

**FARMINGTON CITY COUNCIL MEETING
Tuesday, May 5, 2009**

CITY COUNCIL WORK SESSION/EAST CONFERENCE ROOM

PRESENT: Mayor Scott Harbertson, Council Members Richard Dutson, David Hale, Paula Alder, Sid Young, Cory Ritz, City Manager Max Forbush, City Planner David Petersen, Assistant City Planner Glenn Symes, Chief Financial Officer Keith Johnson, City Building Inspector Eric Miller, Enforcement Officer Ralph Gibbons, and Recording Secretary Cynthia DeCoursey.

Mayor Harbertson began discussion at 6:10 p.m. **Paula Alder** offered the invocation, and the following items were discussed:

Eric Miller, Farmington City Building Inspector provided information regarding the Building Department. He discussed some of the following items:

- Building permit packet and process
- Checklist for a building permit application
- Continuing education classes, certifications, and chapter meetings
- Reports and Statistics, including permits issued from January 2000 to December 2008
- Brochure, "Benefit of Building Permits"
- Sample copy of "Certificate of Occupancy"
- Examples of code violations

Max Forbush praised **Mr. Miller** for the quality work he does and told the Council that he works well with people. **Mayor Harbertson** asked **Ralph Gibbons**, part-time enforcement officer, to give an overview of his job. **Mr. Gibbons** distributed a handout titled "Work Summary for Ralph Gibbons" and described the process involved with attempting to enforce City ordinances.

(Agenda Item #12): Second Amendment to Somerset Settlement Agreement and Associated Easement Document

The **Mayor** asked **Max Forbush** to provide some background regarding the Somerset Settlement Agreement. **Mr. Forbush** said the Agreement was modified by Somerset's attorney, but he and the City Attorney both disagree with the easement portion. He said that **Jim Hefner** would be in attendance at the regular session, and they could discuss this item in more detail.

Mayor Harbertson ended the work session at 6:58 p.m.

REGULAR CITY COUNCIL/CITYCHAMBERS/CALL TO ORDER

PRESENT: Mayor Scott Harbertson, Council Members Richard Dutson, David Hale, Paula Alder, Sid Young, Cory Ritz, City Manager Max Forbush, Assistant City Planner Glenn Symes, Chief Financial Officer Keith Johnson, City Recorder Margy Lomax and Recording Secretary Cynthia DeCoursey.

Mayor Harbertson opened the meeting at 7:04 p.m. and welcomed those in attendance, including **Megan Reeder**, representative from the Youth Council. **Margy Lomax** offered the invocation, and the Pledge of Allegiance was led by **Cory Ritz**.

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

The minutes of the City Council meeting held April 21, 2009 were reviewed. **Max Forbush** added the following clarifying statement for Agenda item #16 “Centerville City/Robert E. Young property issues as they pertain to Tuscany Cove Development Agreement: “The City Council packet material included a map of the southern part of the City near the common Centerville-Farmington boundary. There was a problem of property not being acquired by the developer of Tuscany Cove and then being conveyed to the City. The letter referred to by the Mayor was a ‘demand letter’ written by the City Attorney stating that he was in default.”

Sid Young noted a correction on page 3; he did not second the motion to approve the minutes of the April 7, 2009 meeting because he was absent. It was determined that **Cory Ritz** seconded the motion. **Mr. Young** also requested that the sentence on page 12, “**Sid Young** left the meeting momentarily” be deleted. **Rick Dutson** asked that his comment on page 12 be changed to read “the next meeting with the architects and engineers” rather than “the next architectural structural meeting.” **Paula Alder** said her statement on page 14 was incorrect and should be “we need to have a yearly training on the open meeting” instead of “budget meetings must be open meetings.”

Motion

Sid Young made a motion that the minutes of the City Council meeting held April 21, 2009 be approved with the noted changes. **Paula Alder** seconded the motion, and Council members **Dutson, Hale** and **Ritz** voted in favor of the motion.

PLANNING COMMISSION REPORT (Agenda Item #3)

Chairman Bilton said the Planning Commission reviewed **Jerry Preston's** request at their April 30, 2009 meeting and gave their approval. They also covered the two items concerning the language of Chapter 41 and the zoning map associated with Chapter 41. He commended Staff for the homework and research they did and said questions regarding jurisdiction, local control, and House Bill 272 were discussed at length. The Commission passed both of these items unanimously and recommended that the City Council also approve them.

UPDATE ON COMPLIANCE WITH MORATORIUM ORDINANCE REGARDING REAL ESTATE SIGNAGE (Agenda Item #4)

Glenn Symes said the moratorium on the 2-month signage extension will expire in two weeks, and he asked the Council if they would like to extend it for another two months. They all agreed to add the additional time, and there will be a formal motion at the next City Council meeting.

PUBLIC HEARING: AMENDMENT TO RICE FARM ESTATES, PHASE 3 (PUD) MASTER PLAN (Agenda Item #5)

Background Information

Glenn Symes said Rice Farm Estates was originally approved for 16 family units, and earlier this year **Mr. Preston** requested a change which led to some concerns from the residents. The Planning Commission recommended that **Mr. Preston** meet with the residents in the area to receive some feedback about their concerns. He scheduled several meetings, and they were able to agree on a compromise of 25 units. **Mr. Symes** included a letter from **Mr. & Mrs. Hite** which gave a good summary of the meetings and the issues involved.

Jerry Preston said the development of Phases 2 and 3 was finished two years ago. Since that time only two units in Phase 2 (12 units total) have sold, and there have been no sales in Phase 3. He said he was forced to look at other alternatives because of the economy, and he felt this was a way to provide a lower price range for potential buyers. He said many of the neighbors are in agreement with the new proposal, but there are still a few who prefer that nothing be done. He said he would like to begin construction as soon as possible, and the units will be priced between \$219,000 and \$249,000.

Public Hearing Opened

The **Mayor** opened the public hearing at 7:26 p.m. There was no one from the public who spoke concerning this item.

Public Hearing Closed

The public hearing closed at 7:27 p.m. The Council discussed a few of the issues involved and praised **Mr. Preston** for his efforts with the residents and with the quality development of Rice Farms Estates.

Motion

Sid Young made a motion to approve the amendment to Rice Farms Estates, Phase 3 (PUD) Master Plan. **David Hale** seconded the motion, and Council members **Alder**, **Dutson**, and **Ritz** voted in favor of the motion.

OAKRIDGE AREA REQUEST FOR CITY TO PARTIALLY FUND SOUND WALL AT I-15 NEAR SHEPARD LANE (Agenda Item #6)

Mark Jensen, general manager at the Oakridge Country Club, said they have been working with representatives of the Utah Open to install a partial sound wall that would encompass about 420 feet near the 14th hole. He spoke with a company who gave him two options:

1. 30-foot sound wall (the height would depend on where the noise reduction had to take place) total of 420 feet. Cost: \$387,000
2. 10-foot concrete precast wall that would run the same distance. Cost: \$78,000

Paula Alder said she received an email from **Gene Done** regarding this issue, and he requested financial support from the City. **Mr. Jensen** said it was possible that UDOT would contribute some money and that additional funds could come through a grant. The **Mayor**, **Mr. Forbush** and the Council all agreed that the City cannot offer financial assistance at this time.

Motion

David Hale made a motion that **Mayor Harbertson** send a letter to **Gene Done** stating that the City Council understands his situation, but from an economic point of view, the City cannot assist with the funding of this project. **Rick Dutson** seconded the motion, and Council members **Alder**, **Young**, and **Ritz** voted in favor of the motion.

STEVE FLANDERS' REQUEST TO LEASE THE CITY'S 6 ½ ACRE PARCEL OF PROPERTY LOCATED AT THE SW CORNER OF THE BURKE LANE/1525 WEST INTERSECTION (Agenda Item #7)

Mayor Harbertson said the **Flanders** would like to lease this piece of property from Farmington City. He explained that the City has been holding the subject property in reserve to be used in a potential trade for a cemetery. There were various issues discussed: (1) the desire and/or need for another cemetery in Farmington, (2) possible commercial development in the area, (3) pipeline and drainage issues, (4) open space, (5) property values, and (6) trade value. **Mr. Flanders** said if the City leased the property to him, he would maintain the property and not develop it at this time.

Motion

Rick Dutson made a motion that the City Council authorize the lease of the 6½-acre parcel located at the SW corner of the Burke Lane/1525 West intersection for \$100.00 per acre to the **Flanders** for one year. During the first year, the City would pursue options regarding its cemetery needs along with a possible trade or sale of the parcel. **Cory Ritz** seconded the motion, and Council members **Alder, Hale** and **Young** voted in favor of the motion.

CONSIDERATION OF WEBSITE INTERNET PROPOSAL SUBJECT TO AN AGREEMENT (Agenda Item #8)

Mike Hepworth, Webwave Internet Services, LLC, said his company would like to rent space for a new radio tower. He said the tower would allow the residents of Farmington to take advantage of their affordable internet service. Because the location in Farmington is crucial to their growth, they are willing to pay \$150.00 per month. The Council members discussed various issues such as the number of customers the LLC currently has, the length of rental agreement, the area of coverage, and the speed. Webwave said they hope this new tower will generate another 150 customers. They said the radiation is very low, they have competitive prices, and they have a new technology which is not line of sight.

Motion

Rick Dutson made a motion that the City Council authorize staff to work with the vendor to develop an agreement to allow the lease of City property for the purpose of internet use by Webwave Internet Services, LLC for one year. **Cory Ritz** seconded the motion, and Council members **Alder, Hale** and **Young** voted in favor of the motion.

Conditions for Approval:

1. The rental price will be \$150.00 per month for one year
2. Approval from the City Engineer
3. Review the electrical data connection

4. A 90-day kick out clause
5. Mutually agreeable sight placement of the antenna
6. The easement to allow access will be subject to conditions 1 through 5 above.

MINUTE MOTION APPROVING SUMMARY ACTION LIST (Agenda Item #9)

Ratification of approvals of Construction Bond Agreements.

Approval of form of Purchase Agreement to acquire old Shop Building subject to budgetary approval.

Approval of resolution approving Memorandum of Agreement between Farmington City and other fire jurisdictions in Davis County to establish a Davis County Fire Investigation Team.

Authorize total credit on Bruce & Connie McFarland's water bill due to overpayments in the amount of \$1,390.50.

Approval of Franchise Agreement with Level 3 Communications.

Motion

David Hale made a motion to approve all of the minute motions except Item #3 and authorize Staff to send a reimbursement in the amount of \$1,390.50 to **Bruce & Connie McFarland**. **Sid Young** seconded the motion, and Council members **Alder, Dutson** and **Ritz** voted in favor of the motion.

CONSIDERATION OF SERVICE AGREEMENT WITH CUSTOM LIGHTING SERVICE (Agenda Item #10)

Mayor Harbertson said City Attorney **Todd Godfrey** had some concerns related to this agreement, and he proposed that the Council review it at their next meeting.

Motion

Sid Young made a motion that Agenda Item #10 be postponed until the next City Council meeting on May 19, 2009. **Paula Alder** seconded the motion, and Council members **Dutson, Hale** and **Ritz** voted in favor of the motion.

ORDINANCE AMENDING 10-3-020 REGARDING BUILDING PERMIT APPLICATIONS AND ENACTING 10-4-090 REGARDING ADMINISTRATIVE REVIEW OF INSPECTIONS FOR SINGLE-FAMILY HOMES – 1ST READING (Agenda Item #11)

Mayor Harbertson explained that this amendment states that if a resident feels they have been treated unfairly in any regard by the building inspection department, the state code specifies they meet with the chief executive officer of the municipality, which would be the **Mayor**, or his designee, which would be **Max Forbush**. If there was still a problem, and the resident did not agree with **Mr. Forbush**, they would then have the option to meet with the **Mayor**.

Motion

David Hale made a motion that the City Council approve the ordinance amending 10-3-020 regarding building permit applications and enacting 10-4-090 regarding administrative review of inspections for single-family homes. **Paula Alder** seconded the motion, and it was a roll call vote with Council members **Dutson, Young** and **Ritz** voting in favor of the motion.

SECOND AMENDMENT TO SOMERSET SETTLEMENT AGREEMENT AND ASSOCIATED EASEMENT DOCUMENT (Agenda Item #12)

Mayor Harbertson said he felt that the proposals in this agreement were very one-sided in favor of the Somerset HOA.

Jim Hefner, representative from the Somerset HOA, said he learned today that the City Attorney does not agree with the most recent Somerset proposal. He agreed that there were some errors in the agreement which need to be changed. **Mr. Hefner** agreed that this was a positive thing for Somerset, and they would like to cooperate with the City regarding these issues. He said he would return the agreement to their attorney for further review. The Council advised him to meet with **Mr. Forbush** and both attorneys and work out the details of the agreement.

ADOPTION OF TENTATIVE BUDGET FOR FISCAL YEAR ENDING JUNE 30, 2010 (Agenda Item #13)

Mayor Harbertson said the tentative budget was still a work in progress. He noted that revenues are still down, and the City is being conservative on their estimates of future plans. He said that there were no cost of living or merit increases and no bonuses. There is a freeze on hiring; however a few positions within City staff have been changed. One city employee is planning to retire and she will not be replaced. **Rick Dutson** asked if anything had changed since the budget that was discussed in the last Council meeting, and **Keith Johnson** said it was the same except for the payment to Channel 17 which was reduced from \$2,500 to \$1,000.

Motion

Sid Young made a motion that the City Council approve the attached resolution adopting a tentative budget for the fiscal year ending June 30, 2010. **David Hale** seconded the motion, and Council members **Alder, Dutson** and **Ritz** voted in favor of the motion.

**CABLE TV CHANNEL 17 REQUEST FOR CITY CONTRIBUTION
(CONTINUATION FROM PREVIOUS COUNCIL MEETING) (Agenda Item #14)**

Mayor Harbertson said he met with **Bill Francis** from Channel 17 to determine the possibility of a contribution from Farmington City. He said the cable channel has made an effort to reduce their expenses from \$100,000 per year to \$30,000 this year, and **Mr. Francis** requested \$2,500 from Farmington City. The **Mayor** told him that the City needed consideration this year and agreed to contribute \$1,000 this year. For that payment, the City would like a certain number of slates each month. **Rick Dutson** suggested using the money that the City reserves for surveys to pay for this request. He also commented that he did not believe Channel 17 was a helpful source of information, and in the future the money would be better spent on internet friendly possibilities.

Motion

David Hale made a motion that Farmington City contribute to Cable TV Channel 17 the amount of \$1,000 and that the survey be included for next year's justification process. **Rick Dutson** seconded the motion, and Council members **Alder, Young** and **Ritz** voted in favor of the motion.

**REPORT ON LAW/POLICIES RELATING TO ATV USE ON CITY ROADS AND
TIMING OF PAYMENT FOR FEES FOR USE OF COMMUNITY CENTER
(Agenda Item #15)**

Mr. Forbush said he spoke with the police department regarding this issue, and they said by law all cities along the Wasatch Front must prohibit the use of ATVs on city streets.

Mr. Forbush said the policy regarding the rental of the community center or parks requires that the resident pay the deposit first, and the usage fee is paid within two weeks of the scheduled event.

**REVIEW OF MEETING SCHEDULE FOR CONSIDERATION OF AMENDING
THE CITY'S MASTER TRANSPORTATION PLAN AND FOR CONSIDERATION
OF RECYCLING DISCUSSIONS (Agenda Item #16)**

Mayor Harbertson said he and **Max Forbush** met with Rocky Mtn. Recycling and Robinson Waste to review some of the issues the Council had discussed regarding recycling

programs. They decided to look at the possibility of adopting an opt-out recycling program. Each resident would assumed to be signed up for the recycling program, but there would be a certain period of time in which residents could opt out of the program before it started. He said **Steve Robinson** of Robinson Waste would provide more information, present a proposal and answer questions at the June 2, 2009 meeting. The **Mayor** outlined a possible timeline and suggested the program could be in place by the first of October.

Mr. Forbush said the City's master transportation plan is scheduled to be considered for adoption on June 16, 2009. State rules require that a public hearing be held before the Planning Commission, and Farmington City's rule requires a hearing by the City Council. He said a joint Planning Commission/City Council work session has been scheduled for May 14, 2009. City Attorney **Tim Taylor** will review changes to the document and discuss some of the provisions that were sent to the state of Utah. **Mr. Forbush** stressed that this is an important item dealing with the preferred alignment in west Farmington and the proposed I-15 interchange at Shepard Lane. He complimented **Tim Taylor** for the work he has done regarding the plan. He said UDOT cannot start their EIS effectively until we amend our master transportation plan, and that along with the adoption of the plan, impact fees need to be addressed.

MAYOR HARBERTSON'S REPORT (Agenda Item #17)

Mayor Harbertson said that currently there are proposals for the funding of seven different projects in the City. He and **Mr. Forbush** met with John Shuttleworth of EDA to discuss the cost of the plaza and the clock tower and said they would be bid as separate items. They also discussed the amount of architectural fees.

Clarifying statement approved at May 19, 2009, City Council Meeting: "That agreed-upon amount of the EDA fee is \$252,000 which includes architectural services and design for both the clock tower and the plaza."

The **Mayor** and **Rick Dutson** reported that the preparedness fair was very well attended.

CITY COUNCIL REPORTS (Agenda Item #18)

Cory Ritz said he was approached by a resident who would like the City to adopt a requirement for architectural grade shingles to be used on new homes. It was determined that such a requirement could not be added to the building code, but it could be specified in the restrictive covenants of the subdivision.

Sid Young expressed appreciation to **Mr. Forbush** for his research regarding ATV use on City streets. He said he received an email from a resident regarding the condition of

10 West. He asked **Mr. Forbush** if it would be possible to obtain more qualified referees for the men's basketball program.

Rick Dutson told the Council members that there are currently 20 proposals for the new City Hall, and he and **Mayor Harbertson** will be reviewing the proposals during the next two weeks. **Mr. Forbush** said a meeting was scheduled for Thursday, May 7, from 5:30 to 8:30 p.m.

Max Forbush mentioned that it would be helpful to City staff if the Council members when approached by citizens with complaints, questions or constructive criticism would ask that their concerns are expressed in writing so they can be properly addressed by staff.

MISCELLANEOUS (Agenda Item #19)

Max Forbush said there is an issue regarding the proposed North Park development which needs to be evaluated, and he suggested that before it was brought to the Council, a meeting should be held to discuss a new development agreement and some other issues. He requested that at least one Council member attend the meeting which he would like to hold on May 14, 2009.

Max Forbush said the City currently has a contract with **Robert and Elda Huff** who clean all of the restrooms and picnic facilities in the City's parks. The contract requires them to do that job from May through September. **Elda Huff** would like to change the name on the agreement to **Elda and Teresa Huff** because her husband is no longer able to do the job. **Mr. Forbush** asked if the Council agreed with this change, and they gave their approval.

Mr. Forbush said he met with the **Mayor** and **Bryson Garbett** several months ago, and **Mr. Garbett** expressed his concern about the economy. They had over 20 unsold units, but within a short time following the President Obama incentive of \$8,000 per new house constructed and the State of Utah's incentive of \$6,000 for first-time home buyers, all of those units sold. They have requested another 16 building permits. **Mr. Garbett** asked if Farmington City would offer an incentive to assist new home buyers. **Mr. Forbush** said the City has a source of funds through a revenue bond issuance of approximately \$1 million. He suggested two important questions, (a) "Is this a justifiable role of local government?" and (b) "Is there a more justifiable use of the funds?"

A clarifying statement was approved at the May 19, 2009, City Council meeting as follows: "Mr. Forbush was referring to the use of RDA tax increment funds from the U.S. 89 project area and that can be used for affordable housing. He said the tax increment available could be used to retire about a \$1million bond issuance. He

said there were many competing needs for use of the money but some of the funds, may be \$100,000, could be used for the incentive area described herein.”

Rick Dutson said the City will benefit if Garbett Homes is successful and is able to complete their project; however, he expressed concern that this may be too much involvement in the private market. Other Council members agreed and were concerned that such an incentive may greatly benefit Garbett Homes, but they questioned the benefit to other developers. **Mr. Dutson** also pointed out that before the current President’s assistance, there were various housing and grant programs available. The Council will review this again at the next City Council meeting.

ADJOURNMENT

Motion

David Hale made a motion to adjourn the meeting. **Cory Ritz** seconded the motion, and it was unanimously approved. The meeting adjourned at 9:20 p.m.

Margy Lomax, City Recorder
Farmington City

ADDENDUM

The following were added to the minutes as clarifying statements at the May 19, 2009, City Council meeting:

Agenda Item #17 regarding EDA costs: “That agreed-upon amount of the EDA fee is \$252,000 which includes architectural services and design for both the clock tower and the plaza.”

Miscellaneous agenda item regarding Garbett development: “Mr. Forbush was referring to the use of RDA tax increment funds from the U.S. 89 project area and that can be used for affordable housing. He said the tax increment available could be used to retire about a \$1million bond issuance. He said there were many competing needs for use of the money but some of the funds, may be \$100,000, could be used for the incentive area described herein.”

I hereby certify that the foregoing items were approved by the City Council to be added to the minutes of the May 5, 2009, City Council meeting.

Margy L. Lomax, City Recorder

