

FARMINGTON CITY COUNCIL MEETING

Tuesday, December 9, 2008

CITY COUNCIL WORK SESSION/EAST CONFERENCE ROOM

PRESENT: Mayor Scott Harbertson, Council Members Richard Dutson, David Hale, Paula A. Alder, Sidney C. Young, City Manager Max Forbush, Finance Director Keith Johnson, City Planner David Petersen, Assistant City Planner Glenn Symes, Recording Secretary Kami Mahan, and City Engineer Susie Petheram. Ron Martinez, Rich Haws, and others representatives from America West Development and Shivas Partners were also present.

Mayor Harbertson began discussion at 5:17 p.m. and he offered the invocation. The following items were reviewed:

Budget Update

Mayor Harbertson said that the need for the update was due to extenuating circumstances this year. He reported that because Centercal is not going to obtain their building permits this year, tenants are waiting, which delays the budget process. **The Mayor** said that the City Manager, Max Forbush, and Finance Director, **Keith Johnson**, had met with department heads about cutbacks and would provide the budget report. He said a public hearing will be held at later date.

Keith Johnson referred to the City's Budget handout and reviewed highlights from the General Fund Balance. He pointed out that the City was conservative in their projections, which meant that adjustments were minimal. In a comparison of the last three years, most budgeted amounts were down with the exception of licenses and permits.

Mr. Johnson also reviewed General Fund Revenues and pointed out that there was a reduction in development fees. The categories of Expenditures, Revenues, a Summary of the Proposed Budget, and General Fund Transfers to Capital Projects were reviewed in some detail. **Mr. Johnson** noted that \$3,000 was cut from the City Council budget for training and travel expenses. **Max Forbush** pointed out that budget cuts were made in every category, and that a public hearing needs to be noticed to formalize the budget in January.

[**Cory Ritz** arrived at the meeting at 5:40 p.m.]

Mr. Forbush said that department heads were consulted to ascertain places for reduced spending. **The Mayor** pointed out that the budgeting by the City Manager and the Financial Director has prevented layoffs as have happened in other cities. **Mr. Forbush** said that they need to get information to the department heads and have training for employees. He does not believe the City is particularly over-staffed. However, overtime use should be monitored and eliminated where possible. **Mr. Forbush** also said that retiring employees will help reduce expenditures.

For now, a hiring freeze has been put in place.

David Hale noted the importance of letting citizens know that the City is taking a proactive role in keeping costs down. **Max Forbush** pointed out that the biggest financial hit to the City is the delay of Station Park in taking out building permits. Building-permit revenues for the City will be way down.

Sid Young and **Mayor Harbertson** will participate in a meeting late next week with the City Manager and Finance Director to review in detail proposed budget cuts. It was agreed to schedule this meeting at 4:00 p.m. sometime after December 16th. **Max Forbush** added that the Capital Parks budget will also need to be amended.

Mayor Harbertson announced that a closed session would be held when City Attorney Todd Godfrey arrived at the meeting.

Public Hearing: (General Plan Text and Zoning Ordinance Text): (Agenda Item #5)

- a. **Consideration of an amendment to the General Plan regarding the “Farmington Commercial Center” as set forth in Chapter 11 and other related General Plan text changes. (MP-2-08);**
- b. **Consideration of text changes to the TOD Zone (Chapter 18) of the Zoning Ordinance including, but not limited to residential density, non-residential building size, permitted and conditional uses, and Project Master Plan (PMP) criteria including street type hierarchy and street network design, building form and site envelope standards, off-street parking, landscape standards and other various changes. (ZT-3-08)**

Mayor Harbertson pointed out that some of the Chapter 11 text, not related to the mixed use areas, was outdated and this would be evaluated. He said it would be wise to have a member of the Council involved in the evaluation process.

The Mayor said that an hour was scheduled in the meeting to review Chapter 18. He said the process was benefitted by those who worked on the review, which included members of the City Council, America West Development, and Shivas Partners. He said that the City Planner and Council Members have suggested minor changes which would be addressed during the meeting.

Later in the meeting, **Mayor Harbertson** asked **Susie Petheram**, Planning Consultant, to give input as to issues which had been raised by Norm Dahle of America West Development. **Ms. Petheram** said Norm Dahle proposed allowing residential uses that are a higher concentration than a sixplex in the residential mixed use district. Ms. Petheram also said Mr. Dahle further suggested rezoning the triangular parcel to GMU, and advised a review of the allowed uses and the building form and site standards to differentiate between the RMU and the GMU districts.

Ms. Petheram said that Mr. Dahle suggested that in the review process, it should be considered of adding a sentence clarifying that the development review process is the same as the site plan review. A flow chart should be added that outlines the review process. Ms. Petheram also said that Mr. Dahle suggested in order to streamline the approval process, there should also be a sentence added to the pre-submittal conference paragraph to indicate that the Development Plan and Project Master Plan review processes are interactive, rather than having the 45-day waiting period. Standardized forms for applications for this area were also advised by Mr. Dahle.

Public Hearing: (General Plan Map and Zoning Ordinance Map): Consideration of a General Plan Map amendment from CA/BP (Class A Business Park) to TMU (Transportation Mixed Use) and further change of zoning from TOD (Transportation Oriented Development) to RMU (Residential Mixed Use), GMU (General Mixed Use), TMU (Transit Mixed Use), OMU (Office Mixed Use), or OS (Open Space) on the following properties; approximately 100 acres of property located north of Clark Lane, west of I-15, and south and east of Park Lane; approximately 64 acres located west of Park Lane and north of 100 North approximately 1180 West Clark Lane; approximately 35 acres located at the southeast corner of Burke Lane and 1525 West; and approximately 12 acres located at the southwest corner of Clark Lane and 1100 West (MP-2-08 and ZT-3-08). (Agenda Item #6)

David Petersen noted that the decision on this Agenda item would be dependent on the results of action taken on Agenda item #5. The Council examined the packet zoning map and several clarifications were made. **Mr. Petersen** briefly left the meeting to make copies of the map and these were distributed to everyone present.

Public Hearing: Consideration of an Ordinance enacting a Municipal Transient Room Tax and codifying the same as Chapter 9 of Title 5 of the Farmington City Code. (Agenda Item #7)

[Glenn Symes arrived at the meeting at 6:08 p.m.]

Max Forbush explained that the reason for this Agenda item is that the State Tax Commission needs to be given notice when this tax is enacted. Since an application for a hotel building permit is pending, it is important for this ordinance to be considered.

Consideration for Final Plat Subdivision approval for North Main Street LDS Subdivision located at approximately 1000 North Main Street. (S-7-08). (Agenda Item #9)

This item was very briefly reviewed.

Review of Somerset HOA request regarding payment of power charges for street lighting in Somerset HOA. (Agenda Item #10)

Mayor Harbertson explained the HOA's newest proposal to have the City take over payment for the street lights in the subdivision, and that the issue at hand concerned the light bulbs. He said drainage improvement costs in the area will likely be higher than anticipated.

Max Forbush explained that Rocky Mountain Power has different rate schedules for power and maintenance, and that a permanent agreement is necessary. He said he is agreeable to the proposal, but believes the City should pay energy costs only. Maintenance on the lights, which are HOA owned, should be covered by the HOA.

Consideration of Jono Gardner letter requesting adjustment to policy pertaining to the timing for the payment of impact fees on the "Old Farm" project. (Agenda Item #11)

Max Forbush stated that this item needs to be tabled.

Minute Motion approving Summary Action List. (Agenda Item #13)

- **Approval of Professional Services Agreement with Pine Top Engineering, Inc., for Signal Maintenance at Main Street and Somerset Entrance**
- **Approval of Professional Services Agreement with CRS for Design of "Road to the North"**
- **Approval of Qwest Agreement for telephone service that effectively reduces City expenses by \$172/month**

Rick Dutson noted that CRS Engineering did not give a breakdown of costs. **Mayor Harbertson** said that this is probably because it was not specifically requested.

Resolution approving form of equipment lease agreement with Zion's Bank for acquisition of a single axle dump truck with attachments. (Agenda Item #14)

Max Forbush stated that the truck has been delivered and that no residuals are due. He explained that this is a three-year lease/purchase agreement, which necessitates the adoption of a resolution.

[City Attorney **Todd Godfrey** arrived at the meeting at 6:30 p.m.]

Closed Session

At 6:31 p.m., a motion to go into closed session to discuss a personnel issue and pending litigation was made by **Rick Dutson**, and seconded by **Paula Alder**. The motion passed with a unanimous vote.

A roll call was taken, and those present included David Hale, Paula Alder, Cory Ritz, Sid Young, Rick Dutson, Mayor Harbertson, Glenn Symes, Max Forbush, David Petersen, Keith Johnson, Susie Petheram, and Todd Godfrey.

SWORN STATEMENT

I, Scott Harbertson, Mayor of Farmington City, do hereby affirm that the items discussed in the closed meeting were as stated in the motion to go into closed session and that no other business was conducted while the Council was so convened in a closed meeting.

Scott C. Harbertson, Mayor

The Work Session ended at 6:58 p.m.

REGULAR CITY COUNCIL/CITY CHAMBERS/CALL TO ORDER

PRESENT: Mayor Scott C. Harbertson, Council Members Richard Dutson, David Hale, Paula Alder, Sid Young, Cory Ritz, City Manager Max Forbush, City Planner David Petersen, Assistant City Planner Glenn Symes, City Engineer Susie Petheram, City Recorder Margy Lomax, and Recording Secretary Kami Mahan.

Mayor Harbertson called the meeting to order at 7:08 p.m. **Paula Alder** offered the invocation. The Pledge of Allegiance was led by **Margy Lomax**.

APPROVAL OF MINUTES OF PREVIOUS MEETING (Agenda Item #2)

The Council reviewed the minutes of the meeting held December 2, 2008, and made two minor corrections.

Motion

David Hale moved to approve the minutes of the meeting held December 2, 2008. **Rick Dutson** seconded the motion, which passed unanimously.

YOUTH CITY COUNCIL REPORT (Agenda Item #3)

Mayor Harbertson welcomed the Youth City Council members who were present and invited **Emily Wahlstrom** to present the first semi-annual YCC report.

Emily Wahlstrom reported on the YCC's activities, which included a YCC Retreat, a scavenger hunt, dinner theaters, Festival Days, a fund-raising swimming party, a day at the legislature, an Easter Egg hunt, a Polar Express breakfast, and a planned New Years' dance. The YCC is currently in the process of advertising for applications for YCC to begin interviewing. **Miss Wahlstrom** reported that money was raised for the Children's Justice Center.

PLANNING COMMISSION REPORT (Agenda Item #4)

Chairman **Kevin Poff** reported proceedings of the Planning Commission meeting held December 4, 2008. He covered the following items:

- The Planning Commission recommended amending Chapter 11 of the General Plan, and recommended that the language text reflect updates to the City's infrastructure.
- The Planning Commission recommended approval of the Chapter 18 ordinance concerning TOD zone changes, pending approval of the new zoning.
- The America West development PMP was tabled, pending input from the Traffic Engineer Tim Taylor.
- The Planning Commission granted an amendment request by Maverick for a Conditional Use plan to extend a parking lot.
- The Planning Commission granted the amendment for a Conditional Use permit by the LDS church on Compton Bench for a parking lot. The Commission recommended that a safety fence be installed on the retaining wall on the east side of the property, and that the applicant and an adjacent property owner enter into an agreement regarding fencing between the properties.
- The Planning Commission recommended approval of a Preliminary Plat request for a one-lot subdivision by the LDS church on North Main. They also recommended approval for a Final Plat.
- The Planning Commission recommended approval of Robert Miller's request for conditional approval to annex 20 acres of property.
- **Chairman Poff** informed the Council that the Commission recommends that John Bilton be appointed as Chairman, Jim Young as Vice-Chair, and Steve Andersen as a Board of Adjustment representative.

PUBLIC HEARING: (GENERAL PLAN TEXT AND ZONING ORDINANCE TEXT): (Agenda Item #5)

- a. **Consideration of an amendment to the General Plan regarding the “Farmington Commercial Center” as set forth in Chapter 11 and other related General Plan text changes (MP-2-08);**
- b. **Consideration of text changes to the TOD Zone (Chapter 18) of the Zoning Ordinance including, but not limited to residential density, non-residential building size, permitted and conditional uses, and Project Master Plan (PMP) criteria including street type heirarchy and street network design, building form and site envelope standards, off-street parking, landscape standards and other various changes. (ZT-3-08)**

David Petersen referred to the Chapter 18 Zoning Ordinance in the packet and distributed copies of the proposed changes to the Council. He reviewed these minor modifications, which dealt with out of date text, the mixed use graphic, a sentence addition concerning street interchanges to the Regulating Plan, an addition regarding Public Parks and Open Space in the “Building Form and Site Envelope Standards”, additions concerning type of screening for buffering purposes, garage requirements, rooftop equipment screening, and the mixture of residential and non-residential uses.

Mr. Petersen said most modifications suggested by the Council were minor text changes, but a few were policy. One issue is whether the small wedge-shaped property south of the “swoop” but north of Clark Lane should be zoned RMU. Another issue concerns if the building height in the RMU zone should be three stories rather than two on both street types as shown on the building height table.

Mr. Petersen passed out a December 9, 2008, letter from CenterCal to the Council. He explained some background of the CenterCal project, and reviewed the contents of the letter regarding requests for specific changes. **Mr. Petersen** said staff is in agreement with all of these issues.

Copies of America West Development’s position paper were distributed to the Council, and **Mr. Petersen** said **Susie Petheram** of CRSA met with **Norm Dahle** of America West Development. **Mr. Petersen** reviewed the suggestions from Norm Dahle which were offered by **Ms. Petheram** during the work session, which included having the development plan review be the same as the site plan review, including a flow chart on the review process, shortening the 45-day waiting period for submittals, and having standardized forms and applications. He said **Norm Dahle** had proposed allowing dwellings greater than a six-plex in the RMU zone, and changing the triangle property on 1100 West to GMU. He said this Agenda item is a companion to Agenda item #6.

[**David Hale** left at 7:45 p.m. for a Mosquito Abatement meeting.]

Public Hearing Opened

Mayor Harbertson opened the meeting to a public hearing at 7:45 p.m.

Paul Bringhurst of Stantec Consulting, 3995 South 700 East, Suite 300, Salt Lake City, said that developers are stakeholders as well as residents and City staff. He asked if the City knows what it is getting in the amended text, and if this ordinance will accomplish this. Changes need to be made. There are economic forces that haven't been addressed in the plan. The developer needs to be compensated for improvements. The Regulatory plan does not address such issues as storm drainage, gas lines, and parking. Some design concepts conflict about buffering requirements. **Mr. Bringhurst** also expressed concern about buffering requirements. He felt that **Ms. Petheram** was not responsive to AWD's concerns, which he would like addressed in a meeting with Planning staff and CRSA. Planning needs to include developers, residents, and regulatory agencies. He believes this proposal is a reactionary response. He suggested an economic study with a soils and water table report.

Norm Dahle, 2675 Melody Drive, Salt Lake City, emphasized that the stakeholders are not trying to obstruct the intent of the ordinance. He said the end user will be applying the ordinance. Specific issues in application and text can and should be resolved before adoption. All developers want something that functions. He said the Regulatory Plan is proposing an urban approach to development, and he emphasized that the impact is unknown. He said the definitions of zone lot, building lot, and development parcel need to be clarified. There will be greater latitude if the triangular parcel remained RMU. If developers are limited to a six plex in the RMU, the City will not get a cohesive project. A density comparable, but larger mass project will make the most sense financially and aesthetically. **Mr. Dahle** also said the current ordinance does not clarify what the applicant needs to do. He opposes the 45-day waiting process. He believes the ordinance is not ready. They want to contribute, not obstruct, because they are the end user.

Ryan Hales, Hales Engineering, 179 North 1200 East, Suite 103, Lehi, Utah, raised a concern with the road configuration on the Regulating Plan. He said it is closed system. The two proposed roadways do not connect to the north or the east and should be removed from the plan. He also said that property ownership boundaries are not consistent with roadway patterns. The triangle parcel may be adjacent to parcels that are not developable. More flexibility is needed. **Mr. Hales** read from Page 9 of the ordinance regarding intersections and driveway definitions, and said the text is unclear and that more time is needed to refine the ordinance.

Jeff Appel, Ray, Quinney and Nebeker, 36 South State, Salt Lake City, does not think the ordinance is ready. There have been no subcommittee recommendations. This ordinance is complicated and new, and he pleads with the Council to take the time to get it right. AWD has the sense the City is trying to capture some pending developments under pending ordinance doctrine. There is only one 180 day period, which starts when formally initiated proceedings begin. He said their application was formally initiated on January 17th or March 13th of 2008. **Mr. Appel** read from minutes from these dates, and said that the deadlines were in July or September. He said there is potential to have a very good ordinance, that it is very close, and it is important to get it right.

Craig Trottier, CenterCal Properties, said the Planning Commission had two major concerns, both of which have been addressed. First was ensuring that their vested rights regarding the Station Park project were preserved. Second is concerning additional flexibility in road alignment and additional roads. CenterCal is a partial owner of the “swoop” triangle parcel. If the plan is based on the major assumption that the swoop does take place and the land uses are allocated accordingly, they believe the triangle parcel is best served as GMU. **Mr. Trottier** is also concerned about the Building Height Maximum zoning chart. He suggested that the foot maximum height for some buildings should be increased to 60 feet for 3-story buildings and 75 feet for 4-story buildings.

Rich Haws, of Shivas and Station Park, LLC, made six recommendations for Chapter 18:

1. Section 11-18-101 (1) - “... Flexibility in the uses *and design* allowed...”
2. Page 9, first sentence, eliminate the second “street” and replace with “intersections.”
3. Page 7 (e) - at the end of the sentence add “or designed to promote access to the rail station.”
4. It does not make sense to have the Promenade road continue to the north or the south. It should connect the two principle roads and the two ends should be eliminated.
5. The trail should run parallel to the north side of Park Lane and underneath the proposed Station Parkway. The trail system can create a walkway along Park Lane as well. The jog in the trail should be eliminated, and it should be extended to run parallel to the rail line going to the north and to the west.
6. The heights per floor need to be increased to allow proper screening, They recommend the same numbers as Craig Trottier and recommend this for all zones.

Public Hearing Closed

Mayor Harbertson closed the public hearing at 8:44 p.m.

Regarding Section 11-18-102 (Definitions) on Page 4 of the ordinance, **Susie Petheram** clarified that the building lot development parcel is a legally recorded lot. She read the definition of “Zone Lot” from Page 6 of the ordinance, and said the physical impact of this ordinance does not increase the impact to the Sewer District any more than does the existing ordinance. She said flexibility in street network design (Section 104) is clearly described. Developers can have their own network by going through the Project Master Plan process. Concerning the suggestion to remove the two roads from Regulating Plan and clarifying the surface street network, she said a pedestrian walkway is listed and can serve as an intersection.

Mayor Harbertson addressed the concerns raised during the public hearing. He said the central theme of the comments concerned the unreadiness of the ordinance, but that six months has already been spent on drafting the document and there are no perfect ordinances. It can be tweaked as issues occur. He believes there is tremendous flexibility in the ordinance which can address topography and other issues. The City opened up the process to benefit everyone. The goal is for the area to be a tax base, which is why CRSA was hired. Site plan or PMP changes are addressed in the ordinance.

The Mayor asked **David Petersen** about the 45-day waiting process. **Mr. Petersen** responded that the Planning department usually responds quickly, and that it is good for developers to have this extra time as well.

Mayor Harbertson said as ideas are submitted through the design process, the onus is on the developer, and not the City, to move things along. **The Mayor** said special districts such as sewer and water based their plan on two units per acre, but they have said they can accommodate more.

With respect to the concern expressed about a closed traffic system, **The Mayor** said this is the reason CRSA has given a Regulatory plan. He said that the traffic engineer has indicated that the Regulatory Plan would work if the proposed local Shepard Lane/I-15 interchange is in place.

The Mayor said that roads on the triangle piece can be moved or removed, depending on what is best for the area. The only way that right-in right-out on Park Lane will happen is if the City gets jurisdiction of that road, and this is yet unknown.

Mayor Harbertson stated that some of **Rich Haws'** suggestions made good sense. He said he is comfortable that it is not a perfect, but a good ordinance with flexibility. **The Mayor** then turned the matter over to the Council for their consideration.

Rick Dutson said rules are needed to guide flexibility. The City wants a mix of uses and is opening doors to developers to find a mix that works well. It is wise to involve the developers from the beginning, which the City did. **Mr. Dutson** asked about the issue raised earlier concerning the grid system of roads, and **Dave Petersen** said that a PMP can be proposed by the developer if changes are wanted. **Mr. Dutson** also commented that the buffering seemed abrupt. **Mr. Petersen** replied that the Planning Commission determined that the office use buffer is appropriate.

Sid Young agreed with **The Mayor** that this is a good ordinance. He would like more discussion regarding the RMU zone and building heights. After hearing the comments presented, he does not mind additional density, which can be dealt with properly if zoning is designed well.

Cory Ritz expressed appreciation for **Rich Haws'** comments. He believes the original TMU zone was right for the time, but now needs more flexibility. He said the City's "reaction" will lead

to good and better things. He agrees with **Sid Young** concerning a discussion on building height. He prefers to stay with the six-plex because this is a buffer. The people who live, work, eat, recreate, and shop there are the end users, which must be considered.

Paula Alder believes the “swoop” should stay zoned GMU. She is concerned about the buffer area. **Ms. Alder** asked for clarification regarding stories, and said she wants to ensure they are not too tall outside of the RMU zone. **Susie Petheram** recommended raising the footage of stories in the three zoning districts.

[**David Hale** returned to the meeting at 9:04 p.m.]

Norm Dahle agreed that the citizens are the end users and that there is flexibility. He said that building height cannot be changed by going through the PMP process. They want the flexibility to change this. Upscale homes may be 32 or 35 feet, and people don’t know the difference when they look at the height. There are 20 acres of open space that provides a buffer next to the DRG, which fluctuates in width. He does not see the flexibility in the ordinance. He believes four weeks of review can bring a resolution of these issues.

Sid Young sees flexibility in the ordinance, but hopes that a well done flow chart would address **Mr. Dahle’s** concern. He does not mind the three story if it is a lower profile. **Mr. Dahle** responded that they want the flexibility to present ideas without having to go through the PMP process.

Motion

Rick Dutson moved to amend the General Plan as outlined in the packet. **Cory Ritz** seconded the motion. **Mr. Dutson** said that in the work session, the intent was to bring this ordinance in line with Chapter 18 issues, but text updates need to be done. The Council voted unanimously in favor of the motion.

[There was considerable discussion as the following motion was made:]

Motion

Rick Dutson made a motion to adopt the text changes to Chapter 18 of the TOD Zoning ordinance as follows:

1. Page 1, Section 11-18-101 (1) - “... Flexibility in the uses *and design* allowed...”
2. Page 5, new change handed out by the City Planner;
3. Page 7, item(c), delete the words “roads within the Station Park area”;
4. Page 7, add under (e), add to the last sentence “designed to promote access to the station”;
5. Page 9, add new text to the top of the page as proposed;

6. Page 15, delete the footage associated with building heights in the GMU, OMU, and TMU Zones; also keep heights of 3 stories under Residential MU;
7. Page 17, add item (3) Public Parks and Open Space, as proposed by City Planner;
8. Page 19, Under Appeals Items (e) i, ii, and iii will be put above as items v,vi, and vii. Item iv will be Item i;
9. Page 22, new changes as proposed;
10. Page 24, #12, replace the word “portico...” with the English term;
11. Page 26, new change as proposed ;
12. Page 31 needs a page number;
13. Page 39 add Item (h) as related to the suggestion by CenterCal.
14. Make changes as noted in the letter from Stoel Rives, dated December 9, 2008.
15. Leave the Regulatory Plan as drawn regarding promenade roads.
16. The trail would remain parallel to I-15 instead of wrapping through the OMU area;
17. An additional trail would be added parallel to Park Lane.

The motion was seconded by **Sid Young**, and a roll call vote was taken. **Paula Alder, Rick Dutson, Dave Hale, Sid Young, and Cory Ritz** all voted in favor of the motion.

**PUBLIC HEARING (GENERAL PLAN MAP AND ZONING ORDINANCE MAP):
CONSIDERATION OF A GENERAL PLAN MAP AMENDMENT FROM CA/BP (CLASS A
BUSINESS PARK) TO TMU (TRANSPORTATION MIXED USE) AND FURTHER A
CHANGE OF ZONING FROM TOD (TRANSPORTATION ORIENTED DEVELOPMENT)
TO RMU (RESIDENTIAL MIXED-USE), GMU (GENERAL MIXED USE), TMU (TRANSIT
MIXED USE), OMU (OFFICE MIXED USE), OR OS (OPEN SPACE) ON THE FOLLOWING
PROPERTIES; APPROXIMATELY 100 ACRES OF PROPERTY LOCATED NORTH OF
CLARK LANE, WEST OF I-15, AND SOUTH AND EAST OF PARK LANE;
APPROXIMATELY 64 ACRES LOCATED WEST OF PARK LANE AND NORTH OF 100
NORTH APPROXIMATELY 1180 WEST CLARK LANE; APPROXIMATELY 35 ACRES
LOCATED AT THE SOUTHEAST CORNER OF BURKE LANE AND 1525 WEST; AND
APPROXIMATELY 12 ACRES LOCATED AT THE SOUTHWEST CORNER OF CLARK
LANE AND 1100 WEST (MP-2-08 AND ZT-3-08). (Agenda Item #6)**

David Petersen displayed an overhead map of the area, and explained that some of the property in the description was originally missed in the notice. He gave a revised description, and said the areas currently zoned TOD are the only areas that have been considered. These mirror what was on the Regulatory Plan.

Public Hearing Opened

Mayor Harbertson opened the public hearing at 9:35 p.m.

Jeff Appel, Ray, Quinney, and Nebeker, said he was speaking on behalf of all those who signed up to speak at the hearing. He said they will incorporate all of their comments from the prior public hearing (Agenda item #5) into this Agenda item.

Public Hearing Closed

The Mayor closed the public hearing at 9:36 p.m.

The Council briefly discussed the issue. **Susie Petheram** said she would not recommend against changing the zoning of triangle property west of the Fairgrounds to GMU. In response to a question from **Cory Ritz**, **David Petersen** said that the RMU zone currently allows six-plexes. The GMU zone has apartments and condo-miniums. Three stories are allowed along streets, and four stories along other areas. The Fairgrounds are a non-residential use. Convenience stores are not permitted in the RMU zone.

The Council discussed handling Agenda item #12 before continuing with this Agenda item.

Motion

Rick Dutson moved to skip Agenda item #6 until after Agenda item #12 has been dealt with. **Paula Alder** seconded the motion, which passed unanimously.

The Council considered Agenda items in the following order: #9, #10, #14, #12, #11, #6, #7, #8, #13, #15, and then continued with the remainder of the Agenda in order.

Later in the meeting, discussion on this item resumed. The areas being rezoned were clarified, and **Mayor Harbertson** said that the triangle parcel would be rezoned at the December 16th meeting next week.

Motion

Paula Alder moved to approve the enclosed ordinance amending the General Plan Map and Zoning Ordinance Map as outlined in the public hearing notice, with the exception of the triangle parcel south of Clark Lane, which parcel will be considered at the meeting scheduled for December 16, 2008, at 5:30 p.m. **Rick Dutson** seconded the motion, which passed unanimously.

CONSIDERATION FOR FINAL PLAT SUBDIVISION APPROVAL FOR NORTH MAIN STREET LDS SUBDIVISION LOCATED AT APPROXIMATELY 1000 NORTH MAIN STREET (S-7-08). (Agenda Item #9)

Glenn Symes reviewed this item, and said that the applicant has not submitted a site plan. He said 1015 North will be a dedicated public street, and that a development agreement is still needed.

The Planning Commission approved the Preliminary Plat and recommended approval of the Final Plat.

Mayor Harbertson inquired about Main Street improvements, and **Glenn Symes** said there would be widening to allow for right and left turns. In response to a question from **The Mayor**, it was explained that the right-of-way extension will be approximately 400 feet to the south and 800 feet to the north. **Max Forbush** said approval of the final plat should be subject to the development agreement that should include the details of development. **Mr. Symes** said the applicant has improvement drawings.

Motion

Sid Young made a motion to approve the Final Plat for the one-lot subdivision at approximately 1000 North Main Street, subject to a development agreement which will include, among other things, details discussed by the City Council. **Cory Ritz** seconded the motion, which passed unanimously.

REVIEW OF SOMERSET HOA REQUEST REGARDING PAYMENT OF POWER CHARGES FOR STREET LIGHTING IN SOMERSET HOA. (Agenda Item #10)

Mayor Harbertson introduced this Agenda item, and said the HOA is proposing that the subdivision's 69 street lights on a Rocky Mountain Power account number be turned over to the City. They are also proposing that the \$400.00 that would be paid for light bulbs would be paid to the HOA. Staff is recommending that the account be taken over, but not to agree to the \$400.00 credit because of higher than anticipated costs for drainage in the area. Additionally, the lights do not meet City standards.

Max Forbush explained that Rocky Mountain Power has different rate structures for power and maintenance when they charge for street lights. It makes sense to pay the bill directly, and limit it to the power charge.

Jim Hefner, Somerset HOA, showed a picture of the HOA's lights and disagreed that they differed from the City's.

Rick Dutson asked if there were more lights per lineal foot in the subdivision than in other areas of the City. **Max Forbush** said that the number of lights in the HOA may very well have been placed at a greater frequency than the City would have done. **Mr. Dutson** asked if other HOA's maintained their own lights, and **Mr. Forbush** said they did.

Motion

David Hale moved to conceptually agree to pay the Somerset HOA street lighting power bill directly to Rocky Mountain Power, that maintenance for the lights continue to be with the HOA, and

that an amendment to the agreement be memorialized for the future. **Paula Alder** seconded the motion, which passed by a unanimous vote.

RESOLUTION APPROVING FORM OF EQUIPMENT LEASE AGREEMENT WITH ZION'S BANK FOR ACQUISITION OF A SINGLE AXLE DUMP TRUCK WITH ATTACHMENTS. (Agenda Item #14)

Mayor Harbertson said this item was reviewed in the work session. No further discussion was held on this item.

Motion

David Hale moved to approve the Resolution regarding the equipment lease agreement with Zion's Bank. **Paula Alder** seconded the motion, and the voting was unanimous in the affirmative.

RECONSIDERATION OF AMERICA WEST DEVELOPMENT'S JUNE 26, 2008, APPLICATION FOR THE "PARK PLACE" PROJECT MASTER PLAN APPROVAL. (Agenda Item #12)

Mayor Harbertson introduced this Agenda item. **David Petersen** said that a reason to consider this Agenda item is that the application was submitted in June, and that the TOD ordinance which was just amended (Agenda Item #5) changes the emphasis in development philosophy from density to form.

Mayor Harbertson invited **Ron Martinez** and other representatives from America West Development forward to participate. There was an extended open discussion between the Council, City staff, **Mr. Martinez**, and the AWD representatives regarding what uses are allowed under RMU zoning as opposed to GMU. The parties also discussed the timing of this Agenda item, and what was expected to be considered. It was agreed that a Special City Council meeting will be held to discuss these matters on December 16, 2008.

Motion

David Hale moved to table this Agenda item to December 16, 2008, at 5:30 p.m. **Paula Alder** seconded the motion, which passed by a vote of 4-1. **Cory Ritz** opposed the motion.

CONSIDERATION OF JONO GARDNER LETTER REQUESTING ADJUSTMENT TO POLICY PERTAINING TO THE TIMING FOR THE PAYMENT OF IMPACT FEES ON THE "OLD FARM" PROJECT. (Agenda Item #11)

This item was withdrawn from the Agenda. **Max Forbush** suggested that a meeting be held with Jono Gardner, and **Mayor Harbertson** and **David Hale** agreed to meet with Mr. Gardner.

PUBLIC HEARING: CONSIDERATION OF AN ORDINANCE ENACTING A MUNICIPAL TRANSIENT ROOM TAX AND CODIFYING THE SAME AS CHAPTER 9 OF TITLE 5 OF THE FARMINGTON CITY CODE. (Agenda Item #7)

Mayor Harbertson briefly reviewed this ordinance, and stated that it was discussed in the work session.

Public Hearing

Mayor Harbertson opened the meeting to a public hearing at 10:33 p.m. There were no public comments, and the hearing was closed.

Motion

Rick Dutson made a motion to adopt the ordinance enacting a 1% Municipal Transient Room Tax and codifying the same as Chapter 9 of Title 5 of the Farmington City Code. The motion was seconded by **Cory Ritz**, and was unanimously approved.

PUBLIC UTILITY EASEMENT VACATION REQUEST LOCATED AT 1988 NORTH KINGSTON ROAD - RICH SWANSON. (Agenda Item #8)

Mayor Harbertson briefly reviewed this Agenda item.

Motion

Rick Dutson moved to vacate the public utility easement, subject to approval by the public utilities. **Paula Alder** seconded the motion, which passed by a unanimous vote.

The Council briefly discussed having utilities approved prior to considering these types of motions. **Max Forbush** said that this is occasionally done to accommodate people in a timely manner

MINUTE MOTION APPROVING SUMMARY ACTION LIST. (Agenda Item #13)

- **Approval of Professional Services Agreement with Pine Top Engineering, Inc., for Signal Maintenance at Main Street and Somerset Entrance**
- **Approval of Professional Services Agreement with CRS for Design of “Road to the North”**
- **Approval of Qwest Agreement for telephone service that effectively reduces City expenses by \$172/month**

Mayor Harbertson briefly reviewed the Summary Action List, and **Max Forbush** clarified that CRS was asked, for budget purposes, to propose only a “not to exceed” amount for the agreement concerning the design of the “Road to the North.”

Motion

Sid Young moved to approve the Summary Action List, and to obtain a cost breakdown from CRS Engineering for the design of the “Road to the North.” **David Hale** seconded the motion, which passed by a unanimous vote.

DISCUSSION ABOUT HOLDING A STRATEGIC PLANNING EVENT IN JANUARY 2009. (Agenda Item #15)

The Council discussed holding a planning event at the Community Center, and **Max Forbush** said he would email open dates to the Council members. They agreed to do this at 3:00 p.m. on the appointed day.

ADDITIONAL APPOINTMENT TO PLANNING COMMISSION. (Agenda Item #16)

Mayor Harbertson said a Board of Adjustment appointee is needed, as well as alternates, and that a replacement for Rick Wyss is needed for the Planning Commission. The Council discussed these appointments.

Motion

Paula Alder moved to appoint Jim Young to serve the one year remaining in the term of Rick Wyss on the Planning Commission. The motion was seconded by **Rick Dutson**, and passed with a unanimous vote.

Motion

David Hale moved to appoint Tyler Judkins to the Board of Adjustment, and Mike Nilson as an alternate board member. **Sid Young** seconded the motion, which passed unanimously.

The Mayor said he would contact the appointees to inform them of their appointments. **The Mayor** asked **Margy Lomax** to prepare and send letters to the appointees informing them of their approval, and to ask Jim Young to contact **The Mayor** so he could clarify that this is a one-year term.

UPCOMING EVENTS/CITY COUNCIL MEETINGS. (Agenda Item #17)

It was clarified that Agenda Items #6 and #12 will be considered at next week’s meeting.

REPORT OF NEW CITY HALL “SITE REVIEW” COMMITTEE. (Agenda Item #18)

Mayor Harbertson reported on the meeting of the Site Review Committee, which consists of **Paula Alder**, **The Mayor**, **Rick Dutson**, representatives from both the School District and the

County, and Alysa Revell from the Historic Preservation Commission. He said they would study the downtown master plan and visioning statements, and will return on the 29th with proposals, and probably one additional meeting will be held.

Max Forbush said that the School District is considering financing alternatives. It will do remodeling and tie it into the financing plan, which will come through the City's municipal building authority which expires in 2011. The school district staff is favorable. **Mr. Forbush** commented that an upcoming appraisal would be advantageous for planning the City's budget.

Rick Dutson said the City Manager is drafting a letter to Richard & Doris Pierce to explain the new City Hall proposal, and suggested adding that the proposal will also provide jobs and stimulate the economy. **The Mayor** added that prices are decreasing, which will save taxpayer money.

Max Forbush said he would send a copy of the letter to all Council members.

ADJOURNMENT

David Hale moved to adjourn. **Rick Dutson** seconded the motion, and the meeting adjourned at 10:58 p.m.

Margy Lomax, City Recorder
Farmington City