

# FARMINGTON CITY COUNCIL MEETING

July 1, 2008

---

## COMBINED CITY COUNCIL/PLANNING COMMISSION WORK SESSION /CITY CHAMBERS

**PRESENT:** Mayor Scott Harbertson, Council Members Richard Dutson, David Hale, Paula A. Alder, Sidney C. Young, Cory Ritz, City Planner David Petersen, Assistant City Planner Glenn Symes, Planning Commission members Kevin Poff, Craig Kartchner, Rick Wyss, Steve Andersen, City Manager Max Forbush, Recording Secretary Kami Mahan, City Engineer Susie Petheram, America West Representatives Ron Martinez, Robert McConnell, Craig Cummings, and Kathy Izatt.

**Mayor Harbertson** began discussion at 4:45 p.m. The following items were reviewed:

### TOD Ordinance Presentation/Discussion

**Mayor Harbertson** opened the meeting and turned the time over to **Susie Petheram** of Cooper, Roberts, Simonsen Architects (CRSA) who are planning consultants for the City hired to help with TOD area near Park Lane. CRSA also are consultants for the City's Downtown Master Plan Study.

**Ms. Petheram** reviewed potential sites for a new City Hall in the downtown area and downtown street networks. She displayed overhead graphics and explained the various aspects of Transportation Oriented Development (TOD), including Mixture of Uses, Farmington TOD Draft Ordinance, Form-Base Code with example graphics and parking regulations, TOD Case Studies, Street Networks, and TOD Street Network, Existing Roads, Future Arterials, Block Size, Future Land Use, Example arterial road and local road, Final TOD Ordinance, and TOD Ordinance Goals.

A question-and-answer period ensued with **Ms. Petheram** answering questions from Planning Commission members, Governing Body members and staff, and representatives of America West Developers. There was discussion regarding specifics of the approval process of the Park Lane project.

[**Randy Hillier** arrived at the meeting at 5:35 p.m.]

**Ron Martinez** requested, in order to address potential problematic issues on the Park Lane project, that America West be allowed to give input into the process regarding TOD zoning. **Max Forbush** and **Mayor Harbertson** said this request would be considered.

[The America West Developers left the meeting at 5:45 p.m.]

### CLOSED SESSION

A motion was made by **David Hale** for the City Council and Planning Commission to go into a closed session to discuss strategy as it pertains to the acquisition of real property. The motion was seconded by **Rick Dutson**. The motion passed with all Council members voting in favor. The closed session began at 5:47 p.m.

[**Paul Barker** arrived at the meeting at 5:50 p.m.]

**SWORN STATEMENT**

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

\_\_\_\_\_  
Scott Harbertson, Mayor

At 6:46 p.m. the meeting adjourned to open session.

**(Agenda Item #8): Amendments to Chapter 39 of Title 11 (Historic Buildings and Sites) - 1<sup>ST</sup> Reading.**

\_\_\_\_\_The Council and Planning Commission briefly discussed the proposed revision of the Historic Preservation Ordinance, and the process involved if a homeowner does not want their property included on the historic registry. **Mayor Harbertson** said that historic landmarks were the primary concern. **Paul Barker** explained the Commission’s thinking with respect to the text changes .

**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, Recording Secretary Kami Mahan, and Youth City Council Member Allison Christensen.

**Mayor Harbertson** called the meeting to order at 7:10 p.m. **Sid Young** offered the invocation. The Pledge of Allegiance was led by Britan Howie.

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

The Council reviewed the minutes of the City Council meeting held June 17, 2008.

**Motion**

**Rick Dutson** moved to approve the minutes of the meeting held June 17, 2008. **David Hale** seconded the motion, which passed unanimously. **Cory Ritz** abstained due to his absence from that meeting.

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

**Kevin Poff** reported proceedings of the Planning Commission meeting held June 26, 2008. He covered the following items:

- The Planning Commission recommended approval of the preliminary PUD Master Plan and Preliminary Plat for Nicholl's Nook subdivision.
- The Planning Commission recommended approval of the request by Tuscan Village for Preliminary and Final PUD Master Plan.
- Approval was recommended by the Planning Commission for a zone change from AE (Agricultural Estates to R (Residential) for Symphony Homes at 40 East 700 South.
- The Planning Commission tabled the request to amend Chapter 39 of the Zoning Ordinance regarding Historic Buildings and Sites, pending review by the City Attorney and the defining of the appeal process for registry inclusion.
- The Planning Commission was invited to visit the fire department at 9:00 a.m. on July 26<sup>th</sup>.

**(PUBLIC HEARING): CONSIDERATION OF AN ORDINANCE AMENDING ZONING TEXT IN THE COMMERCIAL MIXED USED ZONE (CMU) BY INCREASING THE BUILDING HEIGHT FROM 3 TO 4 STORIES (ZT-05-08). (Agenda Item #4)**

**Mayor Harbertson** introduced this Agenda item, and **Glenn Symes** said that the Planning Commission made a recommendation to eliminate the text limiting the number of stories in the zoning Ordinance, but to retain the same maximum height requirement.

**Public Hearing**

**Mayor Harbertson** opened the meeting to a public hearing at 7:20 p.m., and invited the applicants to address the Council.

**Greg Bell** reviewed a short history of the proposal for a Hampton Inn and his association with hotelier **Dharmesh Ahir**. **Mr. Bell** distributed elevation drawings of the hotel, and explained details of the property's appearance. He said the hotel would have 70 rooms, 82 parking stalls, and there would be a nearby restaurant.

Council members inquired about parking, and a small home near the property.

**Dharmesh Ahir**, 1983 Harrison Drive, Evanston, Wyoming, distributed a preliminary plan and said that any changes would be minor. He explained his background in the hotel business, as well as his current projects. He reviewed how the Hampton Inn project originated, and pointed out the need for a hotel in Farmington. **Mr. Ahir** said most hotels being built are four stories or higher, and this number of stories are needed to allow visibility from the freeway and to fit all of the proposed facilities, such as conference rooms, a workout room, etc.

### **Public Hearing Closed**

**Mayor Harbertson** closed the public hearing at 7:31 p.m. and opened the matter up to the Council for discussion.

In response to questions from the Council, **Mr. Ahir** said that the hotel and restaurant will be different projects, and there will be cross access but no shared parking. They would like to commence construction as soon as possible, and would likely open next year, prior to the summer. **Mr. Ahir** said he has been communicating with the Planning Department as progress is made.

**Mayor Harbertson** raised the issue of flat roofs being prohibited in the City Ordinance. **Mr. Ahir** said there are only a limited number of architectural models they are allowed to use. It is mandatory for higher brands such as Hampton to require four stories. **Glenn Symes** read the ordinance regarding this section of the ordinance. **Mr. Ahir** was asked about the possibility of having a pitched roof, and he said that although this avenue had not yet been explored, he would have a pitched roof if possible.

**Mr. Ahir** said attractive landscaping is being proposed around the property. The issue of fire and rescue for a four storey building was raised. Mr. Forbush reported the Fire Chief is concerned because Farmington has no ladder truck. Mayor Harbertson explained that Kaysville has a ladder truck, and that a ladder truck for Farmington is on the City's Capital Facilities Plan for next year.

### **Motion**

**Cory Ritz** made a motion to adopt the ordinance amending zoning text in the Commercial Mixed Use Zone (CMU) by eliminating the number of stories allowed, but maintaining the same maximum height limitation. The motion was seconded by **David Hale**, and passed by a unanimous vote.

**REQUEST TO REDUCE REIMBURSEMENT CLAIM AMOUNT FOR DAMAGED FIRE HYDRANT - NICK PATRIDGE. (Agenda Item #5)**

**Mayor Harbertson** invited Nick Patridge to address the Council. Nick explained how the fire hydrant was damaged, and said that although neighbors near the fire hydrant discouraged him from reporting the accident, he told his parents and the police. He was charged with driving without a licence.

**Mayor Harbertson** said Juvenile Court suggested Nick meet with the City Council and request mercy. Public Works did not have time to make the needed repair to the fire hydrant, which increased the cost. **The Mayor** expressed his appreciation of Nick's honesty and willingness to take responsibility, and said he favored having the City assume the \$500 cost that Nick had requested.

There was brief discussion by the Council, and **Max Forbush** clarified that any reimbursement from the City would be paid out of the water fund.

**Motion**

**Sid Young** moved to reduce the bill to Nick Patridge for the damaged fire hydrant from \$3,500 to \$2,500 which was \$500 more than the request. **Paula Alder** seconded the motion, which passed by a unanimous vote.

**MINUTE MOTION APPROVING SUMMARY ACTION LIST:**

- **Ratification of approvals of Construction Bond Agreements.**
- **Approval of May's disbursement list.**

**Mayor Harbertson** reviewed both of these items, and made a brief clarification on the Construction Bond Agreements.

**Motion**

**Rick Dutson** made a motion to approve the Summary Action List. The motion was seconded by **Paula Alder**, and was approved unanimously.

**ORDINANCE AMENDING 3-02-070 AND 3-02-080 OF CITY CODE TO REFLECT CHANGES IN THE PARKS & RECREATION DEPARTMENT AND REPEALING 3-03-030 REGARDING LEISURE SERVICES BOARD. (Agenda Item #7)**

**Mayor Harbertson** briefly reviewed this Agenda item.

**Motion**

**Rick Dutson** moved to adopt the Ordinance amending 3-02-070, 3-02-080, and 3-03-030 of the City Code. **Paula Alder** seconded the motion. A roll call vote was taken, and Council members **Alder, Dutson, Hale, Ritz, and Young** all voted in favor of the motion.

**AMENDMENTS TO CHAPTER 39 OF TITLE 11 (HISTORIC BUILDINGS AND SITES) - 1<sup>ST</sup> READING. (Agenda Item #8)**

**Max Forbush** said that the Planning Commission tabled this issue. No recommendation from the Planning Commission had been given. He, therefore suggested that the agenda item be for discussion only.

The Council reviewed several portions of the ordinance regarding landowners' appeal rights and definitions of specific terms. It was explained that the consulting attorney was looking for provisions that would hold up in court. **Glenn Symes** clarified the Historical Preservation Commission's authority and the purpose for the proposed changes.

**Max Forbush** said that most of the questions being raised pertained to sections of the prepared ordinance that apply only to the Historic Landmarks List, which would include a very limited number of properties. The City Council ultimately decides which structures (such as the Old Mill, the rock chapel, or the rock hotel) are so historically significant that they should not be demolished without accountability. When a structure is on the Historic Landmarks List, the owner must submit an application and go through an appeal process when they want to alter the property.

**Paula Alder** questioned whether fifty years should be considered historic. **Glenn Symes** said this was the national standard.

**Max Forbush** said the Historic Landmarks List can be a tool for the City to designate specific properties having significance that need protection. **Dave Hale** said it is important to be cautious about what is adopted. He believed enforcement should be by City employees and not by a volunteer board. **Glenn Symes** said that the Historical Commission has expertise that is needed by the Planning Department.

**REVIEW OF CORRESPONDENCE FROM NADINE GIBBONS AND BOB AAMODT. (Agenda Item #9)**

**Mayor Harbertson** reviewed the letter from Nadine Gibbons regarding the poor condition of 1000 North Street, and said that **Max Forbush** should send the letter (contained in the packet) proposing the option for residents to install curb, gutter and sidewalk on their property at the time the street is repaved. **Max Forbush** said he believed most residents will decline, but they should be given the opportunity.

Regarding Bob Aamodt's request to close lower Compton Road, **Max Forbush** said the project of widening the road with curb, gutter, and sidewalk along the "S" curve of S.R. 106 at approximately 600 North will be a UDOT project at a future time. He explained a short history of this situation. The Council discussed the issue, and the consensus was to deny the request.

There was a short discussion regarding City Staff pictures as a means of identifying City employees.

### **MAYOR HARBERTSON'S REPORT (Agenda Item # 10)**

**Mayor Harbertson** reported on a meeting with UDOT officials, who indicate being open to a western corridor. **Max Forbush** commented on the sequence of timing on Tim Taylor's report, and said that the Master Transportation Plan needs to be prepared and a public hearing held.

### **CITY COUNCIL REPORTS (Agenda Item #11)**

**Sid Young** reported on conversations with Lee Maxwell concerning Woodland Park. Lee expressed concern regarding the trail that heads west from the park. Mr. Maxwell is an abutting property owner to Woodland Park. **Max Forbush** said there is an opening in the fence in Woodland Park, but the City may not be allowed to install the fence across the stream channel which is under the direction of Davis County Flood Control.

**Mr. Young** inquired concerning Station Park's plans for announcing their opening. **Mayor Harbertson** said that Station Park received permission to place a double wide trailer on the property, where a large model of the project will be placed. The model will not be available for Festival Days, but is estimated to be in place toward end of July. Station Park is pushing for an opening in the spring of 2010.

**Max Forbush** said UDOT is requesting additional improvements on Park Lane, and there is concern because of costs. Improvements will be done with the Legacy project as part of a betterments agreement with the City and UDOT. An agreement is needed with Centercal, UDOT and the City. The Council briefly discussed the sound walls.

**Dave Hale** said he would talk to Glen Leonard to get his support for the Historic Preservation ordinance.

**Rick Dutson** complimented the Buffalo Ranches grand opening, and suggested that for similar events in the future, letters should be sent to nearby residents inviting them to attend.

**Mr. Dutson** asked for an update on the new police building. It was explained that progress has been delayed because subcontractors are from Utah County, and only a small number of workers on the project. **Mr. Dutson** said this should not be an excuse for the lack of progress.

There was a brief discussion regarding dust on the road to the FrontRunner Station. It was explained that this is not the City's responsibility.

**Mr. Dutson** pointed out that the CMU fence along Main Street is structurally unsound and is an eyesore.

It was pointed out that a tow truck is parked behind the Brass Comb on a regular basis, which indicates a possible auto body business. The back area was meant only as parking for employees and patrons. **Paula Alder** said the number of cars displayed for sale on the property is exceeding the allowed limit.

The Council briefly discussed the landscaping situation of the Creekside Homeowners Association.

The possibility of four ten-hour work days per week for City employees was discussed.

**Paula Alder** confirmed with those on the Council who are participating in the Festival Days breakfast and dunking booth on July 12<sup>th</sup>.

**Ms. Alder** announced that profits from the upcoming Youth Swim Night will be donated to the Children's Justice Center.

**Ms. Alder** also said she has heard concerns from patrons about the one-hour shortened public swim time at the city pool.

**Sid Young** updated the Council on having the City Council riding on the fire truck for the Festival Days parade.

**Mayor Harbertson** reported on complaints from Garbett Homes residents regarding problems that seem to go no further than the manager.

**MISCELLANEOUS Agenda Item #16)**

- a. Miscellaneous items.**
- b. Minute Motion adjourning to closed session to discuss professional competency of an individual (performance appraisal of City Manager)**

**Mayor Harbertson** explained that although funds were budgeted to re-surface a portion of State Street, it has come to the City's attention that the street may need to be torn up when a new City Hall is built. These funds should therefore be used on the next street on the resurfacing list, which is Joy Drive (300 South), just north of Woodland Park which is in such disrepair that it will be

completely unusable if there is another harsh winter. The additional funding would come from the Council contingency fund.

**Max Forbush** stated that there are too many streets to keep up with repairs, but according to Ray White, Joy Drive is the worst. **Mr. Forbush** recommended against doing piecemeal repairs, and to do a complete overlay. The Council discussed the issue.

**Motion**

**David Hale** moved to approve the funds to reconstruct Joy Drive (300 South Street). The motion was seconded by **Paula Alder**, and passed by a unanimous vote.

The Council briefly discussed the road funds. **Max Forbush** said the costs of paving have doubled or tripled, and the City must strategize street paving and repair, and re-evaluate the development review process.

**CLOSED SESSION**

A motion was made by **David Hale** for the Council to go into a closed session to discuss the professional competency of an individual. **Paula Alder** seconded the motion. The Council convened to a closed session at 8:50 p.m.

**SWORN STATEMENT**

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

---

Scott Harbertson, Mayor

At 9:30 p.m. a motion was made by **David Hale** with a second by **Rick Dutson** to go back into an open meeting. The motion passed with all Council Members in favor.

**ADJOURNMENT**

**David Hale** moved to adjourn. **Paula Alder** seconded the motion and the meeting adjourned at 9:30 p.m.

---

Margy Lomax, City Recorder

