

FARMINGTON CITY COUNCIL MEETING

Tuesday, June 2, 2009

CITY COUNCIL WORK SESSION/EAST CONFERENCE ROOM

PRESENT: Mayor Scott Harbertson, Council Members David Hale, Paula Alder, Sid Young, Cory Ritz, City Manager Max Forbush, Finance Director Keith Johnson, City Planner David Petersen, Assistant City Planner Glenn Symes, and Recording Secretary Kami Mahan. Councilman Rick Dutson was unable to attend the meeting.

Mayor Harbertson began discussion at 6:04 p.m. The following items were reviewed:

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

The Council reviewed the minutes of the regular City Council meeting held May 19, 2009, and the May 26, 2009, Special City Council minutes, and made corrections/additions.

(Agenda Item #5): Public Hearing: Consideration of Ordinance (Title 11, Chapter 41) creating a Scenic Byway Overlay Zone/Consideration of Ordinance amending the Farmington City Zoning Map to illustrate the area of the Scenic Byway Overlay zone.

Glenn Symes explained that concerns have been expressed by Lagoon and the Reagan Signs company about the proposed billboard height in the ordinance. **Mayor Harbertson** noted that an existing agreement with Lagoon supercedes any subsequent agreement. **David Petersen** reported on the proceedings of the most recent Planning Commission meeting with regard to this issue, and he explained the minimal role the federal government plays in the matter. He noted that State law is what governs billboard activity.

Sid Young questioned the intent of the ordinance and the Viewshed corridor and landscaping requirements. These issues were discussed. The Viewshed does not go beyond State Street. **Glenn Symes** clarified that west of the freeway is an industrial zone, with the overlay zone regarding signage and landscaping more strict within 1,000 feet but less strict beyond. This ordinance establishes an overlay zone, and has been approved by the Planning Commission. The **Mayor** said this is a City ordinance and not a federal issue. Various aspects of the ordinance were further discussed by the Council.

(Agenda Item #6): Recycling Presentation/Proposals for recycling - Rocky Mountain Recycling and Robinson Waste Collection.

Copies of a "Farmington City Curbside Recycling" chart, and a letter to Farmington from Centerville City regarding recycling, were distributed. **Mayor Harbertson** said he favored requiring an 80% minimum participation just prior to implementation of a recycling program, and having an opt-out provision. **Max Forbush** reported that very little negative feedback on recycling has been received in

other nearby cities. The Council discussed how to implement the opt-out provision. **Paula Alder** expressed concern for residents who may want to opt in or out later in the program. It was decided that the schedule for holiday garbage pick-up needed to be clarified during the meeting.

The City "Summer Fitness" program was briefly discussed.

The meeting adjourned at 6:51 p.m.

REGULAR CITY COUNCIL/CITY CHAMBERS/CALL TO ORDER

PRESENT: Mayor Scott C. Harbertson, Council Members David Hale, Paula Alder, Sid Young, Cory Ritz, City Manager Max Forbush, Finance Director Keith Johnson, City Planner David Petersen, Assistant City Planner Glenn Symes, City Recorder Margy Lomax, and Recording Secretary Kami Mahan.

Mayor Harbertson called the meeting to order at 7:00 p.m. **Cory Ritz** offered the invocation. The Pledge of Allegiance was led by **Margy Lomax**.

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

The minutes of the May 19, 2009, regular City Council meeting, and the Special City Council meeting held May 26, 2009, were reviewed during the work session.

Motions

Sid Young moved to approve the minutes as amended of the City Council meeting held May 19, 2009, and **David Hale** seconded the motion, which passed unanimously. Council Members **Alder, Ritz, Young, and Hale** voted in favor.

Cory Ritz made a motion to approve the minutes of the Special City Council meeting held May 26, 2009, with changes as noted. The motion was seconded by **David Hale** and passed by a unanimous vote, with Council Members **Ritz, Hale, Young, and Alder** voting in the affirmative.

CONSIDERATION OF RESOLUTION ADOPTING THE COMMUNITY FIRE PLAN FOR THE STEED CREEK AREA AUTHORIZING THE MAYOR TO SIGN THE SAME. (Agenda Item #3)

Mayor Harbertson complimented the Steed Creek Community Fire Plan committee on their work, and invited Co-Chair of the Committee, **Richard Shipley**, and **Tyre G. Holfeltz**, the Wildland-Urban Interface Coordinator of the State Department of Natural Resources, to come forward. **Mr. Shipley** said this is the first community fire plan in Davis County, and he expressed his thanks to the

committee, City staff, the fire department, and others who have helped develop the plan. **Mr. Holfeltz** also expressed his appreciation and said the plan will create a safer community and better access for firefighting. He presented an award recognizing Farmington City for its status as the 586th National Firewise Community. The **Mayor** accepted the award in behalf of the City, and asked those involved to meet in the east conference room.

Motion

Sid Young moved to approve the Resolution adopting the Community Fire Plan for the Steed Creek area, and authorizing the **Mayor** to sign the Resolution. **Cory Ritz** seconded the motion, which was unanimously approved. Council members **Alder, Hale, Young, and Ritz** all voted in favor of the motion.

Mayor Harbertson then signed the Resolution, which was taken to the east conference room for the signing process. **Tyre Holfeltz** gave the **Mayor** the community recognition signs.

PLANNING COMMISSION REPORT (Agenda Item #4)

Chairman **John Bilton** reported on the proceedings of the Planning Commission meeting held May 28, 2009. He reviewed the following items:

- The Planning Commission approved a request by Kimoto and Blakewood, LLC, for a plat amendment to the Farmington Creek Phase III plat amending lot 326 and the adjacent open space parcels to facilitate an exchange of open space land.
- The Planning Commission recommended approval of a request by Davkris Investments, LC, to amend the general plan designation from CMU, LDR, and O/BP to Commercial Recreation (CR), and the zoning designation from A, LR, and BP to CR of properties located at 525 North 200 West, 653 and 625 North Main Street, and 300 West Park Lane.
- The Planning Commission tabled a request by Farmington City for a zone text amendment on an Urban Forestry ordinance proposed to be Chapter 42 of the Zoning Ordinance. The proposal was tabled for the purpose of further legal review.

PUBLIC HEARING: CONSIDERATION OF ORDINANCE (TITLE 11, CHAPTER 41) CREATING A SCENIC BYWAY OVERLAY ZONE/CONSIDERATION OF ORDINANCE AMENDING THE FARMINGTON CITY ZONING MAP TO ILLUSTRATE THE AREA OF THE SCENIC BYWAY OVERLAY ZONE. (Agenda Item #5)

Mayor Harbertson introduced this Agenda Item, and **Glenn Symes** distributed hard copies of the presentation and the ordinance to members of the audience. He displayed an overhead view of the

proposed Scenic Byway Overlay Zone presentation, and he reviewed the following issues:

1. Background of the Ordinance
2. The Purpose of the Ordinance
3. Scenic Byway Overlay Zone (what it does and does not do)
4. Scenic Byway Overlay Zone Text
5. A map of the Byway Overlay zone area, including the Viewshed Corridor.

Mr. Symes outlined the proposed changes in the ordinance in the sections regarding residential building and architectural standards, landscaping, signage, and the Viewshed corridor.

Public Hearing Opened

Mayor Harbertson opened the public hearing at 7:29 p.m.

Brad Pack, 580 East 400 North, Bountiful, owns property south of Glover Lane, and said his preference is to have no overlay zone. He appreciates how City officials have worked with them, but is concerned about the master plan in the south area. On the overhead map he pointed out a road which he intends to utilize for bringing water, utilities, and fire protection access into his property in the future. He is concerned with a proposed 200 foot setback requirement. He said that the roadway is 310 feet away from the right-of-way, and with the regular setback of 30-50 feet from the road, there is inadequate room left for a building. He is also concerned about the sign height restrictions. He said they don't anticipate the businesses having a major traffic flow and don't need a scenic area.

John Percival, 22 East Glover Lane, asked why the Viewshed, in two places, extends twice as far as the rest of it, and why it is necessary to fix something that is not broken. He quoted from the ordinance regarding visibility from the Legacy Parkway, and said that the view east of the freeway is not visible from Legacy. He said the Viewshed is not needed, and that the federal government should not be involved unnecessarily. He said Farmington already has beautification ordinances that are not being enforced.

Dal Freeman, 1825 Oak Hampton, Farmington, representing Lagoon Amusement Park, said they were relieved that the City drew the line of the Viewshed corridor at State Street. He appreciated talking about impact, particularly of signs and spotlights. The significant issue for him is whether it is necessary to dedicate the area east of I-15 to the federal government. **Mr. Freeman** spoke about his understanding of the City's goals concerning the Viewshed corridor. He said that once the federal government is given something, the chance of getting it back is not good. He believes, as a representative of Lagoon and as a citizen, that the City can achieve what it wants by establishing this corridor on the west side of Legacy, where the trail is actually located. He feels the City is giving something away unnecessarily.

Public Hearing Closed

Mayor Harbertson closed the public hearing at 7:47 p.m.

David Petersen responded to the concerns raised, saying that the Byway designation was done in 2002. He said Byways must comply with federal outdoor advertising, and this is the only federal oversight. Federal officials told him this is a locally driven, voluntary plan, and there is no penalty if a city violates a State Byway overlay. If there are enough violations, State and Federal entities can de-designate, but this is rare. The 250 foot width in this proposal is about the same as the area from 500 South to 2100 South in Salt Lake. Billboards along that route are up to 120 feet in height. The State put so much into the Scenic Byway ordinance because it was to be special, hence the name Legacy “Parkway”. The Planning Commission wants to be consistent and protect the area from unintended consequences.

It was requested that the 200 foot setback and sign height issues be addressed. **Glenn Symes** explained that regarding the setback, the design guidelines say “should”, not “shall.” He read from the ordinance on this issue, and said the setback is not a requirement. Exceptions are allowed. The 15 foot sign height standard was implemented to stay consistent with surrounding cities. The **Mayor** asked about bulbouts on the east overlay. **Glenn Symes** referred to the overhead overlay zoning map, and explained that different ideas were considered, and they decided from a legal standpoint it would be best to make it a consistent 250 feet from the edge of the right of way. **Mr. Symes** clarified the route on the map and explained how it was determined. The bulb-outs follow the road.

In response to questions from Council Members, it was clarified that nothing is being given away to the federal government. The Lagoon sign is grandfathered and exempt from the ordinance. **Glenn Symes** said the model ordinance was required with the master plan, and that anything thought to be “given away” to the federal government were things associated with the master plan, not with this ordinance. Regarding lighting, such as at the park or the skater park, **Mr. Symes** said that local governments, school districts, and cities are typically exempt from the local ordinance because they are governmental agencies. He said this was addressed in the ordinance. It does not limit uses. **Cory Ritz** asked about special exceptions to the design standards. **Mr. Symes** replied that the Planning Commission can grant exceptions when deemed appropriate.

Mayor Harbertson said he had had some of the same concerns, and his investigation verified that the City has no real ties to the federal government. The State just took action, with no input from the City. He agrees that the visibility from I-15 is minimal until the area at about Glover Lane, where Jerry Preston’s development and wall is very visible. There is a Viewshed at that point, but there is nothing there now. He said this ordinance needs to be done correctly to keep Farmington what we want it to be. Current signs and spotlights are grandfathered in. A previous agreement with Lagoon supercedes anything done now.

Cory Ritz said the key point for him is that this proposal is important to the future. If the City wants to prevent eventual bisection by Legacy connection, it must provide protection for a scenic corridor. **Sid Young** raised concern with the landscaping requirement. He said that to the east, that would only go as far as the west segment of I-15. He also questions whether the Viewshed is necessary.

He said most existing zoning is intact, but this addresses commercial property. They are trying to bring consistency to that area. Nothing is being given away. **Mayor Harbertson** commented that he likes having a clause that gives citizens the ability to apply to the Planning Commission for exemptions.

Motion

Cory Ritz moved to adopt the Ordinance (Title 11, Chapter 41) creating a Scenic ByWay Overlay Zone, and to adopt the Ordinance amending the Farmington City Zoning Map to illustrate the area of the Scenic ByWay Overlay Zone. **Paula Alder** seconded the motion, which passed with Council Members **Alder, Hale, Young, and Ritz** all voting in favor.

RECYCLING PRESENTATION/PROPOSALS FOR RECYCLING - ROCKY MOUNTAIN RECYCLING AND ROBINSON WASTE COLLECTION. (Agenda Item #6)

Mayor Harbertson introduced this matter, and **Sid Young** asked for clarification on holiday garbage pickup. **Steve Robinson** of Robinson Waste Collection said that due to complaints, pickup was changed to the day following a holiday. They catch up within a couple of days. The holidays included in this schedule are Labor Day, Memorial Day, Thanksgiving, Christmas, New Years, and the Fourth of July. On other holidays garbage is picked up on the holiday itself. **Mayor Harbertson** added that if the holiday falls on a Friday, garbage is picked up on Saturday. Council Members discussed the need for this issue to be clearly addressed in the City newsletter.

Mr. Robinson stated that a schedule of pickup days is sent out at the first of the year. He said the burn plant is open every day but Thanksgiving, Christmas and New Year's, but does close early on other holidays. In response to a suggestion by **Cory Ritz**, **Mr. Robinson** said having all cans on one side of the street for pickup would save time and fuel, and he would have this possibility evaluated. Concern was raised for the elderly or those who may have trouble moving their cans across the street, and this issue was discussed.

Larry Gibbons of Rocky Mountain Recycling explained how recycling would work in the City, and said that residents are provided a special can the same size as regular garbage cans. He presented a list of acceptable and non-acceptable materials, which would also be provided to residents. He said it is critical for citizens to be educated concerning how to keep recyclables uncontaminated. Recycling pickup is typically done every other week, and residents can request additional cans. He said most programs are mandatory, although some cities have an opt-out option, yet there is good participation. He reviewed the "Farmington City Curbside Recycling" chart:

<u>Participation</u>	<u>RWS owns cans</u>	<u>City owns cans</u>
Mandatory	\$3.19	\$2.09
90% - 99%	\$3.43	\$2.33

80% - 89%	\$3.82	\$2.72
70% - 79%	\$4.22	\$3.12

Mr. Gibbons said they have been in business for ten years, and are one of largest independent paper recyclers. They recycle fifty thousand tons of paper per month. **Mr. Gibbons** displayed an overhead presentation and reviewed aspects of recycling, under the following headings: Recycling Facts, What Recycling Potential Farmington has, results from a Dan Jones survey by the EPA which showed an increasing positive attitude toward recycling, What Does the Program Consist of, What Can We Find in the Normal Can, and What Material is Acceptable and Not Acceptable.

In response to questions from the Council, **Mr. Gibbons** said that sensitive paper should be shredded at home and bagged prior to recycling. No scavenging is allowed by employees. He said that the new equipment is 100% automated and can read paper and distribute it accordingly. The new equipment is state of the art and can deal with 30 tons per hour. He explained the new technology.

Mayor Harbertson reported that the results of the City's recycling survey showed that 60% of citizens were in favor of mandatory recycling, 33% were opposed, and 7% were indifferent. He said he likes the opt-out program, but noted that the more that opted out, the higher the price would be. He does not feel the City can go below 80% participation, and is not in favor of the governing body mandating recycling. He said officials in other nearby cities have indicated that there has been little negative feedback. He added that citizens here are excited to get the program started.

The Council had an extended discussion regarding how to implement the opt-out provision, how to assure an 80% minimum participation, how to handle move-ins, the effect of publicity for the program, who will purchase the cans, and the financial consequences to the City if too many people opt out. The City Manager is concerned about sufficient participation in light of the proposed culinary water rate increase that will take place about the same time.

Motion

David Hale moved to proceed with recycling, with an opt-out provision for the first 30 days after residents receive the letter; that no investment is made until re-evaluation after the 30 days; and that there be a mandatory 80% participation to begin the program. **Sid Young** seconded the motion, which passed by a vote of 3 to 1. Councilmen **Hale**, **Young**, and **Ritz** voted in favor, and Council Member **Alder** voted nay.

Ms. Alder clarified that she supports recycling, but voted against the proposal because she believes a yearly option to opt out of the program would likely increase the number of participating residents and lower the cost. **Sid Young** commented that this proposal is not to subsidize a particular business, and it is beneficial to the City's future and the environment. **Cory Ritz** said he has lived in a community with mandatory recycling, that citizens were happy to do it, and that being green is an

important part of society part of the world today. He looks forward to having convenient recycling. **Mayor Harbertson** expressed his agreement with the vote.

Max Forbush said information would be included in the City newsletter in July, and letters will be included with utility bills as well. The City will wait until approximately August 5th to evaluate the numbers. Recycling would probably not begin until October. **David Hale** suggested that the City be generous with the 30-day opt out provision.

BOUNDARY LINE ADJUSTMENT REQUEST AT STATION PARK - CENTERCAL PROPERTIES. (Agenda Item #7)

Mayor Harbertson stated that the previous legal description was inaccurate, but the new one is correct.

Motion

David Hale moved to approve the boundary line adjustment. The motion was seconded by **Sid Young** and passed unanimously, with Council Members **Ritz, Young, Hale,** and **Alder** voting in the affirmative.

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

- **Ratification of approvals of Construction Bond Agreements.**
- **Approval of April's Disbursement List.**
- **Approval of Site Lease Agreement with Webwave.**
- **Approval of COBRA service agreement with National Benefit Services, LLC.**

Mayor Harbertson briefly reviewed each of the Summary Action items.

Motion

A motion was made by **Sid Young** to approve the Summary Action List, with the understanding that the Site Lease agreement with Webwave is for a one year period. **Dave Hale** seconded the motion, which passed by a unanimous vote. Council Members **Alder, Ritz, Young,** and **Hale** all voted in favor.

FARMINGTON TRAILS COMMITTEE REPORT - GEORGE CHIPMAN. (Agenda Item #9)

Mayor Harbertson introduced this item, and **George Chipman**, Chairman of the Farmington Trails Committee, was invited to present the "Annual FTC Progress Report - 2008." **Mr. Chipman** thanked the City for its support of the trails, and suggested that the committee be included sooner in the process as decisions are made in the future. He distributed copies of the progress report, and reviewed

details with the Council. A copy of the report is included as Exhibit A at the end of these minutes. **Mr. Chipman** was commended for his leadership and work on the committee.

MAYOR HARBERTSON'S REPORT (Agenda Item #10)

Mayor Harbertson reported that Waste Management will likely be building a recycling facility this fall. He also reported that Farmington City is being considered by Money Magazine as one of the top 100 cities in the country to live, and may be included in the top ten.

CITY COUNCIL REPORTS (Agenda Item #11)

Cory Ritz reported on a citizen's concern about excavation in the Farmington Ranches Neighborhood Park area, and he asked **Max Forbush** about piping in a ditch in the area. **Mr. Forbush** said the City's proposal was to pipe only the area adjacent to manicured grass if it could be removed from the wetlands list. **Mr. Ritz** said if there is a quality area it should be preserved. **Mr. Forbush** said he said he sent a letter to Steve Peterson of the HOA, and hopes the resident would contact the HOA leadership and relay her concerns to them. She is too late to change the design of most of the Park since the work has already been done.

Dave Hale reported that Rick Wyss's lane was damaged in the recent rain storm. He said Mr. Wyss's concern is the City 8-inch water line installed by the developer through Ivory Homes, and that Mr. Wyss thinks the culvert collapsed because of the contractor. Mr. Wyss has contacted Kirt Shmaltz of the County.

Sid Young will attend a meeting tomorrow at 3:30 p.m. with CenterCal representatives regarding transportation impact fees. **Mr. Young** reported that he walked the Jug Handle Trail (400 West State, and that more trees were removed on the lower level than anticipated. He also reported that George Chipman would like to have a shortcut made on a road that extends around the Lee property (Shepard Heights Subdivision) and up to one of the City's culinary water tanks. The Lees are willing to give an easement, but only if the City installs a fence. **Mr. Young** said the options are that the City or the Trails Committee can pay for the fence, or the trail can be left as it is. He said he does not recommend using City funds, due to budget constraints and asked Council Members for their input. The Council agreed that the fence needs to be paid for by the Committee or left as is.

Mr. Young also referred to the May 27, 2009, letter from the Forest Service concerning use of an existing road as a fire break road. He is attempting to contact Jerry Stevensen to set up a meeting to sign two documents on this issue. The Council discussed dates and times, and tentatively agreed to meet on either June 4th or June 23rd.

Paula Alder said she will try to set up the Youth City Council report in August.

MISCELLANEOUS Agenda Item #12)

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

Mayor Harbertson reminded the Council of meetings to be held on Monday, June 8th :

- 1:00 p.m. - meeting with Lagoon concerning water,
- 2:30 p.m. - meeting with EDA Architects regarding how much LEED's certification will be put into the new City Hall,
- 3:30 p.m. - meeting with EDA Architects concerning design options on the City Hall plaza.

Cory Ritz will attend the 1:00 meeting and possibly the 2:30 meeting. Rick Dutson will be emailed with information on the meetings.

CLOSED SESSION

At 9:50 p.m., **David Hale** moved to go into a closed session pertaining to possible litigation property. The motion was seconded by **Sid Young** . A roll call vote was taken, and Council Members **Alder, Ritz, Hale, and Young** all voted in favor of the motion.

At 10:15 p.m., a motion was made by **David Hale** to go back into open session with the motion being seconded by **Paula Alder**. With all Council Members voting in favor, the motion passed.

Lagoon Water Issue

Max Forbush reported that there was a mistake in calculating water usage for Lagoon that was reported earlier to the City Council. Tammy North from CRS discovered the usage had been doubled. It was only 45 million gallons rather than 89 million. He said the City needs to base the rate structure so it is reasonable and prudent. Data from the American Waterworks Association was used in preparing the new rates for water access and usage. New information will be sent via email to the Council and Mayor.

ADJOURNMENT

Paula Alder moved to adjourn the meeting. The motion was seconded by **David Hale** and the meeting adjourned at 10:20 p.m.

Margy Lomax, City Recorder

