

FARMINGTON CITY COUNCIL MEETING

December 11, 2007

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, Recording Secretary Kami Mahan, Engineers Tim Taylor, Ron Mortimer, Russell Youd, and Paralegal Kathie Izatt.

Mayor Harbertson began discussion at 5:05 p.m. The following items were reviewed:

The Mayor reminded the Council about the special City Council meeting on December 20, 2007.

Discussion with Tim Taylor

The Council had a general discussion with engineers **Tim Taylor**, **Russell Youd** and **Ron Mortimer** to help prepare a strategy of how to approach UDOT about the route of the Legacy Highway northern connector. **Mr. Taylor** stated that one of the key issues is to determine if examining the Shepard Lane exchange is a waste of time in view of UDOT's position to pursue its preferred route. Any changed route needs to be approved and funded by the Legislature.

In response to questions from Council members and **Max Forbush**, **Mr. Youd** said that making a western route is expensive due to environmental and problems, which UDOT wants to avoid. He said it is unlikely that Farmington will get what they want without compromise.

Max Forbush asked whether a western alternative route could be procured by a right-of-way obtained through the use of TDR's and zoning, which would be a route similar to Option 2. **Mayor Harbertson** pointed out that by moving forward in segments, potential problems can be recognized and dealt with as they arise. The initial effort should focus on Park Lane and land use.

It was pointed out that there is a problem with a large wetland north of the Buffalo Ranch. **Max Forbush** emphasized the difficulties of requirements connected with getting federal funding.

Mr. Forbush said it is necessary for political work to be done. The question of whether to involve local legislators in the process was discussed. **Mr. Forbush** said that future problems with Shepard Lane warrant reconsideration of the master transportation plan, which will create added dialog with the Legislature and UDOT. He said that he agrees with **Sid Young's** suggestion to involve UDOT in the process. **Max Forbush** asked the engineers to prepare a scope of work with costs and other details for Phase 1 of a possible amended transportation plan

concur with the decision to go forward with the rezone. Council members asked for clarification on drainage and gas lines.

Reconsideration of Tuscany Village Development Agreement (Agenda Item #10)

Mayor Harbertson reviewed this item briefly, and **Max Forbush** distributed a copy of the new proposed agreement to the Council, pointing out that the highlighted portions were changes suggested by legal counsel. **Rick Dutson** stated that a tree ordinance should be put in place as soon as possible.

Appeal of development requirement to provide trail property in Palmer Estates Request for a credit on Park Fees - Nate Shipp (Agenda Item #11)

Mayor Harbertson said **Nate Shipp**, in exchange for giving property to the City for a trail, wants to receive credit toward the impact fees on the development. He said the City will not end up with the land in the long run, and the value would be given to **Mr. Shipp** as a credit.

[**David Hale** left the meeting at 6:30 p.m.]

Request to amend fee structure for Recreation and Swimming Pool for 2008 Season (Agenda Item #12)

Paula Alder expressed concerns about some of the proposed fees, which the Council discussed, as well as the benefits and drawbacks of punch passes.

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

- Approval of Brian Crockett Agreement

Max Forbush pointed out changes on the agreement with regard to timing.

Pending / Requested Amendment to Fuel Break Road Agreement Requesting City's participation "up front" instead of at the end of project (Agenda Item #14)

Max Forbush said that the City is obligated to pay \$40,000 toward road improvements, but has an additional reserve of \$10,000 which could be used for a grant on improving the fuel break road. **Sid Young** commented that the County should participate more in the improvement process.

REGULAR CITY COUNCIL/CITY CHAMBERS/CALL TO ORDER

PRESENT: Mayor Scott C. Harbertson, Council Members Richard Dutson, Larry W. Haugen, Paula A. Alder, Sidney C. Young, City Manager Max Forbush, City Planner David Petersen, City Recorder Margy Lomax, and Recording Secretary Kami Mahan.

Mayor Harbertson called the meeting to order at 7:05 p.m. **Sid Young** offered the invocation. The Pledge of Allegiance was led by **Derek Allenbach**.

POLICE DEPARTMENT RELATED RECOGNITION AWARDS - MAYOR HARBERTSON & CHIEF HANSEN (Agenda Item #2)

Mayor Harbertson introduced **Police Chief Hansen**, who presented the First Annual Farmington City Council Police Department Shoot Top Gun award to Councilman **David Hale**.

Mayor Harbertson presented a 15-year stone to Officer **Shane Whitaker** for his service to Farmington City.

RECOGNITION AWARDS TO FARMINGTON CITY AND KEITH JOHNSON FOR 'CERTIFICATE OF ACHIEVEMENT FOR EXCELLENCE IN FINANCIAL REPORTING' - JIM WELCH (Agenda Item #3)

Mayor Harbertson introduced **Jim Welch** with the Government Finance Officer's Association, who presented a Certificate of Achievement for Excellence in Financial Reporting to Farmington City and Financial Director **Keith Johnson**. **Mr. Welch** said this award is given to less than ten percent of municipalities, and this is the sixth consecutive year the City has received the award.

AUDIT REPORT - ULRICH & ASSOCIATES (Agenda Item #4)

Mayor Harbertson invited Auditor **Chuck Ulrich** from Ulrich & Associates to present an update on the 2007 budget, and said that more details of the audit were presented during the work session. **Mr. Ulrich** said Farmington City had excellent management and employees, and that the City is financially stable.

Mr. Ulrich said the audit report was a fiscally "unqualified opinion" which is given annually. He said Farmington was in complete compliance with their budget, which is rare and takes much effort from management. Fund balances are healthy, and there was an accumulated excess in the fund balance of \$112,000. **Mr. Ulrich** said **Max Forbush** and **Keith Johnson** do an excellent job of managing the budget.

Mayor Harbertson said the department heads do not spend what is allocated in the budget,

and that he is impressed with how **Mr. Forbush** and **Mr. Johnson** have managed the budget process.

Motion

Rick Dutson moved to accept the Annual Budget report, and **Paula Alder** seconded the motion, which passed unanimously.

Mayor Harbertson announced that the public hearings would be delayed for approximately 35 minutes.

PLANNING COMMISSION REPORT (Agenda Item #5)

David Petersen reported on the proceedings from the December 6, 2007 Planning Commission meeting.

- The Planning Commission recommended amending the Spring Creek Estates master plan.
- The Planning Commission approved the preliminary plat of the North Park Development. There will be one more public hearing on January 8th, 2008.
- The Brynleigh Cove master plan will come before the Council in January.
- Susan White's request for awning signs was approved.
- The Planning Commission recommended approval on the change in text of the ordinance regarding secondary dwellings.
- The Planning Commission tabled the request of the Historic Preservation ordinance. They were unsettled about property owners being put on the historic sites list without their knowledge. **Cory Ritz** said the classifications were unclear, and that the Commission did not want people to go on the list without their consent, particularly if survey costs are involved. The Commission supported having a listing, but did not want to force people to join.
- The Planning Commission elected Kevin Poff as Chairman, and John Bilton as Vice Chairman. A Board Of Adjustment Chairman was not appointed, and this will be done in January.

Max Forbush suggested the Council review the draft of the historic preservation ordinance included in Todd Godfrey's letter to the City.

PUBLIC HEARING: CONSIDERATION OF REQUEST TO AMEND SPRING CREEK ESTATES MASTER PLAN INCREASING THE NUMBER OF LOTS FROM 162 TO 169

Mayor Harbertson said the delineation of the wetlands has been done in this subdivision. The developer can have seven more lots than originally designed and still meet the open space requirements.

David Petersen reviewed the history of the development and gave the updated changes as contained in the Council packet staff report. He said the changes are only in the third phase of the development, and that planning staff approves of the proposal.

Public Hearing Opened

Mayor Harbertson opened the meeting to a public hearing at 8:05 p.m. and invited public comment.

Public Hearing Closed

There were no comments, and **Mayor Harbertson** closed the public hearing at 8:05 p.m. He asked the Council for discussion.

Applicant **Howard Kent** asked for clarification on the right-of-way. **Mr. Petersen** said this would be dedicated on paper only, and there will be no improvements. **Mayor Harbertson** proposed using capital facilities improvement funds to partner with Mr. Kent to improve the 2-acre parcel by creating a neighborhood park, if **Mr. Kent** will donate this parcel.

Mr. Kent said the required impact fees he pays are significant, and asked if this could be credited in Phase 3 of the development. He said it is not expensive ground, that this would make a nice park for the area, and he agreed to work with staff on the project. **Rick Dutson** pointed out that this would be a win-win situation, that there was no other plan for the parcel, and the property values would be immediately improved.

Council members commented that there would be costs of building and maintaining the park.

Motion

Sid Young moved to approve the request to amend the Spring Creek Estates master plan, increasing the number of lots from 162 to 169, including conditions 1-5 on the Planning Commission

report, plus directing staff to work with **Mr. Kent** on the proposal to make parcel B on Phase 1 a City-owned park. **Paula Alder** seconded the motion, which passed unanimously.

PUBLIC HEARING: CONSIDERATION OF ORDINANCE AMENDING 11-11-030 TO ALLOW SECONDARY DWELLING UNITS AS A CONDITIONAL USE IN THE LS, LR AND S ZONES (Agenda Item #7)

Mayor Harbertson questioned why the R zone was being excluded in this ordinance, and **David Petersen** said this is what the Planning Commission recommended. In response to questions from the Council, **David Petersen** explained that an R zone has single family dwellings only, and that the owner is required to live in one of the units.

Public Hearing Opened

Mayor Harbertson opened the meeting to a public hearing at 8:15 p.m. and invited public comment.

Matt Poulsen, 1732 North Main Street, said he lives in an LR zone and does not see a problem with the amendment. He said it would be a benefit to many people in some situations with extended family, and that he is supportive of the proposal.

Public Hearing Closed

Mayor Harbertson closed the public hearing at 8:16 p.m.

Motion

Larry Haugen made a motion to approve the Ordinance amending 11-11-030 allowing secondary dwelling units as a conditional use in the LS, LR and S zones. The motion was seconded by **Rick Dutson** and unanimously approved.

PUBLIC HEARING: CONSIDERATION OR ORDINANCE TO REZONE 3.55 ACRES AT APPROXIMATELY 250 SOUTH AND 1525 WEST FROM AGRICULTURE (A) TO AGRICULTURE ESTATES (AE) / CONSIDERATION OF SCHEMATIC PLAN APPROVAL FOR A TWO-LOT SUBDIVISION - RICHARD LINDSLEY (Agenda Item #8)

Mayor Harbertson introduced this item. **David Petersen** used an overhead map to show that AE zoning is adjacent to the **Lindsley** property. He reviewed the history of **Mr. Lindsley's** application, and said it makes sense in the long term to have a 55 or 60 foot road pattern coming into the area.

Mr. Petersen said the Planning Commission relies on the City being willing to allow for the dedication of a half street for a 60 foot right of way in the short term. They also said that although this is not normally in the best interest of the City, the area has a hodge podge of homes, and dedicating this half street will begin the process of access and development. In the future, nearby owners can dedicate the other half of the street and pick up more lots on their properties as well.

Mr. Petersen said this is a good start to connect with the Van Sweeten road. He pointed out that the November 28th 2007 letter of recommendation from the fire chief approves of the plan.

Public Hearing Opened

Mayor Harbertson opened the meeting to a public hearing at 8:30 p.m. and invited public comment.

Public Hearing Closed

With no forthcoming comments, **Mayor Harbertson** closed the public hearing at 8:30 p.m. and turned the matter over to the Council for their consideration.

In response to a question from **Sid Young, Richard Lindsley** referred to the overhead map and showed the exact location of the 30 foot strip for the street and his west property line. **David Petersen** said **Mr. Lindsley** will always have the ability to develop or not as he wants, and will never have to stub his street.

Motion

Sid Young moved to approve the ordinance rezoning 3.55 acres at approximately 250 South and 1525 West from Agriculture (A) to Agriculture Estates (AE), including the four conditions as noted on the letter of the Planning Commission dated November 28th, 2007. **Rick Dutson** seconded the motion, which was unanimously approved.

Motion

Sid Young moved to approve the Schematic Plan for a 2-lot subdivision, with the four conditions noted on the letter of the Planning Commission dated November 28th, 2007, and to include a 5th condition that the 30 foot right-of-way be dedicated for 850 feet to the location where it could join in with another street. **Rick Dutson** seconded the motion, which passed unanimously.

CONSIDERATION OF REQUEST TO AMEND GENERAL LAND USE PLAN MAP FROM "RURAL RESIDENTIAL" TO "TRANSPORTATION MIXED USE" ON THE 15-ACRE

PARCEL LOCATED ON THE SOUTHWEST CORNER OF THE 1100 WEST / CLARK LANE INTERSECTION (TRIANGULAR SHAPED) WEST OF THE DAVIS COUNTY LEGACY ARENA / CONSIDERATION OF REQUEST TO REZONE THE ABOVE-DESCRIBED PROPERTY FROM “AGRICULTURE “ (A) TO “TRANSIT ORIENTED DEVELOPMENT” (TOD) - AMERICA WEST DEVELOPMENT (Agenda Item #9)

Mayor Harbertson introduced this item. **Robert McConnell**, attorney for Amenti Properties representing the applicant, said the application was originally filed in 2005 and that some parcels involved have already been rezoned. He said the Council had previously requested that a study be prepared to support a change to the general plan and subsequent rezoning. **Mr. McConnell** said the results of a study were provided for the City to evaluate and to submit to other experts for their examination. He asked that the general plan be amended and the zoning change be granted.

Sid Young said that the study indicates that the reason for the wetland is a connection to a City water line which can be shut off. He asked if this is leakage. **Mr. McConnell** said he believed this was a county water line leaking from the County Fair Park. **Rick Dutson** asked why a triangular piece of property shown on Exhibit A was not included. **Mr. McConnell** said that parcel is not owned by the developer.

Mayor Harbertson stated that **Mark Johnson** of Civitas and the real estate agent consulted by the City concurred with the developer’s report, and that the County is in favor of the rezoning as well. **The Mayor** said his only concern is making sure mixed use is done throughout the entire project. He said the City wants to discuss the ratio of development with the developer in the future.

Sid Young asked about the two high pressure gas lines on one side of the property. **Mr. McConnell** replied that in some respects the rezone will facilitate development of the property. Commercial use gives the ability to park over the gas lines, and residential development would have been difficult due to fairly wide easements on any lots. **Mr. McConnell** said the landowners are bound by the terms of the easement with respect to any damage caused by development activity.

Motion

Rick Dutson moved to amend the General Land Use Plan Map from “Rural Residential” to “Transportation Mixed Use” on the 15-acre parcel located on the southwest corner of the 1100 West / Clark Lane intersection (triangular Shaped) west of the Davis County Legacy Arena / Consideration of request to rezone the above-described property from “Agriculture” (A) to “Transit Oriented Development” (TOD) .

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

RECONSIDERATION OF TUSCANY VILLAGE DEVELOPMENT AGREEMENT (Agenda

Item #10)

Mayor Harbertson said an issue with trees in the park strip of the development and some other minor items were dealt with in the work session. The City would like **Brock Johnson** to improve the development with trees and other amenities, but there is no ordinance in place which enforces this. **The Mayor** said he would like the development to be as uniform as possible.

Sid Young said the developer indicated in his letter to the City that he objected to the last minute requirement. **David Petersen** said that the developers feel what has been done is adequate.

Larry Haugen asked why a water line wasn't going through the Willow Creek development. **David Petersen** said the developer chose to loop the water line to the south because Willow Creek is developing, and that they know they are taking a calculated risk.

Motion

Rick Dutson moved to approve the amendment to the Tuscany Village Development Agreement dated December 11, 2007. **Paula Alder** seconded the motion, which passed unanimously.

Brock Johnson appeared before the Council later in the meeting. **Mayor Harbertson** said that although the City does not have a tree ordinance in place, they would appreciate **Mr. Johnson's** effort to put additional trees into the development. **Mr. Johnson** said he would include this in the CC&R's as a requirement for owners, but it is difficult for the developer be in charge of this because of the requirement for up-front bonding.

Larry Haugen said that the requirement in the CC&R's must be to plant the right kinds of trees due to possible curb and gutter and sidewalk problems from tree roots. **Mr. Johnson** said that, as has been done in other developments, they will instruct owners to choose from the City's recommended list of approved trees.

APPEAL OF DEVELOPMENT REQUIREMENT TO PROVIDE TRAIL PROPERTY IN PALMER ESTATES / REQUEST FOR A CREDIT ON PARK FEES - NATE SHIPP
(Agenda Item #11)

Mayor Harbertson introduced this item, and reviewed the "General Information" as explained in the Council packet. He said that developer Nate Shipp was requesting money for the "gift" of land for the trail, since he did not know the park impact fees would need to be paid up front.

The Mayor said the property remnant in question was used as a bargaining chip with Lagoon. A storm drain went through the middle of Palmer Estates property. There was not an

easement recorded with Lagoon, so a new possible location was evaluated. There was no economically feasible alternative and neighbors did not want the drain going through the property. An agreement was made with Lagoon to leave it as is, and Lagoon received the 5500 square foot remnant.

The Mayor explained that now Mr. Shipp would like to be paid for this piece. He said he did not know how the proposed price was decided, but the City purchased adjacent property for two dollars per square foot. There are park impact fees that could be used to give Mr. Shipp a credit of two dollars per square foot.

Joe Salisbury, South Jordan, said he was representing Nate Shipp. He said they had not intended to ask for the credit, that it was their fault for not recognizing the fees were due up front, but this represents a ten percent hit in addition to what was budgeted for.

Mr. Salisbury said they had significant expenditures with having a tree study done, and for salvaging and refurbishing the Hector C. Haight home. **Mr. Salisbury** said they did not request reimbursement from the City for the lack of an easement, have done their best to work with the City, and were hoping for a compromise.

Mayor Harbertson said if they had not gifted this parcel to the City, the City would have gone through negotiations with Lagoon, and **Mr. Shipp** would have used it as a bargaining chip to get what they needed in that corridor for the easement. **The Mayor** said that although in some respects the City loses either way, the development will be a great asset. He said he was not opposed to offering the two dollars as a credit and asked the Council for their input.

Rick Dutson said he appreciated the negotiations, and was willing to go higher than two dollars. **Sid Young** said he would have liked additional documentation to show a higher value than two dollars a square foot and that he believed the amount should be a little more. The Council discussed the issue, and **Paula Alder** and **Larry Haugen** said the developer is getting more than they would have with Lagoon.

Max Forbush said the City Attorney has recommended that the price would be subject to an agreement. He pointed out that the property is an interior parcel without frontages. **Mr. Salisbury** said they lose a little value in that lot because it is not as large as others. **Mr. Salisbury** clarified the exact property location on the map and stated that the Haight home may be used as a guest home, a playhouse, or a nice shed, so that the integrity of the structure is maintained.

Motion

Larry Haugen moved to pay two dollars per square foot for this piece of property as credit for park fees, and to have the City Attorney draft an agreement. The motion was seconded by **Sid**

Young, and passed by a unanimous vote.

REQUEST TO AMEND FEE STRUCTURE FOR RECREATION AND SWIMMING POOL FOR 2008 SEASON (Agenda Item #12)

Mayor Harbertson invited Parks and Recreation Director **Neil Miller** to present the new proposed pricing for the swimming pool for 2008. There was a general discussion between **Mr. Miller** and the Council about fees and policies regarding punch passes, pool rental, lap swimming, and resident versus non-resident fees. It was proposed that the fees would be as follows:

General Admission

3 and under	FREE
Open Swim	3.50
Lap Swim	2.50
Senior Citizen	2.50
After 5 p.m.	2.50

20 Punch Pass

	Non Resident	Resident
*20 Punch Open Swim	60.00	54.00 - 2 year limit
Lap Swim	54.00	40.00
Senior Citizen	45.00	40.00
*Does not expire		

Season Pass

	Non Resident	Resident
Family of 5	175.00	150.00
*additional member	10.00	
Individual	75.00	50.00

Employee family passes

(Full time employees only) 5.00 (to cover the cost of I.D cards)

(Permanent part time Employees)

20 hrs or less	75.00
19 hrs or less	100.00
10 hrs or less	125.00

Firemen		50.00
Pool Rental		
	Non-Resident	Resident
	350.00	\$250.00
Swim Lessons		
	Non-Resident	Resident
	Levels 1-6	35.00
	Boy Scouts	30.00
	Parent & Tot	30.00
	Pre-School	30.00
		30.00
		25.00
		25.00
		25.00

It was suggested that improvements be made in marketing, particularly to the elementary schools.

Motion

Paula Alder moved approve the proposed amended Swimming Pool fee schedule for 2008. The motion was seconded by **Rick Dutson** and passed unanimously.

Motion

Paula Alder made a motion to approve the proposed recommended Recreation fee schedule for 2008. **Larry Haugen** seconded the motion, which passed by a unanimous vote.

[**David Hale** returned to the meeting at 8:57 p.m]

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

- **Approval of Parks & Recreation Director’s Request for use of surplus Police vehicle (Ford Explorer)**
- **Approval of Post Retirement Health Savings Plan Amendments for Regular Employees and for the City Manager**

Mayor Harbertson said that these changes were approved in the Personnel Policy at a previous City Council meeting.

- **Approval of Chief Larry Gregory’s request to declare an extra MTVA communication device surplus; gifting the same to Kaysville City Fire Department for use on**

a regional haz mat response truck

Mayor Harbertson stated that the City Manager reviewed the request with the Fire Chief who concurs with this proposal.

- Declare as surplus property a Police Department Patrol vehicle (2001 Ford Crown Victoria - VIN # 2FAFP71W71X114281) and authorizing the sale thereof

- Approval of Brian Crockett Agreement

The Mayor said this item was discussed in the last City Council meeting.

- Authorize Mayor, City Manager, Police and Fire Chiefs to meet with Fruit Heights City

Motion

Sid Young made a motion to approve the Summary Action list. **Larry Haugen** seconded the motion, which passed by a unanimous vote.

PENDING / REQUESTED AMENDMENT TO FUEL BREAK ROAD AGREEMENT REQUESTING CITY'S PARTICIPATION "UP FRONT" INSTEAD OF AT THE END OF PROJECT (Agenda Item #14)

Max Forbush explained that an agreement was proposed to improve access to public safety in the foothills via a fuel break road. Widening and improving the road will enable fire response vehicles to cross the road in emergencies. Currently the road is rutted and difficult to traverse.

Mr. Forbush explained that the County had applied for funds from the U.S. Forest Service, and Farmington City was to contribute \$40,000 when the project was completed. Since then the project has been delayed. Of the \$150,000 in federal funds, approximately \$80,000 has been spent, plus the county contribution of building and materials. There is \$63,000 remaining in federal funds, plus the amount the City wants to contribute. \$50,000 has been budgeted.

Mr. Forbush said this was discussed at a meeting with Forest Service officials, Centerville representatives, the County, public works, and the County Commission. There is not enough monies to finish the fuel break road through Centerville. Centerville officials told Farmington City to use their funds plus the remaining federal dollars to complete and improve as much of the road as possible. In order to do this, the County recommended amending the agreement to say that Farmington will contribute the money up front.

Mr. Forbush said this would be a benefit to the City, and that the plan is to move forward and apply again to the U.S. Forest Service for additional funding. There are two alternatives: 1) Spend \$40,000 of the City's \$50,000 as per the contract and hold the remaining \$10,000 in reserve, or 2) Spend the entire \$50,000 up front.

Mr. Forbush pointed out that the funds are lost if not used by September 30th, 2009. He said his and the Fire Chief's recommendation is to allow the amendment. **Sid Young** said additional money should be considered for next year and he volunteered to assist in getting easements signed. **Max Forbush** said it would take a joint effort to have the City helping the County.

Motion

Sid Young made a motion to amend the agreement from \$40,000 to \$50,000, and the funds to be paid up front rather than after construction. **Rick Dutson** seconded the motion, which passed unanimously.

RESOLUTION ENACTING NEW PROVISIONS TO "PERSONNEL POLICIES" REQUIRING BACKGROUND CHECKS FOR CERTAIN PUBLIC SAFETY EMPLOYEES AND CERTAIN PARKS & RECREATION EMPLOYEES AND VOLUNTEERS (Agenda Item #15)

Mayor Harbertson stated that when volunteers are working with children or public safety in the community, it is important to do background checks. This resolution provides that volunteers would be informed of the background check and would sign a release form.

Motion

Rick Dutson moved to approve the Resolution Enacting New Provisions to "Personnel Policies" requiring background checks for certain public safety employees and certain Parks & Recreation Employees and volunteers. **Paula Alder** seconded the motion, which passed by a unanimous vote.

Sid Young asked if the police department or a third party would be involved in these reviews, and **Max Forbush** said it would depend on who is being reviewed. For police it would be a third party. **Mr. Forbush** said the City would research the best way to approach the situation, and **Rick Dutson** said there are service agencies which perform this service.. **Paula Alder** said that the reviewing agency gives a positive or negative referral, but to ensure privacy does not divulge reasons for denial.

CONTRACT FOR EXCHANGE OF EASEMENTS BETWEEN THE U.S. DEPARTMENT OF INTERIOR, WEBER BASIN WATER CONSERVANCY DISTRICT, STATION PARK

CENTERCAL LLC, AND FARMINGTON CITY (Agenda Item 16)

Mayor Harbertson said the original BOR Easement is at UDOT and has not been recorded. When signed, this contract with the Bureau of Reclamation will give Weber Basin District a new easement. An agreement is needed with the BOR to have the realignment of the easement be recorded.

Mr. Forbush said that as with the agreement with CenterCal, a two- year bond agreement for any failure on the road will be required of the City. This information will go into the bond agreement with CenterCal. **Mr. Forbush** said this is on the agenda because the road to the Station cannot be started until the agreement is signed. The attorneys have approved of the latest draft of the agreement.

Mayor Harbertson said the other related agreement must be signed before this one, and **Mr. Forbush** said it is critical to not delay.

Motion

Sid Young moved to approve the contract for exchange of easements between the U.S. Department of the Interior, Weber Basin, Station Park LLC, and Farmington City as written and reviewed by legal staff, and authorizing the Mayor to sign such after the related agreement has been signed. The motion was seconded by **Rick Dutson**, and passed unanimously.

Mayor Harbertson thanked **Larry Haugen** for his twelve years of service on the City Council.

REPORT ON BASKETBALL STANDARDS IN STREET RIGHT-OF-WAY ENFORCEMENT (Agenda Item #17)

Mayor Harbertson said that 47 violations were written up between November 13th and November 30th. Following the mailing of the first notice, fifteen owners had complied. A second notice was sent out, and some owners have requested an audience with the City Council. He said the recommendation is to wait two weeks until the second notice is due. There would be no action taken at this meeting. **The Mayor** said **Max Forbush** will consult legal counsel about having requirements for a permit.

APPOINTMENT OF NEW PLANNING COMMISSION MEMBERS (Agenda Item #18)

Mayor Harbertson announced that the new members of the Planning Commission have been proposed. Craig Kartchner and Steve Anderson were proposed as members of the Commission, and Jim Young as an Alternate. **The Mayor** said that Andrew Hiller, who's present schedule will

not allow him to continue to serve, is resigning but would like to be involved at a later time if possible. The new Commission will consist of Kevin Poff as Chairman, John Bilton as Vice Chairman, Paul Barker, Randy Hillier, Rick Wyss, and the three new appointees.

The Mayor stated that **David Petersen** has all appointment and termination dates.

Motion

Rick Dutson moved to approve Randy Hillier, Craig Kartchner, and Steve Anderson as Planning Commission members, and Jim Young as an alternate Commission member, with the understanding that **David Petersen** will provide the accurate appointment and termination dates. **Paula Alder** seconded the motion, which passed unanimously.

DECEMBER 20TH SPECIAL CITY COUNCIL MEETING (Agenda Item #19)

Mayor Harbertson reminded the Council of the Special City Council transportation meeting to be held December 20th, from 2:00 to 5:00 p.m. He also said the he, **Cory Ritz, Paula Alder** and **Max Forbush** would be meeting with the Farmington Ranches HOA on the parks at 5:00 p.m. **Sid Young,, David Hale, David Petersen,** Ken Klinker, and the City Attorney would meet with the Ranches regarding the conservation easement.

MAYOR HARBERTSON'S REPORT (Agenda Item #20)

Mayor Harbertson reported on the meeting regarding the light rail (BRT). The UTA's recommendation is to stop at Parish Lane (Phase 1). **The Mayor** said that Phase 2 may not happen. He said options with 200 East and the frontage road were discussed at the meeting, but UTA said they would lose 20 % of their ridership if these options were taken.

The Mayor referred to a letter from the County Commission contained in the Council packet concerning the .05% sales tax. UTA said they would take out some Davis county express routes and stop service for the front runner on Saturdays and runs after 7:00 p.m. on weekdays if the tax increase is not passed. **The Mayor** told the Council they could respond to the letter from the County Commission.

CITY COUNCIL REPORTS (Agenda Item #21)

Paula Alder said a resident reported graffiti on the church on Main Street, and the resident is concerned about gang activity. **Max Forbush** said this should be cleaned up for the public benefit, and that graffiti on the tunnel will be cleaned as well.

Ms. Alder said she is concerned that the Youth City Council is not following through on the

planning for Senior Citizen Night. The last activity was not well attended. **Mayor Harbertson** said an article on the Senior Citizen Night will be in the upcoming City newsletter.

Rick Dutson reported that he would be meeting with CenterCal on Betterments, and he would like the Council to have an assertive position. Suggestions from the Council to pass along included a skating rink, granite curbing in key areas (such as are on the east coast), colored concrete, outdoor artwork, additional rocks and trees, decorative lighting, outdoor heaters, and water features.

Mr. Dutson suggested having the City Council name plates replaced with ones that are all uniform, and to mount them on the front of the Council desk.

Paula Alder asked about additional Christmas decorations for the City, and **Max Forbush** said that \$500 can be budgeted. **Ms. Alder** said she would purchase decorations after Christmas.

Sid Young reported on his meeting with Larry Elliot regarding the Shepard Creek Trail, and said that it is being proposed to leave the trail as is, but he had suggested planting trees in a small section to privatize the Elliot's property rather than having a fence because of drainage problems. **Mr. Young** said he would call Mr. Elliot to tell him that this would be addressed.

Mr. Young asked about the liability issue concerning Shepard Creek. **Max Forbush** said that he and the City Attorney are working on a solution, and that the City holds them harmless for the trail and parks use but not for flood control.

The Council expressed their appreciation and farewell to **Larry Haugen**.

City Recorder **Margy Lomax** suggested that Judge Connors be invited to swear in the new Council members.

Mayor Harbertson announced that the City Christmas party will be held December 15th at 1:00 p.m. at the Community Center.

MISCELLANEOUS (Agenda Item #22)

Max Forbush said that Fire Chief **Larry Gregory** wants the City to participate in an emergency response exercise funded by the federal government, which would involve a simulated commercial airline crash. This involves signing an agreement and incurring a \$1300 cost which would be reimbursed by the federal government. **Mr. Forbush** said he applauds **Chief Gregory** for staying well trained for emergency response.

Motion

Larry Haugen moved to authorize **Mayor Harbertson** to sign an agreement authorizing the fire department to participate in a full scale emergency response exercise. The motion was seconded by **Rick Dutson**, and passed unanimously.

Motion

Larry Haugen made a motion to adjourn the meeting at 9:35 p.m. **Rick Dutson** seconded the motion, which passed unanimously.

Margy Lomax, City Recorder