

# FARMINGTON CITY COUNCIL MEETING

Tuesday, August 15, 2006

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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 5:30 P.M. The following items were reviewed:

### **Agenda Item#3 - Approval of Minutes of Previous Meeting**

The Council members reviewed the minutes and submitted the necessary changes.

### **Agenda Item #4: Public Hearing: Consideration of an Ordinance amending Farmington City Zoning Ordinance regarding accessory building setbacks in the BP Zone.**

**Mayor Harbertson** explained that the amendment is being considered as a result of the request from the Davis County Housing Authority to construct two accessory buildings in conjunction with an existing office building located in a BP Zone. There are other accessory buildings located in the area so it is appropriate to approve the amendment.

### **Agenda Item #5: Public Hearing: Consideration of an Ordinance rezoning approximately 3.16 acres of property located at 220 South 1525 West from "A" to "AE" and consideration of schematic plan approval for a three-lot subdivision related thereto.**

**Mayor Harbertson** reviewed the applicant's request and explained that the sewer lateral will be connected to the existing lateral/manhole. When 1525 West is further developed in the future, the sewer will then connect to the pump station. The adjacent property owners are not opposed to the proposal.

### **Agenda Item #6: Public Hearing: Consideration of an Ordinance to amend the Zoning Ordinance regarding Class A Storage Rental Units.**

**Mayor Harbertson** said the City Planner is in the process of contacting commercial real estate developers to determine whether the Park Lane property should be considered primary or secondary commercial property.

**David Petersen** said a Farmington resident suggested that the City create a master plan for the entire area before allowing any development since the proposed site is a gateway to the City. The individual is willing to contribute funding towards the creation of the master plan. **Mr. Petersen** also reviewed the decision of the Planning Commission, as outlined in his letter to

the City Council dated August 11, 2006.

The City Council reviewed Exhibit “A” regarding Class “A” Self Storage and discussed the following items:

- Section (2): The letters for each paragraph need to be rewritten to correct the typographical error.
- Section (2b): The Council agreed it would be ideal if they could prohibit roll up doors from being viewed by the public but knew it would be difficult to enforce at the proposed location. It was also agreed that the Ordinance should include text (similar to the text that was used for the NMU zoning) requiring that the facility be aesthetically pleasing.
- Section (1a): Certain members of the Council did not consider the proposed storage unit facility to be “minimal impact”.
- Section (2h): The Council members agreed the second sentence should be rewritten as follows: *“Limited access hours shall be required to reduce late night noise.”*

**Agenda Item #8: Public Hearing: Consideration of Resolution extending a non-conforming dead-end street (1175 North) in Moon Farms Subdivision and a schematic plan for the Farmington Manor Subdivision (8 lots) related thereto - Lane Fishburn.**

**Mayor Harbertson** said the proposal should be reviewed by the City Engineer prior to the Council granting schematic plan approval. The City Engineer will review the drainage issues on the southern portion of the property as well as the future road configuration.

**Max Forbush** said the stream channel which exists on the property is a major stream corridor for the City in the future.

**Agenda Item #9: Consideration of Minor Plat Approval for Shepard Crossing Commercial Subdivision (Bukoos) - Brad Miller**

**David Petersen** said the applicant is proposing a commercial subdivision since a commercial condominium will not provide adequate land in a single lot to qualify for a 1031 Exchange. He informed the Council members that the City needs to acquire 50 square feet of property to construct the roundabout on 1075 West.

The Council members and **Matt Hirst** of CRS Engineers discussed the roundabout configuration and possible ways access to the property.

**Agenda Item #10: Final Plat Approval for Farmington Greens Subdivision, Plat 1-D - Gerry Tulley.**

**Mayor Harbertson** said the Final Plat should exclude the 7' right of way on Clark Lane.

**Paula Alder** said there may be a Melbourne Circle in the Somerset area so the applicant may need to consider using a different name on one of the streets within the subdivision.

**Agenda Item #12: CONSIDERATION FOR ADOPTION OF A RESOLUTION PROVIDING OR A SPECIAL BOND ELECTION TO BE HELD ON NOVEMBER 7, 2006, FOR THE PURPOSE OF SUBMITTING TO THE QUALIFIED ELECTORS OF FARMINGTON CITY, UTAH, THE QUESTION OF THE ISSUANCE OF NOT TO EXCEED \$3,750,000 GENERAL OBLIGATION BONDS TO FINANCE COSTS OF ACQUIRING LAND AND CONSTRUCTING, EXPANDING, AND/OR RENOVATING PUBLIC SAFETY FACILITIES AND CITY OFFICES, AND RELATED IMPROVEMENTS; APPROVING THE FORM OF AND DIRECTING THE PUBLICATION OF A NOTICE OF ELECTION AND THE BALLOT PROPOSITION; AND RELATED MATTERS.**

**Mayor Harbertson** said **Jonathon Ward** (Zions Bank Public Finance) will make a presentation regarding the proposed Resolution.

The Council members discussed Item #6 from the “Bond Campaign Strategy Meeting”. It was agreed that the growth and development of Farmington is the major driving factor in need for Police Station in that location.

**Paula Alder** said Item #5 may lead residents to believe that there will be a tax reduction if the Item is not approved. The Council members agreed to include a bold statement on the newsletter article to clarify the matter.

**Agenda Item #13: Consideration of an Ordinance Re-codifying Title 2 of the Farmington City Code.**

**Mayor Harbertson** reviewed the proposed amendment to Title 2. The City Council agendas will be amended to include “Summary Action” rather than “Minute Motion Approving Business of Consent.”.

**Agenda Item #14: Consideration of Amendments to the Conservation Easement for Farmington Greens PUD.**

**Mayor Harbertson** said approval should be granted subject to the accuracy of the legal description on Exhibit A and the applicant submitting the current title report and review and acceptance of the same by the City.

**Max Forbush** said the word “agricultural” should be struck from the Conservation

Easement on page 10, #23.

**Agenda Item #15: Consideration of Betterment Agreement regarding Weber County to Salt Lake City Commuter Rail Project - 1<sup>st</sup> Reading.**

**Max Forbush** displayed a rendering of the proposed platform. He said Lagoon officials will be present to discuss the design of the platform.

**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, and Recording Secretary Jill Hedberg.

**Mayor Harbertson** called the meeting to order at 7:00 P.M. **Margy Lomax** offered the invocation. The Pledge of Allegiance was led by **Sid Young**.

**APPROVAL OF MINUTES OF PREVIOUS MEETING**

**Sid** moved to approve the minutes of the August 1, 2006, City Council Meeting. **David Hale** seconded the motion with changes as noted. The voting was unanimous in the affirmative.

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

**Jim Talbot** reported proceedings of the Planning Commission meeting held August 10, 2006. He covered the following items:

- The Planning Commission recommended minor plat approval for a 2 lot subdivision on the commercial property now occupied by Bukoos located on the northwest corner of Shepard Lane and U.S. 89 in a C zone.
- The Planning Commission recommended final plat approval for Phase 1D of the Farmington Greens PUD which consists of 21 lots on 8.03 acres located at approximately 1400 West Clark Lane in an AE (PUD) zone.
- The Planning Commission approved the rezone of approximately 5.5 acres of property located east of 200 East in the general vicinity of 200 North and 300 North from OTR-F to LR-F.
- The Planning Commission granted site plan approval to develop self storage units and an accessory living quarters on 3.3 acres located at approximately 325 West 1050 South west of the Union Pacific railroad tracks and south of Glovers Lane.
- The Planning Commission recommended text changes to the OTR Chapter 17 of the Zoning Ordinance.

- The Planning Commission recommended a text change to the Subdivision Ordinance related to the residential lots on dead-end streets.
- The Planning Commission recommended a text change to Chapter 23 of the Zoning Ordinance regarding marriage and family counseling services.
- The Planning Commission continued consideration of a recommendation to resolve dead-end street issues in order to develop townhouses on vacant property located between 1340 South and 1420 South west of 200 East in an R-2 zone.

**PUBLIC HEARING: CONSIDERATION OF AN ORDINANCE AMENDING FARMINGTON CITY ZONING ORDINANCE REGARDING ACCESSORY BUILDING SETBACKS IN THE BP ZONE (Agenda Item #4)**

**David Petersen** displayed an artist’s rendering for the proposed accessory dwellings and a site plan. He also displayed an overhead and pointed out where the Davis Housing Authority is located. He explained the applicant’s request and said City Staff recommends that the Council approve the Ordinance.

**Public Hearing**

**Mayor Harbertson** opened the meeting to a public hearing and invited the applicant to address the Council.

**Public Hearing Closed**

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

**Motion**

**David Hale** moved that the City Council adopt ORDINANCE NO. 2006-55, AN ORDINANCE AMENDING SECTION 11-14-055 OF THE FARMINGTON CITY ZONING ORDINANCE REGARDING SETBACKS FOR ACCESSORY BUILDING LOCATED IN THE SIDE YARD OF A BUILDING LOT IN THE BP ZONE. **Larry Haugen** seconded the motion, which passed by unanimous vote.

**PUBLIC HEARING: CONSIDERATION OF AN ORDINANCE REZONING APPROXIMATELY 3.16 ACRES OF PROPERTY LOCATED AT 220 SOUTH 1525 WEST FROM “A” TO “AE” AND CONSIDERATION OF SCHEMATIC PLAN APPROVAL FOR A THREE-LOT SUBDIVISION RELATED THERETO (Agenda Item #5)**

**David Petersen** displayed an aerial photo and pointed out where the property is located. He reviewed the applicant's request and said the subdivision will be similar to the McOmer Subdivision which was previously approved. He explained how the sewer will be configured and said the configuration has been approved by the Sewer District. The only issue to be resolved is where to place the storm drainage. The Planning Commission recommends that the Council approve the applicant's request.

### **Public Hearing**

**Mayor Harbertson** opened the meeting to a public hearing and invited the applicant to address the Council.

**Richard Lindsley** (250 South 1525 West) said he is not opposed to the proposed subdivision but is concerned with the drainage situation since the area has experienced drainage issues in the past. He is opposed to a road traveling through his property.

**Nate VanZweden** (697 East 150 South, Kaysville) said he spoke with Mr. Olsen who owns the adjacent property to the south. The two parties will enter into an agreement stating that they will resolve any water issues when the road is extended through Mr. Olsen's property.

### **Public Hearing Closed**

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

**Sid Young** said it is clear that the sewer and storm drainage issues need to be addressed. He questioned whether the applicant needs to provide an area for fire vehicles to make a 3-point turn, as was required in the McOmer Subdivision.

**David Petersen** said the Fire Chief has not yet determined whether the ability to make a 3-point turn will be required.

### **Motion**

**Rick Dutson** moved that the City Council adopt ORDINANCE NO. 2006-56, AN ORDINANCE AMENDING THE ZONING MAP TO SHOW A CHANGE OF ZONE FOR PROPERTY LOCATED AT APPROXIMATELY 200 SOUTH 1525 WEST A TO AE subject to all applicable Farmington City development standards and ordinances and the following:

1. The Property must be rezoned from A to AE, thereby reducing the base size lot from 2 acre to 1 acre.

2. The applicant shall dedicate to the City and fully improve Bonanza Road the entire width of the existing parcel from north to south. Improvements shall include but not be limited to all underground utilities, asphalt the entire width of the road, curb, gutter and sidewalk on both sides of the street. Furthermore, similar improvements shall be required on the 1525 West Frontage or at minimum the applicant shall enter into an extension agreement with the City for the 1525 West improvements.
3. Final improvement drawings shall be reviewed and approved by the Farmington City Engineer, Public Works Department, Central Davis Sewer District, and Weber Basin Conservancy District.
4. A subdivision grading and drainage plan shall be approved by the Planning Department and the City Engineer. The adjoining property owners shall enter into an agreement pertaining to the storage drainage issues.
5. The applicant shall provide an acceptable turn-around for emergency and maintenance vehicle access.

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

### **Motion**

**Rick Dutson** moved that the City Council grant schematic plan approval for the three-lot subdivision. **David Hale** seconded the motion, which passed by unanimous vote.

### **PUBLIC HEARING: CONSIDERATION OF AN ORDINANCE TO AMEND THE ZONING ORDINANCE REGARDING CLASS A STORAGE RENTAL UNITS (Agenda Item #6)**

**David Petersen** the City Council has approved Class “A” storage units as a conditional use in the CMU zone but the standards were not created. **Dan Nixon** submitted a zone text change application simultaneously with his conditional use application for Class “A” storage units. He also submitted a draft pertaining to the standards for Class “A” storage units. The Planning Commission tabled consideration of **Mr. Nixon’s** request to obtain input from the City Council regarding the proposed self storage text.

### **Public Hearing**

**Mayor Harbertson** opened the meeting to a public hearing and invited the applicant to address the Council.

**Dan Nixon** (895 Wall Avenue, Ogden) said Class “A” self storage was included in the CMU zone to allow it act as a buffer between commercial and residential areas. The text separates Class “A” self storage from typical storage sites. He read from the CMU zoning Ordinance pertaining to the allowable uses in the zone.

**Public Hearing Closed**

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

**Mayor Harbertson** reviewed the possible changes that were discussed in the work session.

**Dan Nixon** said his proposed facility will meet the design standards outlined in the proposed text. The exterior will include a hardy board product with a structural variation every 60-70'.

**Rick Dutson** asked if it would be appropriate to use the text that was included in the CMU zone pertaining to the exterior design of the facility.

Portions of the CMU text pertaining to building design were read by **Mr. Nixon** and **Mr. Petersen**.

**Jim Talbot** said the Planning Commission was opposed to the facility being completely screened since it may create safety issues.

**Motion**

**Rick Dutson** moved that the City Council adopt ORDINANCE NO. 2006-57, AN ORDINANCE ENACTING SECTION 11-28-220 OF THE FARMINGTON CITY ZONING ORDINANCE TITLE “CLASS “A” SELF STORAGE” to include the following amendment to paragraph (2h): *Limited access hours shall be required to reduce late night noise.* **Paula Alder** seconded the motion, which passed by unanimous vote.

**PUBLIC HEARING: CONSIDERATION OF A STREET DEDICATION PLAT FOR 325 WEST STREET SOUTH OF GLOVERS LANE (Agenda Item #7)**

**David Petersen** displayed an overhead and pointed out where the property is located.

**Public Hearing**

**Mayor Harbertson** opened the meeting to a public hearing and invited the applicant to

address the Council.

**Jackie Hardy** (325 West Glover Lane) said as the road travels to the south, it becomes less narrow. She asked what property will be used to extend the width of the road.

**Max Forbush** said the issue has not been fully analyzed but the property will likely come from the east side. There may also need to be adjustments on the west side. It will be a policy issue for the governing body at that time.

**Mayor Harbertson** said he will personally visit the property when the issue presents itself.

In response to a question pertaining to the slight “jog” in the road, **Mr. Petersen** said the City will likely obtain the 13' right of way on the east side of the road, although the City cannot commit a future City Council so it will have to be addressed when the issue arises.

### **Public Hearing Closed**

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

### **Motion**

**Paula Alder** moved that the City Council approve the 325 West Street dedication plat. **Rick Dutson** seconded the motion, which passed by unanimous vote.

### **PUBLIC HEARING: CONSIDERATION OF RESOLUTION EXTENDING A NON-CONFORMING DEAD-END STREET (1175 NORTH) IN MOON FARMS SUBDIVISION AND A SCHEMATIC PLAN FOR THE FARMINGTON MANOR SUBDIVISION (8 LOTS) RELATED THERETO - LANE FISHBURN (Agenda Item #8)**

**David Petersen** said on July 27, 2006, the applicant requested approval to extend 1175 North Street in order to develop a subdivision consisting of 8 lots. Access to 1175 North Street is achieved via 700 West Street. The applicant was unable to show that it was “impossible” to develop the property without a second point of access, so he proposed a circuitous “temporary access” connecting to Shepard Lane through property north of the subdivision. Upon review of the proposal, the Commission realized that 700 West Street is over 1,000 feet in length and it existed prior to 1991, therefore, is a non-conforming dead-end street. Such streets are governed by a different set of rules. He reviewed Section 12-7-040(4)(d) which pertains to Nonconforming Dead-end Streets. The Planning Commission established four findings supporting the extension of a cul-de-sac into the Love Stoney Brook LLC property rather than a street stubbed to adjacent property southeast of the site. The primary finding is to preserve the

stream that runs along the southern boundary of the property. The City Manager indicated that the storm drainage channel is important to the City so it should be reviewed by City Engineer prior to a recommendation being made. City staff recommends that the Council approve the proposed Resolution.

### **Public Hearing**

**Mayor Harbertson** opened the meeting to a public hearing and invited the applicant to address the Council.

**Lane Fishburn** (799 West Millshadow Drive, Kaysville) said he is in favor of road being developed as a cul-de-sac which will limit the extent of the non-conforming street. The residents in the area are also in favor of the cul-de-sac rather than the road being extended.

**Rich Love** (1188 North 700 West) said it would be problematic to stub the road since the existing sewer is built to drain in one direction. All of the homeowners on the street were in favor of the road being configured as a cul-de-sac.

### **Public Hearing Closed**

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

**Mayor Harbertson** recommended that the Council continue the hearing to allow **Lane Fishburn** to visit the property with the City Engineer to determine the appropriate solution for the area.

**Lane Fishburn** asked that the Council approve the schematic plan with a condition that he is willing to address any issues that are found by the City Engineer.

**Max Forbush** said if the City Engineer determines that the development will be detrimental to the channel, an alternate solution will need to be found.

### **Motion**

**Sid Young** moved that the City Council adopt RESOLUTION NO. 2006-58, A RESOLUTION APPROVING THE EXTENSION OF 1175 NORTH STREET INTO THE MOON FARMS SUBDIVISION AND THE PROPOSED FARMINGTON MANOR SUBDIVISION LOCATED IN FARMINGTON CITY, UTAH, **Paula Alder** seconded the motion, which passed by unanimous vote.

### **Motion**

**Sid Young** moved that the City Council approve the schematic plan for Farmington Manor subdivision (8 lots) subject to the following conditions:

1. Extension of a nonconforming street may be approved by the City Council only after receiving recommendations from the Planning Commission, Fire Department, Police Department, Public Works Department, and the City Engineer. The Fire Department and/or Police Department may recommend additional conditions to facilitate public safety and emergency services;
2. All streets shall be fully improved and shall be designed and constructed at locations shown on an approved street master plan;
3. A temporary turnaround, with a radius of forty feet (40') shall be provided at the end of the street. The temporary turnaround shall have an all-weather surface acceptable to the Fire Department;
4. Until such time as nonconforming streets can be connected to a second access, lots on such streets shall not be approved which are less than two (2) acres in size, unless the City Council in consideration of all circumstances shall differently approve by resolution.
5. The City Engineer shall determine which road configuration will create the least impact to the stream channel.

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

**CONSIDERATION OF MINOR PLAT APPROVAL FOR SHEPARD CROSS  
COMMERCIAL SUBDIVISION (BUKOOS) - BRAD MILLER (Agenda Item #9)**

**David Petersen** displayed the plat for the property and said City staff recommends that the Council approve the two lot subdivision. The City Engineer informed staff that 50 square feet is needed from the corner of the property to accommodate the roundabout. The amendment will require a new plat. The City Engineer is willing to expedite the process to enable the applicant to proceed with their tax exchange.

**Mayor Harbertson** said during the work session, the council agreed the entrance to the property near the small shops should become a right in only with angled parking.

**Jim Talbot** (773 Northridge Court) said the City's proposal regarding the 50 square feet to accommodate the roundabout will make the traffic movement difficult. He recommended that the traffic movement not be restricted until the roundabout is in place. If he were the developer, he would dedicate the 50 square feet in exchange for a commitment to the current landscaping

requirement, etc. As the Chairman of the Planning Commission, he believes the proposal will provide adequate traffic flow.

**David Petersen** said the amendment to the plat will not require additional title work or signatures.

**Motion**

**Paula Alder** moved that the City Council approve the minor plat as requested for Shepard Crossing subject to the following:

1. The applicant must demonstrate that reciprocal access and parking easements are recorded on the two properties, as well as reciprocal utility easements if necessary.
2. The plat may be recorded immediately. However, no building permit may be allowed for the southerly lot until a site plan is approved by the Planning Commission. In accomplishing this the applicant, among other things, must demonstrate that the landscaping plan for both lots complies with City ordinances.
3. No certificate of occupancy may be permitted for the southerly lot until all conditions of the building permit and conditional use permit are complete to the satisfaction of the City.
4. The plat shall be modified to include the 50 square feet that will be dedicated for the roundabout.

**David Hale** seconded the motion, which passed by unanimous vote.

**FINAL PLAT APPROVAL FOR FARMINGTON GREENS SUBDIVISION, PLAT 1-D - GERRY TULLEY (Agenda Item #10)**

**David Petersen** displayed an aerial photo and pointed out where the property is located. He also displayed an overhead of the plat. There is a portion of wetlands that will be included as part of the conservation easement. The Planning Commission recommends approval based on the conditions that were given for other phases, as well as the seven conditions that were recommended by the Planning Commission.

**Paula Alder** recommended that City staff verify that the proposed name, Melbourne Circle, does not duplicate the name of another street in the City.

**Motion**

**David Hale** moved that the City Council approve the final plat for the Farmington Greens PUD Plat 1D subject to all applicable Farmington City development standards and ordinances and the following:

1. The setbacks and preliminary elevations or perspectives of all building types proposed for this phase of the Farmington Greens Planned Unit Development shall be submitted to the City by the developer. The setbacks and buildings elevation shall be consistent with the Development Agreement between the developer and Farmington City for this project.
2. The developer shall prepare and submit a consistent street lighting plan, fencing plan and illuminated house addressing system for review and approval by the City.
3. The developer shall provide landscaping plans acceptable to the city for the open space area.
4. Fully executed declaration of covenants, conditions, and restrictions together with open space easements and other bonds, guarantees or easement agreements shall be provided to the City as required by the Planned Unit Development Chapter of the zoning Ordinance and/or the City Attorney.
5. This final plat approval shall be subject to the Development Agreement made and entered into the 19<sup>th</sup> day of July 2000, by and between Farmington City and Claims, Inc., and any amendments related thereto.
6. All conditions of preliminary plat approval must be met.
7. Developer shall record a permanent open space easement acceptable to the city encompassing all of Parcel A concurrent with or prior to recordation of the final plat. Additionally, a permanent open space easement as per the development agreement and master plan must be recorded as the same time as the parcel A easement.
8. The plat shall exclude the 7' right of way on Clark Lane.

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

**MINUTE MOTION APPROVING BUSINESS OF CONSENT (Agenda Item #11)**

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

- 11-1. Ratify approval of Construction Bond Agreements previously signed by Mayor Harbertson.
- 11-2. Approval of enabling Ordinance re-codifying Title 1 of the Farmington City Code. The ordinance text was approved last Council meeting to formalize approval, the Council should adopt this enabling ordinance.
- 11-3. Approval of Parks Custodial and Maintenance Agreement with Robert and Elda Huff. The Huffs have been maintaining the Parks' restrooms and boweries during the summer for the past several years. The agreement represents a 5% increase.
- 11-4. Approval and authorization for Mayor Harbertson to sign the Miller Meadows Subdivision, Phase 2, Improvements Agreement.

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

**CONSIDERATION FOR ADOPTION OF A RESOLUTION PROVIDING OR A SPECIAL BOND ELECTION TO BE HELD ON NOVEMBER 7, 2006, FOR THE PURPOSE OF SUBMITTING TO THE QUALIFIED ELECTORS OF FARMINGTON CITY, UTAH, THE QUESTION OF THE ISSUANCE OF NOT TO EXCEED \$3,750,000 GENERAL OBLIGATION BONDS TO FINANCE COSTS OF ACQUIRING LAND AND CONSTRUCTING, EXPANDING, AND/OR RENOVATING PUBLIC SAFETY FACILITIES AND CITY OFFICES, AND RELATED IMPROVEMENTS; APPROVING THE FORM OF AND DIRECTING THE PUBLICATION OF A NOTICE OF ELECTION AND THE BALLOT PROPOSITION; AND RELATED MATTERS (Agenda Item #12)**

**Jonathan Ward** (Zions Bank Public Finance) explained that the approval of the Resolution will commence the bond election process. Due to a change made by the Legislatures, the process now begins 75 days prior to the election to allow time for publication.

**Rick Dutson** said the net effect of the bond will not create a tax increase to the community. This bond will allow the City to make plans for the future.

**Sid Young** recommended that any publications pertaining to the bond state that the bond will not create a tax increase to the residents. He questioned whether the notice will be posted in other publications other than the Davis County Clipper.

**Max Forbush** said the following methods will be used to advertise the bond election: a notice will be sent to the registered voters in Farmington, there will be two public hearings held, two articles will be included in the City newsletter, and notice will also be posed on the City's website. The purpose of the bond issuance is to get voter authorization for the financing of the

police station, and the expansion of the fire department and City Hall.

**Jonathan Ward** said the statute requires that notice be posed in a newspaper in general circulation throughout the community. The City has the option to go above and beyond the requirement but it would be costly.

**Motion**

**Rick Dutson** moved that the City Council adopt RESOLUTION NO. 2006-59, A RESOLUTION PROVIDING OR A SPECIAL BOND ELECTION TO BE HELD ON NOVEMBER 7, 2006, FOR THE PURPOSE OF SUBMITTING TO THE QUALIFIED ELECTORS OF FARMINGTON CITY, UTAH, THE QUESTION OF THE ISSUANCE OF NOT TO EXCEED \$3,750,000 GENERAL OBLIGATION BONDS TO FINANCE COSTS OF ACQUIRING LAND AND CONSTRUCTING, EXPANDING, AND/OR RENOVATING PUBLIC SAFETY FACILITIES AND CITY OFFICES, AND RELATED IMPROVEMENTS; APPROVING THE FORM OF AND DIRECTING THE PUBLICATION OF A NOTICE OF ELECTION AND THE BALLOT PROPOSITION; AND RELATED MATTERS. **Sid Young** seconded the motion. A roll call vote was taken that passed by unanimous vote.

**CONSIDERATION OF AN ORDINANCE RE-CODIFYING TITLE 2 OF THE FARMINGTON CITY CODE (Agenda Item #13)**

**Mayor Harbertson** said the statement on page 2, Title 2 will be amended to refer to the “Mayor or Mayor Pro Tem” rather than “his/her”.

**Motion**

**David Hale** moved that the City Council adopt ORDINANCE NO. 2006-60, AN ORDINANCE AMENDING AND RECODIFYING TITLE 2 OF THE FARMINGTON CITY MUNICIPAL CODE REGARDING GOVERNMENT ORGANIZATION. **Paula Alder** seconded the motion, which passed by unanimous vote.

**CONSIDERATION OF AMENDMENTS TO THE CONSERVATION EASEMENT FOR FARMINGTON GREENS PUD (Agenda Item #14)**

**Mayor Harbertson** said page 10, paragraph 23 of the Conservation Easement shall be amended to strike the word “agricultural.”

**Motion**

**David Hale** moved that the City Council approve the amendment to the Conservation

Easement subject to the accuracy of the legal description of Exhibit A and the applicant submitting the current title report and review and acceptance of the same by the City. **Paula Alder** seconded the motion, which passed by unanimous vote.

**CONSIDERATION OF BETTERMENT AGREEMENT REGARDING WEBER COUNTY TO SALT LAKE CITY COMMUTER RAIL PROJECT - APPROVAL OF DESIGN CONCEPT FOR STATION PARK PLATFORM (Agenda Item #15)**

**Mayor Harbertson** said there is a time constraint for the City to submit a design for betterment to UTA. Lagoon accepted the City's offer to improve the Station Park platforms.

**Dal Freeman** (Lagoon Representative) explained the types of art that may be included in the platforms. He said he is proud of the way the City has developed.

**Troy Henderson** (Dixon & Associates) displayed renderings for the platform. The platforms will allow a larger statement for the City and Lagoon. Each glass panel will include a glass etching to represent Farmington.

In response to a question, **Dal Freeman** said they plan to make a formal presentation regarding the improvements that are taking place at Lagoon.

A **UTA representative** said UTA will contribute four shelters to the first phase (a total of \$220,000). Lagoon will make up the cost difference for the shelters. The architectural drawings should be submitted by the 1<sup>st</sup> of September.

**Max Forbush** asked if the City will have the opportunity to submit input regarding the historical aspects of the community to be included in the panels.

**Dal Freeman** said it is required that one of each of the five panels include a historical significance. Lagoon is proposing that the carousel be represented since it dates to 1893.

The **UTA representative** said UTA will match up to \$50,000 to the local contribution to be used towards the art for the platforms.

**Motion**

**Rick Dutson** moved that the City Council approve the design concept for the Station park platforms. **Paula Alder** seconded the motion, which passed by unanimous vote.

**CONSIDERATION OF BETTERMENT AGREEMENT REGARDING WEBER COUNTY TO SALT LAKE CITY COMMUTER RAIL PROJECT - 1<sup>ST</sup> READING**

**(Agenda Item #15)**

**Max Forbush** said Farmington City had UTA contractors install four new 4-inch communications conduits across the railroad right of way of Farmington Creek when they were working in Farmington. They are now asking for reimbursement for their work in the amount of \$3,597.

**Motion**

**Sid Young** moved that the City Council approve the Betterment Agreement with UTA as written. **Larry Haugen** seconded the motion, which passed by unanimous vote.

**REVIEW OF ASSISTANT EMERGENCY PREPAREDNESS COORDINATOR CANDIDATES (Agenda Item #16)**

**Mayor Harbertson** suggested that an interview be held with the individuals who expressed an interest in assisting the Emergency Preparedness Coordinator. **Mayor Harbertson** said he will conduct the interview along with **Paul White, Max Forbush** and **Paula Alder**.

**AUTHORIZATION TO LEASE HOME AT 74 SOUTH MAIN (FORMERLY OWNED BY MAXINE SCHULTIES) FOR ONE YEAR (Agenda Item #17)**

**Mayor Harbertson** said the City Manager recommends that the building be leased for a one-year period which will allow the Council to consider amending its Park Capital Facilities Plan and Master Plan.

**Max Forbush** informed the Council that the City may have a possible renter.

**Motion**

**Paula Alder** moved that the City Council give authorization to lease the home at 74 South Main for one year (formerly owned by Maxine Schulties). **Rick Dutson** seconded the motion, which passed by unanimous vote.

**UPDATE ON 1075 WEST ROUNDABOUT - MATT HIRST, CRS ENGINEERS (Agenda Item #18)**

**Matt Hirst** passed out photos of roundabouts that have been constructed in other cities in the State. He reviewed the advantages and disadvantages to the different products that are used for the roundabouts. He also reviewed the "Cost Estimate Comparison for Roundabout Island Options".

The City Council discussed their preferences for the roundabout. The Council directed **Matt Hirst** to create a bid comparing the cost of the pavers and the stamped concrete. The City will be responsible to provide the landscaping and sprinkling system.

**Matt Hirst** said due to the slope of the truck apron, it may be easier for a contractor to build using stamped concrete. The pavers may be more expensive but would be easier for the City to maintain.

**REVIEW OF UTAH DEPARTMENT OF TRANSPORTATION CORRESPONDENCE REQUESTING SUPPORT FOR A LEGACY-TO-LEGACY HIGHWAY CONNECTION THROUGH THE WEST FARMINGTON AREA/REVIEW OF POTENTIAL PUBLIC HEARING DATES (Agenda Item #19)**

**Mayor Harbertson** said he received a letter from Cory Pope requesting the City's support of the Legacy North tie-in. Although the construction will not begin for 10 years or more, a decision needs to be made so the property owners in the area are aware of the City's future plans.

**Max Forbush** recommended that the Mayor sign a response letter stating that the City will accept the tie-in subject to a public hearing, the amendment of the Master Transportation Plan, and UDOT working with the City regarding property and the maintenance of Park Lane.

The Council viewed an aerial photo of the City and considered the impact of the connection. The Council directed the City Manager to schedule the open house and combined City Council and Planning Commission public hearing on September 26, 2006, and to send a response letter to Cory Pope notifying him of the date and time.

**BID AWARD - CDBG HANDICAP ACCESSIBLE RAMPS PROJECT (Agenda Item #20)**

The company that submitted the bid was Campbell's Concrete and Forms.

**Motion**

**Paula Alder** moved that the City Council award the contract to Campbell's Concrete and Forms subject to a pre-construction meeting between City staff, CDBG officials and the contractor. **Sid Young** seconded the motion, which passed by unanimous vote.

**MAYOR HARBERTSON'S REPORT (Agenda Item #21)**

**Nominations for Newsletter Name - Voting on Web**

**Mayor Harbertson** said the nominations for the newsletter name will be advertised on

the City's website and newsletter.

### **Playing Fields by Davis School District Bus Compound**

**Mayor Harbertson** said the City will contact Davis County informing them that the fields will be used for playing next year so the weeds should be maintained.

### **Dangerous Animal Ordinance**

The County's Animal Control Ordinance is prepared for the review of the City and the City Attorney. The Ordinance did not include language pertaining to dangerous animals. The County will consider adding the language and will likely address breed specific characteristics. The City Ordinance will be enacted prior to the County Ordinance.

### **Planning Commission Attendance**

**Mayor Harbertson** said he discussed Planning Commission attendance with **Jim Talbot** and **Cory Ritz**. A few of the Commissioners are attending less than 50% of the time without giving notice. The City Attorney plans to study the Ordinance to determine how to best address the matter.

The Council directed **Mayor Harbertson** to meet with the Planning Commission members or to send a letter stating the concerns of the City.

### **Utah League of Cities and Towns Fall Conference**

**Mayor Harbertson** said he was nominated by **Joe Johnson** to serve on the Utah League of Cities and Towns Board. **Sid Young** said he is interested attending the Utah League of Cities and Towns Fall Conference with **Mayor Harbertson**.

### **Davis County School District Boundary Study**

**Mayor Harbertson** said he submitted **Paula Alder's** name to be considered to participate in the Davis County School boundary study.

## **CITY COUNCIL REPORTS**

### **Paula Alder**

**Paula Alder** said she met with Chris Dallin of the Chamber of Commerce.

### **Larry Haugen**

**Council Member Haugen** invited the Council to visit the Burn Plant to see the installation of a new liner in the land fill site cells.

**Sid Young**

**Sid Young** asked that the Council consider adding picnic tables to the Mountain View Park using next year's budget.

At the Trails Committee meeting, **Randy Klein** proposed that Eagle Scouts continue to install posts to hold bags for dog waste at the City parks as part of their required project. The posts have been successful at Heritage Park and along the Farmington trails. The City Council agreed to allow the trail committee to maintain the posts once they have been installed.

**David Hale**

**David Hale** requested that the residential sprinkling ordinance be considered at a future Council meeting.

**CLOSED MEETING**

**Larry Haugen** moved that the meeting adjourn to closed session to discuss strategy as it pertains to pending litigation. The motion was seconded by David Hale. A roll call vote was taken with each Council Member responding "aye". At 10:25 p.m. the Council adjourned to a closed meeting.

**SWORN STATEMENT**

I, Scott C. Harbertson, Mayor of Farmington City, to hereby affirm that the items discussed while the City Council was convened in a closed meeting were to discuss strategy as it pertains to pending litigation 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 to go back into open session was made by **Rick Dutson** and seconded by **Larry Haugen**. The motion passed with the voting unanimously in favor.

**WHITAKER BARN/DAVIS COUNTY'S CONDITIONAL USE PERMIT**

A motion was made by **Larry Haugen** to send a letter to the City Attorney asking him to investigate the accusations referred to in a letter to Farmington City from members of the

Farmington Historic Preservation Commission and the Farmington City Trails Committee regarding the demolition of the historic Whitaker barn adjacent to Farmington Creek Trail and the Criminal Justice Complex in conjunction with Davis County's conditional use permit for jail expansion. The motion was seconded by **Paula Alder** with the voting being unanimous in the affirmative.

After the City receives the letter from the City Attorney, it will be determined whether or not to turn the matter over to the State Attorney General's office to determine if a violation of the conditional use permit has taken place.

### **SWIMMING POOL RENTAL**

The City Manager reported he had received a request from Bob Steele of the Dive Shop asking to use the Farmington City swimming pool, after its normal operating season, for dive lessons for 6-10 students at \$5 per student due to the closure of the Bountiful Pool.

The City has also received a request from Davis County School District for use of the swimming pool during the months of September and October for Viewmont's swim team. The City Manager asked for direction as to how the City Council wanted to handle it. The City Council agreed they were conceptually okay with having an agreement drafted between the City and the School District for rental of the pool. The School District would be responsible for all costs, including heating, lighting, cleaning, chemicals, etc. Other parties wishing to rent the pool, such as the Dive Shop would not be allowed to rent it.

### **CONTRACT FOR WRITING HISTORY OF FARMINGTON**

Council Member David Hale stated that he would like to meet with Glenn Leonard and the City Manager to discuss a contract with Mr. Leonard for writing a history of Farmington.

### **UTILITY BILL PROCESS**

The City Manager reported that on occasion citizens protest the amount owed on their utility bill for various reasons such as defective water meters, water leaks, etc., and ask the City for a reduction in the amount owed. He suggested that possibly staff could be authorized to negotiate these matters and use their best judgment in resolving the issues. The City Manager was directed to prepare a resolution authorizing the City Manager to be the negotiator in these matters and to bring the resolution back for final approval.

There being no further business, and upon motion of **David Hale**, the meeting was adjourned at 11:10 p.m.

### **ADJOURNMENT**

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Margy Lomax, City Recorder

Farmington City