

# FARMINGTON CITY COUNCIL MEETING

Tuesday, November 21, 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, Jody Burnett, Attorney for Farmington City, Leslie Van Frank and Andy Bilszich, from Reagan Advertising, and City Recorder Margy Lomax. City Manager Max Forbush was excused.

At 5:30 p.m. the City Council attended the Planning Commission public hearing which was being held in the Multi-Purpose Room. CenterCal Properties, LLC, is requesting a recommendation for Project Master Plan approval for the proposed Station Park mixed use development consisting of 97.89 acres located west of I-15, east of Park Lane, and north of Clark Lane.

At 6:00 p.m. the City Council met in their work session in the East Conference Room to discuss items as listed on their agenda.

**Mayor Harbertson** opened the work session stating he was glad they were able to attend part of the Planning Commission meeting to get a sense of what CenterCal is proposing. He believes it is going to be a fantastic development. The developer is not sparing any expenses. He stated he has enough confidence and trust the developer will be able to move the project along. He informed the Council there is a possibility a special City Council will need to be held in December to help accommodate the developer's timetable. The following agenda items were then reviewed:

### **Reagan Billboard Issue - Agenda Item #5**

Reagan Advertising is appealing the Planning Commission's decision on the height of their billboard. The Mayor said that a lot of work had been done to come to a resolution between the City and Reagan Advertising.

Jody Burnett, the attorney representing the City in the matter, discussed different parts of the proposed agreement focusing in particular on paragraphs 2, 3, and 7. The billboard will be a "V" configuration with the dimensions of 14' x 48'. The visibility of the sign is of concern due to a large Russian olive tree. There is a detention basin located next to where the billboard will be located. It is agreed the City will use its best efforts to keep the detention basin free from vegetation to help ensure visibility of the sign.

### **Agenda Item #6 -Garbett Homes - Farmington Crossing North Subdivision/Final PUD Master Plan Approval/Approval of Amendment #1 to the Development Agreement**

Discussion was held regarding issues related to the Farmington Crossing North Subdivision to the overall development. The City Council is very concerned with the units being rented and not owner-occupied. They want to ensure there is language in the development's

CC&R's to restrict the rental of units.

Several Council Members relayed negative opinions they had heard from citizens regarding the development, such as the color of the units and the density. The possibility of talking to the developer to see if more subtle colors could be used was brought up. Other issues discussed were: the parking issue - not enough room for vehicles; storm drainage - the development's need for an area to hold 7 acre feet of storm water detention; re-surfacing the road in the subdivision; property in the development designated for an LDS Church "Stake Center" building; and the plans for the pond located in the development. The liability of having a public fishing pond is an issue that Davis County is not willing to accept which makes the fishing pond idea difficult for the developer to move forward with.

### **Requested Use of City Hall for Holidays**

The City Manager and David Hale had discussed this issue previously. Mr. Hale will present it during the regular meeting.

### **Authorization to Recruit for Assistant City Planner**

City Council Personnel Committee Members Sid Young and Dave Hale had met and will make a recommendation to hire an assistant City Planner.

### **Minute Motion Approving Summary Action List**

- **Approval of 2007 Animal Control Services Agreement with Davis County**

Council Member David Hale questioned if anything had been done regarding the re-writing of the Animal Control ordinance to include provisions for dangerous animals. The City Attorney had contacted Davis County to see if it had been done and they had thought the City was going to prepare it, so there had been no progress.

### **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 Planner David Petersen, City Recorder Margy Lomax, and Recording Secretary Jill Hedberg. City Manager Max Forbush was excused.

**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 Young** moved to approve the minutes of the November 7, 2006, City Council Meeting. **Larry Haugen** seconded the motion. The voting was unanimous in the affirmative.

**Rick Dutson** moved to approve the minutes of the November 9, 2006, Special City Council Meeting. **David Hale** seconded the motion. The voting was unanimous in the affirmative.

**RECOGNITION OF CHADLEY ANDERSON FOR SERVICE ON CITY’S ART COUNCIL (Agenda Item #3)**

**Mayor Harbertson** and **Viola McKinney** presented **Chadley Anderson** an award for her service on the City’s Arts Council.

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

**Mayor Harbertson** reported proceedings of the Planning Commission meeting held November 8, 2006. He covered the following items:

- The Planning Commission granted preliminary plat approval for the Willow Creek Subdivision consisting of 5 lots on 2.215 acres located on the northeast corner of Lund Lane and the Frontage in an LR zone.
- The Planning Commission tabled consideration of Charlie Hunsaker’s request for conditional use and site plan approval to construct and operate a gas station on the northwest corner of Park Lane and Lagoon Drive in a CMU zone.
- The Planning Commission tabled consideration of a recommendation to enact a new chapter of the Zoning Ordinance titled “Urban Forestry Ordinance”.
- The Planning Commission tabled consideration of CenterCal Properties LLC’s request for a recommendation to amend sections of Chapter 18 of the Zoning Ordinance regarding Transportation Oriented Development zones.

**PUBLIC HEARING: (CONTINUED FROM NOVEMBER 9, 2006) CONSIDERATION OF APPEAL OF A PLANNING COMMISSION’S DECISION REGARDING CERTAIN CONDITIONS OF APPROVAL FOR A SPECIAL EXCEPTION TO ESTABLISH A BILLBOARD ADJACENT TO THE EAST SIDE OF THE I-15 FRONTAGE ROAD/LAGOON DRIVE AT APPROXIMATELY 300 SOUTH IN A BP ZONE/CONSIDERATION OF SETTLEMENT AGREEMENT ON CONDITIONS OF SPECIAL EXCEPTION FOR SIGN RELOCATION - REAGAN OUTDOOR ADVERTISING (Agenda Item #5)**

**Jody Burnett** reviewed the history of the application and explained that Reagan Outdoor Advertising was appealing the Planning Commission’s decision regarding the sign height. Reagan Outdoor Advertising has agreed to enter into an agreement which will resolve the issue by allowing the appellant to establish a V-shaped billboard with each face measuring 14' x 48'. The lighting will be directed solely on the face of the sign. He recommended that the City Council approve the agreement since it addresses the concerns of both parties.

**Public Hearing**

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

**Leslie VanFrank (Legal Counsel for Reagan Outdoor Advertising)** expressed appreciation to the City officials and staff for their efforts to resolve the issue.

**Public Hearing Closed**

With no further comments, **Mayor Harbertson** closed the public hearing.

Members of the City Council expressed appreciation to Reagan Outdoor Advertising, as well as to the City’s legal counsel and other City staff for their efforts to reach a compromise.

**Motion**

**David Hale** moved that the City Council approve the agreement, including Exhibits A, B, C, and authorizing the Mayor to sign the same for and in behalf of the City. **Rick Dutson** seconded the motion, which passed by unanimous vote.

**REQUEST FOR FINAL PLAT APPROVAL FOR THE FARMINGTON CROSSING NORTH/FINAL PUD MASTER PLAN APPROVAL/APPROVAL OF AMENDMENT #1 TO DEVELOPMENT AGREEMENT - GARBETT HOMES (Agenda Item #6)**

**David Petersen** said after attending a meeting with Garbett Homes representatives, City staff, Mayor Harbertson, and David Hale, it appears that issues regarding the CC&Rs and the prohibition of rental units have been resolved. He reviewed the changes that were suggested by Garbett Homes to the “Amendment No. 1 to Agreement”.

**David Hale** suggested that the developer be required to construct the Relocated Access within a certain time period.

The Council discussed the suggestion with the developer, who agreed to have commence construction of the U.S. 89 access within 270 days following receipt of final approval by the City,

UDOT and Davis County for the location and final construction and engineering plans for said access.

The Council then discussed the following points relating to the Agreement:

- Paragraph 4.B: The City Council and **Noel Ballstaedt** agreed that Garbett Homes will participate in resurfacing Shepard Creek Parkway, but the actual amount will be determined in the future. In any event, Garbett's share will not exceed 50% of the cost of improvements.
- **Noel Ballstaedt** and the City Council agreed to exclude the church site and Phase 1B from the Agreement.
- Paragraph 5: The developer will also be required to provide street striping regarding roundabout improvements at the south end of the Parkway.
- Paragraph 6: The City Engineer recommended that the original language be used in the Agreement.

**Paul Hirst** said the City has indicated that they need an additional 7 acre feet of storm water detention area is needed for the project. Once the developer has provided the additional storage, Garbett Homes will have done their part to contribute to the overall drainage for the area.

**Noel Ballstaedt** said he is not opposed to striking the entire sentence.

**Paul Hirst** recommended deleting the words "City Engineer" and "7 acre feet" from the paragraph.

- Paragraph 8: **Noel Ballstaedt** stated that they are requesting the same amount of time to complete the trail as they had in the original Trail Agreement, which is 2 years from the signing of the Agreement.

**David Petersen** said City staff recommends that the City Council follow the Planning Commission's recommendation and conditions. He reviewed their recommendation which was included in a letter from **Mr. Petersen** to **Mr. Ballstaedt** dated October 17, 2006.

**Noel Ballstaedt** asked that the last sentence of Condition #5e read as follows:

*"The CC&Rs shall be in substantially the same form as those provided to the Planning Commission with the recommendation that subsection 7(a)(3) in the recommended CC&Rs provided by Garbett Homes be stricken and that the requirement that the owner/occupied*

*reference shall mean and refer to a lot occupied by one of the following: the owner of record or the owner of record and/or his spouse, children, parents, **and/or trust.**”*

The City Council agreed to amend the language, as suggested.

As requested by **David Hale**, **Noel Ballstaedt** agreed to provide a copy of the CC&Rs (which include the “grandfather clause”) to the City Council, as well as City staff.

In response to a question by **Council Member Hale**, **Noel Ballstaedt** said Garbett Homes would have liked to have improved the pond to be used for fishing, but the County was opposed to the idea since it would create a liability. The County would not be opposed to the idea if the City were willing to take over the responsibility of the pond. Garbett Homes would be willing to contribute to the improvement of the pond (such as providing a dock, trail, and stocking it with fish) if the City were to assume the liability.

**Mayor Harbertson** suggested that the City seek the advice of their legal counsel to determine whether it would be in the City’s best interest to be responsible for the pond.

**Noel Ballstaedt** displayed renderings and asked for the Council’s input regarding the proposed exterior colors for the northerly phase.

The City Council members indicated that the colors may be too bold and may be drawing attention to the density of the development.

**Rick Dutson** asked if the rendering portrayed a three-story building.

**Mr. Ballstaedt** indicated that there are three-story elements but all of the buildings are fire-sprinkled. He said the buildings are not three-stories.

**Rick Dutson** said the Courtyard interior buildings do include three floors since there are two levels on top of a garage.

**Mr. Ballstaedt** acknowledged that half of the units in that phase have three stories.

**David Hale** said the City’s Fire Sprinkler Ordinance is not written as they would like it to be. The Fire Chief does not have an adequate ladder to fight a 3-story fire.

**Noel Ballstaedt** said the Fire Marshall reviewed and approved the plans. He said this phase includes three-story elements but the entire building is not three-stories. Their architect feels the three-story element is essential to add character to the building.

**David Hale** said the City is concerned about the safety of the citizens, not the appearance of the building.

When asked **David Petersen** said he did not know whether the Fire Chief had seen the three-story elevations.

A Garbett Homes representative said the Fire Chief visited the development several months ago. He seemed pleased with the northerly phase. He has not received any negative feedback from the Fire Chief.

**Rick Dutson** suggested that a condition be added stating that the approval is subject to the Fire Chief reviewing and approving the three-story structures.

**Mayor Harbertson** expressed concern that the Council was led to believe that there are no three-story dwellings in this phase. He agreed that the Fire Chief should review the plans prior to approval being given.

**Noel Ballstaedt** said Garbett Homes will not build that building style again since it is too high and is expensive to build. He said he is accepting of the proposed condition.

### **Motion**

**Sid Young** moved that the City Council approve the final plat for the Farmington Crossing North subdivision. **David Hale** seconded the motion, which passed by unanimous vote.

### **Motion**

**Sid Young** moved that the City Council approve the Final PUD Master Plan, which shall include the changes that were discussed by the Council, and shall be subject all applicable Farmington City development standards and ordinances and the following:

1. Condominium plats must be approved by the Planning Commission and the City Council for the development as descriptions are prepared for individual units (Note the developers have prepared a “final plat” for consideration by the City which divides the property into three parcels and two lots in preparation for more detailed condominium plats, the development of an LDS Church, and future commercial development);
2. Demonstrate to the satisfaction of the City that all units will be “for sale” or “owner-occupied” dwelling units. (Rental dwelling units shall not be allowed.) Submit any proposed restrictions for such to be reviewed by the City Attorney;

3. Submit CC&Rs for review by Farmington City;
4. Obtain a flood control permit from Davis County;
5. Comply with all conditions of preliminary plat approval including:
  - a. Applicant must comply with all conditions of preliminary development plan approval for the PUD including Ordinance 2006-06.
  - b. All final improvements drawings related to the PUD must be reviewed and approved by the City Engineer, Public Works Department, Planning Department, Fire Department, Central Davis Sewer District, Weber Basin Water Conservancy District, Davis County Flood Control/Public Works, and Utah Department of Transportation (UDOT). The final improvement drawings shall include, but not be limited to, plans for a “right-in/right-out” ingress and egress from the development onto the UDOT collector distributor road adjacent to US 89, and a grading and drainage plan and a storm water management plan for the project.
  - c. Off site (or on-site if necessary) drainage facilities, including among other things, the size and location of a detention basin, must be reviewed and approved by the City Engineer and Davis County Flood Control.
  - d. The applicant shall obtain off-site easements, if necessary, for the perimeter trail (NOTE: apparently a portion of the trail is on adjacent property owned by Maverick).
  - e. A section shall be added to the Farmington Crossing CC&Rs for City review regarding owner-occupancy issues on the northern and southern phases. Thereby eliminating or drastically reducing the number of rentals that may occur in the project. The CC&Rs shall be in substantially the same form as those provided to the Planning Commission with the recommendation that subsection 7(a)(3) in the recommended CC&Rs provided by Garbett Homes be stricken and that the requirement that the owner/occupied reference shall mean and refer to a lot occupied by one of the following: the owner of record or the owner of record and/or his spouse, children, parents, and/or trust.
6. Plans must be reviewed and approved by UDOT for the proposed right-in and right-out on US 89 collector distributor road and the applicant must provide written verification of such from UDOT. Such ingress and egress shall be constructed concurrently with the condominiums. The applicant may, however, construct this access with the development of the church site upon receiving a recommendation

from the City Engineer (especially with regard to traffic circulation) and posting a bond acceptable to the City to ensure the same.

7. The applicant must prepare plans to be approved by the City for round-about improvements at the south end of Shepard Creek Parkway and post a bond acceptable to the City to ensure the construction thereof prior to the recordation of the final plat. These plans must be implemented concurrently with the construction of the condominiums.
8. The developer must re-pave (or improve), to the satisfaction of the City, Shepard Creek Parkway upon completion of the project. In order to fulfill this requirement, the developer may meet with the City officials to decide what is fair regarding participation in construction of the improvements. The cost of such improvements must be part of the overall bond for the project and in no event shall the Developer pay for more than 50% of such improvements.
9. No detention basin shall be provided on the land designated for a future church site.
10. The applicant must comply with all conditions of schematic plan approval, and Preliminary (PUD) Master Plan and preliminary plat approval.
11. The applicant must comply with all existing development agreements, including but not limited to agreements for the trail.
12. All landscaping for the project must be completed and/or bonded in a manner acceptable to the City, prior to final occupancy of any buildings.
13. The Fire Chief must review and approve the three-stories for the northerly phase.

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

### **Motion**

**David Hale** moved that the City Council approve the Amendment #1 to the Development Agreement to include the changes discussed by City staff and the developer. **Rick Dutson** seconded the motion, which passed by unanimous vote.

### **REQUEST FOR FINAL PLAT APPROVAL FOR “CHESTNUT FARMS” SUBDIVISION - SYMPHONY HOMES (Agenda Item #7)**

**David Petersen** said the issues relating to the detention basin were resolved. The basin was included in the final plat. He read a letter that was submitted to the City by Central Davis Sewer

District stating that they are accepting of the sewer alignment. City staff recommends that the Council approve the final plat.

**Tony Coombs** (Symphony Homes Representative - 33 South Shadowbreeze Road, Kaysville) said they received approval from the Army Corps which indicates that the wetlands cover less area than initially believed. It will not be necessary for them to apply for a National Permit since they will affect less than 500 square feet of wetlands. The detention basin will be maintained by Symphony Homes.

### **Motion**

**Rick Dutson** moved that the City Council approve the final plat for "Chestnut Farms" Subdivision subject to the plan (which was drafted by Reed & Associates, dated November 17, 2006), being included in the record to identify the wetlands, and subject to the conditions recommended by the Planning Commission. Although the detention basin is owned by Farmington City, the developer will be responsible for its maintenance. **David Hale** seconded the motion, which passed by unanimous vote.

The City Council agreed to consider Agenda Item #10 prior to Agenda Item #8.

### **APPEAL OF POLICE CHIEF'S/CITY MANAGER'S DIRECTION TO REMOVE TREES, IN CITY'S RIGHT-OF-WAY, BLOCKING LINE OF SIGHT FOR STOP SIGN ON 1150 SOUTH STREET (Agenda Item #10)**

According to packet information, the Police Chief and City Manager spoke with Mr. Jacobs and offered to have the City Public Works crew remove two trees and trim one branch off of another tree close to the intersection so the stop sign is more visible. Staff believes this action is warranted for public safety reasons.

This problem area was reviewed by a traffic engineer. There are two alternatives. The City staff believes two trees should be removed and the stop sign should remain on 1150 South not 120 East; that the striping and painting as recommended by the traffic engineers be re-evaluated if the trees are removed. Staff does not believe the striping is necessary. It creates additional expense and long-term maintenance responsibilities in residential subdivisions. Staff does not believe this situation warrants that kind of level of marking.

**Mayor Harbertson** stated that the property owner had not contacted the City opposing the proposal to remove the trees on his property.

**Chief Hansen** explained that he and the City Manager met with the property owner, **Mr. Jacobs**, to recommend that the trees be trimmed or removed, at the City's expense. According to the traffic report, two of the trees should be removed and one of the trees should be trimmed.

**Rick Dutson** asked if the Chief thinks the road should be striped.

**Chief Hansen** said he did not think it would be necessary to stripe the road, so long as the trees are removed. He was concerned it would set a precedent for other areas of the City. He suggested that an evaluation be done at a later time to determine if the striping should be done.

In response to a question from **Council Member Young, David Petersen** stated that the property line is back of sidewalk. The trees are located in the City's street right-of-way.

**Rick Dutson** said he agreed that the trees should be removed and trimmed, but suggested that the City reconsider in the future whether the road striping is necessary.

**Becky Wall** (Farmington Resident) said she teaches "swim school" at her home during the summer. She suggested that the City visit the area during that time since the amount of traffic significantly increases.

The City Council directed City staff to authorize the public works crew to remove and trim the trees.

The City Council agreed to consider Agenda Items #14 & #15 prior to Agenda Item #8.

**RESOLUTION AMENDING CULTURAL ARTS POLICIES (Agenda Item #14)**

**Mayor Harbertson** said it is important that the Arts Council follow the proper procedure by addressing issues with the staff coordinator or Leisure Services Advisory Board/Director prior to taking issues to the City Council or City staff.

**Paula Alder** questioned whether the Arts Council has gone before the City Council in the past to receive a recommendation for ticket prices, as is suggested in the Policies and Procedures.

**Viola Kinney** said the Board will consider the ticket pricing, and then present them to the City Council.

**Motion**

**Paula Alder** moved that the City Council adopt RESOLUTION NO. 2006-73, A RESOLUTION AMENDING THE FARMINGTON CITY CULTURAL ARTS COUNCIL POLICIES AND PROCEDURES. **Larry Haugen** seconded the motion, which passed by unanimous vote.

**RESOLUTION AMENDING LEISURE SERVICES BOARD MANUAL (Agenda Item #15)**

**Viola Kinney** explained that the Resolution will define the term “diverse communities”. An amendment was also made to the minimal amount of days that a Board member can miss before they are asked to resign.

### **Motion**

**David Hale** moved that the City Council adopt RESOLUTION NO. 2006-74, A RESOLUTION AMENDING THE ADVISORY BOARD MANUAL FOR THE FARMINGTON LEISURE SERVICES BOARD. **Rick Dutson** seconded the motion, which passed by unanimous vote.

### **REQUESTED USE OF CITY HALL FOR HOLIDAYS (Agenda Item #8)**

**David Hale** said in the past, the City facilities were not made available during holidays because the City Council/City staff did not want employees to have to work on those days. It is now being proposed that City employees be allowed to enter a drawing to use the City buildings for personal family parties during the holidays. The employee/City official who is drawn would be responsible to pay a deposit, and would also be responsible to clean the facility.

**Keith Johnson** questioned whether the Community Center should be available during the holidays since the building is funded by the taxpayers. The City Manager had suggested that residents be allowed to use the building on holidays without supervision, so long as the resident provides a large security deposit.

In response to a question from **Mayor Harbertson**, **Viola Kinney** explained that even with supervision, individuals have caused a great amount of damage to the Community Center. She said it is difficult to find employees to supervise the buildings on holidays.

The City Council discussed the issue. Certain members of the Council were concerned that it may be considered a favoritism if the City employees were allowed to use the public buildings during the holidays and not the general public. The Council directed City staff to discuss the issue with the City Attorney to determine the correctness of whether the buildings should be used by City officials and employees during the holidays and not the general public.

### **AUTHORIZATION TO RECRUIT FOR ASSISTANT CITY PLANNER (Agenda Item #9)**

According to packet information, the City Council’s Personnel Committee had met with staff. It is their recommendation that authorization be given to recruit for this position.

**Sid Young** said in order for development and planning issues to be reviewed accurately and on a timely basis, the Planning Department needs additional staff. He said it is important to hire a qualified individual and to properly train that person.

**David Petersen** indicated that it will take awhile to have the assistant planner trained. He suggested that the City use the draft job description that was used by Centerville City.

**Keith Johnson** indicated that the City budget will likely be amended in December so the funding for the assistant planner could be included at that time.

**Motion**

**Sid Young** moved that the City Council authorize staff to begin recruiting for an Assistant City Planner. **David Hale** seconded the motion. The motion passed by unanimous vote.

**MINUTE MOTION APPROVING SUMMARY ACTION LIST (Agenda Item #11)**

**Rick Dutson** moved that the City Council approve the following items by consent as follows:

- 11-1. Ratification of approval of Construction Bond Agreements previously signed by Mayor Harbertson.
- 11-2. Approval of October's Disbursement List.
- 11-3. Approval of agreement with Glen Leonard to write Farmington's History.
- 11-4. Approval of Public Hearing Brochure/Authorization to print copies.
- 11-5. Approval of 2007 Animal Control Services Agreement with Davis County. The increase in cost for these services is 5% above last year's amount.

The Council noted that the Agreement between Farmington City and Glen Leonard should have included the fact that **Mr. Leonard** will receive 20 copies of the "Farmington History" when the book is complete.

**Paula Alder** seconded the motion, which passed by unanimous vote.

**MASTER TRAIL PLAN PROPOSED AMENDMENT/DECEMBER 5, 2006, PUBLIC HEARING (Agenda Item #12)**

According to packet information, on November 8, 2006, the Planning Commission met and are recommending adoption of the Master Trail Plan to the City Council. Unfortunately, the Newsletter was wrong and advertised the hearing for November 9, 2006.

**David Petersen** recommended that action on this issue be deferred until after the Council holds a public hearing on December 5, 2006.

**RESOLUTION AMENDING CITY EMPLOYEE RECOGNITION PROGRAM FOR NON-PUBLIC SAFETY EMPLOYEES (Agenda Item #13)**

According to packet information, the justification for increasing the recognition amount for non-public safety personnel is there is a wide disparity on the cost of the rings for the Public Safety personnel versus the amount received by non-public safety personnel. It is recommended that this year's recognition be adjusted as shown on the resolution included in the packet.

**Keith Johnson** reviewed the packet information and explained that the cost of the rings for Public Safety personnel has doubled.

The Council discussed the possibility of providing rings for non-safety personnel, as well as safety employees. It was determined that the rings would not have the same meaning for the non-safety employees.

**Motion**

**Paula Alder** moved that the City approve RESOLUTION NO. 2006-72, A RESOLUTION OF THE FARMINGTON CITY COUNCIL AMENDING THE FARMINGTON CITY EMPLOYEE RECOGNITION PROGRAM REGARDING SERVICE AWARDS FOR NON-PUBLIC SAFETY EMPLOYEES AND PERMANENT PART-TIME EMPLOYEES.. **Rick Dutson** seconded the motion.

**Keith Johnson** informed the Council members that the increase will take effect immediately.

The motion passed by unanimous vote.

**AUTHORIZATION TO EXPAND CITY EMPLOYEE CHARITABLE GIVING OPPORTUNITIES THROUGH PAYROLL DEDUCTION ADDING COMMUNITY SHARES OF UTAH AND COMMUNITY HEALTH CHARITIES TO UNITED WAY (Agenda Item #16)**

According to packet information, the City Manager is recommending that the charitable giving opportunities through payroll deduction be expanded to include Community Shares of Utah and Community Health Charities. There would be no net effect of the amount of work to be done by City employees.

**Motion**

**Rick Dutson** moved that the City Council approve the expansion of City Employee Charitable giving opportunities through payroll deduction by adding Community Shares of Utah and Community Health Charities. **Larry Haugen** seconded the motion, which passed by unanimous

vote.

**AUTHORIZATION FOR CITY MANAGER TO APPLY FOR MULTI-YEAR CDBG SMALL CITIES GRANT FOR INSTALLATION OF HANDICAP ACCESSIBLE RAMPS (Agenda Item #17)**

According to packet information, twenty-six percent of the \$350,000 would be a City match. This amounts to \$91,000 or \$45,500 each year. Hence, the total CDBG grant request would be \$259,000 or approximately \$129,500 per year. The maximum amount that can be applied for each year is \$150,000. The maximum years in a multi-year grant are two years.

It is the City Manager's recommendation that the multi-year grant be applied for only the construction of wheel chair ramps, both those that are non-existent and those that are not in compliance (195 total).

The City Council discussed the application and authorized the matching amount of \$45,500 per year, or 26%.

**Motion**

**David Hale** moved that the City Council authorize the City Manager to apply for a total project budget of \$350,000 over a two-year period. **Sid Young** seconded the motion, which passed by unanimous vote.

**GARBAGE RATE REDUCTION DISCUSSION (Agenda Item #18)**

According to a Memorandum from the City Manager to the City Council (dated November 17, 2006), the City recently received notice from Wasatch Energy System (W.E.S.) that it is reducing its solid waste fees to participating municipalities in the District. This fee reduction, affecting only the first-container users, is a result of retirement of the debt on the plant. Residential rates for additional containers increase \$1.25 per month per container. City staff recommends that the Council consider making a direct "pass through" of additional savings or expenses as received from (W.E.S). They also made the following recommendation:

1. Reduce the monthly residential garbage collection fee for the first-container users from \$14.00 to \$12.00. This results in a savings to the customer of \$2 per month.
2. Increase the rates on residential users who have more than one container. The rates would increase \$1.25 per container per month from \$8/month to \$9.25/month.

**Larry Haugen** said it is important to pass the City's savings onto the residents.

The Council discussed the issue and deemed it appropriate to follow City staff's recommendation to pass through the savings to the residents beginning January 2007.

### **APPOINTMENT OF DEPUTY CITY RECORDER**

According to packet information, it is recommended by the City Recorder that **Holly Gadd** be appointed as the Deputy City Recorder and that she be sworn in. She has been acting in that capacity, but has never been officially appointed or sworn in.

#### **Motion**

**David Hale** moved that the City Council appoint **Holly Gadd** as the Deputy City Recorder. **Rick Dutson** seconded the motion, which passed by unanimous vote.

### **CANVASS RESULTS REGARDING THE SPECIAL BOND ELECTION HELD ON NOVEMBER 7, 2006, FOR THE PURPOSE OF SUBMITTING TO THE QUALIFIED ELECTORS OF FARMINGTON CITY, UTAH, THE QUESTION OF THE ISSUANCE 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 (Agenda Item #20)**

**Margy Lomax** passed out the results for the bond election. She reported that 47.7% of the City's residents voted. She stated that seven of the Davis County voting machines were audited and were found to be working accurately. She recommended that the Council certify the canvass results.

#### **Motion**

**Paula Alder** moved that the City Council approve and certify the canvass result regarding the Special Bond Election 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. **David Hale** seconded the motion, which passed by unanimous vote.

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

- **Mayor Harbertson** attended a meeting with the Farmington Ranches Homeowner's Association. Although, the Ranches' residents voted in favor of the proposed park, the City would like confirmation from the title company that the City will receive free and clear title to the park.

- **Mayor Harbertson** met with **Dan Nixon** to inform him that the City considers his property a “gateway to the City”. **Mr. Nixon** agreed and is considering other possible uses for the site.
- **Mayor Harbertson** said he spoke with **Brady Hall** and informed him the Council denied his application because the developer did not seem to be willing to negotiate.
- The Council is invited to attend the Frodsham Christmas on December 16, 2006.

### **CITY COUNCIL REPORTS (Agenda Item #22)**

#### **Council Member Alder Report**

- **Paula Alder** reported on the Leisure Services meeting she attended. They discussed the possibility of interviewing senior citizen residents to determine what activities they would support.
- **Paula Alder** attended the Arts Council meeting. The price list will be included in the City newsletter.

The Council agreed that they should review the price list before it is published.

- The high school boundary issue has been delayed due to a pending lawsuit.

#### **Council Member Hale Report**

- **Council Member Hale** had a discussion with **David Potter**, and asked that he remove the cars from the property that are not operational.

#### **Council Member Young Report**

- **Sid Young** reported on the League of Cities & Towns meeting that he attended.
- **Council Member Young** said he is strongly in favor of the proposal to stripe Main Street/State Street roads.

### **MISCELLANEOUS**

The Council discussed the need for the City to incorporate more office space into it’s future

plans. It was suggested that a Master Plan be created for the CMU area.

**Attorney's Opinion Letter**

The Council did not discuss the letter.

**Neil Welling Lease Agreement**

The City Council discussed whether the lease between **Neil Welling** and the City should be extended. The Council agreed to discuss the issue during a strategic planning session.

As requested by **Mayor Harbertson**, **Keith Johnson** agreed to contact the County Assessor to determine whether the taxes for the Welling property are being assessed accurately.

**ADJOURNMENT**

**Paula Alder** moved that the meeting adjourn at 10:26 P.M.

---

Margy Lomax, City Recorder  
Farmington City