

FARMINGTON CITY COUNCIL MEETING

Tuesday, July 7, 2009

CITY COUNCIL WORK SESSION

PRESENT: Mayor Scott Harbertson, Council Members Richard Dutson, David Hale, Sid Young, City Manager Max Forbush, Finance Director Keith Johnson, City Planner David Petersen, Assistant City Planner Glenn Symes, and Recording Secretary Kami Mahan. Council Members Paula Alder and Cory Ritz were excused from the meeting.

Others present: Architect John Shuttleworth and other members of the architectural firm EDA (Edwards & Daniels Associates). Attorney Jody Burnett was present for the closed session.

The Council began the meeting in the City Council chambers. **Mayor Harbertson** called the meeting to order at 5:57 p.m. The following items were reviewed:

Presentation of Cost Projections for New City Hall

Architect **John Shuttleworth** distributed copies of an updated "Budget Analysis Worksheet" on the new Farmington City Hall, and reviewed individual line items with the Council. The revised numbers after proposed adjustments show an approximate \$100,000 cost overrun. Recommendations for cost savings were reviewed, and renderings of the proposed building and the master plan of the project were also displayed. There was discussion regarding details of the project with respect to fixed seating, exterior building materials, landscaping and fencing, LEED certification, and other issues. **Max Forbush** noted that Keith Johnson has added \$50,000 in revenues. **Mr. Forbush** expressed concern about the area available for public works materials.

The Council moved into the east conference room for the remainder of the meeting.

CLOSED SESSION

At 6:28 p.m. **David Hale** made a motion to go into a closed session to discuss strategy as it relates to pending litigation. The motion was seconded by **Sid Young** and passed with Council Members **Dutson, Young, and Hale** voting in favor.

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

At 6:48 p.m. a motion to go back into open session was made by Dave **Hale** with a second by **Sid Young**. The motion passed with Council Members **Dutson**, **Young**, and **Hale** voting in favor.

(Agenda Item #4): Public Hearing: Consideration of Request from Davkris Investments to amend the General Plan from CMU, LDR, and O/BP to Commercial Recreation (CR) at 525 North 200 West, 653 North Main, 625 North Main, and 300 West Park Lane.

Mayor Harbertson expressed concern about the proposal to rezone the entire area to CR because of the current residences in the BP zone. He felt the BP zoning should remain as a buffer on Main Street for those residents, since Lagoon's future plans are unknown. Council Members agreed. **Glenn Symes** reviewed the proposed motions and findings. **Mayor Harbertson** said that if Lagoon submits a master plan in the future to which the City is agreeable, rezoning the homes to CR at that time could be considered.

(Agenda Item #5): Public Hearing: Consideration of Vacation of a portion of the 300 West Right-of-Way (19' in Width and 167.5' in length) along the west side of 300 West at approximately 76 South.

Mayor Harbertson said that the homeowner is subdividing his property for the purpose of selling it. He explained that in order to do this he must have 10,000 square feet and the City has to give up the right-of-way. He said the owner is receiving value in this transaction. He explained that generally when the City vacates a right-of-way, it expects improvements. However, improvements have already been done, so the City can request that he pay the cost for those improvements. It was noted that the improvements were approximately \$18.00 per foot. This situation is unusual in that this is a 99-foot right-of-way, but is a dead end which will never be used by the City. **Rick Dutson** stated that this is only a \$1,400 issue, and that this homeowner cannot be treated differently than other owners in this situation.

(Agenda Item #6): Public Hearing: Consideration of Preliminary and Final PUD Master Plan and Final Plat approval for Nicholl's Nook Subdivision.

Mayor Harbertson explained this proposal, and said that the City receives nothing by agreeing to this request. He said the applicant does not want to redesign the buildings, and wants to keep the street private and at a 28' width. The **Mayor** pointed out that the large size of the proposed homes. **David Petersen** reviewed the street widths of other PUD streets. The **Mayor** noted that this street has the potential of being extended as a through street. He added that another advantage to Mr. Griffin is this proposal's increased density.

Max Forbush stated that approvals must be unanimous since only three Council members are present.

The work session ended at 7:03 p.m.

REGULAR CITY COUNCIL/CITY CHAMBERS/CALL TO ORDER

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

Mayor Harbertson called the meeting to order at 7:06 p.m. **Rick Dutson** offered the invocation, and the Pledge of Allegiance was led by Scouts **Everett Petersen** and **Justin Slauch**.

APPROVAL OF MINUTES OF PREVIOUS MEETING (Agenda Item #2)

The Council reviewed the minutes of the June 16 , 2009, City Council meeting, and the June 23, 2009, Special City Council meeting. Several corrections/additions were made.

Motion

David Hale moved to approve the minutes of the June 16, 2009, minutes, with changes as noted. **Sid Young** seconded the motion, which passed by a unanimous vote.

It was determined that due to the absence of two Council Members, and because Councilman **Hale** was not present at the June 23, 2000, Special City Council meeting and would have to abstain, that approval of those minutes would need to be put on the next Council agenda.

PLANNING COMMISSION REPORT (Agenda Item #3)

Chairman **John Bilton** reviewed the proceedings of the Planning Commission meeting held June 25, 2009. He reviewed the following items:

- The Planning Commission recommended approval of Rodney Griffin’s request for an amendment to the Master Plan and Final Plat for the Nicholl’s Nook PUD.
- The Planning Commission recommended approval of Steve Ballantyne’s request for a minor metes and bounds subdivision on property located at 76 South 300 West, and for the vacation of a portion of 300 West. **Mr. Bilton** reviewed a portion of the code associated with this matter.
- The request for a conditional use permit for an amendment to the Farmington Ranches Park Master Plan was tabled pending cost estimates and further information from the Army Corps of Engineers concerning the waterway.

- The Planning Commission recommended approval of the request for a conditional use permit for a landscape plan and/or pedestrian path for common open space in the Farmington Ranches Subdivision.
- Rainey Homes' request for a conditional use for the placement of a sales office in a model home in the Tuscany Village PUD was approved.
- **Mr. Bilton** reported that Commissioner Geoff Butler was asked to participate on the SPARC (Site Plan Architectural Review Committee).

In response to a question by **David Hale** about the proposed street in the Nicholl's Nook subdivision, **John Bilton** said the width of the street is 28 feet, which is narrower than the usual standard. He said approval was based on geography and other design elements of the area. **Mr. Bilton** said this has the potential to change if the road eventually goes through. He said the street width is congruent with several other PUD's in Farmington. **Mr. Hale** asked if the 28 foot width was narrower than what would have been approved if it was a through street, and **Mr. Bilton** replied that it was.

PUBLIC HEARING: CONSIDERATION OF REQUEST FROM DAVKRIS INVESTMENTS TO AMEND THE GENERAL PLAN FROM CMU, LDR, AND O/BP TO COMMERCIAL RECREATION (CR) AT 525 NORTH 200 WEST, 653 NORTH MAIN, 625 NORTH MAIN, AND 300 WEST PARK LANE. (Agenda Item #4)

Mayor Harbertson introduced this item, and **Glenn Symes** pointed out the subject property on an overhead general use map. He briefly reviewed the background of this request and explained that the request is to change all the property to the CR zoning designation. He stated that the Planning Commission recommended approval, although the need for a buffer zone needs to be addressed. He indicated that it would probably be appropriate to leave the properties along Main Street as currently zoned.

Public Hearing Opened

Mayor Harbertson opened the meeting to a public hearing at 7:37 p.m.

Dal Freeman, 1825 North Hampton Court, said he is the Park Engineer at Lagoon. He said the CR zone was created long ago to accommodate Lagoon's business interest and protection to the neighbors. He said the Planning Commission agreed at the last meeting that because it is zoned CR, there is already a buffer zone. He said this still works because Lagoon will have an entrance on Park Lane, which will relieve congestion on the frontage road. He said the most recent big ride went into the parking lot, and they want this to be the case for the next big ride as well, with parking moved to the north. **Mr. Freeman** also said the City has encouraged Lagoon to build the bigger rides to the west and north, and this has worked well. He feels it is a reasonable request, and said the Planning Commission

did not object, nor did any neighbors. He said it is in keeping with the City's and Lagoon's interest and they are not creating anything new.

Public Hearing Closed

There were no other speakers, and the **Mayor** closed the hearing at 7:32 p.m.

Mayor Harbertson agreed that extending the CR zone to Park Lane would fit well with Lagoon's future plans, and that the usage fits with new incoming development. He said there is a built-in buffer of 100 feet, and that Lagoon bought the Shipley building, which is now zoned BP and fits the current zoning. He does not think the zoning there should be changed to CR. He also noted the residences along Main Street, and said the City has always tried to maintain a residential feel in the Main Street area. Regarding Mr. Freeman's letter pointing out that Lagoon doesn't want to have to stop to get an area rezoned before they build a ride, the **Mayor** agrees but is concerned about the buildings on Main Street and protecting the City. He wants the zoning of the annex building to remain as BP, Main Street to remain LR, with agricultural zoning in the back of those yards to the property line. The remainder of the open space and west of that will remain CR. He is concerned that there is not a master plan and the future is unknown. He questions why zoning should be changed when there is no tax advantage, and suggests leaving that portion for a later time.

It was clarified exactly what area is being rezoned.

Dal Freeman said that UDOT is going to add sidewalks on both sides of the area from the bridge to the intersection on Park Lane. Lagoon will install utilities on the west side which will tie those properties together with Lagoon. Their hope is to have the zoning consistent through their property because of the tie-in with utilities. He said this will give them more control over what happens to the properties.

Mayor Harbertson responded that they still have control, and noted that there is only one business in the area that is being affected. He said since there are houses there, he thinks it should be left as it is. **Mr. Freeman** asked the Council to consider Lagoon's history and good association with other neighbors on the south. He questions why this area should be of more concern.

Sid Young feels the zoning should be CR all the way to Park Lane. His concern is the buffering 100 foot limit. He said some properties are deeper than that, which could allow for problems at some point. He agrees with the **Mayor's** recommendation. **David Hale** said the key element for him is the absence of a Lagoon master plan.

Motion

David Hale moved to zone all the areas applied for as CR, with the exceptions of the BP area where the Lagoon annex is, and leaving those properties adjacent to Main Street as LR Agriculture and with the following Findings:

1. The proposed zoning designations for the subject property provide the most appropriate zoning designation based upon established and anticipated use on the subject property;
2. The “holding zone” functions as a mechanism by which the City can evaluate a proposed plan for park expansion prior to granting the zone change;
3. The proposed zoning is consistent with the City’s official General Land Use Plan map.

Rick Dutson seconded the motion, which passed with Councilmen **Hale**, **Young**, and **Dutson** voting in favor.

Mr. Dutson noted that there is much uncertainty in this situation, and this is a peculiar market.

PUBLIC HEARING: CONSIDERATION OF VACATION OF A PORTION OF THE 300 WEST RIGHT-OF-WAY (19' IN WIDTH AND 167.5' IN LENGTH) ALONG THE WEST SIDE OF 300 WEST AT APPROXIMATELY 76 SOUTH. (Agenda Item #5)

Dave Petersen pointed out the Ballantynes’ property on an overhead aerial map. He said subdivision ordinances require 10,000 square feet for each parcel. He said they have met the standards that allow flexibility to be granted. There is not quite enough space for the 10,000 square feet, so they need some of the 99 foot right-of-way. They are requesting that the City vacate a portion of the right-of-way for this purpose, leaving room between the curb and gutter to the property line for a park strip. The Planning Commission approved the lot split and recommends vacation of the right-of-way.

Public Hearing

Mayor Harbertson opened the public hearing at 7:50 p.m.

The applicant, **Steve Ballantyne**, 76 South 300 West, offered to answer questions. The **Mayor** closed the hearing.

Mayor Harbertson said the only way to accommodate the lot split is with the vacation, and this creates value for the homeowners. He explained that typically the City benefits from a vacation in improvements which are made. However, the curb and gutter were already done two or three years ago. Since the Ballantynes are receiving a benefit, he recommends that they create value to the City by paying the cost of improvements that were done to the 78 feet for the new lot. At a cost of \$18.00 per square foot, this would be approximately \$1,400 reimbursed to the City. **Mr. Ballantyne** agreed that this was fair.

Sid Young expressed concern about the width of the new lot. The **Mayor** said the width conforms to City standards, and **David Petersen** said this width is consistent with many other properties in the downtown area. **Mr. Young** suggested that a public utility easement be formalized if there are utilities in the area, and utilities were briefly discussed. **Max Forbush** raised the issue of payment for assessment for the curb and gutter. He said that generally when the City vacates property it provides a quit claim deed. He wonders whether Mr. Ballantyne wants to pay the \$1,400 now or put a lien on the property to be paid at the time of sale. **Mr. Ballantyne** was not sure, and said he would like to know more about his options. **Mr. Forbush** said he will check with the City attorney on how to handle this. **David Hale** said he did not want this housekeeping issue to fall on staff. He doesn't think a lien is a good idea, but leaves it up to Mr. Ballantyne. **Mr. Forbush** said it would be left up to staff and will be resolved before the quit claim deed is issued. **Rick Dutson** emphasized that this issue was about precedence, and **Mr. Ballantyne** said he understood this.

Motion

Sid Young made a motion to vacate a portion of the 300 West right-of-way along the west side of 300 West at approximately 76 South, subject to the following conditions: (1) that the current landowner will remit to the City the cost of the curb and gutter which has been installed, which is \$18.00 per square foot, or approximately \$1,400; (2) that the quit claim deed issuance be resolved with legal review and with the Ballantynes; (3) that if there are utilities in place, that they comply with the ordinance which is in place; (4) that a public utility easement be provided; and (5) that the responsibility of a lien or payment should not rest with staff. **David Hale** seconded the motion, which passed by a unanimous vote. Councilmen **Hale, Young,** and **Dutson** voted in favor of the motion.

PUBLIC HEARING: CONSIDERATION OF PRELIMINARY AND FINAL PUD MASTER PLAN AND FINAL PLAT APPROVAL FOR NICHOLL'S NOOK SUBDIVISION. (Agenda Item #6)

Glenn Symes displayed a graphic of the plan originally approved several weeks ago. He said that it had six units in three buildings with two units each. He said the street ended up as a public road, and that applicant Rodney Griffin has had trouble marketing this plan. He said Mr. Griffin is requesting an amendment to the master plan with the change of three buildings with three units each, and the private road to be 28 feet wide. **Mr. Symes** said there has been only a minimal change of the footprint. He showed elevation drawings of the new proposal.

Rodney Griffin clarified that the size of the middle unit is smaller than previously on the main floor, but the overall unit is bigger in total at about 3,000 square feet.

Mayor Harbertson invited **Mr. Griffin** to address the Council. **Mr. Griffin** explained that the changing economy has necessitated a change on the face of the project. He said he is still adamant about his major goals to have a project appealing to the neighbors which utilizes the interior of the block, and

to have owner-occupied homes. He also wants to benefit the adjacent property owners. He said the street is not wide enough to install a major subdivision road without making the lots shallow. He said his proposal is the best compromise. **Mr. Griffin** said the City's concerns were for the backyards of the other properties to be able to develop if they choose to, and that the homes on 100 West retain a single-family look. He feels his proposal addresses these concerns. He also said the proposal leaves the road wide enough for emergency vehicles, as requested by the Planning Commission. **Mr. Griffin** said this is a good compromise providing for an overlay easement, and the City would control what happens with it, yet if it stayed private the HOA would plow snow and maintain the road.

Public Hearing

Mayor Harbertson opened the public hearing at 8:15 p.m. There were no public comments and the hearing was closed.

Mayor Harbertson said the City wants to be able to maintain the street if it goes through in the future. He said he understands the Planning Commission's recommendation, but is concerned with the narrow width of only 28 feet with parking on the north side. He does not believe removing two feet from the house plan is a significant issue due to the plan's size. He said he knows other subdivisions have private roads, but those are dead ends and this street has the potential to expand. The **Mayor** also noted that the City receives nothing in return for approving this proposal. He also pointed out that the density of the project is increased. He said he does not object to the density, and that he understands the economic situation, but does not want to give up City standards and narrow the road which could create a safety issue later. He said if this is allowed it could set a negative precedent. The **Mayor** turned the time over to the Council for consideration.

Councilmen **Dutson** and **Hale** agreed with the **Mayor**. **Sid Young** said he felt the nine units were okay, but would only feel comfortable if the street was public.

Rodney Griffin responded to the Mayor's and Council's concerns, saying that the two foot difference in the units is significant because they are trying to keep the driveways at 20 feet deep, and garages need to be 20 feet deep. This dictates the location of the back wall of the house. **Mr. Griffin** said he hired another architect, who also struggled with making the design smaller, and that nine feet does not give a reasonably sized bedroom or kitchen. He said he will not be disgruntled with the 32 foot requirement but it will require creative work. He is considering keeping the six units on the south the same size, and removing four feet on the other side of the street, and possibly changing it to two buildings. He said they are giving a lot to the City, and that his investor said he could have gotten much higher density. He said six was very naive on his part. He said this is a good product for the City. **Mayor Harbertson** agreed. **Mr. Griffin** said they are very close.

David Petersen said he didn't think **Mr. Griffin** has to give up anything by going to a 32 foot street width. He said a recessed garage is a big plus in curb appeal. It is not uncommon to have this

short of a distance in suburban areas. **Mr. Petersen** pointed out that Mr. Griffin has an advantage with his open green space. He also noted that Farmington Station driveways are 18 feet and Jerry Preston's fire station is 16 and ½ feet, which is shorter than **Mr. Griffin's**.

Motion

A motion was made by **Sid Young** to approve the Nicholl's Nook Subdivision Preliminary and Final PUD Master Plan and Final Plat, that the street be retained as a public street at normal dimensions, that the development be approved for the increased density (which is allowed by zoning) from six to nine units, and that the width of the street be 32 feet. **David Hale** seconded the motion, which passed unanimously, with Councilmen **Dutson, Young, and Hale** voting in the affirmative.

PUBLIC HEARING: CONSIDERATION OF AMENDMENTS TO CONSERVATION EASEMENTS IN PHASES 4 & 5 OF THE FARMINGTON RANCHES SUBDIVISION NEAR LONESTAR DRIVE AND IRONSIDE WAY. (Agenda Item #7)

Mayor Harbertson invited **David Petersen** to review this matter. **Mr. Petersen** said the plans in the packet showed open space between the parcels in Phases 4 and 5. He said this is okay under the conservation easement, but the trail is not permitted. He said the trail makes sense because it is a linear corridor for pedestrians on the way to a public park, and that this was not considered when the conservation easement was previously amended. Staff is recommending that the conservation easement be amended to allow the trail.

Public Hearing

Mayor Harbertson opened the hearing at 8:30 p.m. There were no public comments and the hearing was closed.

The **Mayor** agreed that the trail makes sense and sees no reason to deny the request. It was clarified that the trail already exists, and that curb cuts are either in place or will be soon.

Motion

David Hale moved to approve the Amendments to the Conservation Easements in Phases 4 & 5 of the Farmington Ranches Subdivision. **Rick Dutson** seconded the motion, which passed by a unanimous vote. Councilmen **Hale, Young, and Dutson** all voted in favor of the motion.

The Council moved to Agenda Item #16.

REQUEST FOR FIRE DEPARTMENT FUNDING FOR ICE MACHINE AND FIRE STATION "BAY DOORS." (Agenda Item #8)

Mayor Harbertson reported that the bay doors at the Fire Station have been problematic for years. He said there are ample funds to pay for this expense, and added that the department is also requesting a new ice machine which can also be paid for from this fund. **Rick Dutson** said he favors approval, but asked about the possibility of acquiring a refurbished ice machine in an effort to reduce costs. **Max Forbush** said he would look into this possibility.

Motion

Sid Young made a motion to authorize spending up to \$18,500 from the ambulance fund for the replacement of the bay doors at the Fire Station, and for the purchase of an ice machine, with a request to look into options less expensive than \$4,000 for a new one. The motion was seconded by **Rick Dutson** and passed unanimously, with Councilmen **Dutson, Young, and Hale** voting in favor.

FINAL PLAT APPROVAL FOR RICE FARMS ESTATES, PHASE III SUBDIVISION. (Agenda Item #9)

Mayor Harbertson introduced this matter, and **Glenn Symes** displayed an overhead Final Plat map of the development. The **Mayor** said nothing had changed from the master plan except the increased density. He pointed out proposed areas for parking and said they will leave the areas open for parking in the future if needed. **David Petersen** reported that they had visited the site, and that part of the parking area would be a nice landscape feature. **Mayor Harbertson** agreed and said two of the four pods could be eliminated, and the HOA can add them back in the future if necessary.

Motion

Rick Dutson moved to grant Final Plat approval for the Rice Farms Estates, that two of the parking pods be removed, and to approve the Ordinance vacating all of Rice Farms Estates Phase III PUD and directing that it be recorded with the Davis County Recorder's office. **Sid Young** seconded the motion, which passed by a unanimous vote. Council members **Hale, Young, and Dutson** all voted in the affirmative.

Developer **Jerry Preston** noted that there is plenty of parking and the landscaped area is more what the community wanted.

CONSIDERATION OF REQUEST BY DAYER WORRAL FOR "EXEMPTION" UNDER THE HOME OCCUPATION ORDINANCE REGARDING SWIMMING LESSONS. (Agenda Item #10)

Mayor Harbertson introduced this item. The applicant was not present. **David Petersen** explained that this situation is uncommon because the swim instructor travels to the site and teaches one

student at a time for a period of only ten weeks. He said there would be a maximum of two cars at a time, and he referred to the Findings in his July 2, 2009, Memorandum to the Council. He said this is in keeping with other exemptions and said staff recommends granting the exemption.

Sid Young asked if there had been concern from neighbors, and **Mr. Petersen** replied that there had not. The Council briefly discussed the matter and agreed this proposal would have little impact.

Motion

A motion was made by **David Hale** to grant the request, with the following conditions and findings:

1. No exterior architectural or structural modifications will be made to the dwelling to accommodate the swim lessons.
2. No signs will be used to advertise the lessons.
3. The swim lessons will not generate greater vehicular traffic than commonly associated with residential activities in the neighborhood.
 - a. Each lesson is limited to one, and sometimes two, students - fewer than other types of uses in Farmington which also provide lessons, such as music, dancing teachers and tutor, which are permitted have not more than six pupils, and as many as 16 pupils if approved as a conditional use.
 - b. The lessons will be provided only 10 days a year, and during the hours between 9:00 a.m. and 2:00 p.m. - non-peak hour traffic times.
4. The lessons will not create a demand for municipal services or community facilities in excess of those usually and customarily provided for residential uses.
5. The lessons are clearly incidental, secondary and compatible to the residential use of the dwelling and do not adversely affect the residential character of the surrounding neighborhood. The lessons will be conducted in such a way that neighbors or passer-by would not, under normal circumstances, be aware of their existence.
6. Another use where a non-resident of the dwelling is permitted to conduct business is already an exempt use by ordinance (i.e. promotional meetings for the purpose of taking order for merchandise, by invitation only, which occur not more than once each month.)

The motion was seconded by **Sid Young** and passed by a unanimous vote. Councilmen **Hale, Dutson, and Young** voted in favor of the motion.

CONSIDERATION OF DR. MICHAEL WILCOX TO REVOKE AND ABANDON A DRAINAGE EASEMENT OVER AND ACROSS LOT 3 OF FOREST GLEN SUBDIVISION AND TO ESTABLISH A REPLACEMENT EASEMENT THERETO. (Agenda Item #11)

Mayor Harbertson explained that the current easement misses the actual drainage and swale in a couple of areas, and that the new easement is more accurate. **David Petersen** reviewed that this situation occurred because the homeowner's architect incorrectly drew the placement of the easement, which was discovered during construction. City officials are satisfied with the new easement. **Mr. Petersen** recommends that the easement form be signed, but not recorded until a new, acceptable easement is received.

Motion

David Hale moved to revoke and abandon the drainage easement, and to approve the new easement, but that it not be recorded pending a new legal description. **Sid Young** seconded the motion, which passed by a unanimous vote, with Councilmen **Young, Hale,** and **Dutson** voting in favor.

MINUTE MOTION APPROVING SUMMARY ACTION LIST. (Agenda Item #12)

- **Ratify Construction Bond Agreements previously signed by Mayor Harbertson**
- **Approve Change Order #1 on Asphalt Paving Contract**
- **Approval of Resolution Amending 9.30(h) of the City's Personnel Policies pertaining to Retirement Health Savings Accounts**
- **Resolution Amending the Consolidated Fee Schedule pertaining to application fees for Site Plan Architectural Review Committee (SPARC) and Project Master Plan (PMP) Applications**
- **Letter of Agreement with Soren Simonsen to provide professional services for Site Plan Architectural Review Committee (SPARC)**

Mayor Harbertson briefly reviewed each of the Summary Action items. He noted Soren Simonson's letter in the packet regarding the cost of living annual increase not being reflected in the fee schedule. He said he doesn't have a problem with it. Because of the \$500 down payment that is required that can be used to cover cost of living increases. **Sid Young** asked about the retirement health savings plan, and **Max Forbush** said it has to comply with IRS rules and needs to be changed.

Motion

Rick Dutson moved to approve the Summary Action list, and **Sid Young** seconded the motion, which passed unanimously with Councilmen **Dutson, Hale,** and **Young** voting in favor.

CONSIDERATION OF A RESOLUTION AUTHORIZING THE ISSUANCE AND SALE BY

THE CITY OF ITS GENERAL OBLIGATION BONDS, SERIES 2009 IN THE PRINCIPAL AMOUNT OF \$1,250,000 (THE “BONDS”), PRESCRIBING THE FORM OF THE BONDS; PROVIDING FOR THE MANNER OF EXECUTION AND DELIVERY OF SAID BONDS; PROVIDING FOR THE USE OF THE PROCEEDS THEREOF AND HOW PAYMENT OF SAID BONDS WILL BE MADE; AUTHORIZING THE TAKING OF ALL OTHER ACTIONS NECESSARY FOR THE CONSUMMATION OF THE TRANSACTIONS CONTEMPLATED BY THIS RESOLUTION; AND RELATED MATTERS. (Agenda Item #13)

Max Forbush explained that this action was the last component of financing of the new City Hall project. He said a public hearing was held at the last Council meeting, and this document enables the City Council to issue these bonds. The purchaser is the Bank of Utah. This, combined with other financing, enables the City to raise revenues for the project. This bond has already been authorized by the voters. **Rick Dutson** asked how this impacts the 2009 budget, and **Mr. Forbush** replied that it does not affect the operating budget. **David Hale** noted that the interest rate being charged reflects the good credit of the City. **Mr. Forbush** said the City has an A-1 rating. **Mr. Hale** said this is a tribute to the fiscal responsibility of City staff.

Motion

David Hale moved to approve the Resolution. The motion was seconded by **Rick Dutson** and was unanimously approved upon the affirmative votes of Councilmen **Hale, Young, and Dutson**.

REVISED HAMPTON INN PROJECT PROPOSAL. (Agenda Item #14)

Mayor Harbertson reported that the applicant asked to have this item tabled.

Motion

Rick Dutson moved to table this item. **Dave Hale** seconded the motion, which passed with Councilmen **Young, Dutson, and Hale** voting in favor.

INTER-LOCAL AGREEMENT WITH DAVIS COUNTY REGARDING HAIGHT’S CREEK DRAINAGE PROJECT. (Agenda Item #15)

It was noted that this action formalizes the inter-local agreement. There was a brief discussion of whether Haight Creek is one of the stream channels Davis County was responsible for. **Max Forbush** explained that there is a water line affecting that easement, and that based on this the Council decided at the last City Council meeting to make a small contribution to the project. **David Hale** clarified that an 8-inch culinary water line was installed by a developer as required by the City, and there was some discussion as to whether the contractor caused a problem. **Mr. Forbush** noted that the County is taking care of most of the cost of construction.

Motion

Sid Young moved to approve the inter-local agreement with Davis County. **David Hale** seconded the motion, which passed unanimously. Council Members **Hale, Young,** and **Dutson** voted unanimously in favor.

FARMINGTON TRAILS BUSINESS - GEORGE CHIPMAN. (Agenda Item #16)

- **Appointments to Trails Committee**
- **Power Hiker Award**
- **Trails Map Proposal**

Mayor Harbertson introduced this Agenda Item, and he invited the Price family and **George Chipman** to come forward. **Mr. Chipman** reported that this is the first 15-miler power hiker award to be given to a family, and he presented the award patch to the Price family.

The Council then handled Agenda Item #8 before returning to this item.

Mayor Harbertson reported that the Trails Committee nominees are to serve from June 2009 through June 2012. Those nominated are George Chipman, Stacey Neilsen and Dee Winegar, with George Chipman to serve as Chairman for the 2009-2010 term. The two members retiring from the Committee are Randy Klein and Terry Welch.

Motion

Sid Young moved to approve the new members and new Chairman as proposed. The motion was seconded by **Rick Dutson** and was unanimously approved. Council Members **Young, Dutson,** and **Hale** voted in favor.

Mayor Harbertson showed **George Chipman** the new Farmington City coin. **Mr. Chipman** then distributed laminated copies of a new trails map, which he said was designed as a special edition hiking map. The Committee wants to make the map available to the general public, and to have copies available for Festival Days. **Mr. Chipman** explained that along with trails, the new map contains fifty points of interest, camping areas, waterfalls, and all trails, not just U.S. Forest trails. **Mr. Chipman** noted that these trails are all on public land and admissible for public access. He disclosed that the Forest Service prefers that the trails not be publicized, but leaves this up to the committees. The Committee specified a different designation of user trails versus system trails as requested by the Forest Service.

Sid Young reiterated that the Forest Service trails are not official trails of the Farmington Trail System and should not be publicized, but it is acceptable to include them on the map as a resource.

Motion

David Hale moved to recommend that the Trails Committee make the map available to the public. The motion was seconded by **Sid Young** and passed unanimously. Council Members **Hale, Dutson,** and **Young** voted in the affirmative.

DIRECTION/POLICY GUIDANCE FOR CLARK LANE HISTORIC DISTRICT'S LANDMARK DESIGNATION REQUEST. (Agenda Item #17)

Mayor Harbertson said that notices were mailed and another meeting held on this issue, but response was poor. He said two thirds of the residents have not responded. The Council discussed various means of verifying that all residents are adequately informed. Options discussed included phone surveys, letters with a return coupon, opt-in or opt-out preferences, personal visits, or postponing the matter until next year. **David Petersen** reported that a door-to-door effort in his prior place of work of Chattanooga, Tennessee, had an 85% positive response. The reasons for non- participation were briefly discussed. **Rick Dutson** said he was most concerned about the legal review and clarity of the designation. **Sid Young** suggested a possible SAA (Special Assessment Area) and said it is important citizens are informed to avoid future problems. The issue was further discussed and Council Members agreed that door-to-door visits would be beneficial, and that absent owners would have information left on their doorsteps. **Max Forbush** suggested leaving the organization and implementation of the effort to **David Petersen**.

Motion

David Hale moved to approve having the City Planner arrange for door to door contact with homeowners, that information will be left if owners are not home, and that the City Planner will report back to the Council. The motion was seconded by **Sid Young** and unanimously approved. Councilmen **Hale, Young,** and **Dutson** voted in favor of the motion.

MASTER TRANSPORTATION PLAN AMENDMENT LANGUAGE SUGGESTIONS FROM JUNE PUBLIC HEARING. (Agenda Item #18)

Mayor Harbertson invited the City transportation engineer **Tim Taylor** to address the Council. **Mr. Taylor** reviewed the text and map changes in the Master Transportation Plan Amendment. He said the goal was to express the City Council's and Planning Commission's desire to have the original corridor be more of a boundary, no further north or east of the designated line, and he asked if the text meets the intent of the City. Council Members expressed their approval.

Sid Young raised the issue of whether the I-15 parallel route should specifically be addressed in the report as not being a viable option, in order to address the concerns of west Farmington residents. This issue was discussed, and other Council Members felt that this was not necessary. **Rick Dutson**

stated that he will attend the public hearings on this issue and intends to make it very clear that the best alternative for Farmington is the furthest west and south option, and that the other options are significantly problematic. **Mayor Harbertson** reported that following a phone conversation he had with resident Bruce Bassett, Mr. Bassett sent e-mails to his group informing them of the problems with the I-15 option.

Motion

Rick Dutson made a motion to approve the final wording adjustments to the Master Transportation Plan as drafted by **Tim Taylor**. **David Hale** seconded the motion, which passed by a unanimous affirmative vote by Councilmen **Hale, Dutson, and Young**.

REVIEW OF JOHN SHEETS' REQUEST. (Agenda Item #19)

Max Forbush reported on an email he received from John Sheets regarding Mr. Sheet's request for the American Legion to store items in the new City Hall closet. **Mr. Forbush** said that Mr. Sheets indicated he would be back in touch with **Mr. Forbush** at the end of the month. The Council is agreeable to discuss the request, but agreed that the timing for a decision now might be premature.

JOINT CITY COUNCIL/PLANNING COMMISSION MEETING FOR PROPOSED "FARMINGTON SQUARE DEVELOPMENT DISCUSSION (JULY 21 AGENDA). (Agenda Item #20)

Mayor Harbertson said that Rich Haws has requested a joint City Council/Planning Commission meeting. The **Mayor** said he doesn't see the purpose when there is a SPARC, but that he would be agreeable to giving time to the group during a Council work session. **David Petersen** suggested that Rich Haws be contacted to determine the purpose of the meeting. The Council discussed Mr. Haws' possible intention, and it was agreed that the **Mayor** will contact Mr. Haws to suggest time during a Council work session.

REVIEW OF UDOT CORRESPONDENCE REGARDING PARK LANE AREA. (Agenda Item #21)

Mayor Harbertson stated that he agrees with the recommendations of **Tim Taylor** to send a letter to UDOT with respect to handling bicycle and pedestrian traffic around the interchange and FrontRunner station, as well as having City representation at any UDOT meeting concerning Farmington City. The **Mayor** referred to letters in the packet which have been drafted to the UDOT Region One Traffic Engineer, and Cory Pope of UDOT. He noted that the letter does not address the delay in restriping. **Max Forbush** said this was written before an email from Mr. Pope was received. **Mr. Forbush** said they sent a copy of the letter to Craig Trottier of CenterCal, and they agreed it should be delayed. He said it should express support of the restriping and the delay.

With regard to the letter on restriping, **Tim Taylor** said pedestrian access was a significant issue, and it is important to make clear that the City is making an effort on this. He also said it is important to propose to UDOT that there be a pedestrian trail/bike bridge across I-15 that is not attached to Park Lane or another road. The Council discussed the need for this access. **Mr. Taylor** also noted that a bicycle master plan should be formalized as part of the Master Transportation Plan.

NOMINATIONS TO UTAH LEAGUE OF CITIES & TOWNS BOARD OF DIRECTORS.
(Agenda Item #22)

Mayor Harbertson said that he has been serving on this board. It was clarified that this is two-year term. It is unlikely any other member of the Governing Body would ever be appointed with him serving on the Board. The decision was to not pursue nominating any other person.

GOVERNING BODY REPORTS (Agenda Item #23)

- **Mayor Harbertson's Report**
- **City Council Reports**

Mayor Harbertson expressed concern about past engineering expenses with CRS. This will be evaluated. The **Mayor** also reported that he will have the opportunity to discuss issues on the phone with Senator Bennett, and asked Council Members for their input as to what issues he might address with the Senator. Suggested topics included transportation, discretionary funds for City projects, the public perception of spending in Washington, stimulus monies, cap & trade, utilities, taxes, insurance, and interest rates, federal courts setting policy, and the health care system.

Specifics of the Mayor's and Council's participation in the Festival Days parade were reviewed.

Rick Dutson reported on a citizen concern about weeds underneath a Lagoon billboard. Lagoon will be reminded to take care of the problem. **Mr. Dutson** also reported that there are still weeds in a vacant lot in his neighborhood. **Max Forbush** explained that the notice and enforcement process takes many weeks.

Sid Young raised the issue of garbage cans on the Legacy Trail. **Mr. Forbush** said this is UDOT's Region One responsibility through the season, and he stated that an inter-local agreement is being drafted with UDOT regarding trail maintenance.

Mr. Dutson reported on an item for sale on the Brass Comb property. **Max Forbush** said he will talk to the City Planner on the standing of the Brass Comb's business licence.

MISCELLANEOUS (Agenda Item #24)

- **Miscellaneous items.**

- Park Lane Restriping

- **Minute Motion adjourning to closed session, if necessary, for reasons permitted by law.**

Max Forbush distributed copies of the “Rough Budgeting Cost Estimate” for the Main Street project associated with the new City Hall. He noted that there is a shortfall of revenues, and said Keith Johnson had suggested transferring money from the garbage and sewer fund which would provide an additional \$50,000 if needed. The Council was agreeable to this transfer.

ITEMS OF GENERAL CORRESPONDENCE (Agenda Item #25)

No items were discussed.

ADJOURNMENT

David Hale moved to adjourn, and **Rick Dutson** seconded the motion. The meeting adjourned at 10:05 p.m.

Margy Lomax, City Recorder
Farmington City