

FARMINGTON CITY COUNCIL MEETING
Tuesday, March 1, 2011

WORK SESSION

Present: Mayor Scott Harbertson, Council Members John Bilton, Rick Dutson, Cory Ritz, Jim Talbot and Sid Young, City Manager Dave Millheim, City Planner David Petersen, City Recorder Holly Gadd and Recording Secretary Cynthia DeCoursey

Mayor Harbertson began the meeting at 6:20 p.m. and welcomed those in attendance. The following items were reviewed:

Public Hearing: Consideration of Ordinance rezoning property owned by K.H. Kambouris at approximately 1470 South 200 East from A-F to LR-F (#Z-3-10)

Mayor Harbertson explained that the City's Master Plan calls for rezoning this area to LR-F.

Consideration of Request by K.H. Kambouris to waive open space requirements related to the creation of the Flag Lot at approximately 1470 South 200 East

David Petersen informed the Council that the Planning Commission approved this request on January 27, 2011, subject to the City Council granting a waiver of conservation subdivision requirements to allow a lot size less than 20,000 square feet. Adjacent property owner **Steve Franey** may attend the regular session to express his opposition to the Flag Lot. The Council discussed the access easement, the width of the stem, the physical frontage requirement of 20 feet, fire code requirements, and advice received from the City Attorney. They determined that any other issues the adjacent property owners may have are civil disputes and are not issues for the City to solve, and staff recommended approval of the waiver.

Request for amendment to Sign Ordinance – Jon Neese

Mayor Harbertson referred to a letter he received from **Jon Neese** who has several concerns with the Farmington City Sign Ordinance. Property Signs are limited to 6 square feet in area regardless of the proposed use; i.e. commercial, office, residential, etc. City Manager **Dave Millheim** said staff agrees that a change is necessary in order to provide greater sales exposure for non-residential properties and also some large undeveloped residential parcels. The Council directed staff to conduct research and learn how other cities deal with this issue.

Summary Action List

- **Payment and Release Agreement with TC&T Investment, LLC**
- **Form Agreement for 900-1000 North/125 West to 227 West for public improvements to water lines and the installation of curb and gutter**
- **Agreement with Merrill Law regarding culinary water line and fire hydrant**
- **Ratification of Approvals of Construction & Storm Water Bond Logs**

- **Approval of Disbursement Lists for December 2010 and January 2011**

There was a brief discussion of the Agreement for public improvements on 900-1000 North and the strategy which may be appropriate for convincing some of the neighbors to participate. The Council agreed that it is important for the neighbors who are on board with the project to assist the City as it negotiates and moves forward on the funding for this project.

REGULAR SESSION

Present: Mayor Scott Harbertson, Council Members John Bilton, Rick Dutson, Cory Ritz, Jim Talbot and Sid Young, City Manager Dave Millheim, City Planner David Petersen, Tammy North from CRS Engineering, City Recorder Holly Gadd and Recording Secretary Cynthia DeCoursey

CALL TO ORDER

Opening Comments/Invocation/Pledge of Allegiance

Mayor Harbertson opened the meeting at 7:00 p.m. and welcomed those in attendance. **Jim Talbot** offered the invocation, and the Pledge of Allegiance was led by **Sid Young**.

REPORTS OF COMMITTEES/MUNICIPAL OFFICERS

Introduction of and Administration of Oath of Office to Youth City Council Members

Mayor Harbertson introduced each Farmington Youth City Council Member and administered the Oath of Office to the group. The list of officers, returning Council Members, and new Council Members is attached to the minutes.

PUBLIC HEARINGS

Public Hearing: Consideration of Ordinance rezoning property owned by K.H. Kambouris at approximately 1470 South 200 East from A-F to LR-F (#Z-3-10)

David Petersen gave a brief explanation of the history of this area and explained that the Planning Commission approved the flag lot on January 27, 2011 subject to the rezoning of the property by the City Council.

Mayor Harbertson opened the public hearing at 7:15 p.m. There was no one from the public to speak concerning this item, and the public hearing was closed at 7:18 p.m.

Motion

Rick Dutson made a motion to approve the Ordinance amending the zoning map to show a change of zone for property located at approximately 1470 South 200 East from A-F to LR-F with the

attached findings. The motion was seconded by **Jim Talbot** and approved by Council Members **Bilton, Dutson, Ritz, Talbot** and **Young**.

Findings

This rezone request is consistent with:

1. The Low Density Residential (LDR) designation set forth in the General Plan;
2. The LR-F zone designation of adjacent property; and
3. Similar past rezone actions of the City along the old highway.

Public Hearing: Consideration of a Preliminary Master Plan for a Planned Unit Development and an Ordinance enacting a PUD overlay for the Miller Meadows Subdivision *(At the request of the developer, this item has been cancelled.)*

PRESENTATION OF PETITIONS AND REQUESTS

Consideration of Request by K.H. Kambouris to waive open space requirements related to the creation of the Flag Lot at approximately 1470 South 200 East

David Petersen explained that the frontage requirement in this case is 20 feet, and the owner has only 16 ½ feet; however, he owns an easement which brings the total width to 33 feet. This is a benefit for **Mr. Franey** because the driveway will be located further away from his house. The City Attorney has also given approval of the action taken by the Planning Commission.

Steve Franey referred to the letter he sent to the **Mayor** and the City Council and argued that the Flag Lot should not be approved because of issues that have not been settled with **Mr. Kambouris**. He also stated concerns about compliance to City codes. **Mayor Harbertson** and the Council agreed that **Mr. Franey's** points are valid, but they are civil matters which the City Council cannot or should not resolve. He encouraged the neighbors to work together to resolve any outstanding issues. The Council discussed the fact that the stem was graded by **Mr. Kambouris** without authorization and agreed that a landscaping plan should be required. The City Attorney is drafting some standards the applicant will be required to meet, and the Council will see the zone text amendment in several weeks.

Motion

Cory Ritz made a motion to waive the open space requirement for the **Kambouris** flag lot subject to the property owner providing comparable compensation in lieu of the mandatory conservation easement normally required to encompass 10% of the gross area of subdivisions in the LR-F zone (or in this case 1,747 square feet). Compensation received must be set aside in an account earmarked for open space acquisition, park development, or another related use/activity. [Note: the value of an easement is approximately 50% of the value of the land. The estimated value of undeveloped vacant land in this area of the City is \$2.00 per square foot; therefore, the comparable compensation for the requested waiver is \$1,747.00]. In addition, because the stem was graded prior to approval by the City Council, the applicant will be required to submit a landscaping plan which will be approved by City staff. The plan must concur with the City's Foothill Ordinance, be completed within 6 months, include site mitigation and erosion

control and provide a buffer. The motion for approval is subject to all applicable Farmington City development standards and ordinances and the following conditions and findings. The motion was seconded by **Rick Dutson** and approved by Council Members **Bilton, Dutson, Ritz, Talbot** and **Young**.

Conditions

1. The property must be rezoned from A-F to LR-F by the City Council.
2. The City Council must consider and grant a waiver of conservation subdivision requirements as per Section 11-12-065 of the Zoning Ordinance to allow a lot size less than 20,000 square feet.
3. Access to the lot must be 20 feet in width consistent with the fire code whereby the northerly boundary of the access must be at least 16.5' north of the north property line of the stem and flag lot matching the north boundary of the applicant's easement on the **Stagg** property. (Tax I.D. #07-071-0067) thereby leaving a buffer area at least 13 feet in width adjacent to the north boundary of the **Franey** property (Tax I.D. #07-071-0004).
4. The applicant shall provide a landscape plan for the 13% buffer area for review and approval by City Staff. Said landscaping shall be installed in conjunction with any building on the subject parcel (Tax I.D. #07-071-0037) and shall be completed prior to certificate of occupancy.
5. The applicant shall enter into an extension agreement for the City to improve the 16.5 feet wide frontage of the subject parcel as it abuts the 200 East Street (SR 106) right of way. Such improvements may include, but not be limited to, grading, sub-grade, road base, curb, gutter, sidewalk, asphalt extension, and where necessary relocations of utilities, culinary water, secondary water, sanitary sewer and storm drain, and retaining walls, erosion control, re-vegetation and/or slope stabilization.
6. The orientation of any single family home on the subject property (that is, the front, rear and sides) will be determined by City staff prior to the issuance of any building permit thereon.
7. The applicant shall provide a fire hydrant(s) as determined by the Fire Department and Public Works.
8. Approval and/or excavation permits to widen the existing **Stagg** driveway must be obtained from UDOT concurrent with, or as a condition of, the issuance of any building permit.
9. In conjunction with the issuance of any building permit, the applicant must meet all applicable fire, building, and zoning code requirements to the satisfaction of the City, including among other things, a driveway incline of 14% or less and a turn-around approved by the Fire Department.

Findings

1. The subject property must be rezoned in order to comply with the Zoning Ordinance.
2. The LR-F zone is consistent with the General Plan.
3. Street and other improvements are required by ordinance for any subdivision in the City.
4. If approved and all standards of the Section 12-7-030(10) of the Subdivision Ordinance regarding flag lots are otherwise met (see enclosed ordinance), flag lots shall not exceed 10% of the total number of lots in the subdivision. Landscaping will help mitigate negative impacts of the flag lot, which flag lot comprises 25 to 50% of the total lots in the subdivision had it been approved by the City when the lots were created. Such impacts include, among other things, encroachment on privacy, noise, and traffic.

5. SR 106 is a busy, major collector road which handles a large volume of traffic. Minimizing the number of curb cuts (or positions of ingress and egress) will reduce points of traffic conflict. UDOT may not approve a second point of access. Moreover, it is the understanding of the City that the applicant owns a previously recorded easement allowing for a shared driveway on 07-071-0067.
6. The shared driveway will also mitigate other potential negative impacts in that it is more aesthetically pleasing to the passer-by, provides less impervious surface (hence less storm water runoff), and represents a cost saving to the applicant: less to construct and maintain.
7. Topography constraints regarding access can be better overcome if the shared driveway is pushed as far north as possible. In other words, the location of the southerly edge of the driveway at least 13 feet from the north boundary of the **Franey** property will reduce retaining wall costs for the applicant and leave more room for landscaping.
8. Flag lots often encroach on the privacy of other lots. Section 12-7-030(10)(d) of the Subdivision Ordinance states in part, "Determinations as to which are the front, side, and rear setbacks shall be made by the Zoning Administrator at the time a building permit is requested and shall be based on the orientation of the proposed home on the lot." Moreover, someday there may be a street located on the east side of the subject lot.
9. The health, safety, and welfare of future residents of the flag lot and adjacent properties are enhanced by the observance of all applicable codes, a 20-foot wide driveway, adequate turnaround area for emergency vehicles, a driveway not exceeding 14% slope, and fire hydrant(s).

Request for amendment to Sign Ordinance – Jon Neese

This item was discussed in the work session, and the Council directed the City Manager to research the sign ordinances of surrounding cities regarding the sizing of both temporary and permanent signs, the length of time signs may be left up, and the enforcement of sign ordinances.

Consideration of Jody Brown and Ed & Carole McLaughlin's request to opt out of the Recycling Program

Mr. Millheim explained that this item was tabled at the previous Council meeting to allow further research, and he read Paragraph 1.3, letter b, of the Policies and Procedures which states: "Applications should demonstrate a substantial hardship, either physical or economical . . . and Applicant should also demonstrate that their recycling potential is minimal. Good causes could include: (1) Single persons over 65 years of age; (2) Couples over 70 years of age; (3) Medical, physical, or economic limitations; and (4) Other reasons acceptable to the City. The Council also directed staff to compose a letter which includes the paragraph from the Policies and Procedures which states exactly what the requirements are and can be given to residents who desire to opt out.

Motion

Jim Talbot made a motion to direct the City Manager to determine whether or not these residents should be allowed to opt out of the Recycling Program and to inform them of the decision. The motion was seconded by **Sid Young** and approved by Council Members **Bilton, Dutson, Ritz, Talbot** and **Young**.

Presentation by the Interior Design Committee regarding art work for City Hall

Jim Talbot introduced **Alyssa Revel** and **Rebecca Mann** who are members of the Interior Design Committee and said **Keith Johnson** and **Holly Gadd** also serve on the Committee. He said they have focused on the following areas:

1. Main level entry – Two large, abstract paintings in the entry which will provide a backdrop and add color and interest;
2. Chamber Room – A 35"x40" frame in the Chamber Room which will display seven landscapes painted by Farmington artists; the front two walls (on each side of the Farmington seal) will include a 4' x 8' black and white photo of old Main Street and a 4' x 8' current black and white photo of Main Street; a color mural of Farmington (based upon a sketch by **Rebecca Mann**) will be added to the back wall of the Chamber Room;
3. Stairwell – A time line will include photos and paintings along with dates of significant events;
4. Additional ideas – a name and a theme for each room; possible themes include outdoors, patriotic and historical.

Mr. Talbot praised the excellent work of **Ms. Revel** and **Ms. Mann**. The Council suggested including old Lagoon in the mural and a possible need for enhanced lighting on the back wall.

Professional Services Agreement with CRS for the Park Lane/Station Park Traffic Signal Design

Motion

Sid Young made a motion to approve the Professional Services Agreement with CRS Consulting Engineers to provide services on the Park Lane and Station Park Traffic Signal Design and authorize the City Manager to give CRS notice to proceed on the scope of services as outlined in Exhibit "A" depending upon UDOT requirements. **Rick Dutson** seconded the motion which was approved by Council Members **Bilton, Dutson, Ritz, Talbot** and **Young**.

SUMMARY ACTION

Summary Action List

- **Payment and Release Agreement with TC&T Investment, LLC**
- **Form Agreement for 900-1000 North/125 West to 227 West for public improvements to water lines and the installation of curb and gutter**
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- **Ratification of Approvals of Construction & Storm Water Bond Logs**
- **Approval of Disbursement Lists for December 2010 and January 2011**

Motion

Rick Dutson made a motion to approve the items on the Summary Action List, **Sid Young** seconded the motion, and it was approved by Council Members **Bilton, Dutson, Ritz, Talbot** and **Young**.

GOVERNING BODY REPORTS

City Manager Report

- He referred to the list of upcoming agenda items.
- He and the **Mayor** met with Davis County Commissioner **Millburn** and Davis County Attorney **Troy Rawlings** to discuss the Prosecution Agreement between Farmington City and the County. The County is concerned that felony cases are not receiving sufficient time and attention, and they have asked Farmington to pay for its own prosecution fees. **Mr. Millheim** noticed several discrepancies and asked the County to provide better data. The **Mayor** said the City does not receive many benefits from having Davis County offices located in Farmington and suggested that this could be a way for the County to give back to the City.
- He asked **Tammy North** of CRS Engineering to provide an update on the new City well. She showed a piece of the steel casing and the gravel pack which surrounds the casing and said water was found in most of the zones. The next step is test pumping and developing for another two weeks, but there will be very little impact to the surrounding area.
- **Craig Trottier** invited the **Mayor** and the Council for a private VIP tour of the Harmon's store. They accepted and asked the City Manager to invite members of the press to attend. He suggested scheduling the tour for 5:00 p.m. on March 15, 2011, prior to the regular work session.

Mayor Harbertson

- He attended a meeting with UDOT officials, **Mayor Hiatt** from Kaysville, and several legislative representatives, including **Stuart Adams** and **Brad Wilson**. Both legislators are very much in favor of the western alignment because of their concern regarding the capacity levels of I-15.
- He received a phone call from **Max Forbush** who is doing well.
- He attended the ribbon cutting ceremony for Javier's, a new restaurant located at the south end of the old K-mart building.
- **Randy Jeffries** from UDOT will attend a Town Hall meeting on March 16, 2011, and the **Mayor** asked for suggestions on the type of format the City should use. The Council decided to prepare a list of questions, allow **Mr. Jeffries** to review them prior to the meeting, and use the remainder of the time for comments and/or questions from residents.
- He suggested giving a token of appreciation to the neighbors who live near the new City Well for their patience during the drilling process.

John Bilton

- He raised a concern regarding an agreement between the City and **Glen Leonard** who is writing the History of Farmington and agreed to discuss the issue with **Mr. Leonard**.
- He went to the new Javier's restaurant and believes that area will become a better business location as the Station Park development continues.
- He asked each Council Member why they supported the C-1 alignment for the West Davis Corridor and voted in favor of the Resolution. He believes that the C-1 alignment is the least impactful for Farmington.
- He asked about the City's lease arrangement with a home on Main Street, and **Mr. Millheim** said he would check on the status of the situation.

Rick Dutson

- He attended the annual Seniors Dinner with the Farmington Youth City Council and commented that he was very impressed with all of the youth.

Cory Ritz

- He received numerous comments from residents who were impressed with the town hall meeting and the professionalism shown by City leaders. He attended a meeting on Mon., Feb. 28, which was organized primarily by HOA members. He told them that the City Leaders appreciate their support, and he encouraged them to post comments on the West Davis Corridor website.
- He distributed a letter written by Kaysville residents prior to the town hall meeting.
- He requested an update on the Farmington Creek Estates reimbursement issue, and the **Mayor** said one additional lot needs to be sold.
- **Steve Flanders'** lease on the property on the corner of Burke Lane expires this year, and he is interested in purchasing the property.

Jim Talbot

- He received an email from a homeowner in the Hunter's Creek Subdivision who felt that the **Mayor** cut off his comments prematurely. The Council discussed the use of a timer, but following a brief discussion and informal vote, they decided not to use a timer in the next meeting.

Sid Young

- He attended the League of Cities and Towns policy committee meeting. The immigration bill was approved by the House, and the bill to amend alcohol licenses was approved and will allow 40 additional alcohol licenses to be issued.
- He reminded the Council of the League of Cities and Towns Convention scheduled for April 13-15, 2011 which he plans to attend.
- He suggested further review of the City's Flag Lot Ordinance.

CLOSED SESSION

Motion

At 9:50 p.m. a motion was made by **John Bilton** for the Council to move to a closed session to discuss potential property acquisition and/or other reasons permitted by law. The motion was seconded by **Rick Dutson** and approved by Council Members **Bilton, Dutson, Ritz, Talbot** and **Young**.

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.



Scott C. Harbertson, Mayor

Motion

At 10:15 p.m. **John Bilton** made a motion to reconvene in an open session. **Cory Ritz** seconded the motion which was approved by Council Members **Bilton, Dutson, Ritz, Talbot** and **Young**.

ADJOURN

Motion

At 10:15 p.m. **Sid Young** made a motion to adjourn the meeting which was approved by Council Members **Bilton, Dutson, Ritz, Talbot** and **Young**, and the meeting was adjourned.



Holly Gadd, City Recorder
 Farmington City Corporation

