

FARMINGTON CITY COUNCIL MEETING

Tuesday, November 17, 2009

CITY COUNCIL WORK SESSION/EAST CONFERENCE ROOM

PRESENT: Council Members Richard Dutson, David Hale, Paula Alder, Sid Young, Cory Ritz, City Manager Max Forbush, Assistant City Planner Glenn Symes, and Recording Secretary Kami Mahan. Also present were Jason Eldredge, Grant Lefgren, and Mark Murdock of Gardner Company. Mayor Harbertson was out of town for this meeting.

Mayor Pro Tem Rick Dutson began discussion at 6:05 p.m. **Sid Young** offered the invocation. The following items were reviewed:

(Agenda Item #2): Reading and Approval of Minutes

The Council reviewed the minutes of the City Council meeting held November 2009, and made a few minor changes.

(Agenda Item #4) Request for Boundary Line Adjustment between lots 144 and 145 of Somerset Farms PUD (Louis and Diane Brown/Troy and Stephanie Thomas).

Rick Dutson stated that the applicant's neighbor is amenable to the boundary line adjustment, and that City staff is in favor. He clarified the location of the boundary line on a map of the area.

(Agenda Item #5): Review of Planning Department's recommendations and comments pertaining to D.R. Horton's proposed building elevations for Old Farm Subdivision.

Glenn Symes reviewed the background of the project and distributed copies of the updated elevations. He referred the Council to a list of recommendations in the packet given by the City's architectural consultant. **Grant Lefgren, Jason Eldredge, and Mark Murdock** of Gardner Company explained details about the updated home styles, materials, and costs. There was an extended discussion with the Council and the Gardner representatives with respect to the new plans. Concerns were raised by Council Members regarding the caliber of the homes as compared with the original proposal.

Mark Murdock said that their two main concerns were the recommendations of the architectural consultant regarding the distance from the garage to the front plane of the property, and the 40% garage width restriction. The Gardner representatives said they wanted more diversity and general guidelines rather than a specific percentage on the garage frontage. These issues were discussed.

Grant Lefgren said the project has 27 multi-family units, fourteen single-family units, and nine tri-plexes in the subdivision. He said they have corporate approval and are ready to begin building. The location and colors of the popouts on the homes were reviewed. It was clarified that the backs of the

homes along Highway 89 will have pop-outs. Cost of the homes will run from a base price of \$205,000 to \$300,000.

(Agenda Item #6): Minute Motion approving Summary Action List.

- **Ratify Construction Bond and Storm Water Bond Agreements previously signed by Mayor Harbertson.**
- **Approval of Change Order Request from The Tennis Company re: Farmington Ranches Neighborhood Park Tennis Court.**
- **Approval of Surety Bond Agreement re: the Village at Old Farm Subdivision.**
- **Approval of Extension Agreement for a recently approved two-lot metes and bounds subdivision located at approximately 1650 South 200 East.**

Rick Dutson briefly reviewed the Summary Action List.

[The Gardner Company representatives left the meeting at 6:31 p.m.]

(Agenda Item #7): Consideration of Ordinance adopting Revised and Re-written Title VI Business Regulations including Chapters 1-6.

Max Forbush reviewed changes in the ordinance regarding business licensing including that for mobile businesses and also the general appeal process. He noted that an administrative law judge can be hired to do appeals, and this was discussed. He suggested City Recorder Margy Lomax or her designee be the licensing official. The Council discussed Class A, B, C, and D beer licences as well as other regulation licenses. **Mr. Forbush** suggested that this item be approved and the City Attorney will do a final review.

(Agenda Item #8): Consideration of Resolution setting forth Fee Structure for Business Licensing and related matters.

The Council reviewed fee amounts in the “Proposed Business Licensing Fees” chart in the packet. Changes were discussed for several categories.

(Agenda Item #9): Review of proposed Transportation Impact Fees/Authorization to set Public Hearing date.

Max Forbush stated that estimates on construction fees were included in the packet. He said the overall cost of capital facilities have been reduced from \$23 million to \$18 million.

(Agenda Item #12): City Manager Progress Reports:

- **Residential Curbside Recycling**

Max Forbush recommended that two members of the City Council be appointed to review late opt-out requests. He said of the approximate thirty residents who have made late opt-out requests, about a half or a third have been resolved, and he would like the remainder taken care of.

The work session ended at 7:01 p.m.

REGULAR CITY COUNCIL/CITY CHAMBERS/CALL TO ORDER

PRESENT: Council Members Richard Dutson, David Hale, Paula Alder, Sid Young, City Manager Max Forbush, Assistant City Planner Glenn Symes, City Recorder Margy Lomax, and Recording Secretary Kami Mahan. Mayor Harbertson was out of town.

Mayor Pro Tem Rick Dutson excused Mayor Harbertson, and called the meeting to order at 7:05 p.m. **Max Forbush** offered the invocation, and the Pledge of Allegiance was led by **Margy Lomax**.

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

The minutes of the November 4, 2009, City Council meeting held were reviewed during the work session.

Motion

Sid Young moved to approve the minutes of the meeting held November 4, 2009, with changes as noted. **Paula Alder** seconded the motion, which was approved by Council Members **Dutson, Hale, Young, and Alder**.

PLANNING COMMISSION REPORT (Agenda Item #3)

Chairman **John Bilton** reported on the proceedings of the Planning Commission meeting held November 12, 2009:

- The Planning Commission unanimously approved a request by JMR Holdings for a metes and bounds subdivision located at approximately 1630 South 200 East. **Mr. Bilton** said this was a public hearing and that there was no opposition.
- The Farmington Square request for a street vacation was tabled, to allow for providing additional information for the adjacent homeowner. **Mr. Bilton** said issues are being resolved by the parties.
- Elevations from the Village at Old Farm were reviewed, and **Mr. Bilton** said the

Planning Commission felt that the plans have digressed in the nature, feel, and look of the original proposal.

[City Planner **Dave Petersen** arrived at the meeting at 7:10 p.m.]

REQUEST FOR BOUNDARY LINE ADJUSTMENT BETWEEN LOTS 144 AND 145 OF SOMERSET FARMS PUD (LOUIS AND DIANE BROWN/TROY AND STEPHANIE THOMAS). (Agenda Item #4)

Rick Dutson stated that the Browns want a detached garage in their back yard, that the neighbors are in agreement, and that City staff approves of the proposal.

Motion

David Hale moved to approve the boundary line adjustment, and the motion was seconded by **Paula Alder**. Council Members **Alder, Dutson, Young, and Hale** all voted in favor.

REVIEW OF PLANNING DEPARTMENT'S RECOMMENDATIONS AND COMMENTS PERTAINING TO D.R. HORTON'S PROPOSED BUILDING ELEVATIONS FOR OLD FARM SUBDIVISION. (Agenda Item #5)

Rick Dutson introduced this item, and **Glenn Symes** gave a brief background of the proposal. He noted that the new elevations had been examined during the work session. The developers were invited to speak, and **Mark Murdock** of D.R. Horton said that there are fourteen single family units, nine triplexes, and that 27 multi-family units are being proposed which will have the architectural detail the City Council is looking for. **Rick Dutson** stated that the developers are trying to meet the needs of the current market, but the challenge of the Council is to protect the future of the City. **Glenn Symes** noted that the changes were much closer to what was wanted by the City and that the Craftsman-style home offers a variety of materials, planes, and details.

Rick Dutson expressed concern that the price point was considerably less than the originally proposed \$400,000 or more. He complimented the newer design, but said this is not the executive environment that was anticipated. He said the public was clear when this was first proposed that they did not want to compromise. **Mark Murdock** responded that the architecture is what should be the focus, and that the market is very different now. He said their architectural plans rival those of the Richmond America homes.

Grant Lefgren said homes without basements will be from 1,800 to 2,800 square feet. Those with basements will be 3,600 square feet, with 2,800 finished square feet. **David Hale** said he was more impressed with the elevations received during the work session than the ones in the packet. **Mr. Lefgren** said they recognized a deficiency, which they addressed prior to coming before the Council, and that

more money will be spent on the homes, particularly on the exterior. He pointed out that the original plan had more than fourteen single family homes, but due to the market they now have to balance a wide variety of homes.

Issues concerning exterior materials and pop-out colors were discussed. **Mr. Lefgren** stated that a professional designer has been hired to design the color combinations. He said on this project, buyers will make their selections based on pre-plotted and pre-designed exteriors, so that the developer will have full control. **Mr. Hale** said the City wants them to have control, but with parameters. He suggested that a field trip be taken since this is a core area.

Rick Dutson said that although he does not want to delay the developers, the first buildings that go in the area will set the standard and the City needs to be cautious. **Sid Young** said he appreciates the improvements, but he expressed concern that exterior colors sometimes turn out differently than what is expected. **Grant Lefgren** noted that because of short notice, they did not have time to get the elevation renderings fully prepared. The exterior materials and the possibility of the Council seeing actual homes were discussed. **Mr. Lofgren** clarified the location of the developers' homes, and noted the challenge in location as to sellability. Council Members expressed hesitation to give approval until they have a clearer vision as to what is being proposed. **Max Forbush** suggested that staff work further with the developers, especially on the multi-family units, that the Council make a site visit to the model home for a presentation, and that the issue be revisited on December 1st. **David Petersen** said staff will consult with the architect working with the City, and he requested that a member of the Council participate in the process.

Motion

Rick Dutson moved to table this issue pending further staff review and a City Council site visit to Farmington Greens. The motion was seconded by **Paula Alder** and passed with Council Members **Young, Dutson, Alder, and Hale** voting in favor.

A site visit was discussed, and it was decided that the Council would meet at the model home on November 24th at 4:00 p.m. **Glenn Symes** agreed to send an email reminder to the Council, and he also distributed copies of what was approved for the Richmond America homes.

MINUTE MOTION APPROVING SUMMARY ACTION LIST. (Agenda Item #6)

- **Ratify Construction Bond and Storm Water Bond Agreements previously signed by Mayor Harbertson.**
- **Approval of Change Order Request from The Tennis Company re: Farmington Ranches Neighborhood Park Tennis Court.**
- **Approval of Surety Bond Agreement re: the Village at Old Farm Subdivision.**

- **Approval of Extension Agreement for a recently approved two-lot metes and bounds subdivision located at approximately 1650 South 200 East.**

Rick Dutson briefly reviewed the Summary Action List, and noted that this item was discussed during the work session.

Motion

A motion was made by **Paula Alder** and seconded by **David Hale** to approve the Summary Action List. The motion was approved by Council Members **Alder, Hale, Young, and Dutson**.

CONSIDERATION OF ORDINANCE ADOPTING REVISED AND RE-WRITTEN TITLE VI BUSINESS REGULATIONS INCLUDING CHAPTERS 1-6. (Agenda Item #7)

Rick Dutson introduced this item, and several changes to the ordinance were suggested and reviewed. The modifications will be reviewed with the City Attorney.

[**Cory Ritz** arrived at the meeting at 7:50 p.m.]

A motion was made and seconded, and after further discussion the motion was revised.

Motion

David Hale moved to adopt the Business Regulation Ordinance as revised, and to direct the City Manager to return to the Council with future amendments. **Paula Alder** seconded the motion. A roll call vote was taken, and Council Members **Ritz, Alder, Young, Dutson, and Hale** all voted in favor.

Youth City Council Member and Sergeant at Arms **Adam Creager** was acknowledged and welcomed by **Rick Dutson**.

CONSIDERATION OF RESOLUTION SETTING FORTH FEE STRUCTURE FOR BUSINESS LICENSING AND RELATED MATTERS. (Agenda Item #8)

Rick Dutson said that new fee schedule numbers were discussed during the work session. He noted that a proposed HOA fee of \$20.00 was added to the list. The fees were discussed, and the new fee structure is as follows:

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|----|--------------------------------|---------|
| 1. | Basic Business License Fee | \$75.0 |
| 2. | Home Occupation License Fee | \$40.00 |
| 3. | Temporary Business License Fee | \$50.00 |

4.	Mobile and Itinerant Business	\$150.00
5.	New Location Transfer Fee	\$20.00
6.	Name Change Transfer Fee	\$20.00
7.	Other Licenses Transfer Fee	\$10.00
8.	Duplicate License Transfer Fee	\$10.00
9.	Regulatory License\Amusement Park	\$100.00
10.	Regulatory License\Solicitors	\$75.00 + \$20.00 per solicitor
11.	Regulatory License\Theaters	\$350.00
12.	Regulatory License\Fireworks	\$300.00
13.	Beer\Liquor Class A	\$300.00
14.	Beer\Liquor Class B	\$300.00
15.	Beer\Liquor Class D	\$300.00
16.	Special Event License	\$300.00
17.	Sexually Oriented Business	\$800.00
18.	Homeowners Association	\$20.00
19.	Video Stores	

Motion

A motion was made by **Paula Alder** to approve the Resolution as modified. **Cory Ritz** seconded the motion, which was approved by Council Members **Young, Hale, Ritz, Dutson, and Alder**.

REVIEW OF PROPOSED TRANSPORTATION IMPACT FEES/AUTHORIZATION TO SET PUBLIC HEARING DATE. (Agenda Item #9)

Rick Dutson introduced this Agenda Item. **Max Forbush** said the transportation impact fee was important because of large developments pending in the Station Park area, with many capital facilities capacity projects adding to road improvements. He said he, the City Attorney, the City's consultant, the transportation and civil engineers, and the City Planner have developed a list of projects that qualify for the impact fee. He said since the last discussion on this matter, the base fee for a single family home has been reduced to approximately \$1,800 to \$2,500 per single family home. He said these fees need to be revised every two to three years, and asked if the Council was amenable to the changes and to setting a public hearing. Council Members agreed.

Motion

A motion was made by **David Hale** to authorize City staff to draft the necessary laws and regulations and to provide the necessary notices to comply with impact fee laws. A hearing date was set for December 15, 2009. **Paula Alder** seconded the motion, which was approved by Council Members **Alder, Ritz, Young, Hale, and Dutson**.

It was clarified that the new fees are not implemented until ninety days after enactment of the change.

REVIEW OF DISCUSSIONS REGARDING ACQUISITION OF NEIL & CAROLYN WELLING PROPERTY ON 100 NORTH WEST OF MAIN STREET. (Agenda Item #10)

Rick Dutson introduced this Agenda Item. **Max Forbush** explained that for years, by agreement, the City has taken care of weed abatement and paid property taxes and irrigation assessments for the Wellings in exchange for the first right of refusal on the Lease Agreement. He reminded Council Members of its long-term plan to buy the land and do a mixed-use development. Funds for acquisition would come from the Highway 89 project area and can be used for housing. **Mr. Forbush** said he has spoken with a Church representative, and the proposed letter is to determine more specifically what the Church will do. He said the City is hoping to receive a price break on the property once it's conveyed. He clarified several issues in the agreement, and said the City will deal directly with the Church.

Motion

Cory Ritz moved to authorize the City Manager to send the proposed letter. The motion was seconded by **Sid Young** and passed unanimously by Council Members **Dutson, Hale, Young, Alder, and Ritz**.

REVIEW OF CHALLENGES TO JOINTLY BID ROAD AND RESERVOIR PROJECTS WITH BENCHLAND IRRIGATION COMPANY. (Agenda Item #11)

Max Forbush said it was discovered that before Benchland could bid, it needed approval from the U.S. Forest Service, which wants to examine the plans in depth. He said representatives from Benchland will meet with the Forest Service tomorrow, and if approval is given the City will work with Benchland in revising the bid specifications. In that case the project will probably be bid in January. **David Hale** said the Forest Service had agreed in concept to the proposal, but it wants to see the engineering drawings. He added that there is also a problem with respect to the Board and the cost of moving the power line. **Mr. Hale** said that approval is close and he will check into progress on the matter.

CITY MANAGER PROGRESS REPORTS: (Agenda Item #12)

- **Residential Curbside Recycling**

Max Forbush said that 3,925 containers were ordered, and that the ultimate number of opt-out requests are anticipated to be well below the 20% level. He suggested that two members of the City Council be appointed to review any further opt-out requests, and that they provide recommendations at the next Council meeting. It was agreed that **Sid Young** and **Cory Ritz** would participate in this process. **Mr. Forbush** said he would also like to address the opt-out deadline date of December 31st in the City newsletter. He said he thought the garbage collector contractor will work with the City if necessary even if opt-outs exceed 20%. He believes Robinson Waste Services could still hold its prices even if more than 20% opt out. The Council discussed opt-outs for senior citizens.

- **New City Hall Construction**

Mr. Forbush reported that the building is in the framing stages. He said EDA has an interior decorator to advise about furnishings, and this service would run up to \$8,000. He reviewed Revenues and Expenditure amounts and said that furnishing decisions should be postponed until the end of the project. **Mr. Forbush** said Finance Director Keith Johnson was very hesitant about the designer services costs, and did not want to lose out on technological upgrades which are part of another budget. The designer's fee and other project costs were discussed at some length and Council Members agreed that professional decorating advice would be wise, but that more a detailed cost breakdown of this issue is needed. A motion was made and seconded, and after further discussion a modified motion was made.

Motion

Paula Alder moved to pay for EDA professional designer services up to \$8,000, pending the receipt of a cost breakdown. **Rick Dutson** seconded the motion, which was approved by Council Members **Alder, Dutson, Ritz, Young, and Hale**.

- **School District/City Inter-local Agreement**

Max Forbush said he would pass over this item.

- **Park Impact Fee Projects/Budget Review**

Mr. Forbush referred to a concern raised by **Sid Young** during the work session concerning whether there was sufficient money for the Farmington Ranches park and tennis court. He reviewed a few details in the "Pending Development Park Impact Fee Collection" and "Park Impact Fee Balances" sheets in the packet and said the City will have the funds because of new incoming development.

MAYOR & CITY COUNCIL REPORTS (Agenda Item #13)

Rick Dutson said he attended a C.O.G. (Council of Government) meeting. He also verified that **David Hale** will be attending the Town Hall meeting tomorrow night.

Sid Young reported on his efforts to contact Jerry Stevenson. He also reviewed issues raised in the League of Cities and Towns meeting, including the benchmarking process, the State budget, and Lunch Day at the capital. He also reported on details concerning his visit to the Rocky Mountain Recycling Center, and said he was very impressed with the facilities. **Max Forbush** noted that the Public Works Department has reported that resident response to recycling has been very positive.

Cory Ritz agreed with **Sid Young**'s impression of the Recycling Center. **Mr. Ritz** also reported on a fire hydrant at the Legacy Center that was run over last weekend, and **Max Forbush** said he will check into the matter.

The issue of a vacancy in the Planning Commission was briefly discussed. **Max Forbush** said notice of the vacancy will be included in the City newsletter.

MISCELLANEOUS Agenda Item #14)

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

No items were discussed.

ITEMS OF GENERAL CORRESPONDENCE (Agenda Item #15)

There were no items discussed.

ADJOURNMENT

Sid Young moved to adjourn, and **Paula Alder** seconded the motion. The meeting adjourned at 8:51 p.m.

Margy Lomax, City Recorder
Farmington City