

# FARMINGTON SPECIAL CITY COUNCIL MEETING

Tuesday, December 16, 2008

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## SPECIAL CITY COUNCIL/CITY CHAMBERS/COUNCIL/CALL TO ORDER

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

**Mayor Harbertson** began discussion at 5:37 p.m. **Rick Dutson** offered the invocation and **Max Forbush** led the Pledge of Allegiance. The following items were reviewed:

### RECONSIDERATION OF AMERICA WEST DEVELOPMENT'S JUNE 26, 2008, APPLICATION FOR "PARK PLACE" PROJECT MASTER PLAN APPROVAL. (Agenda Item #2)

#### Closed Session

At 5:38 p.m., a motion to go into closed session to discuss pending litigation was made by **Rick Dutson** and seconded by **David Hale**. A roll call vote was taken, and **Cory Ritz, Sid Young, Dave Hale, Rick Dutson,** and **Paula Alder** all voted in favor of the motion.

#### SWORN STATEMENT

I, Scott C. 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.

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Scott C. Harbertson, Mayor

At 6:35 p.m. **David Hale** moved to go out of closed session, and **Rick Dutson** seconded the motion. The Council voted unanimously in favor and reconvened into an open meeting.

#### Motion

**Sid Young** made a motion to reconsider America West Development's application. **David Hale** seconded the motion, which passed by a vote of 3-2. Councilmen **Young, Hale, and Dutson** voted in favor, and **Paula Alder** and **Cory Ritz** voted nay.

It was clarified that the reason for re-considering was that due to recent changes in the ordinance the philosophy of the development in this area is shifting from density to form. **Mayor Harbertson** briefly reviewed the proposal.

**Motion**

**Rick Dutson** moved to approve the Project Master Plan, subject to the Specific Design Standards or in other words the Master Development Guidelines submitted by the applicant, and that it also comply with the TOD zone text with respect to the Project Master Plan. Under the land use concepts contained in the June 26, 2008, application there are clarifications: Area 1(c) is stricken; item (d) "up to 22 dwelling units per acre, not to exceed 191 units"; correct typographical error - replace "Area 1" with "Area 3". The motion was seconded by **David Hale**. A roll call vote was taken, and **Sid Young, David Hale, Rick Dutson** voted aye, and **Cory Ritz** and **Paula Alder** voted nay. The motion passed by a vote of 3-2.

**Cory Ritz** stated that he felt the original decision was correct.

**CONSIDERATION OF ORDINANCE AMENDING ZONING MAP FOR TRIANGULAR PARCEL SOUTH OF CLARK LANE AND WEST OF 1100 WEST STREET. (Agenda Item #3)**

**Mayor Harbertson** briefly reviewed this proposal.

**Motion**

**Cory Ritz** moved to rezone the triangular parcel south of Clark Lane and west of 1100 West from TOD (Transportation Oriented Development) to RMU (Residential Mixed Use Development). **Rick Dutson** seconded the motion, and the voting was unanimous in the affirmative.

**REQUEST FOR TEMPORARY SALES TRAILER IN WILLOW CREEK SUBDIVISION. (Agenda Item #4)**

**David Petersen** reviewed this Agenda item and said that the difference between this proposal and similar ones is that other developers have provided performance bonds of up to \$5,000. He added that the proposed trailer will face the frontage road and there will be room for parallel parking. The corner lot does not front the cul-de-sac. It is proposed that the trailer will be removed by May 30, 2009.

**Mr. Petersen** clarified details for the Council concerning signage and restrooms.

**Motion**

**David Hale** moved to approve the request for a temporary sales trailer in the Willow Creek Subdivision, subject to the conditions recommended by the Planning Department as contained in the packet agreement with Haskell Homes. **Sid Young** seconded the motion, which passed unanimously.

**Mayor Harbertson** suggested considering Agenda item #9 prior to continuing with the rest of the Agenda items.

**Motion**

**Paula Alder** moved to consider Agenda item #9 prior to Agenda item #5. **Cory Ritz** seconded the motion, which passed unanimously.

**REQUEST TO AMEND FARMINGTON FIELDS SUBDIVISION PLAT BY VACATING ALL OF LOT 4 AND APPROVING AND RECORDING A FARMINGTON FIELDS AMENDED PLAT. (Agenda Item #9)**

**Glenn Symes** reviewed this request and said the site plan should be submitted soon. He stated that the major concern is access onto Park Lane, which is a state road.

**Mayor Harbertson** asked about a possible restaurant nearby, and applicant **Greg Bell** said that Lot 4b will be a restaurant or financial institution. In response to a question by **The Mayor**, developer **Dharmesh Ahir** estimated that construction would begin in April or May of 2009.

**Motion**

**Sid Young** moved to amend the Farmington Fields Subdivision plat by vacating all of Lot 4, and approving and recording a Farmington Fields amended plat to include lots 4a and 4b. **David Hale** seconded the motion, which passed by a unanimous vote.

**CONSIDERATION OF AN AGREEMENT WITH GARDNER DEVELOPMENT PERTAINING TO DEFERRAL OF PAYMENT OF IMPACT FEES. (Agenda Item #5)**

**Mayor Harbertson** explained that although impact fees are generally paid up front, the Developer has challenged the timing of collection of the fees. He also said it may be economically wise to consider allowing deferred impact fee payment in this case rather than delay recordation of the plat since all the improvements are in and wait for the City to re-evaluate the basis for the timing of collection of some of the fees. It seems more prudent to resolve the issue by written agreement. He also said a tentative agreement provides for the developer to pay all impact fees at that time of permit issuance for the first ten permits. After that (on the 11<sup>th</sup> permit) the Developer would pay double park impact fees until those are paid in full. All other fees would be paid at permit issuance. Any balance is due at the end of three years if the lots have not sold. At that time the City will stop issuing permits.

**Max Forbush** pointed out that there is no better alternative and he recommends approval of this proposal.

### **Motion**

A motion was made by **Cory Ritz** to authorize the Mayor to sign the agreement with Gardner Development deferring impact fees as written in the agreement and stated herein. The motion was seconded by **David Hale**, and was unanimously approved.

### **DISCUSSION REGARDING BONNEVILLE SHORELINE DISCONNECT PROBLEM AT FARMINGTON CITY/FRUIT HEIGHTS CITY BOUNDARY. (Agenda Item #6)**

**Mayor Harbertson** reviewed the background information of this issue as contained in the Council packet. He explained that a corner of the Annalee Morgan property is needed for a trail easement. This is not a Farmington issue only so far as a connection of the trail is needed. Fruit Heights City is also affected. **Max Forbush** explained that the property owner is reluctant to agree to the easement.

The location of the trail and easement was clarified. **Rick Dutson** and **Paula Alder** expressed approval of the proposed letter in the packet from the Mayor to Mayor Todd Stevenson of Fruit Heights encouraging that city to become involved in the matter. **Rick Dutson** and **Paula Alder** volunteered to contact the Morgans to enlist their cooperation if necessary.

### **Motion**

**David Hale** moved to authorize the Mayor to sign the letter to the Mayor of Fruit Heights regarding this matter. **Sid Young** seconded the motion, which passed unanimously.

**Mayor Harbertson** said if Mayor Stevenson wanted Farmington's further involvement, he would contact **Mr. Dutson** and **Ms. Alder**.

### **CENTERCAL BOUNDARY LINE ADJUSTMENT REQUEST. (Agenda Item #7)**

**David Petersen** clarified the proposed boundary line location on the packet map. He said that all three parcels (#2, 3#, and #6) comply with zoning ordinances. CenterCal is adjusting the boundary to comply with UTA requests. The Council briefly discussed this issue.

### **Motion**

**Rick Dutson** moved to approve the Declaration of Boundary Line Adjustment for Parcels 2, 3, and 6 for the CenterCal property and authorize the Mayor to sign the appropriate document. **Paula Alder** seconded the motion, which was unanimously approved.

**REQUEST FOR ABANDONMENT OF OLD BAMBERGER RIGHT-OF-WAY EASEMENT NEAR COMPTON BENCH LDS CHAPEL. (Agenda Item #8)**

**Mayor Harbertson** briefly reviewed this proposal and said the easement bisects the property.

**Motion**

**David Hale** moved to vacate the easement only as it relates to the subject property the Church intends to purchase and to authorize the Mayor to sign the Revocation and Abandonment of Easement. **Rick Dutson** seconded the motion, which passed by a unanimous vote.

**DAY AT THE LEGISLATURE DISCUSSION. (Agenda Item #10)**

**Mayor Harbertson** suggested that attendance of this event by Youth City Council members be merit-based and limited to ten participants. He said the travel and training budgets have been cut and the City is proposing an expenditure of approximately \$500.00 for this event. **Paula Alder** stated that she would like to involve the seniors who would like to go, and she estimated that only about half the YCC members would want to attend. She will consult with the YCC and report back.

**Paula Alder** also inquired concerning rental costs for the Community Center by City employees. This issue and attendance at the Day at the Legislature will be addressed at the next Council meeting.

**CLOSED SESSION**

At 7:13 p.m., a motion to go into closed session to discuss the competency of an individual was made by **Rick Dutson** and seconded by **Paula Alder**. A roll call vote was taken, and **Cory Ritz, David Hale, Rick Dutson, Paula Alder, and Sid Young** voted unanimously in favor of the motion.

**SWORN STATEMENT**

I, Scott C. 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.

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Scott C. Harbertson, Mayor

At 7:45 p.m. **David Hale** moved to go out of closed session. The motion was seconded by **Rick Dutson** and passed with all Council Members voting in favor.

**ADJOURNMENT**

**David Hale** moved to adjourn the meeting. The motion was seconded by Paula Alder, and the meeting adjourned at 7:46 p.m.

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Margy Lomax, City Recorder  
Farmington City