

FARMINGTON CITY COUNCIL MEETING

Tuesday, August 1, 2006

CITY COUNCIL WORK SESSION/EAST CONFERENCE ROOM

PRESENT: Mayor Scott C. Harbertson, Council Members Richard Dutson, David Hale, Larry W. Haugen, Paula A. Alder, Sidney C. Young, City Manager Max Forbush, City Planner David Petersen, Chief Hansen, Ted Ellison and an officer from Davis County Animal Control and Recording Secretary Jill Hedberg.

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

Agenda Item#9 - Animal Control Ordinance Amendments related to “Dangerous Animals” and “Potentially Dangerous Animals” - 1st Reading

Mayor Harbertson explained that the City directed Todd Godfrey to draft an ordinance pertaining to dangerous dogs. The proposal was reviewed by the County Attorney.

Todd Ellison (Director of Davis County Animal Control) said Gary McKean of the County Attorney’s office spoke with Todd Godfrey prior to the meeting. They agreed that the City should not proceed too quickly and should allow time for the ordinance to be further defined. They agreed to work together to create a more comprehensive ordinance. He read a letter that was submitted by Gary McKean. The letter referred to the Greenwood vs. North Salt Lake City case which reiterated the fact that the ordinance should not be vague and should be well written to represent both the City and the County.

An Officer from the Davis County Animal Control said the County is in the process of amending the Animal Control Ordinance. The County is considering adding the insurance requirement to the Ordinance.

The Council agreed to allow the City and County Attorneys to further review the ordinance. They are in favor of expediting the drafting of a temporary City Ordinance if the County Ordinance will take a lengthy time to adopt.

#12: Ordinance Adopting and Codifying Chapter 11 of Title 7 related to Nuisance Parties

Chief Hansen said the ordinance will allow them to cite the homeowner/landowner in the event two warnings have been given to a home occupant who has been creating a nuisance.

[The City Council members recessed for 40 minutes to attend the funeral services of **Bob Mickelson**.]

Agenda Item #6: Requests Pertaining to use of City Property for “Green Ribbon Month” “Green Ribbon Week” “Red Ribbon Week” and “Purple Ribbon Week” - Carol Hess, Farmington Elementary PTA

Mayor Harbertson reviewed the applicant’s request and said the City should verify that the use of the parking lot will not hinder the car pools accessing the elementary school.

Max Forbush said he will discuss the issue with **Viola Kinney**.

Agenda Item #7 : Request for Picnic Bowery at Moon Park - Moon Park Committee

Mayor Harbertson suggested that the Council consider including the bowery in the next year’s budget. It is not in the City’s best interest to amend the City budget for citizen’s requests.

Agenda Item #8: Minute Motion Approving Business of Consent

Mayor Harbertson reviewed the items that were included in the “Minute Motion”. He suggested that dates pertaining to Youth Court be considered when the City Hall renovation is complete.

David Hale said **Val Stratford** who is the Executive Director of Layton’s Youth Court is willing to meet with the study group to give input as to how the court could be structured.

Miscellaneous

David Petersen displayed a photo of a landmark Sycamore tree that is located 4" from the roofline of a building that is under construction. The Public Works Department recommended that a portion of the tree be removed.

The Council discussed the issue and directed City staff to hire an arborist to evaluate the tree to determine if it will survive if the large branch is removed.

Mayor Harbertson said he was contacted by **Cindy Earnshaw** who is interested in using the City pool to coach The Sharks from August 14th until September 11th. She would also like to use the pool in the afternoon from August 23rd through October.

Max Forbush suggested that **Ms. Earnshaw** enter into a sublease agreement with the School District if it leases the City Pool, the District would be responsible for the costs of the pool after Labor Day. The City could rent the pool up to Labor Day while it is still open.

Agenda Item #10: Ordinance Temporarily Suspending Provisions of Park Ordinance Pertaining to Overnight Camping and Curfew Limits to accommodate American Cancer Society's "Relay for Life" Event

The City Attorney drafted a temporary ordinance to allow the event to be held. The temporary ordinance should not create a precedence since the park is being used for a fund raising event.

Agenda Item #11: Resolution Amending Park Rules Regarding Special Use Permits for Band Groups

Mayor Harbertson said the Resolution was reviewed by the City Attorney. He accepted the draft but felt it could be considered discrimination if the City were to limit the number of permits issued for Sunday use.

David Hale said he is concerned that the Resolution will only allow four special permits.

Max Forbush suggested that the number of events allowed (exclusive of City events) be limited.

The meeting adjourned at 6:55 P.M.

REGULAR CITY COUNCIL/CITY CHAMBERS/CALL TO ORDER

PRESENT: Mayor Scott C. Harbertson, Council Members Richard Dutson, David Hale, Larry W. Haugen, Paula A. Alder, Sidney C. Young, City Manager Max Forbush, City Planner David Petersen, City Recorder Margy Lomax, Youth City Council Member Nancy Ovuova and Recording Secretary Jill Hedberg.

Mayor Harbertson called the meeting to order at 7:00 P.M. **Paula Alder** offered the invocation. The Pledge of Allegiance was led by **Max Forbush**.

APPROVAL OF MINUTES OF PREVIOUS MEETING

Rick Dutson moved to approve the minutes of the July 11, 2006, City Council Meeting. **Larry Haugen** seconded the motion. The voting was unanimous in the affirmative.

REPORT OF PLANNING COMMISSION (Agenda Item #3)

A Planning Commission report was not given.

**P.U.E./DRAINAGE EASEMENT VACATION REQUEST PERTAINING TO LOT 2
HIDDEN QUAIL COVE SUBDIVISION - FRED COOPER (Agenda Item #4)**

Mayor Harbertson said **Clyde Heiner** is not opposed to the vacation request. He said City staff recommends that the Council approve the request subject to four conditions.

Motion

David Hale moved that the City Council authorize Mayor Harbertson to sign the Revocation and Abandonment of Easement form subject to the following:

1. Only that portion of the existing PUE and Drainage Easement shall be vacated to accommodate construction of the carport.
2. Mr. Cooper shall provide the legal description for the Revocation and Abandonment of Easement form.
3. A continuous PUE and Drainage easement running from east to west across Lots 1 and 2 of the Hidden Quail Cove PUD no less than 20 feet in width must be preserved. If necessary, the adjacent owner of Lot 1 shall provide a drainage/PUE easement acceptable to the City to fulfill this condition, which easement must be recorded concurrently with the Revocation and Abandonment of easement form.
4. Mr. Cooper shall provide the legal description for the additional drainage/PUE easement, if said easement is necessary.

Rick Dutson seconded the motion, which passed by unanimous vote.

**BOUNDARY LINE ADJUSTMENT REQUEST PERTAINING TO LOT 28 FARMINGTON
RANCHES EAST SUBDIVISION - GARY LEATHAM (Agenda Item #5)**

Mayor Harbertson explained that Mr. Leatham began construction of his home eight inches too close to the side property line which caused him to be in violation of the ordinance. The abutting property owner is willing to make a boundary line adjustment to rectify the violation.

Motion

Rick Dutson moved that the City Council authorize Mayor Harbertson to sign the Boundary Line Adjustment pertaining to Lot 28 of Farmington Ranches East Subdivision. **Paula Alder** seconded the motion, which passed by unanimous vote.

REQUESTS PERTAINING TO USE OF CITY PROPERTY FOR “GREEN RIBBON MONTH” “GREEN RIBBON WEEK”; “RED RIBBON WEEK” AND “PURPLE RIBBON WEEK” - CAROL HESS, FARMINGTON ELEMENTARY PTA (Agenda Item #6)

Mayor Harbertson explained the applicant’s four requests:

1. Hang “September is Green Ribbon Month” posters from the Davis County Health Department on the doors of some city buildings for the month of September - to be taken down by each building at the end of September.
2. Tie ribbons on some trees (trees on the drive strips of houses also) and telephone poles, lamp poles, etc. along the walking routes to school during Green Ribbon Week, September 11-115, 2006, and Red/Purple Ribbon Week October 16-20, 2006.
3. Tie plastic red and purple ribbon on a fence near the school spelling out something like “No Drugs/No Violence in our School”.
4. Taping off an area in the center of the Farmington Pool, Farmington Community Arts Building parking lot on September 13th (5:00 P.M.) Through September 14th (4:00 P.M.) for the purpose of a Bicycle Rodeo during the day of September 14th for the Farmington Elementary School Children to participate in.

He recommended that the fourth request be discussed with **Viola Kinney**.

Motion

Sid Young moved that the City Council authorize the use of City facilities and authorize the cooperation with the elementary to meet the items of their request subject to the applicant obtaining the approval of Viola Kinney. **Rick Dutson** seconded the motion, which passed by unanimous vote.

REQUEST FOR PICNIC BOWERY AT MOON PARK - MOON PARK COMMITTEE (Agenda Item #7)

Mayor Harbertson explained the applicant’s request to have the City complete Moon Park by covering the picnic tables. He recommended that the request be considered with next year’s budget.

David Hale said if additional park funds are made available, the Council could consider using the funds for the Moon Park bowery.

Max Forbush suggested that **Neil Miller** evaluate the site to determine the feasibility and costs associated with the bowery. A letter could then be sent to the applicant stating whether it is possible to consider the project for next year's budget.

Motion

David Hale moved that the City Council authorize the City Manager or the Mayor to have the site evaluated by Neil Miller and to send a letter to the Committee acknowledging receipt of their request, telling them that their request will be considered in next year's budget since this year's budget is already set. **Paula Alder** seconded the motion, which passed by unanimous vote.

MINUTE MOTION APPROVING BUSINESS OF CONSENT (Agenda Item #8)

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

- 8-1. Ratify approval of Construction Bond Agreements previously signed by Mayor Harbertson.
- 8-2. Approval of Rice Farm Estates Improvements Bond Agreement.
- 8-3. Minute motion declaring two ambulance gurneys as surplus property and authorizing the sale thereof to neighboring fire agencies for \$1,000 each.
- 8-4. Authorization to appoint "Youth Court" Study Group comprised of Council Members Dutson and Alder, Andrea Opfar, Chief Wayne Hansen, Officer Brett Winkleman, Keith Johnson and Max Forbush. The group shall study the feasibility of Youth Court in Farmington giving pros and cons and shall then return to the City Council with a recommendation.

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

ANIMAL CONTROL ORDINANCE AMENDMENTS RELATED TO "DANGEROUS ANIMALS" AND "POTENTIALLY DANGEROUS ANIMALS" - 1ST READING (Agenda Item #9)

Mayor Harbertson said after discussing the issue at the work session, the Council agreed to consider the ordinance at a future meeting to allow the City and County Attorneys to clarify the definitions. The Council directed City staff to work with the City Attorney to expedite the City's portion of the Ordinance.

Motion

David Hale moved that the City Council table consideration of the Animal Control Ordinance until a future council meeting to allow time to review the input from the City and County Attorneys. **Rick Dutson** seconded the motion, which passed by unanimous vote.

ORDINANCE TEMPORARILY SUSPENDING PROVISIONS OF PARK ORDINANCE PERTAINING TO OVERNIGHT CAMPING AND CURFEW LIMITS TO ACCOMMODATE AMERICAN CANCER SOCIETY'S "RELAY FOR LIFE" EVENT (Agenda Item #10)

Motion

Rick Dutson moved that the City Council approve FARMINGTON, UTAH ORDINANCE NO. 2006-50, AN ORDINANCE OF THE FARMINGTON CITY COUNCIL TEMPORARILY SUSPENDING THE PROVISIONS OF FARMINGTON CITY CODE SECTION 8-4-110 AND 8-4-170. **David Hale** seconded the motion, which passed by unanimous vote.

RESOLUTION AMENDING PARK RULES REGARDING SPECIAL USE PERMITS FOR BAND GROUPS (Agenda Item #11)

Mayor Harbertson said the Resolution was reviewed by **Todd Godfrey** who said the number of special use permits allowed could be considered but the City should not prohibit the permits from being issued for Sunday events.

Max Forbush explained that the City proposed that permits not be issued on Sunday since the City does not have employees scheduled for that day.

The City Council discussed paragraph 15 of the Farmington City Parks Rules and Regulations. They agreed the number of Special Use Permits in all other City Parks for band groups shall not exceed two per year exclusive of City-sponsored events.

Motion

Sid Young moved that the City Council adopt RESOLUTION NO. 2006-51, A RESOLUTION AMENDING THE FARMINGTON CITY PARKS RULES AND REGULATIONS with the amendment that the number of Special Use Permits in all other City Parks for band groups shall not exceed two (2) per year exclusive of City-sponsored events. **David Hale** seconded the motion, which passed by unanimous vote.

ORDINANCE ADOPTING AND CODIFYING CHAPTER 11 OF TITLE 7 RELATED TO NUISANCE PARTIES (Agenda Item #12)

Mayor Harbertson said the issue was discussed with the Chief Police during the work

session. The Ordinance is directed to property owners who allow their home to be used for a nuisance use. The Ordinance allows three warnings to be given prior to the citation of the occupant of the home, as well as the property owner.

Motion

Rick Dutson moved that the City Council adopt ORDINANCE NO. 2006-52, AN ORDINANCE OF THE FARMINGTON CITY COUNCIL ADOPTING AND CODIFYING CHAPTER 11 OF TITLE 7 OF THE FARMINGTON CITY MUNICIPAL CODE RELATING TO NUISANCE PARTIES, GATHERINGS OR EVENTS. **Larry Haugen** seconded the motion, which passed by unanimous vote.

ORDINANCE RE-CODIFYING TITLE 1 OF CITY CODE: GENERAL PROVISIONS (Agenda Item #13)

Mayor Harbertson said City staff has reviewed and approved the amendments.

Max Forbush said many of the changes were a result of changes made by the Legislature.

Motion

David Hale moved that the City Council adopt the Ordinance Re-codifying Title 1 of City Code: General Provisions. **Paula Alder** seconded the motion, which passed by unanimous vote.

RESOLUTION AMENDING CONSOLIDATED FEE SCHEDULE RELATED TO THE GRANTING OF TEMPORARY CERTIFICATES OF OCCUPANCY (Agenda Item #14)

Mayor Harbertson said the Temporary Occupancy Application Fee will be \$50.00 (rather than \$47.47).

Motion

Paula Alder moved that the City Council adopt RESOLUTION 2006-53, A RESOLUTION OF THE FARMINGTON CITY COUNCIL AMENDING THE CONSOLIDATED FEE SCHEDULE RELATING TO THE GRANTING OF TEMPORARY CERTIFICATES OF OCCUPANCY. **David Hale** seconded the motion, which passed by unanimous vote.

AGREEMENTS PERTAINING TO BLAKEWOOD DEVELOPMENT, LLC ASSOCIATED WITH THE EXTENSION OF A CULINARY WATER LINE ACROSS THE UTAH TRANSIT AUTHORITY (UTA) RIGHT-OF-WAY/PIPELINE AGREEMENT BETWEEN FARMINGTON CITY AND UTA PERTAINING TO THE EXTENSION OF A CULINARY WATER LINE ACROSS THE UTA RIGHT-OF-WAY AT GLOVER LANE (Item #15)

Max Forbush explained that Blakewood Development, LLC, is required to install a culinary water line in their development extending south to Glover's Lane, then easterly across the old D&RG railroad track right of way to tie in to the existing water line in Glover's Lane. This water line extension is a part of a backbone looping line that will eventually extend to 1525 West. The developer cannot commence his work to construct the water line until the City enters into the pipeline agreement with UTA. The agreement with Blakewood, LLC transfers responsibilities and accountability for meeting UTA's requirements to Blakewood Development LLC, thus limiting the City's liability during this construction process.

The City Staff has indicated to the developer that no more building permits will be issues in his development until the water line is complete and the road surface paved in this particular subdivision. He recommends ratifying the agreements which have been signed by the Mayor.

Motion

David Hale moved that the City Council ratify approval of the agreement between Blakewood Development, LLC, and Farmington City and authorize the Mayor to sign the same. **Paula Alder** seconded the motion, which passed by unanimous vote.

Motion

Paula Alder moved that the City Council ratify approval of the pipeline agreement between Farmington City and UTA pertaining to the extension of culinary water lines across the UTA right of way; authorizing the Mayor to sign the same. **Larry Haugen** seconded the motion, which passed by unanimous vote.

POLICY CONSIDERATION REGARDING RECENT PURCHASE OF CITY OF MAXINE SCHULTIES' PROPERTY AT 74 SOUTH MAIN STREET (Agenda Item #16)

Mayor Harbertson asked the Council's input regarding the two possible options for the future of the Main Street properties:

OPTION A: Subdivide the parcel creating a 10,000 square foot lot and retaining approximately 9,000 square feet for future park expansion. The City could probably sell the home and lot for \$190,000 to \$200,000;

OR

OPTION B: Retain all of the property and not make any decision now until further master planning and discussion can occur.

Mayor Harbertson, David Hale, Sid Young, Rick Dutson and Larry Haugen were in favor of Option A. **Larry Haugen** indicated he was not opposed to downsizing the zone.

Max Forbush said the downtown master plan refers to a gathering place, as well as the importance of home preservation so it is a difficult issue. It may be wise to receive public input as to how the downtown area is handled so a long term plan can be created. He suggested reviewing the entire area prior to selling the property.

The consensus of the Council regarding the disposition of the home will remain.

CITIZEN SURVEY DISCUSSION REGARDING CONTENT AND TIMING OF SURVEY (Agenda Item #17)

Mayor Harbertson reviewed the services that were offered by **Duane Huffman** in his letter to **Max Forbush** dated July 21, 2006.

Max Forbush passed out The National Citizen Survey draft. The City Council reviewed the Survey and determined which items should be included in the Survey.

REPORT ON ENVIRONMENTAL WORK FOR BUFFALO RANCHES TRAIL EXTENSION (Agenda Item #18)

Motion

Paula Alder moved that the City Council ratify the City Manager's direction to Frontier Corporation to begin work on delineating any wetlands within the Buffalo Ranches Trail Corridor. **David Hale** seconded the motion, which passed by unanimous vote.

AUTHORIZATION FOR INVITATION BIDS FOR THE HANDICAP ACCESSIBLE RAMPS PROJECT FUNDED UNDER CDBG GRANT (Agenda Item #19)

Motion

Paula Alder moved that the City Council authorize City Engineers to extend invitations to bid to five contractors the City has worked with in the past doing curb, gutter and sidewalk. **Rick Dutson** seconded the motion, which passed by unanimous vote.

MAYOR HARBERTSON'S REPORT

- **Clyde Heiner** said he is not in favor of a land swap since it will create tax implications. **Mr. Heiner** asked that the City expand their proposal to include additional options.

- **Mayor Harbertson** visited the Evans' property with **Max Forbush, Walt Hokansen** and **Eric Miller**. **Mr. Evans** will submit a letter to the City expressing his concern that the improvements to Shepard Creek ditch have allegedly caused erosion to occur along the ditch bank which is causing sink holes in his yard. There appears to be a difference in opinion between the property owner and staff as to what obligation the City has in this matter.
- **Mayor Harbertson** attended a meeting with **Representative Fisher**. In response to a letter from **Cory Pope**, the City asked for a commitment as to what will be done for the City in exchange for the City's support of the alignment.
- **Mayor Harbertson** met with representatives from CenterCal, Lagoon and UTA to discuss the Station Park platforms. CenterCal is very interested in the construction and design of the commuter rail station.
- **Mayor Harbertson** asked the Council's input regarding the City purchasing Farmington pins. The Council agreed to purchase the pins using funds from the contingency fund.

CITY COUNCIL REPORTS

Paula Alder Report

- **Paula Alder** attended the Leisure Services meeting. They questioned how the Council would like them to conduct their survey. Max Forbush had asked (by letter) that the Leisure Service Board evaluate the focus of the Leisure Service activities and programs as directed by the City Council during previous meeting.

Rick Dutson suggested that the survey be included with the resident's utility bills.

Rick Dutson Report

- **Rick Dutson** informed the Council members that the Relay for Life event will be held on Friday, August 4th at 6:00 P.M.
- **Rick Dutson** said he attended meetings regarding the proposed tree ordinance. There is an extensive process that needs to be followed. He recommended that the City proceed slowly since there are not funds in the City budget to hire an urban forester.

Sid Young Report

- **Sid Young** said the tree ordinance is more comprehensive than he planned. There

are controversial issues and philosophies that need to be considered when dealing with City-owned properties. He recommended that City staff determine whether citations can be issued under the City's current arrangement.

- **Sid Young** said he met with **Greg Scott**. It is important that the City's preference for the BRT alignment be included on the general transportation plan.

Max Forbush suggested that the transportation plan be amended when west Farmington is considered. All maps and plans should be made consistent.

David Hale Report

- **David Hale** reported on the outcome of a lawsuit between Benchland Irrigation (formerly FAPID) and a property owner pertaining to irrigation improvements of Shepard Heights Subdivision Lot 69. He also informed the Council members that Benchland Water currently has an opening for a Board member.

CLOSED MEETING

At 9:20 p.m. **David Hale** moved to adjourn the meeting to a closed session to discuss strategy as it pertains to pending litigation and acquisition of real property. The motion was seconded by **Larry Haugen** with all Council Members voting in favor of the motion.

SWORN STATEMENT

I, Scott C. Harbertson, Mayor of Farmington City, to hereby affirm that the items discussed in the closed meeting portion of the City Council 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 C. Harbertson, Mayor

A motion to go back into open meeting was made by **David Hale** and seconded by **Sid Young**. The voting was unanimous in favor and the meeting reconvened into an open session at 9:40 p.m.

ADJOURNMENT

There being no further business to be brought before the Council, upon motion by **Paula Alder**, the meeting was adjourned at 9:40 p.m.

Margy Lomax, City Recorder

Farmington City Council

August 1, 2006

Farmington City