

SPECIAL FARMINGTON CITY COUNCIL MEETING

Tuesday, July 31, 2007
Farmington City Hall, 130 North Main

CITY COUNCIL WORK SESSION

PRESENT: Mayor Scott C. Harbertson, Council Members Richard Dutson, David Hale, Larry Haugen, Sidney C. Young, City Manager Max Forbush, Assistant City Planner Jared Hall and City Recorder Margy Lomax. Paula Alder excused.

Mayor Harbertson led a review of the City Council agenda beginning at 6:40 p.m.

Agenda #2. Review/Approval of building elevations for North Phase of Farmington Crossing/Review of Amended Development & Associated Agreements - Garbett Homes

Max Forbush handed out the latest draft of the amended Development Agreement with changes that had been prepared by the City Attorney. The City Council had received emails from David Dixon and Gary Payne on their suggestions for the building elevations. (Mr. Dixon and Mr. Payne had served on an Architectural Review Committee on July 18 to review the building elevations with Garbett Crossing's architect.) After their review, they were in favor of the buildings except with some minor recommendations.

The property for the construction of a LDS Church site has already been deeded. It was stated the City does want the garages facing U.S. 89. One of the changes made was to paragraph 6 regarding the trail and trailhead.

It was suggested to have an architect be on the Development Review Board to be able to give suggestions early in the development process.

The City Manager explained that the Farmington Preserve Wetlands Agreement will terminate in 2009 and that the City should make permanent whatever easements are needed, because after that the developer has no obligations. He explained what easements would be necessary to be obtained by developer from Davis County and private property owners. If the easements are not obtained, then the trail would need to take a different route. The issue of the easements has previously been discussed with Garbett.

There was a review of a map showing the proposed alignment of the trail and the location of the trailhead and discussion of page 3 of the agreement. The City does not want to own or maintain the trailhead, but will maintain the trail. Discussion followed on maintenance of the trailhead and whose responsibility it will be to maintain it.

David Hale said the developer should work with Maverik as far as maintenance responsibilities that the City wants it to look nice. The possibility of the Homeowners Association

taking care of it was suggested. It was questioned if there were some language that could be added to the agreement to ensure the trailhead is maintained, and if not, the City would maintain it and charge developer for it; some kind of repercussion if it is not maintained. The City Manager will work with the City Attorney to get the right language.

Along with the amended Development Agreement, there are two other agreements – one deals with Shepard Creek Parkway traffic safety and the other has to do with service and maintenance of water lines. The Council was concerned about parking on the streets. The streets will be 27' except in the courtyard areas, they will be 25'. The CC&Rs of their Homeowners Association states the homeowners have to use their garages for parking.

Rick Dutson questioned if there was really a balance for parking for the homes there. He said with at least two cars per home, will there be adequate parking when friends and family come to visit? The Planning Commission was very concerned about the parking issue also. It was felt there needs to be restrictions on parking, possibly time limits, painting curbs with red paint where no parking is allowed, etc. Enforcement of the parking issues will be handled by the Homeowners Association because of the private streets. The developer is agreeable to do something to help with traffic flow and parking issues.

REGULAR CITY COUNCIL MEETING/COUNCIL CHAMBERS

Present: Mayor Scott C. Harbertson, Council Members Richard Dutson, David Hale, Larry Haugen, Sidney C. Young, City Manager Max Forbush, Assistant City Planner Jared Hall and City Recorder Margy Lomax. Paula Alder excused.

Roll Call/Invocation/Pledge of Allegiance

Mayor Harbertson called the meeting to order at 7:05 p.m. Council Member Sid Young offered an invocation to the meeting and Mayor Harbertson led the audience in the Pledge of Allegiance.

Review/Approval of building elevations for North Phase of Farmington Crossing/ Review of Amended Development & Associated Agreements - Garbett Homes

Noel Ballsteadt, representing Garbett, reported on the meeting held with the architects to review the building elevations. The two architects at that meeting, David Dixon and Gary Payne, liked the design. Mr. Ballsteadt said he had read the report by David Dixon and that it fairly represented what took place at the meeting. He said some of Mr. Dixon's suggestions had merit regarding the look and feel of the development from U.S. Highway 89 and there is the possibility of landscaping; enhancing it. Their preference would be to heavily landscape it for 20-30 feet with evergreen and deciduous trees and grass. Mr. Ballsteadt said they would be happy to give the City

a detailed landscaping plan. He proposed to give the City an agreement that specifies the location of the trees, the caliper and species of the trees. In order to landscape around the pond, the developer will have to obtain permission from Davis County.

Mr. Ballsteadt showed the City Council color charts for the paint and stucco colors which will be used on the outside of the buildings and pointed out that rock will be used on both edges of the patio-style buildings. The Council felt the colors should be subdued; to be able to blend into the area. They want colors that will not “jump out at you”.

Motion:

David Hale moved to accept the building elevations as had been presented by developer provided that the elevations have a mixture of both the shed and the gabled roof and that the building elevations and color chart be incorporated as an exhibit to the minutes and be made a part thereof. The motion was seconded by **Rick Dutson**. The motion carried with Council Members Hale, Dutson, and Young voting in favor. Council Member Haugen voted against the motion.

Mayor Harbertson read changes in the Development Agreement for the North Phase of Farmington Crossing that had been made this afternoon. One of the changes dealt with the trail alignment. The red line as shown on the map is the City Council’s preferred alignment for the trail. Developer is to secure the necessary easements and/or approvals for the proposed re-location of the perimeter trail and easements or permits for the original alignment across properties owned by the developer, Davis County or UDOT.

The City Manager suggested the Development Agreement be brought back before the City Council for a final reading along with all the exhibits so that the Council feels comfortable with it before approval. This would allow for refinement of all the details so everyone knows what is involved. The landscaping plan, along with bonding for it, would be thoroughly addressed.

David Hale stated the City would like the outside perimeter trail as the primary trail which would involve the developer obtaining easements. Mr. Ballsteadt stated Davis County is willing to give them the easements. What is in question is what UDOT is willing to give. Davis County is willing to cooperate with the developer regarding landscaping/development of the pond as long as it doesn’t create liability for them. He stated it was Garbett Homes who brought up the idea of incorporating the pond as part of their development.

David Hale said he feels the Council wants to make sure all of the landscaping from Shepard Lane all the way through the different phases along 89 is done well, the pond, the church and even the Maverik area. He suggested all of that should be put under the auspices of the HOA. There are three different issues to be addressed: one is the trail; one is the landscaping area around the trail; and the other is the pond.

Discussion followed regarding the trailhead portion of the Development Agreement. The property will be maintained by Maverik and Garbett Homes. Mr. Ballsteadt reported the trailhead area will be donated to the City, but the donation cannot be a condition of approval. He said if after the property is donated to the City, the City does not want to own it, it could then sell it to Maverik for \$100. It makes sense tax-wise for Garbett Homes to improve and landscape the trailhead and then donate it to the City. They think it makes better access to have the trailhead located by Maverik. Maverik is going to construct a new store and they will incorporate the trailhead area as part of their landscaping.

Jared Hall stated Maverik will come before the Planning Commission for a site plan approval and modification of conditional use permit. The conditional use could be tied to maintenance of the trailhead area.

The City Manager stated at a future meeting there will be a final reading of the Development Agreement which would include the requirement of a landscape plan for the entire North Phase to include such things as the screening and required bonding and landscaping of the park trailhead or perhaps even the pond. Garbett and City will continue to work with Davis County to develop a mutually acceptable plan for the pond and at such time improvements will be bonded for.

Mr. Ballsteadt suggested reference to the trailhead be removed from the Development Agreement that it be done by separate agreement. Garbett fully intends to improve and donate the trailhead, but it can't be a condition of approval of the development. He said Garbett will work out the details so it doesn't create problems for the City. Mr. Ballsteadt suggested also that they submit a landscaping proposal including a landscape buffer. He said they will review the trail first, then the trailhead; and then a landscape plan for the area the Council is concerned about on 89; and then work through the details on the pond. They will keep them all separate. He said their intentions have always been to make the trail a wonderful amenity for their project.

Sid Young brought up #7 on the Development Agreement where it talks about License Agreement and Service and Maintenance Agreement. He wondered if it could be included in the agreement regarding parking that the design is such that the cars would be fully off of the traveled roadway so that they are not part way on the road. Developer agreed to take a look at the parking on the site plan. He also said he and Dave Petersen had walked the area and came up with a striping plan they thought would work.

Max Forbush stated that in the second phase the cutouts have to be big enough so that it holds the entire car and not compromise the integrity of the parkway.

Staff and developer will meet to work out details regarding conveyance of right of way to the City for both sewer and water lines and access into the street area. Developer has received final approval on realignment of the trail with some pending issues still; received final approval on the minor changes on the site plan and received approval on the elevations.

Mr. Ballsteadt stated that an agreement has been entered into with the City that they would not rent or allow people to use their units as rentals. He has hardship requests often from residents wanting to rent their units, and tells them that he can't give them a hardship exception because Garbett has committed to the City that there will be owner occupants and not rentals. He feels there are some people who have legitimate hardships. What kind of latitude will the City allow?

Mayor Harbertson responded that there is information in the CC&R's as far as the lease restrictions regarding hardships exceptions. He suggested a time limit be placed in the agreement with the owners as to how long their unit can be rented. He said the exemption guidelines should be used in granting hardships for rentals.

Rick Dutson said if Mr. Ballsteadt sees it falls in the category of hardship, he is okay with it, but if too much is allowed the City will end up with a slum.

The City Manager said this is not a City-enforced issue, but is enforced by the Homeowners Association.

Consideration of Final Master Plan approval for Farmington Hollow/Review of Second Reading of Development Agreement/Consideration of Ordinance Amending R-4 and LR zones consistent with Final Master Plan

Mayor Harbertson expressed appreciation to Thane Smith for the work that had been done on the site plan for the different options for the road alignment. In their re-design the developer gave up one of their lots. The re-design gives the City the option to not only go onto Burke Lane, but if needed to make the curve down 1525 West. The re-designed site plan shows the road alignment going to Burke Lane with a temporary access down to 1525 West.

The developer's permit with the U.S. Army Corps of Engineers has expired. Mr. Smith reported they have spoken with them and they are willing to update the permit realizing that the developer didn't have City approval. The Army Corps wants the latest plans for their approval. The permit will include the full acreage.

Mayor Harbertson raised questions about guest parking. Mr. Smith showed on the map where guest parking will be. They are providing about one additional stall for all interior units. In the R-4 area most of the roads are private roads, with the exception of the "jugular" road.

Rick Dutson expressed concern about parking in areas where people will not know the rules about parking. He wondered if possibly redlining the curb or if something could be done so it is clear to everyone there is no parking in specific areas.

Mr. Smith said they would be willing to paint the curbs red, but felt the individual homeowners would be able to help with enforcement of no parking, plus the Homeowners Association will enforce it.

The question was raised as to where the snow will be pushed. Mr. Smith stated the streets will be 27' of asphalt. There is a three-foot park strip on either side of the road and the snow will be pushed there. They feel there will be enough area in the courtyard and along strips in the streets for snow. There are sidewalks on both sides of the street. The Homeowners Association will be responsible for snow removal, because the streets are private streets.

Motion

Rick Dutson moved to approve the Final Master Plan conditioned upon the letter to Thane Smith incorrectly dated July 16, 2007, with paragraphs 1-3 with all the subparagraphs associated with it and as set forth by Planning Commission action of July 26, 2007, as follows:

1. The applicant must comply with all conditions of preliminary (PUD) Master Plan approval and preliminary plat approval including but not limited to the following:
 - a. Provide written approval from U.S. Army Corp of Engineers regarding the proposed development and the wetland delineation in that portion of the project south of the proposed Legacy North alignment and written verification that the proposed fill embankment across Haight Creek is acceptable to the Corp.
 - b. The applicant must provide improvement drawings, including a grading and drainage plan and accompanying SWPP (and revegetation plan), and these plans must be reviewed and approved by the City Engineer, Public Works Department, Fire Department, Planning Department, Central Davis Sewer District, and Benchland Water District.
 - c. The applicant shall provide storm water detention in a manner and location acceptable to the City Engineer. This may include an off-site location.
 - d. The property must be rezoned to accurately reflect the master plan.
 - e. The applicant must enter into road improvements agreement with the City that will provide, among other things, a traffic solution regarding the two unsafe railroad crossings near the project.
 - f. Pursuant to both a previous verbal commitment by the applicant, and a verbal commitment provided by the applicant at the Planning Commission meeting, the applicant shall extend, or post a bond acceptable to the City, for a paved

street from Sharp Shooter Drive westerly within the 950 North alignment to the westerly corporate limit line of Farmington City. The road shall consist of two safe travel lanes, the dimensions of which must be determined by the applicant and the City.

- g. The CC&R's must include language that will prohibit rentals into perpetuity. The language must be submitted to the Planning Commission for review and comment.
 - h. John Swain (or the City) must provide "review comments" regarding the landscape plan.
 - i. The CC&Rs must include a provision requiring the homeowners to maintain the exterior of the units. The HOA will maintain the private road.
 - j. The HOA must be responsible for the snow removal in the "Court yard" areas.
 - k. The applicant shall enter into a development agreement with the City related to the entire project.
2. The final master plan and all the attachments related thereto shall become an exhibit to the development agreement.
 3. The Master Plan must be amended to include the correct 1525 West right-of-way alignment located along the entire east boundary of the project.

David Dale seconded the motion. The motion was approved by a unanimous vote in favor.

Motion

A motion was made by **Sid Young** to amend the R-4 and LR zones as described on the most recent drawing presented to the City Council. The motion was seconded by **Larry Haugen**. The motion passed with all Council Members voting in favor.

The Development Agreement was then discussed. There are still some issues that need to be resolved and taken care of. An additional paragraph regarding enforcement of rentals was read by Mayor Harbertson. The developer was agreeable with the inclusion of the paragraph.

The issue of maintenance of water mains and meters was brought up. The developer stated they are aware of the necessity of easements. Mr. Smith stated that there will be a blanket easement

over the whole development.

Discussion was held regarding paragraph 8 of the Development Agreement which has to do with reimbursement provisions. There will be a large detention basin in the project which will handle most of the water. Land will be conveyed to the City or the County and the City will have the responsibility to build a system trail. The City will have a drainage easement to maintain the ponds and blanket easement for trails.

The City Manager stated a system improvement on the project not only includes the large detention basin but a pipe that dumps into the detention basin. The developer will install that for the City and then they will receive a credit off of their impact fees.

Woodside and staff will continue to clean up the issues in the Development Agreement. The developer wants to be on the City Council agenda for August 7, 2007.

Final Reading and Approval of Development Agreement for “Old Farm” & related matters

Rick Dutson raised a question regarding the Master Development Guidelines, Exhibit D to the Development Agreement. Staff has not seen them yet, but felt the agreement could be approved conceptually without them; to give an approval in concept but with the understanding that we won't give the final approval until we see all the exhibits.

Council Member Dutson also asked about a termination date which needs to be filled in on page 14 of the Development Agreement. He doesn't want it too restrictive but also doesn't want it so open ended that it would go on forever. The City Manager suggested five years be the termination date which he will suggest to the developer for their input. The City Council wants to make sure the developer feels good about the five-year time frame

Motion

Rick Dutson moved to table approval of the Development Agreement for The Village of Old Farm until the City Council can see all of the exhibits to the agreement. **Larry Haugen** seconded the motion which was approved by a unanimous vote.

Consideration of Reimbursement Agreement with The Boyer Company regarding storm water pipe in the Farmington Meadows Subdivision

Mayor Harbertson reported the reimbursement agreement is how the City is going to pay back The Boyer Company for installation of the storm water pipe which is basically being installed to accommodate future development. They will be paid back 100% -- one-third by the City and the other two-thirds will be paid back as development occurs through the storm sewer impact fees. The

Boyer Company does not benefit from the pipe at all. Staff feels good about the agreement.

Motion

David Hale moved to approve the Reimbursement Agreement with The Boyer Company regarding the storm water pipe to be installed in the Farmington Meadows Subdivision. **Sid Young** seconded the motion which passed with a unanimous vote.

Consideration of Request to Purchase “Football” Scoreboard

The City Manager reported City-sponsored football games will be played at the new facility built by the Davis County School District next to the school bus compound in west Farmington. The City will be able to use the field in perpetuity. Neil Miller, Parks & Recreation Director, is requesting \$7,592 for the purchase of a large scoreboard, a wireless controller and installation for use during the football games. There are funds in the football budget to cover the expense.

Motion

A motion was made by **David Hale** to authorize the expenditure of \$7,592 from the football budget fund to purchase the scoreboard as has been requested by Mr. Miller. **Rick Dutson** seconded the motion which passed with a unanimous vote.

Consideration of Bio-West Proposal

Mayor Harbertson reported Lisa Romney of the City Attorney's office felt the best thing to do with the problem of the Farmington Ranches open space issue was to have an environmental consultant do a study for the City regarding conservation easement analysis. Funds for a study had not been previously budgeted.

Motion

Rick Dutson moved to hire Bio-West, Inc., to do an analysis of the Farmington Ranches Conservation Easements for a fee not to exceed \$2,300 and that the funds should be taken out of the City Council contingency budget. **David Hale** seconded the motion which passed unanimously.

Mayor Harbertson’s Report

Mayor Harbertson reported on the public hearing to be held on August 9 with the Planning Commission to receive input regarding UDOT's request for an amendment to the City's Master Transportation Plan. Notice of the hearing, along with a map showing all four alignment options,

has been mailed to all residents of west Farmington. Tim Taylor, the traffic engineer hired by the City to evaluate all the options, will not have his recommendations until the end of August. There is the possibility the Planning Commission will table any decision until after Mr. Taylor's report is submitted to the City.

City Council Reports

Sid Young reported he has a meeting scheduled with Jerry Stevenson and Doug Allen for Tuesday, August 7, at 5:00 p.m. to discuss the fire break road issue. Correspondence has taken place between the City and Mr. Allen regarding the road. Davis County needs a decision from Weber Basin on how they should cross the water line. The City Manager suggested a letter could be written to Weber Basin to encourage them to move along with their decision because of fire danger.

David Hale reported he and Alys Revell interviewed Sarah Pacheco for a position on the Historic Preservation Board. They are both in favor of such an appointment.

Motion

A motion was made by **David Hale** to appoint Sarah Pacheco to a term on the Historic Preservation Commission said term to run from the present until December 31, 2010. **Rick Dutson** seconded the motion. The motion passed with all Council Members voting in favor.

David Hale stated there is a National Historic Preservation Conference to be held in St. Paul, Minnesota October 2 - 5, 2007. Once a year the City receives a National Conservation Grant and feels the City should send two people to the conference to gain ideas on things that could be implemented in the City. It was suggested to send Julie Forbush, a member of Farmington's Historic Preservation Commission, and Max Forbush, the City Manager, to the conference to be able to utilize the grant funds.

Motion

A motion was made by **David Hale** to allocate funds from the grant money to reimburse Julie and Max Forbush for expenses incurred in attending the National Historic Preservation Conference in St. Paul, Minnesota from October 2 through October 5, 2007. **Rick Dutson** seconded the motion which passed unanimously.

Closed Meeting

At 9:25 p.m. a motion was made by **Rick Dutson** to adjourn to closed session to discuss competency of an individual (City Manager Performance Evaluation) and to discuss pending litigation.

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 so convened in a closed meeting.

Scott C. Harbertson, Mayor

At 10:25 a motion to go back into an open meeting was made by **David Hale** and seconded by **Larry Haugen** and passed with unanimous vote.

Motion

David Hale moved to authorize the hiring of Allan Larson of Snow Christensen and Martineau to act as City Attorney in a lawsuit against the City.

Motion

Sid Young moved to authorize acceptance of the first four items listed on the "Staff Recommendations for new Parks & Recreation Department" and to schedule a work session to discuss the status, duties and inter-relationships of the Leisure Services Board, Arts Council, Festival Days Committee and Pioneer Christmas. **David Hale** seconded the motion which passed unanimously.

Motion

Rick Dutson moved and **Larry Haugen** seconded to authorize discussion with Lagoon by Mayor Harbertson regarding storm sewer piping issues involving Palmer Estates Subdivision. The motion passed unanimously.

There being no further business and upon motion by David Hale, the meeting was adjourned at 10:30 p.m.

Margy L. Lomax

