

## FARMINGTON CITY COUNCIL MEETING

June 19, 2012

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### WORK SESSION

*Present: Mayor Scott Harbertson, Council Members John Bilton, Nelsen Michaelson, Cory Ritz, Jim Talbot, and Jim Young, City Manager Dave Millheim, Finance Director Keith Johnson, Community Development Director David Petersen, CRS Engineer Tammy North, Associate Planner Christy Alexander, City Recorder Holly Gadd and Recording Secretary Cynthia DeCoursey*

### Capital Transportation Projects Discussion

The meeting began at 4:15 p.m. **Dave Millheim** said transportation impact fees are the most complicated impact fees because they drive everything else—water lines, development patterns, zoning decisions, etc. He explained that staff and CRS Engineer **Tammy North** created a spreadsheet of Transportation Projects and separated them into three categories: (1) Top 5 – red; (2) Current CIP Plan – blue; and (3) Long Range CIP Plan – green. The projects in the first two categories were given a priority ranking—the reasons for the rankings vary greatly and include many different factors. The chart will be an important planning tool for the City in the following ways: (1) Evaluation of the status of the Current CIP; (2) Re-evaluation of the projects with additional information; (3) Funding sources; and (4) Modification of the CIP for the next cycle. She presented specific details from the spreadsheet and answered questions regarding many of the projects. **Dave Millheim** urged the Council to refer to the spreadsheet when they receive inquiries from residents regarding certain projects.

### Lagoon's Electronic Sign Application Discussion

**Dave Millheim** said that on May 10, 2012 Lagoon submitted an application for an electronic sign at their annex building in a BP zone. Under Farmington's existing ordinance, electronic signs are allowed in 3 zones: Commercial Residential (CR), Commercial (C) and Business Park (BP), but there are no specific standards in place to address electronic signs. The City currently has two choices: (1) Receive the application and make a decision with no standards in place; or (2) Delay the application under the "pending legislation" rule to allow time for the City to create standards regarding electronic signs. **Dave Freed** (Lagoon) was not interested in moving the sign to Park Lane because of additional costs and lower visibility. The second approach would hold off all applications until the review process is finished. **David Petersen** expressed concern about setting a precedent. The **Mayor** and **Dave Millheim** agreed that the best approach would be to allow additional time to review and/or implement the City's standards. **Jim Young** would like the improved relationship with Lagoon to continue. **John Bilton** said he would support the Lagoon sign if it was the only electronic sign permitted on Main Street. **Nelsen Michaelson** pointed out that the delay may help Lagoon in the long run. **Jim Talbot** wanted to allow Lagoon to install the electronic because it is a small (3' x 4') sign, and it is a theme park. **Cory Ritz** said there could be unintended consequences and other business owners may use this as a precedent for signage on Main Street at some time in the future—want additional signs along Main Street. **Dave Millheim** said he will try to convince Lagoon that it is in their best interest to wait, and he encouraged each Council Member to contact Lagoon and let them know that they care about this issue.

### Schematic Plan for the Farmington Creek Estates Phase 4 PUD Subdivision

**David Petersen** presented background information regarding this Plan and said the original approvals expired. He recommended drafting a new development agreement which will require the applicant to remove several homes from the flood plain and improve 1100 West adjacent to his property. The Council discussed how this Phase would affect the previous phases.

**Resolution amending the Annual Budget for the Fiscal Year ending June 30, 2012 and adopting the Annual Budget for the Fiscal Year ending June 30, 2012**

**Keith Johnson** said there were a few minor adjustments to the Budget, and he received the tax rate from Davis County which will be added to the Resolution. Council Members asked several questions regarding various expenses listed on the Budget Worksheet.

The meeting ended at 6:55 p.m.

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**REGULAR SESSION**

*Present: Mayor Scott Harbertson, Council Members John Bilton, Nelsen Michaelson, Cory Ritz, Jim Talbot, and Jim Young, City Manager Dave Millheim, Community Development Director David Petersen, Associate Planner Christy Alexander, City Recorder Holly Gadd and Recording Secretary Cynthia DeCoursey. Youth City Council Member Steven Swanson was also in attendance.*

**CALL TO ORDER**

**Roll Call (Opening Comments/Invocation/Pledge of Allegiance)**

**Mayor Harbertson** began the meeting at 7:00 p.m. **John Bilton** offered an opening prayer, and the Pledge was led by the **Mayor**.

**PUBLIC HEARINGS**

**Resolution amending the Annual Budget for Fiscal Year ending June 30, 2012 and adopting the Annual Budget for Fiscal Year ending June 30, 2012**

City Finance Director **Keith Johnson** presented information regarding the Annual Budget and said the General Fund balance for 2012 will be approximately \$683,000 and \$674,000 for 2013.

***Public Hearing:***

The **Mayor** opened the Public Hearing at 7:20 p.m. There were no comments, and it was closed. He commended **Keith Johnson** and other City staff for their efforts regarding the Budget.

***Motion:***

**Jim Talbot** made a motion to adopt the Resolution to amend the Budget for the Fiscal Year ending 2012 and to adopt the Budget for the Fiscal Year ending 2013 and to establish a tax rate of

.002269. **Cory Ritz** seconded the motion which was approved by Councilmen **Bilton, Michaelson, Ritz, Talbot and Young**.  
**Schematic Plan for the Farmington Creek Estates Phase 4 PUD Subdivision**

**Christy Alexander** said staff's recommendation is to approve this Plan along with the conditions listed in the staff report.

***Public Hearing:***

**Mayor Harbertson** opened the Public Hearing at 7:28 p.m.

**Jason Snow**, 537 South 1025 West, appreciated receiving a notice regarding this agenda item. He purchased a home in Phase 1 and has had drainage problems the entire time. Each time a new phase was approved, they were told that the problems would be fixed, but they were never fixed. Phase 3 was supposed to include green space and parks, and there are property line and flood plain issues—they were told 14 years ago that they would be taken out of the flood plain. He asked the City to follow the guidelines of the approval and require the developers to complete the requirements.

**Lori Palmer**, 5525 South 1025 West, said she is concerned about drainage in this area. They have had standing water in their back yard for 15 years. They currently pump the extra water to the storm drain, and these new lots will likely have the same issues.

The Public Hearing was closed at 7:35 p.m.

**David Petersen** explained that there are three phases in the subdivision process—schematic plan, preliminary plat, and final plat. Public hearings are held only at the schematic plan level; however, all are public meetings. The one-acre lot was never conveyed to the City and would not be an efficient use of park resources. In the AE zone, there is a 5-foot setback from the rear property line, and the building code has additional requirements. The City's code is much stricter than it was 18 years ago when Phase 1 was built, and the applicant will be required to submit a drainage plan for preliminary plat approval. The applicant said Phase 3 was sold 10 years ago, and he does not know who owns the lot. **Cory Ritz** asked that a Public Works employee be sent to look at the issues referred to by residents.

***Motion:***

**Cory Ritz** made a motion to approve the Schematic Plan for the Farmington Creek Estates Phase 4 Subdivision (7 lots) located at approximately 1100 West and Country Lane, subject to the same conditions and findings set forth in the Planning Commission Staff report dated June 14, 2012 and the following conditions:

1. The applicant must obtain a Letter of Map Revision (LOMR) removing all 7 lots from the FEMA flood plain prior to the recordation of the first final plat for all or any portion of the subdivision.
2. The applicant must remove, or cause to remove, all lots in the previous phases of the PUD from the FEMA flood plain.
3. The applicant must enter into a development agreement with the City prior to or concurrent with final plat approval by the City Council. The agreement shall include—but not be limited

- to—a commitment by the developer to remove all of Phase 4 and the two remaining lots in the previous phases of the PUD from the FEMA flood plain. The agreement must be recorded concurrent with the recordation of the final plat, or first final plat, of Phase 4.
4. A complete drainage plan for Phase 4 shall be submitted with the Preliminary Plat along with a plan which addresses the impacts and issues of Phases 1 and 2.
  5. Conditions 1-4 must be completed prior to obtaining Preliminary Plat approval.
  6. A public hearing will be held at the Preliminary Plat approval stage.

***Findings:***

1. Currently all 7 lots in the proposed Phase 4 are located in the FEMA flood plain, and before the City can issue building permits for single-family homes on these lots, the applicant must ensure as per Chapter 31 of the Zoning Ordinance that the lowest habitable elevation of each home is at or above the base flood elevation.
2. The applicant, by development agreement, agreed to remove all previous phases of the PUD from the flood plain (approximately 50 lots). Said development agreement has since expired—nevertheless the study to remove the previous phases from the flood plain is complete, but the City has not yet submitted the study to FEMA. Therefore, the developer has met his commitment regarding the previous phases so far as he is able to do so. Notwithstanding this, it appears that one (and maybe two) lot(s) in the previous phases remain in the flood plain. As per previous commitments, these lots should also be removed from the flood plain. This is a reasonable requirement because one of the lots is vacant and the other is next to Phase 4 and action to obtain a LOMR for Phase 4 may also result in removed the second lot from the flood plain.
3. The Farmington Creek Estates PUD consists of approximately 58 lots. All of the open space required for the PUD is located in previous phases—not in Phase 4. The development agreement memorializing certain approvals related to the PUD has since expired. Nevertheless, it is reasonable for the City to approve the last 7 lots as proposed without open space in Phase 4, if the applicant enters into another agreement with the City and commits to, among other things, the removal of the remaining two lots from the FEMA flood plain (and all of Phase 4). By said agreement the City may also acknowledge that open space requirements are met even though the open space is located in the previous phases.

The motion was seconded by **Jim Talbot** and approved by Councilmen **Bilton, Michaelson, Ritz, Talbot and Young**

**Schematic Plan for the Oakwood Estates Revised Subdivision**

**Christy Alexander** said the applicant plans to subdivide this vacant lot into 4 lots. There is a trail on the west side of the creek which connects to 1400 North, and staff will work with the applicant concerning open space.

**Greg Gardner**, 1714 N. Canyon Circle, Oakley, Idaho, said **Lew Swain** was unable to attend the meeting. He thanked City staff and said the project is progressing well.

***Public hearing:***

The public hearing was opened at 8:02 p.m. There were no comments, and it was closed. There was a brief discussion regarding the trail right-of-way and open space.

*Motion:*

**John Bilton** made a motion to approve the Schematic Plan for the Oakwood Estates Revised Subdivision (17 lots) located at approximately North Compton Road and Oakwood Place, subject to the same conditions and findings established previously by the Planning Commission on June 14, 2012 and with an additional condition that the east boundary of the trail be staked. **Nelsen Michaelson** seconded the motion which was approved by Councilmen **Bilton, Michaelson, Ritz, Talbot** and **Young**.

**Schematic Plan for the Bray Amended Subdivision**

*Public hearing:*

The Public Hearing was opened at 8:10 p.m. There were no comments, and it was closed.

*Motion:*

**Nelsen Michaelson** made a motion to approve the Schematic Plan for the Bray Amended Subdivision (4 lots) located at approximately 1940 N. Oakwood Place, subject to the same conditions and findings established previously by the Planning Commission on June 14, 2012. The motion was seconded by **John Bilton** and approved by Councilmen **Bilton, Michaelson, Ritz, Talbot** and **Young**.

**REPORTS OF COMMITTEES/MUNICIPAL OFFICERS**

**Historic Preservation Commission Update**

**Alysa Revell**, Chair of the Historic Preservation Commission, read from Chapter 39 of the Zoning Code: “Farmington City recognizes that the historical character of the community is among its most valued and important assets. It is the intent of the City to identify, preserve, protect and enhance historic buildings, sites, monuments, streetscapes, and landmarks within the City deemed architecturally or historically significant.” The Commission has worked toward that goal through:

1. Education
  - Creating and maintaining inventories of historic resources
  - Hosting open houses to teach the public about historic preservation
  - Creating walking tours of historic areas around the City
  - Obtaining Certified Local Government (CLG) grants for historic marker plaques
  - Supporting **Annette Tidwell** who spends a great deal of time in this effort
2. Digital preservation of historic records and photographs
  - Creating a searchable data base
3. Upgrading computer equipment at the Museum
  - New touch screen monitor for visitor use and storage space for digital library
  - New printer and scanners
4. Recent acceptance of Main Street to the National Register of Historic Places

5. Things Farmington City can do:
  - Set a good example
  - Approve only architecturally compatible infill which reflects the character of Main Street in design and materials
  - Provide legal protections against tear downs and incompatible remodels
  - Enforce existing ordinances to ensure all preservation obligations are met

Main Street is the heart and soul of Farmington and is vital to the overall character of the City. Farmington currently has 150-180 historical designations, and demolitions have been reduced from six per year to two. **Ms. Revell** thanked the **Mayor** and the **Council** for their support. Resident **Glen Leonard** was also in attendance—he is making progress on Farmington City's history.

## SUMMARY ACTION

### Minute Motion Approving Summary Action List

1. Minutes from the June 5, 2012 meeting
2. Ratification of Storm Water Bond Logs
3. Disbursement Lists – May 2012
4. Notice to Proceed – Road Paving Projects
5. Farmington Crossing North Phase 5 Improvements Agreement
6. Final Plat for the Van Zweden Subdivision
7. Trenching Contract for Future Water Tank

### *Motion:*

**Nelsen Michaelson** made a motion to approve the items on the Summary Action List with two amendments to the Minutes which were made during the work session. The motion was seconded by **Jim Talbot** and approved by Council Members **Bilton, Michaelson, Ritz, Talbot** and **Young**.

## GOVERNING BODY REPORTS

### City Manager – Dave Millheim

1. Upcoming agenda items, the Building Activity Report for May, and the Police and Fire Activity Reports for May were included in the staff report. There has been a sharp increase in police activity which seems to be typical during the summer—there have been shoplifting incidents in the Station Park area and calls from the new apartments.
2. Public Works Director **Walt Hokanson** said that having a float in the PW building is problematic for his crews, and he asked if it could be moved to another location in the future. Suggestions included the CenterCal building and various Davis County buildings. He was directed to bring this item back for Council consideration
3. The only City Council meeting in July will be held on the 17<sup>th</sup>.

4. Numerous residents have commented about the lack of crosswalks in the Station Park area. There is no easy solution, but the City's Traffic Engineer, **Tim Taylor**, suggested two possible locations: one east of the theatres and another near the DMV. The less expensive approach is to paint the street and install crosswalk signs, but there may need to be a blinking pedestrian sign. This will be reviewed at next Council Meeting.

### Mayor – Scott Harbertson

- He asked Council Members to attend as many events as possible during Festival Days. The Council helps serve breakfast prior to the parade, and the YCC helps with several events. **Jim Talbot** will purchase the candy, and **Cory Ritz** will call resident **Steve Andersen** to arrange for the fire truck. The Grand Marshals in the Festival Days parade will be **Max & Julie Forbush**.
- He and **Nelsen Michaelson** will attend the Town Hall meeting on Wed., June 20, 2012.
- The Council will be reviewing the City Manager during the meeting on July 17, 2012, and the **Mayor** asked each Council Member to fill out a form and return it to him.
- The opening of the CenterCal fountain was a great event.

### City Council

#### *John Bilton*

- He asked if the fireworks flyers have been distributed by the Fire Department and for a report on the Centerville fire. **Dave Millheim** said they are in the process of handing out the flyers. Farmington's new tender truck was used to restock the water trucks, and it was the last piece of equipment off the mountain following the fire.

### CLOSED SESSION

#### *Motion:*

At 8:55 p.m. **John Bilton** made a motion for the Council to go into a closed meeting to discuss the acquisition of real property and potential litigation. The motion was seconded by **Nelsen Michaelson** and approved by Council Members **Bilton, Michaelson, 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.

  
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Scott C. Harbertson, Mayor

#### *Motion:*

At 9:20 p.m. a motion to reconvene into an open meeting was made by **John Bilton**. It was seconded by **Nelsen Michaelson** and approved by Council Members **Bilton, Michaelson, Ritz, Talbot** and **Young**.

## **ADJOURNMENT**

### ***Motion:***

**John Bilton** made a motion to adjourn the meeting which was approved by Council Members **Bilton, Michaelson, Ritz, Talbot** and **Young**, and the meeting was adjourned at 9:20 p.m.

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**Holly Gadd**, City Recorder  
Farmington City Corporation