

FARMINGTON CITY COUNCIL MEETING

May 6, 2008

CITY COUNCIL WORK SESSION/EAST CONFERENCE ROOM

PRESENT: Mayor Scott Harbertson, Council Members Richard Dutson, David Hale, Paula A. Alder, Sidney C. Young, City Manager Max Forbush, Assistant Planning Director Glenn Symes, Recording Secretary Kami Mahan, and Garbett Homes Developer Noel Ballstaedt.

Mayor Harbertson began discussion at 6:05 p.m. **Rick Dutson** offered an invocation. The following items were reviewed:

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

The Council reviewed the minutes of the Special City Council meeting held April 24, 2008, and the Special City Council meeting (budget work session) held April 29, 2008. There were no corrections.

[Paralegal **Kathy Izatt** of America West Developers arrived at the meeting at 7:10 p.m.]

(Agenda Item #3): Public Hearing: Consideration of Schematic Plan Approval for flag lot (Minor Subdivision) at 1260 North Main- Dwight Poulson.

The Council reviewed the proposed Schematic Plan, and discussed the need to address the applicant's display of items for sale on his property.

(Agenda Item #4): Request for Final Plat Approval for Van Zwedin Subdivision located at approximately 150 South 1525 West in an AE zone.

The City Council briefly discussed details of this Request, including the developer's plan for the street improvements and dedication of the road. **Glenn Symes** clarified several details of the development and said the Fire Department is requiring a hammerhead.

(Agenda Item #5): Consideration of Tuscany Village Development Agreement Modifications.

Mayor Harbertson explained the need to table this issue for two weeks.

(Agenda Item #6): Reconsideration of F.J. Parker issues related to Willow Creek Subdivision.

Mayor Harbertson reviewed the background of this Agenda item and explained CRS Engineering's proposed solutions to drainage problems on Mr. Parker's property, apparently caused during street development of the Willow Creek Subdivision.

Max Forbush suggested that **The Mayor**, a Council member, and a member of City staff visit the site and meet with F.J. Parker. **Mr. Forbush** said that the agreement in the packet should be disregarded. He explained the proposed alternatives to resolve the drainage issues, including the option of having an inlet box that would pipe water away from the Parker property.

A possible motion was discussed.

(Agenda Item #7): Consideration of Creekside Homeowners request for City to assume maintenance responsibility of street frontage improvements adjacent to Glover Lane and 200 East. (SR 106)

Mayor Harbertson reviewed this Agenda item, and **Max Forbush** stated that if the original developer had signed a more detailed agreement after the original had been signed, this situation would not now be an issue. **Mr. Forbush** emphasized the need to clarify that the responsibility for maintaining the green space along the street frontage belongs to the HOA.

The Council discussed what exceptions the City makes to maintenance of HOA street frontages, the reasons for these exceptions, and why this does situation does not qualify.

(Agenda Item #11): Consideration of proposal by Farmington Crossing on Spring Creek Pond Homeowners Association to amend their CC&R language to permit greater flexibility to grant hardship exceptions for renting residential property when financial circumstances of an owner change in a significant negative manner.

Mayor Harbertson explained this proposal, and reviewed recent requests by a few residents for exceptions to the rental policy of the Garbett Homes HOA. **David Hale** expressed concern about setting a precedent for other HOA's, and the Council discussed this issue at some length.

Garbett Homes developer and HOA President **Noel Ballstaedt** explained the HOA's policy and said thus far he has denied requests from homeowners asking for exceptions to the rental clause. He asked that flexibility in the language of the policy be considered to allow for unusual circumstances, particularly regarding young couples who bought their home in good faith and through difficult circumstances stand to lose their home or credit rating.

The Council discussed the pros and cons of this issue. **Mr. Ballstaedt** distributed a copy of the proposed amended language and said that a time limit for rental would be imposed. He stated that these situations would be considered on a case-by-case basis. The Council discussed the documentation that should be required.

Max Forbush suggested turning the matter over to the attorney for Garbett Homes and City Attorney Todd Godfrey for review, and proposed that an overall limit of rental percentage of the

project be imposed, as well as a specific time limit. There was further discussion of the Council with regard to this issue.

REGULAR CITY COUNCIL/CITY CHAMBERS/CALL TO ORDER

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

Mayor Harbertson called the meeting to order at 7:07 p.m. **Margy Lomax** offered the invocation, and the Pledge of Allegiance was led by Cub Scout **Scott Snow**.

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

The Council reviewed the minutes of the Special City Council meeting held April 24, 2008, and the Special City Council meeting (budget work session) held April 29, 2008.

Motion

Rick Dutson moved to approve the minutes of the Special City Council meeting held April 24, 2008. **Paula Alder** seconded the motion, which passed unanimously.

Motion

David Hale made a motion to approve the minutes of the Special City Council meeting held April 29, 2008. The motion was seconded by **Paula Alder**, and passed by a unanimous vote.

Mayor Harbertson turned time over to Planning Commission Chairman **Kevin Poff** to present Agenda Item #10.

PLANNING COMMISSION REPORT. (Agenda Item #10)

Kevin Poff reported proceedings of the Planning Commission meeting held April 24, 2008. He covered the following items:

- **Mr. Poff** expressed concern about the results of the traffic study presented by WCES Engineer Tim Taylor at the joint Planning Commission/City Council work session.
- The Planning Commission recommended Schematic Plan approval of the request for a flag lot subdivision by Dwight Poulson. Although flag lots are

normally denied, the Commission felt this proposal would improve safety on Main Street.

[City Engineer **Paul Hirst** arrived at the meeting at 7:10 p.m.]

- The Planning Commission tabled the Historic Preservation Commission's request to amend the zone text of Chapter 39 of the Zoning Ordinance to provide time for legal review. **Mr. Poff** stated that the Planning Commission will likely give a favorable recommendation.
- Representatives from America West Developers gave a presentation to the Commission on residential housing density.

PUBLIC HEARING: CONSIDERATION OF SCHEMATIC PLAN APPROVAL FOR FLAG LOT (MINOR SUBDIVISION) AT 1260 NORTH MAIN - DWIGHT POULSON. (Agenda Item #3)

Mayor Harbertson introduced this Agenda item, and **Glenn Symes** reviewed the Schematic Plan of the proposal. He displayed an overhead map of the property and explained the calculations and proposed configuration of the lots. **Mr. Symes** said a waiver of the Conservation Subdivision requirement is being requested.

Mr. Symes clarified details of the proposal for Council members and explained that the Planning Commission and City staff preferred a recorded plat of the property rather than a metes and bounds description.

Public Hearing Opened

Mayor Harbertson opened the meeting to a public hearing at 7:25 p.m. There were no public comments, and **The Mayor** invited the applicant to speak.

Dwight Poulson referred to overhead photos of the property, reviewed the configuration of the lots, and explained issues of access, curb cuts, and landscaping. There was discussion of the Council on these subjects.

Mayor Harbertson said his only concern was the display of equipment for sale on the property. The Council discussed this with **Mr. Poulson** and advised him to discontinue this practice. **Max Forbush** said he would verify that this is a violation of City policy.

Public Hearing Closed

Mayor Harbertson closed the public hearing at 7:32 p.m. and asked Council members for their comments.

David Hale stated that the safety issue on Main Street raised by the Planning Commission is significant, and that if the planned trees for the property are of a sufficient caliper, he did not see a problem with approval.

Mayor Harbertson said that although the City generally considers flag lots unfavorable, in this situation it is warranted because of the safety factor.

Sid Young questioned whether there would be a joint use access agreement to avoid problems for future lot owners. **Glenn Symes** said this could be placed on the plat as an easement. **Dwight Poulson** said that the joint access will be made clear to future buyers of the properties.

Max Forbush said that someone can own the land, but it will be subject to a right-of-way to other properties.

Motion

Sid Young moved to grant Schematic Plan Approval for a flag lot at approximately 1260 North Main, subject to the following Conditions 1-5 and Findings (a) - (e), as stated in the letter dated May 1, 2008, from the City to Dwight Poulson, with the additional Condition that the final plat include appropriate legal language to provide clear understanding of access for all three lot owners:

Conditions

1. The applicant will continue to work with staff to create a minor subdivision plat;
2. The proposal meets all applicable requirements of the flag lot ordinance;
3. The stem of the flag lot be a shared access for the flag lot and the original lot remaining after the lot split;
4. That the Fire Chief's requirements be met for access and turn-around areas;
5. A 20' drainage easement will be granted to the City;
6. The final plat will include appropriate legal language to provide clear understanding of access for all three lot owners.

Findings:

- a) The narrow parcel east of the site is steep (it was an embankment for the old Bamberger right-of-way) and now it is common area for the Hidden Meadows subdivision. For these reasons access to Hidden Meadow Way is impractical and the parcel cannot be subdivided any other way;
- b) The subdivision is in keeping with the General Plan's low residential densities;
- c) The proposed lot split meets all of the requirements of the flag lot ordinance as well as the metes and bounds lot split and the schematic plan approval standards for a minor subdivision plat;
- d) The proposed schematic subdivision is in keeping with the character of the surrounding area;
- e) The proposal improves the safety on Main Street due to the elimination of back-out driving.

David Hale seconded the motion, which passed unanimously.

REQUEST FOR FINAL PLAT APPROVAL FOR VAN ZWEDIN SUBDIVISION LOCATED AT APPROXIMATELY 150 SOUTH 1525 WEST IN AN AE ZONE. (Agenda Item #4)

Mayor Harbertson introduced this Agenda item. **Glenn Symes** said that no improvements along 1525 West had been addressed at the time of recommendation by the Planning Commission, and that the Council may want to consider an extension agreement.

Max Forbush said Engineer Paul Hirst had questioned whether there were public improvements on the adjacent lots on 1525 West to the north of the property, and about curb and gutter that tied into the Farmington Ranches. **Mr. Symes** said the McComber subdivision does not have improvements, and the Van Zwedin Subdivision improvements would not have anything to tie it to.

Mr. Forbush suggested the alternative of calling on the extension agreement on the McComber Subdivision and do both at the same time, connecting them to the Farmington Ranches.

Cory Ritz said he did not recall if there was an extension agreement on the McComber Subdivision, but that there is no house on the lot on 1525 West. Thus, even if there was an extension agreement, improvements would not be currently visible. **Mr. Forbush** said it is typical that there would have been an agreement for the subdivision

Motion

Rick Dutson moved to approve the final plat for the Van Zwedin Subdivision located at approximately 150 South 1525 West, qualified by the July 6, 2007, letter from David Petersen to the Van Swedens, and that an additional Condition #5 which includes the improvements along 1525 West be added (by way of extension agreement).

Conditions:

1. The Developer must continue to work with staff to correct any deficiencies in the plat and related site-plan in preparation for recording and construction;
2. The Developer must comply with all conditions of the preliminary plat;
3. Subdivision Approval is predicated on the finalization and recordation of the agreement for storm-water run-off between the Van Zwedens and Olsens on the adjoining property;
4. Subdivision Approval is predicated on the preparation and concurrent recordation of an easement for emergency service access over no less than 30 feet of width and 26 feet of depth of the driveways of Lot 1 and Lot 2 adjacent to Bonanza Road. Further said portion of the driveways covered by the easement must be reinforced to meet Fire code regarding emergency access and turnaround;
5. The Developer shall make an extension agreement for improvements along 1525 West.

The motion was seconded by **Paula Alder**, and was approved by a unanimous vote.

CONSIDERATION OF TUSCANY VILLAGE DEVELOPMENT AGREEMENT MODIFICATIONS. (Agenda Item #5)

Mayor Harbertson explained the need for this item to be tabled.

Motion

Paula Alder moved to table this request. **David Hale** seconded the motion, which passed unanimously.

RECONSIDERATION OF F.J. PARKER ISSUES RELATED TO WILLOW CREEK SUBDIVISION. (Agenda Item #6)

Mayor Harbertson reviewed this matter and stated that F.J. Parker has a concern with the building up of one lane of the road adjacent to his home which resulted in a low spot causing drainage problems on his property. **The Mayor** suggested that he and a Council member meet with Mr. Parker and return to the Council with a recommendation. **Sid Young** volunteered to participate.

Motion

Paula Alder made a motion to appoint **The Mayor** and **Sid Young** to negotiate further with F.J. Parker and to return to the Council with a recommendation. The motion was seconded by **Rick Dutson**, and was unanimously approved

Mayor Harbertson told Mr. Parker that he would contact him to set up a meeting.

CONSIDERATION OF CREEKSIDE HOMEOWNERS REQUEST FOR CITY TO ASSUME MAINTENANCE RESPONSIBILITY OF STREET FRONTAGE IMPROVEMENTS ADJACENT TO GLOVER LANE AND 200 EAST. (SR 106) (Agenda Item #7)

Mayor Harbertson explained that the original agreement called for the HOA to maintain the right-of-way. Now that the agreement has lapsed, the HOA is requesting that the City assume responsibility of the maintenance. **The Mayor** said that although the HOA's request is understandable, the City does not have the manpower or financial resources to take on this obligation for HOA's in general. The Creekside HOA can meet with City representatives to consider solutions to the problem.

David Hale agreed with **The Mayor**, and said that it is the exception, rather than the rule, that a City is involved in the upkeep of open space areas.

Mayor Harbertson noted the liability concerns of homeowners backing the open space. He also explained that the City has maintained open space along the frontage road from Lund Lane to the Rock Church because of a decision made many years ago, but this practice is an exception. Council members agreed that HOA open space maintenance cannot be assumed by the City.

Motion

Rick Dutson moved to authorize **The Mayor** to send a letter to the Creekside Homeowners Association stating the position of the City Council on the HOA's request. The motion was seconded by **Paula Alder**, and passed by a unanimous vote.

PARKING LIMITATION REQUEST FOR 200 WEST STREET NORTH OF STATE STREET - SCOTT & CASIE OLDEWAGE. (Agenda Item #8)

Mayor Harbertson explained that there is extensive parking on this street by Lagoon patrons and trail users. There are no signs to restrict parking, and the Oldewages have a disabled child and are concerned with both speeding and safety.

The Mayor said the Oldewages were not able to attend the meeting and will appear before the Council at a later date. He said he proposed alternatives, including the posting of one-hour parking signs which will allow parking to be monitored by police and the homeowners.

Motion

Paula Alder moved to table this Request for two weeks until the Oldewages can be present at the meeting. **Rick Dutson** seconded the motion, which passed unanimously.

MINUTE MOTION APPROVING SUMMARY ACTION LIST (Agenda Item #9)

- **Ratification of approvals of Construction Bond Agreements.**
- **Ratify Mayor's signature on 1075 West Shepard contract for intersection improvement with UDOT**
- **Approval of Sidewalk Repair Agreement with Matt McReynolds**
- **Approval of Planning Services Agreement with Cooper-Roberts-Simonsen Architects (CRSA)**
- **Authorization for Tim Taylor to proceed with Phase II of the Transportation Master Plan Study**

At the request of **David Hale**, **Paul Hirst** updated the Council on the intersection improvements at 1075 West and Shepard Lane.

Mayor Harbertson explained that the recently completed Phase I of the Transportation Master Plan Study came in under budget. The Council briefly discussed funding for the project. **Max Forbush** said two or three of the proposed "Tasks" are scheduled to be completed within 30 days.

Mr. Forbush also updated the Council on the CRS site plan analysis for the new City Hall.

Motion

Rick Dutson made a motion to approve the Summary Action List. **Paula Alder** seconded the motion, which passed unanimously.

CONSIDERATION OF PROPOSAL BY FARMINGTON CROSSING ON SPRING CREEK POND HOMEOWNERS ASSOCIATION TO AMEND THEIR CC&R LANGUAGE TO PERMIT GREATER FLEXIBILITY TO GRANT HARDSHIP EXCEPTIONS FOR RENTING RESIDENTIAL PROPERTY WHEN FINANCIAL CIRCUMSTANCES OF AN OWNER CHANGE IN A SIGNIFICANT NEGATIVE MANNER. (Agenda Item #11)

Mayor Harbertson said he met with one of the couples making a request for the Council to reconsider rental policies of the Spring Creek Pond HOA, and that other requests have been received. The HOA has thus far done a commendable job in handling the rental situation. Due to economic changes, **The Mayor** is recommending that the HOA Board, and legal counsel for Garbett Homes and the City meet to review the language of the CC&R's. A time table needs to be part of the language.

David Hale agreed, and suggested that two Council members be involved in the review. **Mr. Hale** and **Rick Dutson** volunteered to be involved. **Mr. Dutson** cautioned against creating unintended consequences, such as investors.

Council members discussed possible wording of the language, and expressed the need to have a strong policy while avoiding discrimination. **David Hale** suggested that he and **Rick Dutson** discuss the issue prior to meeting with the attorneys.

Max Forbush said he would arrange a conference call with the City Attorney, and that **Mr. Hale** and **Mr. Dutson**, will return to the Council with recommendations.

Motion

Paula Alder moved that two City Council members participate in a conference call with the City Attorney, and to authorize the City Attorney to work with Garbett Homes to develop an amendment that allows greater flexibility during economic downturns. **David Hale** seconded the motion, which was unanimously approved.

RESOLUTION ADOPTING THE TENTATIVE BUDGET FOR FISCAL YEAR 2008-09. (Agenda Item #12)

Mayor Harbertson said City staff and the City Council have been working on a tentative budget, which he invited **Max Forbush** to outline. **Mr. Forbush** said a tentative budget is required by law, and that the proposed budget in the packet was a working draft.

Mr. Forbush explained the budget process, and said that surpluses have been driven by a robust economy. The surplus is going toward a new City Hall. The City has been fiscally

conservative, and although sales tax revenues have been significant, revenue for class C roads has been flat. Asphalt and concrete costs have doubled in recent years, and the City is falling behind in street upkeep. It is hoped that relief is coming from next year's legislation. The road budget could triple and still be insufficient.

Mr. Forbush said that the budget includes adding a full time firefighter. There are also capital improvements such as the completion of the new Police Station, an additional truck and snow removal equipment, and the drilling of an exploratory well. Many capital improvement projects are funded through impact fees, which have gone toward parks, trails, the Police and Fire Station, and a park in west Farmington. Monies from the sale of land sold to CenterCal will contribute to replacing a Parks storage building.

Mr. Forbush added that there is ongoing negotiation for land for a cemetery.

There will be a final public hearing regarding the budget. A copy of the tentative budget is available to the public.

Mayor Harbertson clarified that although taxes by other governmental entities have risen, Farmington City has not increased property taxes in recent years. **Max Forbush** explained that the County and State assess property values, but the City is not the recipient of increased revenues from that because tax rates go down when assessed value increases. The truth in taxation law states that, except on new growth, the City cannot collect more tax than the previous year without a public hearing.

Mr. Forbush stated that garbage collection and sewer rates will increase because of the increased cost of diesel fuel. Tipping fees will remain the same.

David Hale pointed out that existing property owners will not be financially impacted by development because developers and builders are charged impact fees.

Max Forbush added that there is a proposed increase in sanitary sewer fees to two dollars per month due to a \$1.75 fee increase at Central Davis Sewer District.

Motion

David Hale moved to adopt the Tentative Budget for Fiscal Year 2008-09. The motion was seconded by **Sid Young**, and was approved unanimously.

FIRST AMENDMENT TO STATION PARK DEVELOPMENT AGREEMENT. (Agenda Item #13)

Mayor Harbertson said that there are still remaining issues to be resolved in the development agreement, and that City staff recommends tabling the item pending further legal review.

In response to questions by **Rick Dutson**, funding and bonding issues were clarified.

Motion

Rick Dutson moved to table the First Amendment to the Station Park Development Agreement. **Paula Alder** seconded the motion, which passed by a unanimous vote.

REVIEW OF CITY FLAG DESIGN OPTIONS. (Agenda Item #14)

The City Council reviewed the three flag designs and selected their favorite. Citizens who were present at the meeting were invited to offer their opinion.

REVIEW OF CLARK WATER COMPANY MINUTES OF RECENT MEETING. (Agenda Item #15)

Max Forbush stated that he received a phone call from Tom Frost, President of Clark Water Company, who informed him that the minutes of the Clark Water Company meeting were private and were considered “draft” and therefore were not for review by the City and he asked that they be disregarded.

Mr. Forbush reviewed a history of the City’s involvement with Clark Water and gave a summary of the recent meeting. Clark Water is considering selling the company, of which the City has 18 shares. It was determined to hold a future meeting to discuss the Bylaws, terms of the settlement, voting rights, etc.

The Council requested that **Mr. Forbush** continue to serve on the Clark Water Committee, and **David Hale** volunteered to be involved as well. **Mr. Forbush** explained that the City, regardless of the number of representatives, has only one vote. He said the water attorney would be present at the next meeting, and requested that it be held at City Hall. The Council was agreeable to this request.

REVIEW OF RICH HAWS’ REQUEST TO USE CITY TRANSPORTATION ENGINEER. (Agenda Item #16)

Mayor Harbertson said that having developers work with the City Transportation Engineer has historically been considered a conflict of interest. He informed the Council that Engineer Tim Taylor indicated that if asked, he would refuse Rich Haws’ offer. **The Mayor** asked Council members for their consideration.

Rick Dutson said it would be appropriate for the Council to take a stand. **Dave Hale** said that the engineers from the City and Station Park can cooperate with each other, but that “conflicts of interests should be avoided”.

There was a general consensus of the Council to deny Rich Haws’ request.

MAYOR HARBERTSON ’S REPORT (Agenda Item #17)

Mayor Harbertson reported on a meeting with Kirk Peterson regarding excessive water on his property.

The Mayor also reported on a meeting with Jaylene Smith about a basketball standard that needs to be removed, and he suggested the removal be done by Public Works. The Council concurred.

The Mayor updated the Council on the new Farmington brochure.

Mayor Harbertson showed the Council photographs he had taken of fire pits at Farmington Pond, and he expressed concern with the proximity of the pits to nearby brush. He suggested that consistent signs be placed in the areas, and that funding be made available to replace the fire pits with standing barbequers. The Council discussed this issue.

Rick Dutson raised the issue of locked restrooms in the Farmington Pond area. The Council discussed graffiti in the restrooms and the 600 North tunnel. It was pointed out that the police department is offering a \$100 reward for reporting individuals in the act of creating graffiti.

CITY COUNCIL REPORTS. (Agenda Item #18)

Paula Alder reminded the Council of the upcoming dinner theater, and thanked those who participated in the Youth Council retreat. She inquired about having shirts embroidered with the City emblem, and about the Community Center budget. **Ms. Alder** pointed out that some letterhead still has Larry Haugen’s name rather than **Cory Ritz’s**. **Margy Lomax** stated that she would remind everyone to discard old letterhead. **Ms. Alder** reported on the Miss Farmington pageant, and on the Buffalo Ranches Trail grand opening.

In response to an issue raised by **Rick Dutson**, **Max Forbush** clarified the City’s procedure for recording documents.

Rick Dutson reported on a meeting with residents in the 1060 North area regarding the expansion of this street. He suggested that time during a City Council work session be provided for the residents to express their concerns. The Council discussed the mitigation of fencing, landscaping

and other issues with several area residents who were present. One of the residents requested that the police patrol the area more frequently, and **Max Forbush** said he would contact the Police Chief. **Mayor Harbertson** invited Nadine Simon, HOA President of the Homes at Shepard Creek, to contact **Max Forbush** to determine a time to meet with the Council.

[**Cory Ritz** left the meeting momentarily.]

The size of City Council photographs were discussed, and the Council agreed that they would like 5x7's.

Sid Young raised the issue of the Festival Days breakfast, and the letter from the City Engineer (contained in the Council packet) with respect to drainage on the Shipley property. **Max Forbush** noted that he will be reviewing the Shipley situation with Ken Klinker.

Cory Ritz gave a synopsis of his testimony, and UDOT's reaction to it, on Senator Stohl's committee regarding local input in State agency projects.

The Council briefly discussed the upcoming budget meeting.

MISCELLANEOUS (Agenda Item #19)

Max Forbush informed the Council that the conservation easements and deeds have been recorded for the Farmington Ranches neighborhood park.

ITEMS OF GENERAL CORRESPONDENCE (Agenda Item #20)

Spencer Carter Discussion

Mr. Forbush distributed copies of a letter from Spencer Carter requesting reimbursement for the cost of having to move a retaining wall which he was mistakenly given permission to build by Ken Klinker. The cost of correcting this problem was \$1,678.57, and the City Attorney has recommended that the City reimburse Mr. Carter in return for obtaining a release from him.

The Council discussed the issue. **Mr. Forbush** said that violations in the subdivision will be dealt with individually. **Mayor Harbertson** pointed out that the Carters obtained permission to do the work, whereas other homeowners have not, and he suggested a letter be sent to Mr. Carter informing him that his reimbursement will not be typical for his neighbors. **Mr. Forbush** said the cost of reimbursement can be put on the insurance claims budget.

Motion

David Hale made a motion to reimburse Spencer Carter for \$1,678.57. The motion was seconded by **Sid Young**, and was unanimously approved.

Hiring of Historic Preservation Legal Consultant Discussion

Max Forbush explained that City Attorney Todd Godfrey was okay with the Planning Commission's request that the City retain historic preservation legal expert Neil Lindberg. **Mr. Forbush** said the Planning Commission is trying to create a strong historic preservation ordinance, and that City Planner David Petersen has expressed confidence in Mr. Lindberg.

There was discussion of the Council on this issue. It was pointed out that the Historic Preservation Commission has grant funds available to contribute toward retaining the services of the historic legal expert.

Sid Young suggested imposing a cap on the funds spent on Mr. Lindberg's services for no more than \$1,000 which was approved by concession of the City Council.

ADJOURNMENT

Dave Hale moved to adjourn, and **Paula Alder** seconded the motion. The meeting adjourned at 10:03 p.m.

Margy Lomax, City Recorder
Farmington City