

# FARMINGTON CITY COUNCIL MEETING

Tuesday, August 7, 2007

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## 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, and Recording Secretary Jill Hedberg.

**Mayor Harbertson** began discussion at 6:00 P.M. The following items were reviewed:

### Discussion with UTOPIA Officials

**Keith Johnson** introduced the UTOPIA representatives, **John Park** and **Dave Shaw**. They reviewed the history of the company, UTOPIA, which currently consists of eleven pledging members and three non-pledging members. They explained that non-pledging members do not have a financial risk but they are involved in Board policies and procedures. If UTOPIA and the City enter into an inter-local agreement, UTOPIA will loop the Station Park area into their main line. They will also provide build out for the area outside of Station Park, so long as they can make a financial case for it. The UTOPIA network has been operational since August 2004 and currently serves more than 6 million users.

The UTOPIA officials made the following comments in response to the Council's questions:

- Although the business model indicates that there may be a profit for pledging members in the distant future, the UTOPIA model is meant to create economic development for cities.
- Pledging members have their entire cities built out. It does not make sense for Farmington City to become a pledging member at this time but the City will have the opportunity to become a pledging member when UTOPIA obtains their next bond. In terms of bond funds, pledging members do have a higher priority than non-pledging members.
- As per the inter-local agreement, service providers are required to pay user fees that are equivalent to what the City's other service providers are charging.
- "Tear-outs" are repaired by UTOPIA. The response time is four hours or less.

The UTOPIA officials said Farmington will receive a significant amount of fiber since there is already fiber running through the middle of the City. Even if the City only participates as a non-pledging member, the City will still own the network.

### 15 Mile Hike Certificates

**Mayor Harbertson** informed the members of the Council that the Brown family will

receive recognition for hiking 15 miles of the City's trail system.

**Agenda Item #3: Review of South Davis Cities' Proposal to Place RAP Tax on ballot for purposes of partially funding a South Davis Performing Arts Center - Centerville Mayor Ron Russell**

**Mayor Harbertson** said he is concerned that now is not the right time to propose a RAP tax since the transportation tax and property tax were recently increased.

**Paula Alder** said a member of the Arts Council informed her that the facility will not be available for City use often enough to justify the RAP tax. The Arts Council is in favor of the RAP tax but would like to spend the money on a project within the City.

In response to a question from **David Hale**, **Max Forbush** stated that the City is not obligated to participate in the RAP tax if the Farmington residents vote against it.

**Agenda Item #5: Public Hearing: Consideration of Request to Rezone 1.3 acres at 1600 South/I-15 frontage road from LR (Large Residential) to AA (Agriculture very low density) near recently approved Tuscany Village Subdivision (Z-4-07) - Rainey Homes**

**Mayor Harbertson** said the land being considered is part of the recently approved Tuscany Village Subdivision in south Farmington. The land has all been zoned LR, but the City has a requirement that any land below the 4218 elevation contour line be zoned AA, agricultural. Portions of the conservation land that was set aside in this project sit below the 4218 line and must be zoned AA to meet all the conditions of approval that were previously given.

**Agenda Item #6: Final Plat Approval - Phase I (53 lots) and Phase II (57 lots) Farmington Hollow PUD Subdivision (Located south of Shepard Lane; north of Burke Lane; and west of 1525 West Street comprising 27.35 acres combined - within Phases I and II.) Approval of Development Agreement - Woodside Homes**

**Max Forbush** stated that he met with the City Attorney, Woodside Homes representatives and their attorney. The two parties resolved the majority of the issues regarding the Final Plat but did not resolve all of the issues regarding the Development Agreement.

**Mr. Forbush** passed out a copy of the Development Agreement amendments that are recommended by the City Attorney. He then reviewed the conditions that the Planning Commission recommended as part of their approval. The conditions were outlined in letters to the developer from City staff dated July 18<sup>th</sup> and July 30<sup>th</sup>, 2007.

**Agenda Item #7: Final Plat Approval on Phase IV of Miller Meadows Subdivision located**

**at 700 South 650 West in an AE Zone - Rainey Homes**

**Mayor Harbertson** expressed concern that the swath of open space near Daniel Court may become a blighted area in the future. He said the developer may have laid out the open space in the this manner since the utilities are located in front of Daniel Court. He suggested that the developer back the lots against Miller Way so there will only be one opening.

**Jared Hall** said the developer may have configured the open space to meet the City Ordinance which requires that a portion of the lots be adjacent to open space.

**Agenda Item #8: Review of David Dixon Proposal**

**Max Forbush** gave the Council members a copy of the e-mail that the Mayor received from **David Dixon** regarding his offer to provide architectural review comments on development proposals.

**Agenda Item #9: Expression of Development Concerns in West Farmington - Rich Haws/Ron Martinez**

**Mayor Harbertson** informed the Council that **Mr. Haws** and **Mr. Martinez** will be present at the meeting to discuss their proposal to form a coalition with the City, Ron Martinez, Todd Jones, Scott Hershey and the County to master plan the entire TMU area.

**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 Emily Wahlstrom and Recording Secretary Jill Hedberg.

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

**15 MILE HIKE CERTIFICATES**

**Mayor Harbertson** and Trails Committee representative, **Bob Murray**, presented **Kelly Brown, Austin Brown** and **Madison Brown** certificates for hiking 15 miles of the City's trails. **Madison Brown** is the City's youngest resident to receive this certificate.

**APPROVAL OF MINUTES OF PREVIOUS MEETING**

**Sid Young** moved to approve the minutes of the July 10, 2007, City Council Meeting.

**Larry Haugen** seconded the motion with changes as noted. The voting was unanimous in the affirmative.

**David Hale** moved to approve the minutes of the July 17, 2007, Special City Council Meeting. **Paula Alder** seconded the motion with changes as noted. The voting was unanimous in the affirmative. **Larry Haugen** abstained since he was not present at that meeting.

**REVIEW OF SOUTH DAVIS CITIES' PROPOSAL TO PLACE RAP TAX ON BALLOT FOR PURPOSES OF PARTIALLY FUNDING A SOUTH DAVIS PERFORMING ARTS CENTER - CENTERVILLE MAYOR RON RUSSELL (Agenda Item #3)**

**Mayor Harbertson** introduced Centerville City's Mayor, **Ron Russell**, who explained that a RAP tax was proposed in 2003 but the voters at that time did not understand the purpose of the tax so it failed. He is now working with other mayors in the southern portion of the County in an attempt to construct a regional Performing Arts Center on RDA property that is located in Centerville. He displayed a pie chart which explains how the project will be funded. Rogers Memorial Theater or the Davis County Performing Arts will generate income for the theater by performing on the main stage. The other cities that are considering participating in the RAP tax will also be voting at their Council meetings as to whether they will put the item on the ballot for the voters consideration.

**Mayor Harbertson** asked how Farmington City will benefit by participating in the construction of the facility. Farmington residents could still attend the performances even if the City does not choose to participate in the RAP tax.

**Mayor Russell** said the City would have greater access to the facility if they are involved in its construction. They are asking for a commitment of 50% of the rap tax which would leave 50% to do another regional project, such as soccer fields. If the cities are unable to come up with a regionally significant project, the money would be available for the cities to use.

**Mayor Harbertson** said he is concerned that the residents will respond negatively to the RAP tax since property taxes and transportation taxes will be on the ballot.

**Mayor Russell** said it is unknown whether the RAP tax will be available next year. Centerville City plans to construct the facility using their RDA funds regardless of whether the other cities participate. The project will just be a smaller scale if they are the only city that contributes.

In response to a question from **Rick Dutson**, **Mayor Russell** said Centerville plans to structure the operations of the center similar to that of the Hale Family Theater in West Valley. They will work within a smaller budget and will provide a "cushion" so there is not a shortfall. The facility will be owned by the Centerville RDA for financing purposes. Members of the

participating communities will make up the Control Board.

**Sid Young** asked if educational or training opportunities will be offered at the Performing Arts Center.

**Mayor Russell** said the Center will include a children's theater. It is likely that the Davis County School District will also have access to the facility. There will also be educational opportunities during the day when the theaters are not being used.

**PLANNING COMMISSION REPORT (Agenda Item #4)**

**Jared Hall** reported proceedings of the Planning Commission meeting held June 26, 2007. He covered the following items:

- The Planning Commission recommended Final (PUD) Master Plan approval for the Cottages at Station Park and recommended final plat approval for the first phase thereof.
- The Planning Commission recommended Final Plat approval for Phase 4 of the Miller Meadows Subdivision.

**PUBLIC HEARING: CONSIDERATION OF REQUEST TO REZONE 1.3 ACRES AT 1600 SOUTH/I-15 FRONTAGE ROAD FROM LR (LARGE RESIDENTIAL) TO AA (AGRICULTURE VERY LOW DENSITY) NEAR RECENTLY APPROVED TUSCANY VILLAGE SUBDIVISION (Z-4-07) - RAINEY HOMES (Agenda Item #5)**

**Jared Hall** displayed an overhead and pointed out which properties within the Tuscan Village Subdivision are located below the 4218 contour. He explained that when the subdivision was previously rezoned, the entire project was mistakenly zoned LR. Since portions of the conservation land that were set aside sit below the 4218 line, they must be zoned AA.

**Public Hearing**

**Mayor Harbertson** opened the meeting to a public hearing.

**Brock Johnston** (520 North 900 West, Kaysville) said the rezone request will actually lower the allowable density. He offered to answer any questions the Council may have.

**Public Hearing Closed**

With no further comments, **Mayor Harbertson** closed the public hearing and asked the City Council for their consideration.

**Motion**

**Rick Dutson** moved that the City Council adopt ORDINANCE NO. 2007- AN ORDINANCE AMENDING THE ZONING MAP TO SHOW A CHANGE OF ZONE FOR PROPERTY LOCATED AT APPROXIMATELY 1600 SOUTH AND FRONTAGE ROAD FROM LR TO AA. **Larry Haugen** seconded the motion, which passed by unanimous vote.

**FINAL PLAT APPROVAL - PHASE I (53 LOTS) AND PHASE II (57 LOTS) FARMINGTON HOLLOW PUD SUBDIVISION (LOCATED SOUTH OF SHEPARD LANE; NORTH OF BURKE LANE; AND WEST OF 1525 WEST STREET COMPRISING 27.35 ACRES COMBINED WITHIN PHASES I AND II); APPROVAL OF DEVELOPMENT AGREEMENT - WOODSIDE HOMES**

**Max Forbush** said he and the developers representative, **Thane Smith**, are accepting of the Development Agreement so long as the following modifications are made:

- The text that was deleted on page 9 will be reinserted.
- Paragraph C, excluding the last sentence, will be deleted.

**Max Forbush** said the easement is in place for the trail that runs along Haight Creek. City staff recommends that there be two trails but that the City not be responsible for the trail that is currently a sidewalk, that runs parallel to the UTA right of way.

**Thane Smith** pointed out that the proposed trail is along the 30 foot gas easement. Although the Trails Committee is in favor of the trail, City staff does not want it because it is mor of a project benefit rather than a system improvement. Woodside Homes is proposing that they create a meandering sidewalk through the 30 foot area so long as it is acceptable to Questar Gas.

**Motion**

**David Hale** moved that the City Council approve the Development Agreement to include the amendments agreed upon by the City Manager and Thane Smith. **Sid Young** seconded the motion, which passed by unanimous vote.

**Motion**

**David Hale** moved that the City Council grant Final Plat Approval for both Phase I and Phase II as illustrated in the packet subject to the following conditions:

1. The Final plat shall contain a list of setback, garage and building standards which constitute deviations from the standards of the underlying zone.

2. The applicant must comply with the Final (PUD) Master Plan and all conditions related thereto, including but not limited to a development agreement with the City.
3. All applicable reviewing agencies and City officials must approve the final plat and the development must complete any remaining unfinished items on the City's final plat checklist.
4. The applicant must comply with all conditions of Preliminary (PUD) Master Plan approval granted by the City Council on February 6, 2007, Preliminary Plat and all other approvals.
5. The applicant shall enter into an acceptable Development agreement with the City to cover all aspects of the project.
6. The applicant must receive Final Master Plan approval for the entire project with a recommendation from the Planning Commission prior to or concurrent with the City Council's consideration of Final approvals.

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

[**Emily Wahlstrom** was excused at 8:05 p.m]

**FINAL PLAT APPROVAL ON PHASE IV OF MILLER MEADOWS SUBDIVISION  
LOCATED AT 700 SOUTH AND 650 WEST IN AN AE ZONE - RAINEY HOMES  
(Agenda Item #7)**

**Jared Hall** displayed an overhead of the Site Plan for the Miller Meadows Subdivision.

**Mayor Harbertson** expressed concern that the 50' swath between Rigby Court and Daniel Court will become an unattractive open space similar to the open space areas in the Farmington Ranches Subdivision. He suggested that the applicant expand one of the open space areas and close off the other area.

**Randy Rigby** said the Site Plan was designed to meet the City Ordinance which requires that a certain percentage of the lots to be adjacent to open space land.

The City Council, City staff and the developers discussed the options to improve the open space areas. The developer suggested that the lot lines in that area be extended to include the conservation easement along the rear of the lots. He said it would not be economically feasible to reconfigure the road since the plat for Phase 2 has already been recorded. The City Council and developer agreed to work together with staff to find a solution for the problematic open

space areas.

**Motion**

**David Hale** moved that the City Council grant final plat approval for the Miller Meadows Subdivision, Phase IV and direct City staff to work with the developer in an attempt to eliminate the problematic open space areas. **Rick Dutson** seconded the motion, which passed by unanimous vote.

**REVIEW OF DAVID DIXON PROPOSAL (Agenda Item #8)**

**Mayor Harbertson** said **David Dixon** e-mailed him this proposal as a result of the meetings that were held to consider the Garbett Homes architectural designs. The City Council should consider **Mr. Dixon's** proposal for the City to form an architectural review committee and determine whether it would provide a benefit to the City.

**EXPRESSION OF DEVELOPMENT CONCERNS IN WEST FARMINGTON - RICH HAWS/RON MARTINEZ (Agenda Item #9)**

**Rich Haws** referred to the letter that he and **Ron Martinez** wrote to the City officials and staff. He explained that the City and the property owners in the TMU area would all benefit if the TMU area were to be expanded further south. The CenterCal property only makes up 17% of the TMU area. There is still 83% of the land that the City and property owners have a stewardship over. He requested that the entire area be master planned and that the property owners be involved in the CAMP and SARC concepts. The SARC should be an independent body which facilitates the relationship between the property owners and the City. If the properties are well master planned, the area will appear seamless twenty years from now.

**Ron Martinez** (5019 Skyline Drive) said he has always believed that the three property owners in the area should enter into a Development Agreement so they can all contribute to the greater cause. He is willing to contribute unselfishly to the process. If all parties participate in master planning the area, the outcome will be good. He is in favor of the SARC and CAMP concepts and wants to contribute to finding a solution for the area.

The Mayor and City Council discussed the proposal and agreed that the property owners and community would benefit by master planning the area in west Farmington.

**Rick Dutson** said it would be beneficial for the City Council to have a group offer them guidance since the Council does not have experience in engineering or architecture.

**Mayor Harbertson** pointed out that the proposal would not be a major expense to the Farmington tax payers but rather a benefit. The cost would be paid by the developers since it

would benefit the project as a whole.

**MINUTE MOTION APPROVING SUMMARY ACTION LIST (Agenda Item #10)**

**Larry Haugen** moved that the City Council approve the following items by consent as follows:

- 10-1. Ratification of Approvals of Construction Bond Agreements.
- 10-2. Approval of Surety Bond Agreement with Boyer Farmington Meadows L.C. regarding Farmington Meadows Phase 1 Subdivision.

**Sid Young** seconded the motion, which passed by unanimous vote.

**ORDINANCE TEMPORARILY PROHIBITING ON-STREET PARKING ON CLARK LANE (FROM 650 TO 1100 WEST) AND ALONG 1100 WEST (FROM CLARK LANE SOUTH TO 500 SOUTH FROM AUGUST 15-18, 2007) DURING DAVIS COUNTY FAIR (Agenda Item #11)**

**Chief Hansen** said the County is requesting that the City adopt the Ordinance temporarily prohibiting on-street parking on Clark Lane and along 1100 West during the Davis County Fair since these areas have experienced congestion in the past. The City could consider this area to be a safety issue since many pedestrians have to travel through traffic to reach their parked cars. The County will be responsible for the signage and the enforcement of the restriction.

**Motion**

**Rick Dutson** moved that the City Council adopt ORDINANCE NO. 2007-38, AN ORDINANCE OF THE FARMINGTON CITY COUNCIL TEMPORARILY PROHIBITING PARKING ON CLARK LANE FROM 650 WEST STREET TO 1500 WEST STREET AND ON 1100 WEST STREET FROM CLARK LANE TO 500 SOUTH STREET DURING THE PERIOD OF THE DAVIS COUNTY FAIR. **Paula Alder** seconded the motion, which passed by unanimous vote.

**Carl Asay** (Farmington resident) said he is concerned about the number of construction trucks that are not stopping at the stop sign that is located at the intersection of 650 West and Glovers Lane. He is concerned that if this continues into the fall, it may be a safety issue for the school children in the area.

**Mayor Harbertson** directed the police department to address the issue.

**AUTHORIZATION TO MAIL “REQUEST FOR PROPOSAL” FOR DOWNTOWN MASTER PLANNING (Agenda Item #12)**

**Mayor Harbertson** reviewed the “Request for Proposal” and “Scope of Work” which were included in the City Council packet.

**Motion**

**Rick Dutson** moved that the City Council authorize the publishing of the “Requests For Proposal” for the Downtown Master Planning. **Paula Alder** seconded the motion, which passed by unanimous vote.

**CRS ENGINEERING PROPOSAL TO PREPARE AMENDMENTS TO CITY DEVELOPMENT STANDARDS (Agenda Item #13)**

**Mayor Harbertson** reviewed CRS Engineering’s proposal to update the City Development Standards. He suggested that a tree standard also be included in the Development Standards. The cost for CRS to update the standards is \$8,450.

**Motion**

**Sid Young** moved that the City Council authorize CRS Engineering to prepare amendments to the City Development Standards. **Paula Alder** seconded the motion, which passed by unanimous vote.

**Rick Dutson** suggested that the City consider increasing their road width standard. He understands that narrower roads slow traffic but the roads in the newer subdivisions seem tight. He is concerned about the safety of children on the narrower roads.

**Revised Motion**

**Sid Young** moved that the City Council authorize CRS Engineering to prepare amendments to the City Development Standards and study the impacts of allowing the streets in Planned Unit Developments should be narrower than that of the City standards. **Paula Alder** seconded the motion, which passed by unanimous vote.

**CONCEPTUAL IDEAS FOR CHANGE IN RULES PERTAINING TO PARKS AND RECREATION DEPARTMENT PARTICIPATION SCHOLARSHIPS (Agenda Item #14)**

**Mayor Harbertson** reviewed the memo that the Council received from Neil Miller.

The City Council agreed that the guidelines should be reviewed and approved by the City

Attorney prior to the Council taking action.

**MAYOR HARBERTSON'S REPORT (Agenda Item #15)**

- The City will receive weekly updates from CenterCal on Friday mornings at 8:00.

**Max Forbush** updated the Council on road construction progress. CenterCal needs to determine whether they will use federal funding to construct the road.

- **Mayor Harbertson** worked with Lagoon and Nate Shipp to reach an agreement regarding the pipe. The developer is still resolving open space and water flow issues, and the plan has not yet been reviewed by the City Engineer and Benchland Water so the item will not be considered at the next Planning Commission meeting.
- The City has met with Tom Owens and Terry Deru in an effort to resolve their land issues.
- City representatives, the City's traffic consultant, Tim Taylor, and the Legacy North Committee met to discuss Option 3 for the Legacy North connection. Horrocks Engineers have indicated that although the Park Lane interchange will not fail if UDOT proceeds with Option 3, they are not certain what level of service it will provide.
- The Leagues of Cities and Towns annual conference will be held on September 12<sup>th</sup> through the 14<sup>th</sup>.

**CITY COUNCIL REPORTS (Agenda Item #16)**

**Council Member Hale Report**

**David Hale** reported that the first case of West Nile Virus was detected in Davis County.

**Council Member Young Report**

- **Sid Young** reported that he attended a meeting with the **Mayor, Jerry Stevenson** and **Doug Allen**. **Mr. Stevenson** and **Mr. Allen** indicated that they do not plan to develop their property in the immediate future. The property owners need the fire break road to be built to provide a secondary access so they are not restricted by the 1,000 foot cul-de-sac requirement. **Mr. Young** pointed out where the gates and signs are located on their property. **Mr. Allen** considers it a liability to allow trespassing on the property. The Fire Chief is accepting of the proposed access area.
- **Council Member Young** suggested that the Council consider reducing the speed limit on 1100 West if it is over 30 miles per hour.

**Council Member Dutson Report**

- **Rick Dutson** complimented the Youth Council for analyzing their performance at Festival Days and considering things they can do better in the future.
- **Mr. Dutson** informed the Council that an Oakridge citizen plans to submit a petition to the City regarding the pedestrian/cyclist safety issue which exists as a result of the narrow Shepard Lane overpass.
- **Mr. Dutson** reported that he attended the Zion's Bank event that was held last Friday.
- **Mr. Dutson** pointed out that the SARC and the ARC are two separate issues. He said the Council and City would benefit if they had a team to rely on when making architectural judgements.

**Council Member Alder Report**

- **Paula Alder** reported that the Festival Days evaluation meeting will be held on August 16<sup>th</sup> at 6:00 p.m.

**MISCELLANEOUS**

The City discussed the RAP tax proposal and agreed to consider it at the next City Council meeting.

**CenterCal Letter of Request for City help in seeking financial aid for proposed new signal on Park Lane**

**Max Forbush** reviewed the letter that he received from Jean Paul Wardy requesting the City's assistance in appealing to UDOT to fund the signal for the Road to the Station at Park Lane.

**Motion**

**Rick Dutson** moved that the City Council direct City staff to work with UDOT in an attempt to receive funding for the signal for the Road to the Station at Park Lane. **Paula Alder** seconded the motion, which passed by unanimous vote.

**First Reading of Ordinance Prohibiting Use of City Streets for Private Recreation Use**

**Max Forbush** explained that many property owners are placing their basketball standards in the public street right-of-way which poses a problem for the City's street sweepers and snow trucks.

The City Council directed City staff to place this item on the agenda for consideration at the next City Council meeting.

**CLOSED MEETING**

At 9:50 p.m., a motion was made by **Rick Dutson** for the Council to go into a closed meeting to discuss the professional competency and character of an individual and to discuss strategy as it pertains to potential litigation. The motion was seconded by **Paula Alder**. The motion passed with Council Members Dutson, Alder, Haugen, Young and Hale all voting in favor.

**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.

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Scott C. Harbertson, Mayor

At 10:55 p.m. a motion was made by **David Hale** and seconded by **Sid Young** to go back into an open meeting. The motion passed with a unanimous vote and was so convened.

**ADJOURNMENT**

There being no further business to discuss, the meeting was adjourned at 10:55 p.m. upon motion by **David Hale** and a second by **Sid Young**.

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Holly Gadd, Deputy Recorder  
Farmington City