

FARMINGTON CITY COUNCIL MEETING

June 5, 2012

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, City Engineer Paul Hirst, City Recorder Holly Gadd and Recording Secretary Cynthia DeCoursey

The **Mayor** began the meeting at 6:10 p.m., and an opening prayer was offered by Councilman **Nelsen Michaelson**.

Burke Lane and 1825 West Extension Agreements

Burke Lane:

Burke Lane is not a fully improved street from the UTA right-of-way west to 1875 West. A developer is ready to improve the south side of Burke Lane, and 5 of the 6 property owners on the north side of Burke Lane are bound by extension agreements to assist with the cost of improvements. The sixth property owner is willing to participate, and the timing is right to improve the entire street. City staff met with the property owners who requested that the sidewalk requirement be waived. Following a discussion, the Council discussed that because Burke Lane is a minor collector street and provides a key pedestrian connection to the UTA trail, sidewalks are probably necessary. **Dave Millheim** advised the Council against trying to tailor this to each resident and said that although this is not a public hearing, several residents would like to address the Council during the regular session.

1825 West:

1825 West is currently the only connection between Burke Lane and 1875 West Street. When Burke Lane is completed, 1825 West will no longer be needed for this connection, and staff proposed that 1825 West become a dead-end street at its south end; pedestrians and cyclists would still be allowed. The City may release the residents from their obligation to provide a sidewalk on the east side of 1825 West (there is a sidewalk on the west side).

The Council discussed the importance of educating residents regarding the new boundaries and restrictions for fireworks. Staff agreed and said the Fire Department will be going door-to-door with a map and instructions. Information is included on the City's web page and in the newsletter, and an article was published in the Standard Examiner. Several other agenda items were briefly reviewed.

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, City Recorder Holly Gadd and Recording Secretary Cynthia DeCoursey. Youth City Council Members Alyssa Utley, Sara Harper, and Austin Lemon were also in attendance.

CALL TO ORDER

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

Mayor Harbertson began the meeting at 7:05 p.m., welcomed those in attendance, and offered an opening prayer. The Pledge of Allegiance was led by **Jim Talbot**.

REPORTS OF COMMITTEES/MUNICIPAL OFFICERS

Executive Summary for Planning Commission meetings held May 10, 2012 and May 24, 2012

The summaries were provided in the staff report, and there were no additional comments.

PUBLIC HEARINGS

Zone Text Amendment for Prohibited Home Occupations

Public Hearing:

The **Mayor** opened the Public Hearing at 7:07 p.m., and there were no public comments.

Motion:

Nelsen Michaelson made a motion to approve the amendment to the Zoning Ordinance to allow Real Estate offices which generate traffic as home occupations. The motion was seconded by **John Bilton** and approved by Councilmen **Bilton, Michaelson, Ritz, Talbot** and **Young**.

Amendment to the Park Lane Commons Subdivision Plat and Minor Subdivision Approval

Christy Alexander explained that The Haws Companies would like to split the parcel into two parcels, and the new lines will not dictate the placement of any future roadways.

Public Hearing:

Mayor Harbertson opened the Public Hearing at 7:10 p.m.

Scott Harwood, 33 South Shadow Breeze Road, Kaysville, The Haws Companies, said they realize that the future roadways will be determined when specific site plans and uses are submitted.

The Public Hearing was closed at 7:11 p.m.

Motion:

Cory Ritz made a motion to approve the Ordinance amending the Park Lane Commons Subdivision Plat by vacating all of Parcel E and to approve the two-parcel Minor Subdivision to be recorded in the place thereof. The motion was seconded by **John Bilton** and approved by Councilmen **Bilton, Michaelson, Ritz, Talbot** and **Young**.

SUMMARY ACTION

Minute Motion Approving Summary Action List

1. Approval of Minutes from May 15, 2012
2. Approval of Disbursement Lists for April 2012
3. Ritz Easement and Boundary Line Adjustment
4. Ordinance amending/recodifying Title 7, Chapter 6, of the Municipal Code regarding fireworks
5. Ordinance amending Section 7-5-124.5 of the Municipal Code regarding Locational Restrictions of Unauthorized Outdoor Fires within the City
6. Red Barn Lane Use Agreement for The Haws Companies (THC)
7. Amendment of Title 10-2-070 of the City Code to adopt the 2011 National Electrical Code and some housekeeping amendments due to Senate Bill 28

Motion:

John Bilton made a motion to pull Item #6 from the Summary Action List.

Motion:

Jim Young made a motion to approve Items #1-7 with the exception of #6. **Nelsen Michaelson** seconded the motion which was approved by Councilmen **Bilton, Michaelson, Talbot** and **Young**. Councilman **Ritz** abstained because of a conflict of interest regarding Item #3, but voted in favor of the rest of the items.

Motion:

John Bilton made a motion to approve Item #6 with two minor amendments, making sure “The HAWS Companies” were identified in the agreement where applicable. The motion was seconded by **Cory Ritz** and approved by Councilmen **Bilton, Michaelson, Ritz, Talbot** and **Young**.

CONSIDERATION OF ORDINANCES/RESOLUTIONS/AGREEMENTS:

Subdivision Ordinance Text Amendment for surety bonds and Length of Warranty Periods

Motion:

Jim Talbot made a motion to approve the Subdivision Ordinance to eliminate surety bonds as a mechanism for providing security for public improvements and reduce the warranty period for public improvements from 2 years to 1 year. The motion was seconded by **John Bilton** and approved by Councilmen **Bilton, Michaelson, Ritz, Talbot** and **Young**.

Burke Lane and 1825 West Extension Agreements

Kyle Stowell, 1764 W. Burke Lane, said he and his neighbors do not want curb, gutter and sidewalks. The street in front of his home is the bike route for the Salt Lake Century cycle race, and it is a dangerous situation because of the narrow road. He said there are power poles, water meters, electrical boxes, secondary water, pipeline vents, and a 12-foot drop off where the sidewalk would be located. He asked the City to eliminate plans for a sidewalk on the north side of Burke Lane. He is not pleased that certain areas were rezoned from AE ½-acre lots to postage stamp lots. They would like to see this area remain as “Farm” ington, and he asked the Council to consider these issues.

Mike Willden, 1726 Burke Lane, said the Agreement between the original homeowner and the City was not disclosed to him when he purchased the property two years ago. The news has been devastating because: (1) his property taxes nearly doubled in one year; (2) improvements do not add to the resale value of the property; and (3) funds should have been placed in escrow when this property was subdivided for residential construction. He asked the City to forego a sidewalk on the north side of Burke Lane which would reduce their costs dramatically. There are many areas in west Farmington and Kaysville that do not have sidewalks, curb and gutter, and he loves the rural atmosphere.

Dave Millheim said that under the City's franchise agreement, the power company will be required to move the poles. The street will be 66 feet wide which includes a 5-foot sidewalk, 7-foot park strip, and a 2.5-foot curb channel for storm water on each side of the street and 37 feet of pavement.

Mayor Harbertson said the cost of the asphalt is a huge burden, and the City is willing to share the cost due to the collector nature of the street. He is very concerned about safety and would like curb, gutter, and sidewalk on both sides of the street. **Jim Talbot** agreed with the Mayor and said he is in favor of implementing a 5-year payment plan with no interest the first 3 years and prime plus 2 percent the last two years. **John Bilton** said the Council has dealt with this issue multiple times, and when sidewalks are located on one side of the street but not the other, storm drainage issues often occur. **Cory Ritz** agreed and said his neighborhood has a trail on one side and a sidewalk on the other, and he would prefer a sidewalk because it is easier to maintain. The City Engineer suggested that the cost of the asphalt be proportionately split based on frontage.

Motion:

Jim Young made a motion to authorize City staff to call into effect the Extension Agreements on Burke Lane (west of the UTA right-of-way for curb, gutter, sidewalk, asphalt extension, and other improvements) and that the City share the cost of the asphalt with the residents on a prorated basis, based on frontage, and the terms of the payment schedule shall be established using the City's customary method—a monthly statement—for a 3-year time period. If the property owner exceeds the three years, a lien would immediately be placed on the property, and an interest rate of prime plus two points would be charged for the remaining balance, not to exceed 5 years. Also, the Extension Agreements on 1825 West will remain the same indefinitely in case they are needed in the future. **Jim Talbot** seconded the motion which was approved by Council Members **Bilton, Michaelson, Ritz, Talbot** and **Young**.

GOVERNING BODY REPORTS

Mayor – Scott Harbertson

- A ribbon cutting ceremony for the new Burt Brothers will be on Wed., June 6th at 10:00 a.m.
- The new Johnny Rockets Restaurant will have a ribbon cutting at 3:00 p.m. on Fri., June 8th, and their grand opening will be on Sat., June 9th from 12:00 p.m. until 5:00 p.m.
- CenterCal will have the grand opening for the fountain area on June 15th at 11:00 p.m.

City Council

John Bilton

- He reported on the electronic sign committee meeting held by City staff and said the City's two sign ordinances were reviewed. **David Petersen** showed slides of two communities—one in South Carolina and the other in Tennessee and provided additional information regarding electronic signs. **Dave Millheim** said this effort is being driven by the League's advice for cities to decide what their policies are prior to the next legislative session.
- He is concerned about adequate lighting on the Bronco baseball field. One light is down, and several others are burned out.
- A seasonal employee said the scheduling for his job was not provided in a timely manner, and the City Manager agreed to check on the issue.

Cory Ritz

- No report

Jim Young

- No report

Jim Talbot

- No report

Nelsen Michaelson

- He received a letter regarding the state beer tax guidelines.
- Several of his neighbors have complained that the trail near Buffalo Ranch is overgrown with weeds. The **Mayor** suggested that he speak with **George Chipman**, Chairman of the Trails Committee.

City Manager – Dave Millheim

1. He received a report from Davis County Judge Jensen which is the first one since he was hired, and it may be difficult to reconcile it.
2. Lagoon will likely participate (up to \$20,000) on the cleanup of the Lagoon Trail. On May 10, 2012 the City received an application from Lagoon 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 Recreation (CR), Commercial (C) and Business Park (BP). The Council has four choices: (1) to entertain the application; (2) to enact temporary zoning restrictions specific to the sign ordinance; (3) to rezone the property to CR; and (4) to move the sign to Park Lane which is CR. The Council decided to allow the application to move forward with a suggestion to possibly move the sign to Park Lane.

CLOSED SESSION

Motion:

At 8:55 p.m. a motion was made by **Cory Ritz** to go into a closed meeting to discuss the competency of an individual. The motion was seconded by **Jim Talbot** 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.



Scott C. Harbertson, Mayor

Motion:

At 10:08 p.m. **John Bilton** made a motion to reconvene into an open meeting. It was seconded by **Jim Talbot** and approved by Council Members **Bilton, Michaelson, Ritz, Talbot and Young**.

Miscellaneous

There was a brief discussion regarding the practice of reimbursing employees who choose to use their spouse's health insurance, and the City Manager agreed to obtain additional information regarding the issue.

ADJOURNMENT

Motion:

At 10:15 p.m. **John Bilton** made a motion to adjourn the meeting. It was seconded by **Nelsen Michaelson** and approved by Council Members **Bilton, Michaelson, Ritz, Talbot and Young**.



Holly Gadd, City Recorder
Farmington City Corporation