

# FARMINGTON CITY COUNCIL MEETING

Tuesday, May 1, 2007

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## 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 Deputy Recorder Holly Gadd and Recording Secretary Jill Hedberg.

**Mayor Harbertson** began discussion at 5:30 P.M. The following items were reviewed:

### Agenda Item #11: Proposed City Credit Card Policy

**The City Manager and Finance Director** shared their concern and the concern of the Deputy City Attorney, Todd Godfrey with respect to the proposed policy. Mr. Godfrey had recommended that the use of points accrued in the name of an individual (Keith Johnson) be approved by the credit card company before they are used. The company won't do that. The Attorney reported their was a discrepancy in what the company's representative said verbally were eligible uses as opposed to the company's written policies pertaining to the use. Staff wanted to make sure the Governing Body were aware of their concerns.

### Agenda Item #13: Review and Discussion of Farmington Ranches East Subdivision Property Owner Petition

**David Petersen** said the City received a petition from 16 lot owners in the East Phase of the Farmington Ranches who live adjacent to Parcels B, C and D. They are requesting that the Conservation Easement be removed to allow them to properly landscape and improve the properties. **Mr. Petersen** stated that although the City does not have the authority to eliminate the easement, it can be reclaimed with native vegetation. He displayed photos of the 30 properties that are in violation of the easement.

**Mayor Harbertson** stated that the residents began filling the easement since it contained stagnate water and was becoming a nuisance to the residents. A City official stopped the process but later allowed the property owners to reclaim the easement.

City staff informed the members of the Council that there are residents in the area who are experiencing seepage in their basements. They do not believe that the problem will be resolved if the easement is filled in. City staff is closely monitoring the grading and drainage of the properties in the Farmington Ranches so they are confident the water will drain properly even if the easement is reclaimed.

**David Petersen** said the City will have to enforce the requirements of the conservation easement if the HOA does not. The City met with the HOA in February to make them aware of the

violations that need to be enforced. The HOA will appear before the Planning Commission in the near future to request that they be allowed to landscape the easement. He stated that certain residents purchased their property next to the conservation easement and prefer that it be left in its natural state. He asked that the City Council consider whether the City should take action and send notices to the property owners stating that they are in violation of the conservation easement.

**Mayor Harbertson** asked that City staff determine who is responsible for placing the large dirt pile near the stream channel.

The City Council and City staff discussed the different alternatives to address the issue. **Ken Klinker** stated that according to the Maintenance Agreement, the City must approve any changes so it may be possible for the City to alter the plan to allow for the easement to be landscaped.

The City Council directed City staff to further discuss the issue with the City Attorney and to provide additional information prior to sending violation notices to the property owners.

#### **Agenda Item #12: Review of Proposed Changes to Master Storm Sewer Plan and Capital Facilities Plan**

**Max Forbush** reviewed the table outlining the proposed Farmington City Storm Drain Improvement Projects which was prepared by the City Engineer, **Paul Hirst**. The deficiency projects total \$1.8 million but there is a possibility that the costs can be reduced to \$1.1 million. If the City Council agrees with City staff's proposal, the plans will be adopted as the City's revised Storm Water Master Plan at a future meeting.

The City Council discussed the value of the conservation property in the west Farmington area that the City plans to acquire to construct storm water detention basins in west Farmington. It was agreed that the unbuildable property has a much lower value and that the value estimates of \$25,000 to \$45,000 per acre are probably reasonable.

#### **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, Deputy Recorder Holly Gadd and Recording Secretary Jill Hedberg.

**Mayor Harbertson** called the meeting to order at 7:20 P.M. **David Hale** offered the invocation. The Pledge of Allegiance was led by **Max Forbush**.

#### **APPROVAL OF MINUTES OF PREVIOUS MEETING**

**Larry Haugen** moved to approve the minutes of the April 17, 2007, City Council Meeting.

**David Hale** seconded the motion with changes as noted. The voting was unanimous in the affirmative.

**David Hale** moved to approve the minutes of the April 24, 2007, Special City Council Meeting. **Sid Young** seconded the motion.. The voting was unanimous in the affirmative.

### **REPORT OF PLANNING COMMISSION (Agenda Item #3)**

**David Petersen** reported proceedings of the Planning Commission meeting held April 26, 2007. He covered the following items:

- The Planning Commission designated **Randy Hillier** and **Kevin Poff** to serve on the Downtown Master Plan Committee.
- The Planning Commission granted Preliminary Plat approval for phases 3 & 4 of the Hidden Meadows Subdivision.
- The Planning Commission recommended Master Development Plan approval for the Village at Old Farm, and approved the Preliminary Plat for the residential portion of the development.

The City Council agreed to consider The Gardner Company's request for Preliminary Master Plan PUD designation for the "Village at Old Farm" Subdivision Residential and Mixed Use Site Plan on May 8<sup>th</sup> at 8:30 P.M.

- The Planning Commission tabled consideration of Trophy Land Development's request for a change of zoning and schematic plan approval for a residential Subdivision on property located at the southwest corner of State Street and 650 West to allow the developer to consider applying for an open space waiver. The Planning Commission created a committee and to work with the developer and requested that a member of the City Council also serve on the committee.

**Rick Dutson** and **Sid Young** agreed to serve on the committee.

- At the request of **Dan Nixon**, the Planning Commission tabled consideration of Nixon & Nixon's request for conditional use and site plan approval for a Class A Self Storage facility located at 549 West Bourne Circle adjacent to the north side of Park Lane. The request will be considered on May 10th.
- The Planning Commission grant Conditional Use Approval to adjust requirements pertaining to temporary property signs in Farmington Ranches Subdivision at five locations: 93 North Country Bend Road, 1525 West Clark Lane, 1800 West Ranch Road, 2125 Buffalo Road and across from the entry to Buffalo Ranches at Clark Lane.

- The Planning Commission grant Temporary Use Approval to maintain a sales office in a trailer with a small parking area associated in a residential zone. The developer must use asphalt as the hard surface for the parking area.

**PUBLIC HEARING: CONSIDERATION OF AN AGREEMENT WITH DANVILLE INVESTMENTS TO ADJUST BOUNDARY LINES (TRADE PROPERTY) PARCELS OF CITY LAND IN WEST FARMINGTON NORTH OF BURKE LANE AT THE FAR NORTH END OF 1525 WEST STREET BETWEEN 1525 WEST AND THE UTA RIGHT OF WAY (Agenda Item #4)**

**Max Forbush** passed out a copy of the text that was amended by the City Attorney. City staff recommends that the City Council approve an Agreement to Exchange Title and authorize the Mayor to sign the Notice of Approval for the Exchange Title.

**Mayor Harbertson** stated that the property was surveyed by two different companies who did not agree on the size of the property. The City and Danville Investments compromised and agreed to the property size being 7.58 acres.

**Max Forbush** displayed a map of the properties involved in the trade. He informed the audience that the public hearing is required since the property value exceeds \$150,000. The trade will accommodate the City's long-term Master Plan.

**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 approve the Agreement to Exchange Title and authorize the Mayor to sign the Notice of Approval of Exchange of Title. **David Hale** seconded the motion, which passed by unanimous vote.

**PUBLIC HEARING: CONSIDERATION OF PRELIMINARY MASTER PLAN PUD DESIGNATION FOR THE "VILLAGE AT OLD FARM" SUBDIVISION RESIDENTIAL AND MIXED USE SITE PLAN (Agenda Item #5)**

**Mayor Harbertson** reported that the City Council has not received the information that is necessary for them to take action on the request.

**Motion**

**Sid Young** moved that the City Council continue consideration of Preliminary Master Plan PUD Designation for the “Village at Old Farm” Subdivision Residential and Mixed Use Site Plan until May 8<sup>th</sup> at 8:30 P.M. **Larry Haugen** seconded the motion, which passed by unanimous vote.

**AUTHORIZATION TO REMOVE TRAFFIC CALMING DEVICE OFF OF CREEK LANE NORTH OF FOX GLOVE SHOPPING CENTER (Agenda Item #6)**

**Mayor Harbertson** reported that he has visited with neighbors in the vicinity of Creek Lane and found that most of them want the traffic calming device removed. The City Council will determine if the traffic calming device should be removed based on input they receive from the public and from the Public Works Department. There are other traffic calming devices that may be effective in this area, such as miniature speed signs and a moveable speed table.

**Larry Haugen** stated that he was a member of the City Council when the decision was made to use the traffic calming device. At that time, all of the residents in the area were in favor of the device and were aware that it would remain for the long term. He believes it is serving its purpose and believes it would be unwise to have it removed prior to the City knowing what impact will come when The Village at Old Farm is complete.

**Paula Alder** stated that from her experience, Creek Lane is not a heavily traveled road.

**Larry Haugen** stated that the purpose of the traffic calming device is to slow the traffic on that road since Creek Lane is a wider street so motorists tend to go faster.

**Mayor Harbertson** said one resident complained that the device may actually be causing problems since motorists run it over in the night.

**Rick Dutson** said it is his opinion that another traffic calming device will serve the same purpose without causing the same problems.

**Motion**

**David Hale** moved that the City Council authorize the Public Works Department to remove the traffic calming device on Creek Lane and consider other traffic calming methods that may be used in the area. **Rick Dutson** seconded the motion, which passed by a 4 to 1 vote.

**MINUTE MOTION APPROVING SUMMARY ACTION LIST (Agenda Item #7)**

**Paula Alder** moved that the City Council approve the following items by consent as follows:

- 7-1. Ratification of Construction Bond Agreements previously signed by Mayor Harbertson.
- 7-2. Approval of the March Disbursement List.
- 7-3. Approval of Grant Agreement with State History.
- 7-4. Authorization to apply for State and/or Federal Trails Grant to meet 50% of City matching requirement for previous UTA/City Enhancement Grant to pave D&RGW railbed. This action includes authorization for the City Manager to file a grant with the Utah Trails Program for \$41,183.00.
- 7-5. Approval of Amended CenterCal Reimbursement Agreement.
- 7-6. Approval of Improvements Bond Agreement with Chestnut Farms Subdivision.
- 7-7. Approval of Sidewalk Replacement Agreement with Lana Gale.
- 7-8. Approval of Agreement with Farmington Utah North Stake for Rental of Portable Stage.
- ~~7-9. Approval of Sidewalk Replacement Agreement with Viola Kinney.~~

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

**RESOLUTION ADOPTING TENTATIVE FY 07-08 MUNICIPAL BUDGETS (Agenda Item #8)**

**Mayor Harbertson** stated that this Resolution is necessary to remain in compliance with the State statutes to adopt the City’s tentative budget. The final budget hearing will be held on June 19<sup>th</sup>. He reviewed the items that will be included in the budget. He stated that there will not be a tax increase as a result of this budget, although the storm water fee may increase by \$1 per month per household.

**Motion**

**Sid Young** moved that the City Council approve RESOLUTION NO. 2007-23, A RESOLUTION ADOPTING THE FISCAL YEAR 2007-2008 TENTATIVE BUDGET. **Paula Alder** seconded the motion, which passed by unanimous vote.

**RESOLUTION CHANGING NAME OF NEWSLETTER COMMITTEE TO “COMMUNICATIONS EDITING COMMITTEE” AND ADOPTING REVISED AND AMENDED POLICIES OF THE COMMITTEE (Agenda Item #9)**

**Mayor Harbertson** said the City is considering changing the name of the Newsletter Committee to “Communications Editing Committee” in order to consolidate the organizations in a uniform manner and to enhance the City’s image by following the theme of the newsletter. He reviewed the text that was added as Section #6.

**Sid Young** asked if it would be appropriate to expand the list of activities that will be advertised in the newsletter to provide for activities that are sponsored by the Trails Committee, the Historic Preservation Committee, etc. He suggested combining two of the sections which would allow any City activity to be included in the calendar information.

**Mayor Harbertson** said it is not necessary to combine the sections since the committee already plans to include those types of activities in the calendar information.

**Max Forbush** stated that the committee has to prioritize which articles will be included in the newsletter. City departments that provide services take priority over other committees and commissions.

**Motion**

**David Hale** moved that the City Council adopt RESOLUTION 2007-24, A RESOLUTION OF THE FARMINGTON CITY COUNCIL RELATING TO CHANGING THE NAME OF THE “NEWSLETTER COMMITTEE” TO THE “COMMUNICATIONS/EDITING COMMITTEE”, EXPANDING THE DUTIES THEREOF AND ADOPTING REVISED AND AMENDED POLICIES AND PROCEDURES FOR THE COMMITTEE. **Rick Dutson** seconded the motion, which passed by unanimous vote.

**DISCUSSION - FARMINGTON RANCHES PARK/FUTURE PLAT AMENDMENT (Agenda Item #10)**

**Mayor Harbertson** stated that the Farmington Ranches Homeowner’s Association has proposed that the City take over 11.5 acres of HOA property to be used as a City park. The City has designated \$500,000 to start the project but has stipulated that the HOA must contribute at least \$300,000. The HOA has proposed selling five of their lots to generate the funds to be used for the park. The City is concerned there may be a liability issue if there are residents who purchased their lot because of its close proximity to the natural open space. As an option, he stated in the event the HOA is unable to raise the \$300,000, the City is still willing to contribute \$500,000 as start up funds. The HOA could then expand the park as the funding becomes available. He asked the President of the HOA, **Gordon Crabtree**, to comment on the issue.

**Gordon Crabtree** (President, Farmington Ranches Homeowner's Association) said there are 600 lots in the Farmington Ranches so it is very unlikely that 100% of the residents will vote in favor of the park. According to the last vote that was taken, 90% of the residents are in favor of selling the lots to use the money towards the park. He suggested that the City determine whether the new State law will reduce the liability to the HOA and the City if less than 100% of the voters are in favor of the park. He said it will be difficult for the HOA to contribute money towards the park at this time since they spend \$10,000 per month just to maintain the 80 acres of open space. It will likely be five to eight years before the HOA completes the projects they have planned. He thinks it may be a hardship for many of the young families in the Ranches if the HOA were to raise their fees to contribute to the park.

**Mayor Harbertson** compared this project to the Bountiful Recreation Center project. Farmington City chose not to contribute to the Recreation Center since it is not appropriate to burden all of the residents with the tax increase when there are only a certain number of residents who will use the facility. He questioned whether it would be possible for the HOA to increase their fees by \$3 per month which would generate \$20,000 or more per year that could be used towards the park. He asked the members of the HOA Executive Committee to comment on the issue.

**Jeremy Farnsworth** (Farmington Ranches HOA Executive Committee Member) said the purpose of the HOA is to protect property values and to manage and beautify the common areas. If 11 acres were taken over by the City to be used as a park, the HOA would still have to maintain the remaining 69 acres. It would be difficult for the HOA to contribute towards the park since there are so many other projects that need to be done. He is personally opposed to raising the HOA fees for this purpose since the park should have been included in the Master Plan when the development was created.

**Nathan Cason** (Farmington Ranches HOA Executive Committee Member) said he would be willing to pay an extra \$50 per year to contribute to the park but he does not think that the entire neighborhood would agree to the increase. He said The Boyer Company was misleading when they presented their plan for the park and the open space areas. They are now trying to improve those areas which is a significant cost to the HOA. They are hoping to receive approval from the Planning Commission to landscape the common areas. Many of the members of the HOA are confused about how their money is being used since they can't see the improvements. He does not think they will vote in favor of increasing the HOA fees.

**Mayor Harbertson** pointed out that if the City were to take over the 11 acres, the HOA would saved approximately 10% of their maintenance costs which could be used towards the park improvements.

**Gordon Crabtree** stated that the HOA spent \$120,000 last year to purchase maintenance equipment and to maintain the common areas. He suggested that the City contribute the funding they have available for the park since it will be a very long time before the HOA is able to improve

that property. It would be appropriate to allow the residents to vote again on the issue since the scale of the park will have changed since their last vote.

**Sarah Speechly** (Farmington Ranches HOA Executive Committee Member) questioned why The Boyer Company continues to receive approval from the City for additional phases when they were misleading to the City and the residents about how the open spaces would be used. Many of the residents in the Farmington Ranches are concerned that they are being asked to contribute the land for the park, as well as funding for the improvements. There are also concerns as to how the City will use the property in the future.

**Mayor Harbertson** said although the developer may have included a park on his plan for the development, the City's Capital Facilities Plan never included the park. They are willing assist in rectifying the problem since they are aware there is a need for a park in the area.

**Nathan Cason** said the residents may have a greater interest in expanding the park after the City begins improving the property.

**Max Forbush** explained that the City plans to contribute \$500,000 to the park using Park Impact Fees. The City has also purchased 17 acres of property in west Farmington for a park complex so they have to try to budget the money for both projects. There are many elements to this park that will be quite costly, such as the cost to reslope the stream channel, restrooms, a bowery, etc. He suggested that Phase 1 be built with an agreement that the HOA Board support a future bond issuance proposal to develop the City's 17 acres in West Farmington in addition to a Phase II of the neighborhood park.

**Gordon Crabtree** said the HOA will continue to work with the City to find a solution for both parties. They will continue to improve the open space areas to make the Farmington Ranches a nice community.

**Mayor Harbertson** said since he was elected, he has been determined to find a way to provide a park in the Farmington Ranches. The funding for the park was included in next year's budget.

[The City Council considered Agenda Item #13 prior to Agenda Item #11.]

**RESOLUTION REGARDING POLICIES WITH RESPECT TO USE OF CITY CREDIT CARD (Agenda Item #11)**

**Mayor Harbertson** briefly reviewed the key points of the Resolution.

**Motion**

**Rick Dutson** moved that the City Council adopt RESOLUTION NO. 2007-25, A RESOLUTION OF THE FARMINGTON CITY COUNCIL ADOPTING A POLICY RELATING TO THE USE OF A CITY CREDIT CARD with the attached policy text. **Larry Haugen** seconded the motion, which passed by unanimous vote.

**REVIEW OF PROPOSED CHANGES TO MASTER STORM SEWER PLAN AND CAPITAL FACILITIES PLAN (Agenda Item #12)**

**Max Forbush** said the Farmington City Storm Drain Improvement Projects table includes the proposed changes to the Storm Sewer Master Plan which will provide City staff a guideline when working with future developers. He asked that the Council consider whether they are accepting of the methodology whereby the Capital costs are divided among the project, system, and the deficiency components. If so, City staff can prepare a formal Resolution that the Council can act on at a future meeting.

**Sid Young** said it would be helpful if City staff could provide a list of the projects and the associated costs that correlates with a map outlining the location of the projects.

The City Council directed City staff to prepare a formal resolution or ordinance to adopt the amended Storm Sewer Master Plan.

**REVIEW AND DISCUSSION OF FARMINGTON RANCHES EAST SUBDIVISION PROPERTY OWNER PETITION (Agenda Item #13)**

**Mayor Harbertson** said he received a letter and petition on April 15, 2007, from a number of residents in the Farmington Ranches East Subdivision who are concerned about the use of the open space areas. The letter indicates that the open space areas were left in an “awful state” by the developer, Richmond American Homes. In an effort to rectify the situation, Richmond Homes provided fill for the residents to reclaim the area. Those efforts were stopped by a member of City staff since they were in violation of the conservation subdivision. Planning staff has now allowed the residents to restore the property to the state it was before the homes were constructed. Although the City Council agrees that the open space areas look better when they are improved, the City does not have the right to abandon the conservation easement provisions that are established.

**Gordon Crabtree** stated that the open space properties actually belong to the Farmington Ranches Homeowners Association. The Executive Committee has been working with the Planning Department to revise the Master Plan for the entire development. It will then be determined which properties should be landscaped and which areas should remain in a natural state.

**Mayor Harbertson** suggested that the City Council meet with the residents to inform them of the Conservation Subdivision requirements and restrictions.

The City Council agreed to meet with the residents at the June 6<sup>th</sup> Town Hall meeting.

**Max Forbush** recommended that the City Council further discuss the issue with the City Attorney prior to meeting with the residents.

**Nathan Cason** reviewed their plans for the conservation easement and wetlands. They will present their proposal to the Planning Commission at their next meeting. He questioned whether current code allows for those types of improvements or if it would have to be approved by the City Council.

**Mayor Harbertson** said the City can not alter the easement. The City Council will discuss the issue with the City Attorney to determine if the open space areas can be improved.

**Sid Young** recommended that the HOA be present when the City Attorney provides legal counsel to the City Council since there are liabilities involved for both the City and the HOA.

**Mayor Harbertson** directed the HOA to continue working with the Planning staff who will be receiving input from the City Attorney.

### **MAYOR HARBERTSON'S REPORT**

As requested by **Mayor Harbertson, Paula Alder** agreed to attend the Mother of the Year Luncheon on May 11<sup>th</sup>, 2007.

### **620 South Neighborhood Budgetary Requests**

**Mayor Harbertson** said the budget will need to include funding for the 620 South traffic calming devices.

**Max Forbush** recommended that the budget include between \$6,000 and \$7,000 for the traffic calming devices. The Public Works Department has indicated that they would prefer to a traffic calming device other than the speed table since they are difficult to install and remove.

**Mayor Harbertson** recommended that the flashing speed signs be installed.

### **Meeting with Davis County and School District**

**Mayor Harbertson** reported that **Rick Dutson** and **Larry Haugen** will be the two voting members for the City (the other members of the Council will also be present) at the upcoming downtown Master Plan Revision Committee meeting scheduled for May 10, 2007. The School District and the County will also have two voting members.

**Park Lane Property**

**Mayor Harbertson** said he received an e-mail from a citizen who is interested in building a high-end car wash, pet wash, self-service RV wash and a quick lube on the property north of Lagoon. The resident asked why this type of business is not considered a permitted use, but the gas station on the corner is.

The City Council discussed the issue and agreed that this property would not be an appropriate location for that type of use.

**Mayor Harbertson** reported that he also attended meetings with CenterCal, the Emergency Preparedness Fair, meetings with Lagoon, and Historic Preservation training sessions.

**CITY COUNCIL REPORTS**

**Council Member Sid Young's Report**

**Sid Young** informed the City Manager that there is an individual who is interested in pursuing a pet cemetery when the new City cemetery is built.

**Council Member Rick Dutson's Report**

**Rick Dutson** reported that he attended the Emergency Preparedness Fair. He was impressed with the Fair, as well as the amount of support that was given by the public. He reported that he attended the field trip with the City Council and the Planning Commission to the Nixon & Nixon Property. He said the property would be an ideal location for an office building.

**Council Member Paula Alder's Report**

**Paula Alder** said she attended the dinner theater which was very successful. She asked if the City is considering UTOPIA in the future.

**Max Forbush** said he will further research the issue. He is intrigued by the concept since UTOPIA may be willing to enter more cities, even if it is just to sponsor facilities that are built by developers in new subdivisions.

**MISCELLANEOUS**

**Max Forbush** passed out a copy of an e-mail he received from **Lori Isenberg** regarding the Legislative Briefing on the North Legacy to Legacy Parkway Connection study and the meeting with Horrocks Engineers where they will present the results of their traffic modeling.

**Mr. Forbush** also passed out a copy of an e-mail he received from **Randy Colquitt** regarding the presentation that will be made by the Utah Physicians for a Healthy Environment on May 9, 2007.

**ITEMS OF GENERAL CORRESPONDENCE**

**Mayor Harbertson** referred to the letter he received from the State Attorney General's Office regarding their investigation of the demolition of the Whitaker Barn by Davis County. The results of the investigation indicate there is not evidence of a crime being committed. **Mayor Harbertson** asked that the City Manager forward a copy of the letter to the Historic Preservation Commission.

**WORK SESSION ON FY 07-08 BUDGET (Agenda Item #18)**

The work session on FY 07-08 Budget scheduled on the agenda will be held on May 8<sup>th</sup> at 5:00 p.m.

**ADJOURNMENT**

**David Hale** moved that the meeting adjourn at 9:45 P.M.

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Margy Lomax, City Recorder  
Farmington City