting a precedent since it is not uncommon for the City to give easements to property owners. He said the City has the liability for the trail, although it could have done a better job of maintenance. He does not believe the City should give something away that works for the community, and recommends keeping the trail. He added that it is unknown what the Barkers' successors would do with the trail.

Rick Dutson said he was originally leaning toward vacation, but reconsidered after looking at the area. He said this trail does not produce more liability than most other trails. He would like staff to work with the adjacent property owners and the Trails Committee to implement safety precautions. **Sid Young** felt the City should be responsible for maintenance and liability. He said that after attending a special improvement district meeting, he decided that these types of issues need to be agreed upon by 100% of the HOA residents. He favors keeping the trail. **Paula Alder** agreed with keeping the trail because of the use it receives, and the unknown actions by future owners. She also noted the distance pedestrians would have to walk to access 200 East if the trail was closed. **Cory Ritz** said he was sympathetic to **Mr. Barker's** position and does not want something institutional like a handrail installed. He said if the City keeps the trail open it can keep a satisfactory ambience.

Mayor Harbertson noted that although the City instigated the vacation, it is now educated and the vacation is not merited. **Max Forbush** cautioned that the Parks and Recreation department may not have the manpower or funds to meet high expectations of trail maintenance. He hopes the Trails Committee will help, which it does throughout the City. **David Petersen** noted that the developer

installed the rock work before he sold the lots, and the steps were not at the City's request. **George Chipman** said he will assign the trail to a Trail Chief.

Motion

Sid Young moved not to vacate the trail but rather for City staff to work with the Trails Committee to maintain the trail, and to work with adjacent owner, Laur Barker. **Paula Alder** seconded the motion, which passed with Council members **Ritz, Dutson, Young,** and **Alder** voting in favor.

PUBLIC HEARING: CONSIDERATION OF PROPOSED AMENDMENTS TO TITLE 15 (SIGN ORDINANCE). (Agenda Item #6)

Mayor Harbertson introduced this item, and it was explained that this ordinance makes changes to the placement and number of signs for off-premise open houses and model homes. It was also noted that in response to a letter received from Historic Preservation Chairman Alysa Revell, permission must be obtained from a homeowner for signs to be placed in the park strip.

Public Hearing

Mayor Harbertson opened the public hearing at 8:00 p.m. There were no public comments and the hearing was closed.

Motion

Rick Dutson made a motion to approve the sign ordinance amendments. **Cory Ritz** seconded the motion. Council members **Ritz, Young, Dutson,** and **Alder** voted in favor of the motion.

REQUEST OF FUNDING SPONSORSHIP FOR DAVIS CABLE TV - JOHN PITT/BILL FRANCIS. (Agenda Item #7)

Chamber of Commerce President **John Pitt** explained that the "Building Business in Davis County" program has recently done promotion online and with cable TV Channel 17. He said last year they struggled to obtain sponsorship and have investigated ways to keep Channel 17 in operation while reducing costs to the Chamber and sponsors. Programming includes the three largest employers in the County, including the school district, Davis County, and Lagoon, as well as others. He then showed a five minute DVD montage of channel 17 programming.

[The Council handled Agenda item #8 while waiting for DVD technical difficulties to be resolved.]

Mr. Pitt explained that the montage showed samples of what is available on the channel and the ability to promote events and programs in Farmington. He said Channel 17 is currently available to 40% of City residents through Comcast, and that video on demand and live stream are popular. **Mr. Pitt** said Channel 17 is affordable, is on 24 hours per day, and is a good way to make contact with citizens to keep them informed of city issues and events and to promote local businesses. It is guaranteed family friendly and of local interest. He asks for the City's support. **Max Forbush** noted the emailed proposal, which asks for \$5,000.

In response to an inquiry by the **Mayor**, **Mr. Pitt** explained the two main levels of sponsorship:

1. \$5,000 includes two promotional sections, one in-depth promotion about the city, and includes as many slates (line items) as wanted. The slates run between programs.
2. \$2,500 includes a large scale program, one primer, and slates not to exceed 20 over the course of each month.

Mr. Pitt answered questions from the Council about details of the proposal and what other cities have done. **Max Forbush** noted that the City contributed \$5,000 from the beginning, and the **Mayor** expressed concern that the City did not use the money to its full potential. **Mr. Forbush** asked **Mr. Pitt** to work with the Parks and Recreation department, which would be the major user. He suggested possibly implementing the \$2,500 option, and training the P&R department on how to use the program to receive the full value. **Mr. Pitt** suggested that the City determine what features are wanted and that a liaison be appointed to work with Bill Francis, the Channel 17 operations and productions manager. It was suggested that the City's website contain a link to channel 17. **Mayor Harbertson** suggested that the proposal be addressed in the communications meeting.

Motion

Rick Dutson moved to discuss the proposal further in the budget session. The motion was seconded by **Paula Alder**, and passed unanimously with Council members **Young, Ritz, Alder,** and **Dutson** all voting in favor.

In response to a question, **Mr. Pitt** reported that Channel 17's annual budget is \$30,000.

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

- **Ratification of approvals of Construction Bond Agreements**
- **Authorization for Mayor to sign "Youth Week" Proclamation**
- **Authorization for Mayor to sign "Foster Care Month"**

Mayor Harbertson briefly reviewed these items.

Motion

A motion was made by **Sid Young** to approve the Summary Action List. **Paula Alder** seconded the motion. The motion passed with Council members **Dutson, Alder, Ritz,** and **Young** voting in the affirmative.

Paula Alder asked the Council to consider names for “Youth of the Year” nominations.

NICHOLL’S NOOK SUBDIVISION POLICY CONSIDERATION. (Agenda Item #9)

- a) **Development Agreement**
- b) **Planning Commission Recommendation for Public Street Width**
- c) **Pioneering Agreement**

Mayor Harbertson introduced this matter, and **David Petersen** displayed an overhead map of the Nicholl’s Nook area. He explained that the Planning Commission recommended a 30-foot street width with a high back curb, and that the asphalt would be reduced from 26 to 25 feet. **Mr. Petersen** said an additional alternative would be a 32-foot width, but the disadvantage would be the reduced size of the rear yards. He said staff is confident the road will eventually go through to 200 West.

Mayor Harbertson expressed concern about the safety of citizens due to the lack sidewalks in the development with the eventuality that the road will extend. He is in favor of the full 27 feet of asphalt. He said **Rodney Griffin’s** offer to take the necessary land off the properties on the north end of the development would be best.

Developer **Rodney Griffin** cited examples of street widths such as the one by the fire station, and Farmington Station, which are 28 and 28 ½ feet wide respectively, as opposed to the 30 feet he is proposing. He believes this is workable. It was pointed out that these are dead end, private streets. The **Mayor** said mistakes have been made in allowing private streets which residents eventually want the City to take back. He said the City wants the street as close to the public street standard as possible.

Paula Alder agreed and is concerned with the lack of sidewalks. **Sid Young** said residents will be happy about the public street and he added that the cost of paving will be an issue. The **Mayor** expressed concern about parking.

Mr. Griffin clarified that the driveways are double wide. He also reviewed how the proposal came about and said the City wanted single-family dwellings on 200 West. He feels strongly the back yards can and will develop. But it would be best if they developed as additions to this development on a dead end street. These homes could be developed to look like the old architecture of Farmington, as has been requested by City staff. He requests that the Council approve the proposal as recommended by the Planning Commission.

The Council had an extended discussion regarding the issues related to the street width, particularly in regard to future development. Also discussed were the lack of sidewalks, potential UDOT issues, vacant lots in the development, potential parking problems, deviation from City standards, and setbacks.

Mr. Griffin proposed building the home on Lot 5 two feet further north, since this lot is the largest, and widening the road by two feet (32 feet). This would still give Lot 5 a back yard as deep as the other four. He explained that this would then allow him to market Lot 6 as having access to the open space of the detention basin. He would like to retain property obtained from Mrs. Meacham to accommodate the turnaround, where there is room for parking.

Mr. Griffin said the unified fire authority has a standard which shows that 26 feet is adequate for parking on one side. He said there is adequate access for emergency vehicles. The present plan is to make the south side for parking, with no parking on the north side. **Max Forbush** responded that it will be a public street, and that the fire code differs from the City's development standards. Present policy is that parking is allowed on both sides of the street. If it is a public street, it would be maintained like all others.

Motion

Rick Dutson moved to require a 32 foot wide public street, with a high back curb (2 ½ feet wide). **Sid Young** seconded the motion, which was unanimously approved. Council members **Dutson, Alder, Young,** and **Ritz** voted in favor of the motion.

David Petersen stated that the development agreement has the standard terms and has been reviewed by the City attorney. Regarding the Pioneering agreement, **Mr. Petersen** said that off-site improvements are being done, and he explained how the nearby areas will benefit from these improvements. He noted that the cost table is not complete and will be firmed up. The Pioneering agreement will be for ten years rather than seven. **Max Forbush** said the issue to be decided is the ratio of reimbursement. **Mr. Griffin** felt that it is unlikely that all the properties will develop within seven to ten years, and that the ratio of properties that develop to those that do not will probably be low over a long time frame. He asked for the Council's approval to work with staff to establish a smaller area of benefitted properties. He anticipates only 50% of the benefitted areas will develop over the next ten years, and wants to establish a payback based on that time frame. The Council agreed with this proposal.

Sid Young stated that the Exhibit C cost table needs to be revised, and the **Mayor** added that the date needs to be changed and that maintenance of open space needs to be addressed.

Motion

A motion was made by **Rick Dutson** to approve the development agreement, with the modifications that the date on Page 2 be changed from March 31 to April 21, and that Exhibit C be

modified to reflect the city street standards. The motion was seconded by **Cory Ritz** and passed with Council members **Ritz, Young, Dutson,** and **Alder** all voting in favor.

Motion

Paula Alder moved to approve the Pioneering agreement, with the modifications that cost amounts in Section 1 be worked out with staff; that the term of the agreement in paragraph 5 be ten years, and that the benefitted properties in Exhibit B be revised as discussed. **Sid Young** seconded the motion, and Council members **Alder, Dutson, Young,** and **Ritz** all voted in the affirmative.

CREEKESIDE ESTATES PUD HOMEOWNERS ASSOCIATION AGREEMENT. (Agenda Item #10)

Mayor Harbertson said that in view of the earlier decision of the Council regarding the six foot easement (Agenda Item #5), verbiage needed to be modified on the agreement with respect to sidewalk ownership and maintenance.

Lynn Beckman of the Creekside HOA requested a wording change on Page 1 of the agreement regarding the “Incorporation of Recitals.” He suggested that the recitals not be incorporated into the agreement. He also asked regarding #4 “Binding Agreement”, that the agreement be between the City and the HOA, and not the individual property owners. They want to omit the last four words because of an existing agreement stating that if anything happens to the HOA, responsibilities fall back onto the owners. He said they are happy with the resolution. **Max Forbush** said he would have attorney Todd Godfrey review the agreement.

Motion

Paula Alder moved to approve the Creekside Estates PUD Homeowners Association Agreement, with modifications as follows:

1. In the “Incorporation of Recitals”, changing “hereby” to “not”;
2. in “Sidewalk Maintenance”, to add the italicized words, “...Further, the City hereby agrees to *also retain ownership and maintain the 6-foot wide trail easement between Lots 116 and 117,* and to indemnify....”;
3. in #4. “Binding Agreement”, remove the words “or the abutting owners”,

pending review by City Attorney Todd Godfrey. **Rick Dutson** seconded the motion, which passed by a unanimous vote with Council members **Alder, Ritz, Young,** and **Dutson** all voting in favor.

JERRY STEVENSEN AGREEMENT (Agenda Item #11)

Mayor Harbertson stated that the City attorney advised against incorporating the addition of the emergency access road into this agreement. The **Mayor** added that the road would be gated and be a non-motorized road. **Max Forbush** distributed copies of the new agreement and said if the Council gave conceptual approval that another meeting with Jerry Stevenson would be held to make sure he was favorable.

Sid Young suggested that it be clarified that #2 “Conveyance of Property” refers to the north end of Mr. Stevenson’s property, and #3 “Conveyance of Property” to the south end. The Council discussed fencing of the property, Benchland Water access, and the easement to the fire break road. **Max Forbush** said that if Mr. Stevenson is amenable to the agreement, the matter can be scheduled for action and both agreements approved at the same time. This way, anyone who builds there knows they have a duty concerning the road. These conveyances will enable the City to redirect the fuel break road.

Referring to #2. “Installation of Improvements” in the new agreement, **Sid Young** raised the issue of the construction of the access road, and this was discussed. **Max Forbush** said he would contact the City attorney to have the agreement state that the demand will not be made until development occurs.

AUTHORIZATION FOR MAYOR TO SIGN PURCHASE OFFER/COUNTEROFFER WITH THE DAVIS SCHOOL DISTRICT FOR THE SALE OF CITY HALL. (Agenda Item #11A)

Max Forbush distributed copies of the Purchase Offer, and **Mayor Harbertson** explained that the Board of Education approved the agreement in its board meeting last week. The **Mayor** said he spoke with Paul Waite and Bruce Williamson prior to the meeting about changes the City wanted. The board generally agreed with the changes, but wanted to get the agreement approved as written. The **Mayor** said the City Manager was advised by legal counsel to write that he is rejecting the original offer but revising and submitting a new proposal. Dates are being changed to meet the construction schedule, although the time frame will remain as is. The **Mayor** said they also spoke with the school district about expanding their parking. The district agreed but did not want to tie this to the purchase price.

Motion

Rick Dutson made a motion to authorize the **Mayor** to sign the counter proposal. **Paula Alder** seconded the motion, and Council members **Alder, Dutson, Young, and Ritz** voted in favor of the motion.

NEW CITY HALL FINANCIAL/STRUCTURAL/DESIGN CONSIDERATIONS. (Agenda Item #12)

Mayor Harbertson introduced this Agenda item, and stated he felt the architectural fees are fair.

Rick Dutson said he agreed based on his consultations with other architects. The **Mayor** said he wants to keep the fixed fee. **Mr. Dutson** declined participation in negotiations due to his professional relationship with the architect.

Motion

Sid Young moved to authorize the **Mayor** and the City Manager to re-negotiate the proposal with the architect. The motion was seconded by **Paula Alder**. Council members **Ritz, Young, Dutson,** and **Alder** voted in favor of the motion.

The Council discussed details of the proposed facility. The architect will be contacted about the possibility of doing a blend of metal and wood for the structural system. **Rick Dutson** will address this issue at the meeting with architects and engineers. The Council also discussed priorities relating to finances plus the longevity of the facility. **Mayor Harbertson** said he is committed to raise funds for the proposed clock tower. After some discussion, the Council agreed to a flat floor with fixed seating in the City Council room.

The Council also discussed the proposed additional survey work and testing of the new building as proposed by the architects. The sewer alternatives were discussed. **Max Forbush** said he would contact the architects about revising these estimates. The building materials for the Community Center were discussed, as well as possible amenities for the center and the Council room. **Max Forbush** noted that the facility will be in place for decades.

ROAD MAINTENANCE FUNDING DISCUSSIONS. (Agenda Item #13)

Mayor Harbertson reviewed the fund amounts in the April 17, 2009, Memorandum to the Council from **Max Forbush**. The essence of the memorandum was that the City is falling behind in street overlays because of insufficient revenues. He suggested the possibility of moving monies from other capital project funds into the road capital project fund. He said they are being conservative on the Station Park estimated sales tax. The Council discussed the field trip tour taken earlier in the day with State legislators. **Max Forbush** said he supports waiting a year to see the outcome of whether there will be a gas tax increase imposed by the Legislature, but if this does not materialize, the City's efforts to spend more on street resurfacing will be greatly hampered. **Mr. Forbush** expressed concern about the effect of a property tax increase in the current recession, although he had suggested this alternative.

The matter will be discussed further in the budget session.

SPECIAL BUDGETARY WORK SESSION FOR APRIL 28, 2009. (Agenda Item #14)

Mayor Harbertson noted that this work session will be held next week.

RECYCLING DISCUSSION POSTPONED TO MAY 5, 2009, MEETING. (Agenda Item #15)

The **Mayor** stated that this discussion will be postponed.

CENTERVILLE CITY/ROBERT E. YOUNG PROPERTY ISSUES AS THEY PERTAIN TO TUSCANY COVE DEVELOPMENT AGREEMENT. (Agenda Item #16)

Mayor Harbertson stated that a letter had been sent to the developer to be added as a clarifying statement to the minutes. The City Council packet material included a map of the southern part of the City near the common Centerville -Farmington boundary. There was a problem of property not being acquired by the developer of Tuscan Cove and then being conveyed to the City. The letter referred to by the Mayor was a “demand letter” written by the City Attorney stating that he was in default. (See “Clarifying Statement” attached to these minutes.)

APPOINTMENTS TO UTAH LEAGUE OF CITIES & TOWNS LEGISLATIVE POLICY COMMITTEE. (Agenda Item #17)

This item was briefly discussed.

Motion

Paula Alder moved to appoint **Mayor Harbertson**, **Max Forbush**, and **Sid Young** to continue to serve on the Utah League of Cities and Towns. **Cory Ritz** seconded the motion, which passed with Council members **Alder**, **Ritz**, **Young**, and **Dutson** voting in favor.

MAYOR HARBERTSON’S REPORT (Agenda Item #18)

Mayor Harbertson gave **Sid Young** an email from a citizen requesting to serve on the Historic Preservation Committee, which **Mr. Young** will deliver to Chairman Alyssa Revell.

The **Mayor** also reported that three nominations had been received for Mother of the Year, and these names were reviewed. He suggested that Karen Redd’s name be included for consideration, and said her family would be contacted to provide a write-up if she was selected.

The **Mayor** complimented **Paula Alder** on the Easter Egg Hunt activity. He also reported on a downed UDOT directional sign off the northbound I-15 Park Lane exit ramp. **The Mayor** suggested having a clock tower design created to show to financial contributors during the fund raising. The Council briefly discussed the new City Hall project and funding.

CITY COUNCIL REPORTS (Agenda Item #19)

Paula Alder raised the issue of having the City partially pay for a sound wall on Fairway Circle. She had received an email requesting such. **Mayor Harbertson** said they were told by a UDOT official in an earlier meeting that the window of opportunity for sound walls was over when construction of widening I-15 near Oakridge was finished.

Council members expressed their wish to find out if the City's \$5,000 was spent on cable TV Channel 17.

Paula Alder reported that the ULC&T have yearly training on open meetings.

It was clarified that the Nicholl's Nook Pioneering agreement will be revised by the City Manager as needed then signed by the Mayor.

Rick Dutson reported on a neighbor concern regarding traffic control on 200 West and State Street. **Max Forbush** said the citizen can write a letter to the City which will be forwarded to UDOT for evaluation. **Mr. Dutson** asked about geological concerns with water saturation, and whether there is a report from the State or other agencies about mudslide potential. **Max Forbush** said this is done by the state geologist's office and that he will have Fire Chief Larry Gregory look into the issue. **Mr. Dutson** also reported that he is meeting with a potential tenant for the Bukoo's space.

Sid Young relayed a question from a resident concerning the legalities of ATV usage on City streets. **Max Forbush** said he would check with the Police Chief on this matter. **Mr. Young** inquired concerning the policy of deposits for the use of the Community Center, in response to a complaint he received from a resident. **Mr. Forbush** will check on the correct policy and contact the resident.

Recycling was briefly discussed.

Cory Ritz reported that he forwarded contacts received from Jason Hewlitt to Festival Days' Chairman Sarah Hale.

ADJOURNMENT

The meeting adjourned at 10:35 p.m.

Holly Gadd, Deputy City Recorder

CLARIFYING STATEMENT

Upon approval of the minutes of the City Council meeting held April 21, 2009, the following clarifying statement was made by **Max Forbush, City Manager**, to be added to Agenda item #16 “Centerville City/Robert E. Young property issues as they pertain to Tuscany Cove Development Agreement:

“The City Council packet material included a map of the southern part of the City near the common Centerville-Farmington boundary. There was a problem of property not being acquired by the developer of Tuscany Cove and then being conveyed to the City. The letter referred to by the Mayor was a ‘demand letter’ written by the City Attorney stating that he was in default.”

Dated this 5th day of May, 2009.

Margy L. Lomax, City Recorder