

CLOSED SESSION: A closed session will be held at 5:30 p.m. to discuss litigation.

WORK SESSION/FIELD TRIP: A work session will be held at 6:00 p.m. The Council will tour recently completed paving projects within the City. The public is welcome to attend.

FARMINGTON CITY COUNCIL MEETING NOTICE AND AGENDA

Notice is hereby given that the City Council of **Farmington City** will hold a regular City Council meeting on **Tuesday, October 4, 2011, at 7:00 p.m.** The meeting will be held at the Farmington City Hall, 160 South Main Street, Farmington, Utah.

Meetings of the City Council of Farmington City may be conducted via electronic means pursuant to Utah Code Ann. § 52-4-207, as amended. In such circumstances, contact will be established and maintained via electronic means and the meeting will be conducted pursuant to the Electronic Meetings Policy established by the City Council for electronic meetings.

The agenda for the meeting shall be as follows:

CALL TO ORDER:

7:00 Roll Call (Opening Comments/Invocation) Pledge of Allegiance

7:05 Approval of Minutes from September 20, 2011

REPORTS OF COMMITTEES/MUNICIPAL OFFICERS

7:10 Executive Summary for Planning Commission Meeting held September 15, 2011

7:15 Introduction of Diana Vos – Director of Great Salt Lake Nature Center at Farmington Bay

7:25 Rules and Regulations on the Condition of Sale of Burial Rights

7:30 Extension of Farmington City Cemetery into Mountain View Park

7:45 Award of Bid for New Structure/Interface Fire Engine

PUBLIC HEARINGS:

8:00 Hampton Inn Appeal *(At the request of the applicant, this item has been cancelled)*

8:05 Mixed Use Zone Text Changes

8:15 Mixed Use General Plan and Zoning Map Amendments

SUMMARY ACTION:

8:25 Minute Motion Approving Summary Action List

1. Ratification of Approvals of Construction & Storm Water Bond Logs
2. Amended Agreement with Davis County Regarding Elections
3. Surplus 1997 Ford Expedition Surveillance Truck to Layton PD
4. Development Agreement - Termination for Point of View, LLC

GOVERNING BODY REPORTS:

8:30 City Manager Report

1. Upcoming Agenda Items
2. Planning for Veterans Memorial Dedication
3. Council Orientation Dates and Retreat

8:45 Mayor Harbertson & City Council Reports

ADJOURN

CLOSED SESSION

Minute motion adjourning to closed session, if necessary, for reasons permitted by law.

DATED this 29th day of September, 2011.

FARMINGTON CITY CORPORATION

By: Holly Gadd
Holly Gadd, City Recorder

***PLEASE NOTE:** Times listed for each agenda item are estimates only and should not be construed to be binding on the City Council.

In compliance with the Americans with Disabilities Act, individuals needing special accommodations (including auxiliary communicative aids and services) during this meeting, should notify Holly Gadd, City Recorder, 451-2383 x 205, at least 24 hours prior to the meeting.

CITY COUNCIL AGENDA

For Council Meeting:
October 4, 2011

S U B J E C T: Roll Call (Opening Comments/Invocation) Pledge of Allegiance

It is requested that Council Member Rick Dutson give the invocation/opening comments to the meeting and it is requested that Council Member Cory Ritz lead the audience in the Pledge of Allegiance.

NOTE: Appointments must be scheduled 14 days prior to Council Meetings; discussion items should be submitted 7 days prior to Council meeting.

CITY COUNCIL AGENDA

For Council Meeting:
October 4, 2011

S U B J E C T: Approval of Minutes of Previous Meetings

ACTION TO BE CONSIDERED:

Minute motion approving the minutes of the City Council meeting held on September 20, 2011.

GENERAL INFORMATION:

Please see enclosed minutes. They have been reviewed by staff and are ready for Governing Body review and approval.

NOTE: Appointments must be scheduled 14 days prior to Council Meetings; discussion items should be submitted 7 days prior to Council meeting.

FARMINGTON CITY COUNCIL MEETING

September 20, 2011

WORK SESSION

Present: Mayor Scott Harbertson, Council Members John Bilton, Rick Dutson, Cory Ritz, Jim Talbot and Sid Young, City Finance Director Keith Johnson, Community Development Director David Petersen, City Engineer Paul Hirst, City Recorder Holly Gadd and Recording Secretary Cynthia DeCoursey. City Manager Dave Millheim was excused.

Mayor Harbertson began the meeting at 6:10 p.m. City Finance Director **Keith Johnson** gave the quarterly financial update of the Farmington City Corporation including details regarding:

- General Fund Balances
- Final Budget Fiscal Year ending 6-30-2011
- General Fund Revenues for Fiscal Year 2011
- General Fund Expenditures for Fiscal Year 2011
- Class C Road Funds 2011 Budget
- Recreation Fund
- Water Operations
- Comparison of Fiscal Year 2011 Actual to 2012 Approved Budget

REGULAR SESSION

Present: Mayor Scott Harbertson, Council Members John Bilton, Rick Dutson, Cory Ritz, Jim Talbot and Sid Young, Assistant City Manager Keith Johnson, Community Development Director David Petersen, City Engineer Paul Hirst, City Recorder Holly Gadd and Recording Secretary Cynthia DeCoursey. City Manager Dave Millheim was excused.

CALL TO ORDER:

Opening Comments/Invocation/Pledge of Allegiance

Mayor Harbertson opened the meeting at 7:08 p.m. and welcomed those in attendance, including **Austin Lemon** of the Youth Council. **Keith Johnson** offered the invocation, and the Pledge of Allegiance was led by local Boy Scout **Joseph Larson** of Troop 1238.

Approval of Minutes

Motion

Rick Dutson made a motion to approve the minutes of the August 25, 2011 Special City Council Meeting. The motion was seconded by **Cory Ritz** and approved by Council Members **Bilton, Dutson, Ritz, Talbot and Young**.

Motion

Jim Talbot made a motion to approve the minutes of the September 6, 2011 City Council Meeting with several amendments made during the work session. The motion was seconded by **Rick Dutson** and approved by Council Members **Dutson, Ritz, Talbot** and **Young**. **John Bilton** abstained because he did not attend the meeting.

PUBLIC HEARINGS:

Public Hearing: Zoning Text Amendments regarding Historic Buildings

David Petersen said Farmington City enacted Section 11-3-045 of the Zoning Ordinance regarding Special Exceptions on December 4, 2002 (Ordinance 2002-48). Paragraph 1 of this section states in part: "A special exception is an activity or use incidental to or in addition to a principal use permitted in a zoning district or an adjustment to a fixed dimension standard permitted as an exception to the requirements of this Title". The City is proposing that this language be expanded to include adaptive reuses, which may or may not be allowed in a particular zone, for the purpose of restoring and preserving historic buildings and structures. The City Attorney approved the proposed amendment, and the Planning Commission also recommended approval.

Public Hearing

Mayor Harbertson opened public hearing at 7:15 p.m. There was no one from the public to speak concerning this item, and the public hearing was closed.

The Council discussed the proposed Ordinance and determined that it seems to be consistent with the City's current historic districts and landmark designations. It will also allow the City and its residents to think more creatively about uses of historical structures. The **Mayor** commented that wherever he goes, people comment about Farmington's downtown area and the tree-lined streets and historic homes. The importance of high-quality landscaping around these historical structures was also discussed. **David Petersen** said a landscaping plan could be required which would be similar to a conditional use permit. The Council determined that the adaptive use should be a strong factor as the City's historic district is developed. **Mr. Petersen** said the adaptive use is limited to residential and office uses, and Chapter 3 of the City code requires high standards.

Motion

Cory Ritz made a motion to approve the Ordinance amending Section 11-3-045(1) and enacting 11-2-020(3) of the Farmington City Municipal Code regarding special exceptions for adaptive reuses in historic buildings and/or structures (ZT-2-11). The motion was seconded by **John Bilton** and approved by Council Members **Bilton, Dutson, Ritz, Talbot** and **Young**.

SUMMARY ACTION:

Minute Motion Approving Summary Action List

1. Building Activity Report for August
2. Canvass of Primary Election Results

Mayor Harbertson said item #1 is only a report and does not need to be included in the motion. He congratulated the top 6 candidates from the primary election: **Justin LeCheminant, Nelsen Michaelson, Cory Ritz, Dustin Siler, Tyler Turner, and James Young.**

Motion

Sid Young made a motion to approve item #2 on the Summary Action List. The motion was seconded by **Rick Dutson** and approved by Council Members **Bilton, Dutson, Ritz, Talbot and Young.**

GOVERNING BODY REPORTS:

City Manager Report

- The City has received a bid for the interface of the fire engine. Details will be provided at the Council meeting on October 4, 2011.
- City staff would like to release the retainer fee on the new building which has been held for more than a year. The warranty work is complete except for a several items in the Council Chambers. **Jim Talbot** said there is a hole in the wall behind one of the paintings. **Rick Dutson** asked if all of the electronic items in the Chambers are in working order, and the Council authorized the release of funds upon completion of the last few items.

Mayor Harbertson

- He asked the City Council to review the To Do Lists compiled by the City Manager and delete the items which no longer apply and mark any pertinent questions/suggestions.
- He attended the Western Davis Corridor meeting and said UDOT's realignment research is ongoing, and they expect to announce their preferred alignment for Farmington in the spring of 2012. UDOT will give a report to the City Council on October 18, 2011.
- He attended the September 11, 2011 ceremony at the Farmington Fire Station—Fire Chief **Guido Smith** gave a speech, 180 people were in attendance, and the group hiked to Flag Rock following the program. There was an American flag draped over the kiosk near the Fire Station which was very tattered, and the **Mayor** said the Trails Committee places a new flag at Flag Rock almost monthly. He suggested using **Jim Talbot's** idea—to earmark the funds collected from the Verizon cell tower—to purchase the flags.
- He attended several workshops at the Utah League of Cities and Towns Convention which were very beneficial. He encouraged Council attendance in both May and September each year. **Jim Talbot** congratulated the **Mayor** who was elected as First Vice President.

- Thirteen firefighters assisted with the fire in Centerville until 3:00 a.m. They were very fortunate to have the wind direction in their favor, and they were able to contain the fire quickly. Council Member **John Bilton** was also assisting because his wife's parents live in the area.

John Bilton

- He asked when Davis County is planning to repair and open the Farmington Canyon road. The **Mayor** said the report from the Forest Service is that the entire hillside is unstable, and they have no plans to work on the road until possibly next summer. He has not heard from the County regarding the timing to repair their section of the road.

Cory Ritz

- He also attended several very good workshops at the League convention.
- He attended a Mosquito Abatement district meeting and reported that there had been no cases of the West Nile virus in Salt Lake or Davis Counties until 2 weeks ago when a man who spent time in Moab returned and became sick.
- During the district meeting, a staff member who attends the University of Utah presented a plan to provide mosquito netting for households in Africa. He suggested the possibility of having the Youth City Council participate in the project.
- A resident on State Street asked when the sycamore trees will be replaced. **Neil Miller** said they are difficult to replace because the root base is so wide, and he plans to ask a professional arborist to look at the trees and offer suggestions.

Rick Dutson

- Several citizens expressed concern regarding a smoke shop which is preparing to open in the Smith's shopping center, and **Mr. Dutson** asked if the City can require that this type of business be located a certain distance away from public places. **David Petersen** said staff is planning to study the issue, and the Council may also review the City's sign ordinance again—they opted not to alter the window signs section the last time it was discussed. He said businesses such as the smoke shop rely heavily on window signs and trading the signs often, and many other businesses in the City would also be affected.
- He plans to attend the Town Hall meeting on Wednesday, September 21, 2011.

Sid Young

- He benefitted from the workshops at the League Conference and suggested that Farmington City implement a strategic plan.
- The Right-of-Way Agreement regarding the fire break road was signed by property owner **Jerry Stevenson**. He spoke with former Congressman **Jim Hansen** who is willing to work with the U.S. Forest Service regarding the water tank.

Jim Talbot

- A resident mentioned that a vacant home in his neighborhood is unsafe—he would like an inspection to determine the status of the home. **David Petersen** said a resident told him that the same home is an asset to the neighborhood, and he does not it removed.
- The Trails Committee asked who is responsible for the log rail fencing along the southeast side of the Lagoon Trail near the elk and buffalo. Many of the logs are missing, and the Committee would like to assist in getting them replaced. The **Mayor** said he believes the City shares the responsibility with Lagoon, and he will discuss the issue with the City Manager.
- He inquired about the maintenance agreement for the Legacy Trail and was told that the cities are still working toward a shared solution.
- The Trails Committee asked where they should deposit the wood they prune from bushes and trees along the City's trails. **Keith Johnson** said they should contact the Public Works Department, and the **Mayor** pointed out that the sewer plant accepts smaller debris.
- The Trails Committee is concerned about tree stumps which are left behind and are sometimes fairly high and asked if the City has a stump grinder they could borrow. **Keith Johnson** said he will discuss the issue with the City Manager.

MISCELLANEOUS

The **Mayor** said a current Farmington resident would like to address the Council.

Keith Gold, 118 Country Bend Road, said two residents who live in the area of Burke Lane and 1525 West attended the Planning Commission meeting, and the proposed business park will push them out of their homes. This is a rural area, and neighbors in the area are asking that they receive information regarding the projects and that public discussions are held to discuss the proposed projects.

The **Mayor** explained that numerous issues are reviewed each month by both the City Council and the Planning Commission, and agendas and minutes for all City meetings are posted on the City's website. Residents may also sign up to receive an email each time an agenda for either meeting is posted. A Town Hall meeting is held on the first Wednesday of each month—this is an open forum and residents are encouraged to attend and discuss any issues they may have. In response to a question from **Mr. Gold**, the **Mayor** said an additional moratorium could not be placed on this area when the current one expires in a few weeks. He quoted from **Mr. Gold's** email, "Why is such development happening in a rushed, almost secretive manner, and not being thoroughly discussed in an open session?" The **Mayor** adamantly replied that the City Council never rushes through items or deals with them in a secretive manner—all of the City's meetings are open. City officials have met with resident **Mike Romney** numerous times to try and work out a solution related to the proposed business park.

Rick Dutson said he has served on the Council for almost eight years, and he also stated that there are numerous opportunities for the public to become informed. Each agenda item is reviewed at least twice by the Planning Commission, and it is then reviewed by the City Council. Reports are published in local newspapers, and property owners are notified. To say that the Council is conducting

business behind closed doors is deeply offensive, and he told **Mr. Gold** that he should have made a few phone calls and researched the proper procedures before he sent such an offensive email to the City Council. To be accused of dealing with issues in a secretive manner is very disappointing.

Mr. Gold apologized if his behavior seemed offensive.

ADJOURNMENT

Motion

Jim Talbot made a motion to adjourn the meeting. The motion was seconded by **Rick Dutson**, and it was approved by Council Members **Bilton, Dutson, Ritz, Talbot** and **Young**. The meeting was adjourned at 8:15 p.m.

Holly Gadd, City Recorder
Farmington City Corporation

CITY COUNCIL AGENDA

For Council Meeting:
October 4, 2011

**S U B J E C T: Executive Summary for Planning Commission Meeting held
September 15, 2011**

ACTION TO BE CONSIDERED:

No action required.

GENERAL INFORMATION:

See enclosed staff report prepared by Christy Alexander.

NOTE: Appointments must be scheduled 14 days prior to Council Meetings; discussion items should be submitted 7 days prior to Council meeting.



FARMINGTON CITY

SCOTT C. HARBERTSON
MAYOR

JOHN BILTON
RICK DUTSON
CORY R. RITZ
JIM TALBOT
SID YOUNG
CITY COUNCIL

DAVE MILLHEIM
CITY MANAGER

City Council Staff Report

To: Mayor and City Council

From: Christy Alexander, Associate City Planner

Date: September 27, 2011

**SUBJECT: EXECUTIVE SUMMARY FOR PLANNING COMMISSION ON
SEPTEMBER 15, 2011**

RECOMMENDATION

No action required.

BACKGROUND

The following is a summary of Planning Commission review and action on September 15, 2011 [note: seven commissioners attended the meeting—Chairman Randy Hillier, Jim Young, Steven Andersen, Nelson Michaelson, Michael Wagstaff, Rick Draper, Michael Nilson]:

1. James Mason – Applicant is requesting a recommendation of approval for a Plat Amendment for the Village at Old Farm PUD Phase 1 Subdivision encompassing .513 acres and consisting of 2 lots located at approximately 1499 & 1503 North Main Street in an NMU zone. (S-11-11)

Approved, Vote: 7 – 0.
2. Farmington City – (Public Hearing) – Applicant is requesting a recommendation to amend the City's General Plan by re-designating all of those areas north of Shepard Creek, west of I-15, south of Shepard Lane, and east of the UTA rails to trails right-of-way identified as "Transportation Mixed Use" (TMU) and "Low Density Residential" (LDR) and "Medium Density Residential" (MDR) to "Class A Business Park" (CA/BP); and rezoning these same areas from RMU (Residential Mixed Use), LR (Large Residential), and R-4 to OMU (Office Mixed Use). (Z-1-11)

Continued to next meeting, Vote: 7 – 0. The Commissioners decided to continue the public hearing until the next Planning Commission meeting on September 29, 2011 to allow additional time for input from affected property owners (i.e. BBC Cottages) and to determine if some type of buffer can be provided for residents who live in the center of this area. Comments from affected property owners must be received by City staff on or before Thursday, September 22, 2011.

3. Farmington City – (Public Hearing) – Applicant is requesting a recommendation of approval for several text amendments to the Zoning Ordinance. (ZT-1-11)

Approved, Vote: 7– 0

4. Lawson Landscaping, LLC – Applicant is requesting approval of a conditional use permit for a home occupation on property located at 215 East 300 North in a OTR-F zone. (C-13-11)

Approved, Vote: 6– 1. *The Commission tabled the item the previous meeting to allow time to understand the following issues: 1) The reason a conditional use approval is necessary is because of the outside storage associated with the business, but it appears much of the outside storage is off-site in violation of the ordinance; and 2) What can be done to screen the visibility of the outside storage area. The applicant must apply for and receive a lot line adjustment for that portion of the property that belongs to the applicant's grandmother as a condition of the approval. The Commission also decided to only make this conditional use permit valid for two years at which time the permit will be reviewed, as well as placing a condition that if the property is sold by the applicant, the permit will expire and not run with the land.*

5. Verizon Wireless – (Public Hearing) – Applicant is requesting approval for a conditional use permit/site plan for a 60-foot monopole telecommunications tower on property located at approximately 280 South 200 East in an LR zone. (C-16-11)

Approved, Vote: 6 – 1. Chairman Hillier voted against the motion and stated that additional information should have been provided to nearby residents. The Commission suggested the possibility of locating a balloon at the site which would help residents see the height of the proposed tower.

6. Farmington City – (Public Hearing) – Applicant is requesting a recommendation to amend the City's Zoning Ordinance by establishing additional criteria for special exceptions regarding historic buildings and enacting a definition for "adaptive reuse." (ZT-2-11)

Approved, Vote: 7 – 0.

Respectfully Submitted

Review & Concur



Christy Alexander
Associate City Planner

Dave Millheim
City Manager

CITY COUNCIL AGENDA

For Council Meeting:
October 4, 2011

**S U B J E C T: Introduction of Diana Vos – Director of Great Salt Lake Nature Center
at Farmington Bay**

ACTION TO BE CONSIDERED:

None.

GENERAL INFORMATION:

Bob Hasenyager will be present to introduce Diana Vos, Director of Great Salt Lake Nature Center at Farmington Bay.

NOTE: Appointments must be scheduled 14 days prior to Council Meetings; discussion items should be submitted 7 days prior to Council meeting.

CITY COUNCIL AGENDA

For Council Meeting:
October 4, 2011

S U B J E C T: Rules and Regulations on the Condition of Sale of Burial Rights

ACTION TO BE CONSIDERED:

See staff report for recommendation.

GENERAL INFORMATION:

Please see enclosed staff report prepared by Neil Miller.

NOTE: Appointments must be scheduled 14 days prior to Council Meetings; discussion items should be submitted 7 days prior to Council meeting.

FARMINGTON CITY



SCOTT C. HARBERTSON
MAYOR

JOHN BILTON
RICK DUTSON
CORY R. RITZ
JIM TALBOT
SID YOUNG
CITY COUNCIL

DAVE MILLHEIM
CITY MANAGER

City Council Staff Report

To: Honorable Mayor and City Council
From: Neil Miller, Parks and Recreation Director
Date: September 28, 2011
SUBJECT: **RULES AND REGULATIONS ON THE CONDITION OF SALE OF BURIAL RIGHTS**

RECOMMENDATIONS

To change the rules and regulations on the condition of sale of burial rights to the following:

1. Section 1, paragraph 1 change to "Sale of grave sites (general burial sites) in the City Cemetery shall be limited to the Residents of the City and such sales shall only be allowed to provide for an immediate burial need based on a death. No more than 2 burial rights shall be sold to a single immediate family as outlined herein. Single burial rights shall not be sold except to a surviving spouse of any individual already interred in the Cemetery or for the burial of such a spouse."
2. Section 1, paragraph 2, sentence 1 change to "An application for special exception may be filed for consideration by the City Manager."
3. Section 3 add the following sentence to the end of the paragraph "The transfer of a right to burial shall not be used to circumvent conditions on the sale of burial rights as set forth, above."

BACKGROUND

The current rules and regulations on the condition of sale of burial rights state: section 1 "Sale of grave sites" state:

1. Residents -- No more than 4 per immediate family.
2. Non-residents -- No more than 2 per immediate family.

Section 1, paragraph 2, sentence 1 currently states "An application for special exception may be filed for consideration by the City Council."

Under the current rules and regulations Farmington City has sold multiple burial rights to residents & non-residents. As a result the city no longer has side by side burial rights available in the city cemetery. With the construction of the new veterans memorial space has opened up which allows for an additional 13 burial rights.

Respectfully Submitted

Neil Miller
Parks and Recreation Director

Review and Concur

Dave Millheim
City Manager

FARMINGTON CITY CEMETERY

RULES AND REGULATIONS
(See also Title 8, Chapter 1 of City Code.)

CONDITION OF SALE OF BURIAL RIGHTS (After July 1985)

1. Sale of grave sites (general burial sites) in the City Cemetery shall be limited to the Residents of the City. In addition, no more than 2 burial rights shall be sold to a single immediate family as outlined herein. Single burial rights shall not be sold except to a surviving spouse of any individual already interred in the Cemetery.

Deleted: the following.

Deleted: Residents - No more than 4 per immediate family.*
Deleted: Non-residents - No more than 2 per immediate family.*

*An application for special exception may be filed for consideration by the **City Manager, City Council**. The term "immediate family", for purposes of these Rules and Regulations, shall be defined as those persons domiciled in the place of residence and who include: husband, wife, child, stepchild, brother, sister, stepbrother, stepsister, parent, stepparent, grandchild, grandparent, mother-in-law, father-in-law.

2. Issuance of right to burial certificate does not convey any other privilege than the right to bury a person's body, (hereinafter called "the right to burial"), and is not a deed to convey title in fee simple to said ground or any part thereof.

3. Purchaser(s) of grave sites must designate one other person who may exercise right of burial on each individual grave site purchased. The right of burial may be transferred at any time if authorized by the lot purchaser(s) in writing (form is provided by City). If the lot purchaser(s) is (are) deceased or incapable of transferring burial rights to others, then the designated alternative person holding the right to burial has the authority to transfer those rights on that particular grave site. The transfer of a right to burial shall not be used to circumvent conditions on the sale of burial rights as set forth, above.

4. A fee for transferring or amending burial rights shall be assessed by the City as established by the City Council and as amended by the City Council from time to time.

5. The burial right is vacated to the City upon the death of both the purchaser(s) and the designated alternative person who has the right of burial if not used for and in behalf of said purchaser (s) or their designee. Any heir or descendant of the purchaser has a preference over non-heirs or non-descendants to purchase the right to burial on said grave site once vacated to the City. At the discretion of the City, relatives or others may be given preference for repurchase of burial rights, provided they supply necessary proof that prior rights have expired. Cost of buying a new burial right is the amount in full of the existing current prices. The right of preference shall expire one year after the City obtains the right.

6. Any purchaser or designated heir having the right to burial may at any time sell said "right" back to the City at original purchase price.

CONDITION OF SALE OF BURIAL RIGHTS (Prior to July 1, 1985)

1. All purchasers of the right to burial on grave sites purchased before July 1, 1985, shall provide the City information involving the following at the time a request for burial is made:

Designation of Heir Certification. When the "right to burial" in the cemetery was sold prior to July 1, 1985, the purchaser or his heirs had a perpetual right of burial subject to City Ordinances. As the term "heir" has no set meaning and varies in its usage to mean a person named in the will or any degree of consanguinity to the deceased at the time of death, it is probable there will be more heirs than rights to burial available. As such, as "heir certification" shall be completed for each grave site in the cemetery or a certified order from the probate court showing which heir is entitled to the grave site shall be furnished. An order from the probate court is preferred.

Transfer of Burial Rights. A transfer of the burial rights of the designated heir to another heir of the purchaser may be accomplished by submitting authorization for such transfer and the payment of the transfer fee. (Form provided by City.)

2. The Utah Code Annotated, Section 8-5-1, et seq., authorizes the City to reclaim any unused burial site "which has been unused for burial purposes for more than 60 years". The City Council, by virtue of its adoption of these rules and regulations, authorizes and mandates the City staff to reclaim any such site. Prior to reclaiming any lot, proper notification procedures as provided on the statutes will be followed to provide opportunity for certifying the right of burial.

3. Descendants or other heirs shall have a preference over non-heirs or non-descendants in purchasing a new right to burial on the lots or lot being reclaimed. The preference expires one (1) year following the reclamation of the "right to burial" by the City. The cost of the new right to burial will be at current prices.

4. Any purchaser or designated heir having a right to burial may at any time sell back said "right to burial" to the City at the original purchase price.

BURIAL SITES: Definitions/Rules

General burial site is construed to mean a space eight feet by four feet.

Baby grave site is construed to mean a space four feet by four feet. Two baby graves may be buried on a single general burial site provided authorization is granted by the purchaser(s) (if still living) or designated person having the original right of burial if purchaser(s) is (are) deceased.

Urn grave site is a general burial site with requirements that the "right of burial" charges be the same as a general grave site. However, two urns may be buried on one general grave site.

Combined Grave Sites. Generally, no more than one burial per grave site will be allowed in a general burial site except for:

- a) Two urns
- b) Two babies
- c) One urn/baby
- d) One regular burial/one urn

Resident. As used herein, the term “Resident” shall mean and be defined as:

- (1) Any person who was domiciled within the corporate limits of Farmington, Utah, at the time of death, regardless of actual place of death; or
- (2) Any person owning real property within the corporate limits of Farmington, Utah, at the time of death, regardless of the residence of domicile of such person; or
- (3) Any person who was a legal resident of Farmington, Utah, at the time of death, regardless of domicile; or
- (4) Any person who was formally domiciled within the corporate limits of Farmington, Utah immediately prior to moving from the City for the purpose of becoming domiciled in any facility for the purpose of receiving medical or residential care; or
- (5) Any person having owned real property within the corporate limits of Farmington City, Utah, for 20 years or more regardless of the residence or domicile of such person at the time of death

Non-resident. As used herein, the term “Non-resident” shall mean and be defined as any person who does not meet the definition of “Resident” as set forth herein.

DISINTERMENTS

The City shall provide disinterment services only for those persons buried in vaults or in urns that are non-biodegradable.

PLACEMENT & MAINTENANCE OF MARKERS, MONUMENTS, & APPURTENANT PARTS

1. **Permits.** An installation permit shall be required and shall be obtained from the City Office for all markers and monuments before installation thereof is authorized. Monument companies only will be permitted to install or remove monuments in the cemetery. Monument companies doing work of any kind in the cemetery are subject to the control or direction of the City. A 24-hour advanced notice to the City is required prior to placement.

2. **Fees.** Fees for the installation of all markers and monuments shall be paid to the City before installation.

When burials are pending and when a marker is located where the grave is to be dug, it is the responsibility of the family to assure the marker is removed 24 hours before the funeral.

3. **Cement Base.** Upright markers and monuments installed in the cemetery shall have a finished, grass-level stone or cement base extending outward from the outer perimeter of the base or marker for a minimum distance of six inches (6") on the front and back and six inches (6") inches on each side. On flat markers, the minimum base extensions from the marker perimeters is six inches (6") front and back and six inches (6") on each side.

4. **Specifications for Raised Markers.** Maximum width is 24 inches not including the concrete base. Maximum width for single markers is 36 inches including the concrete base. Maximum width of companion markers is 72 inches without concrete base and 84 inches with concrete base. The cement base requirements described above also apply. Raised markers shall not exceed 36 inches above the ground level.

5. **Specifications for Flat Markers.** Maximum width for single marker is 24 inches, not including the concrete base. Maximum width for single marker is 36 inches including concrete base. Maximum width of companion's marker is 72 inches without concrete base, and 84 inches with concrete base. The cement base requirements described above also apply.

6. **Marker Maintenance.** The City is not responsible for marker or base maintenance unless damaged by the City.

7. **Vases.** All permanent vases placed in the cement or stone base of the marker or monument shall be recessed to ground level when not in use. Receptacles in the monument itself are allowed provided they do not project horizontally beyond the monument. Because of the potential for theft and/or vandalism, the installation of removable bases is discouraged.

8. **One Marker Per Grave.** No more than one marker per burial is permitted excepting government-provided veterans markers.

9. **Payment of Fees.** Charges for sale of cemetery lots must be paid before burial. Burial fees are due in full within 30 days of burial. No markers may be placed until all fees are paid.

10. **Variance.** An application for a variance from the specifications relating to markers may be filed for consideration with the Farmington City Council. The City Council may authorize a variance when the City Council finds that the variance requested is reasonable, will be in harmony with the rest of the Cemetery, and will be generally consistent with the intention of these rules and regulations.

FLOWER REGULATIONS

1. **Flowers Placed at Burials.** Artificial and/or natural (live) flowers placed during burials will be removed after seven (7) days following the burial.

2. **Artificial Flowers.** Artificial flowers may be placed on grave sites from November 1st through March 1st of the following year without being subject to removal by City crews except for those instances when they must be removed to accommodate nearby burials. Artificial flowers may also be placed three (3) days prior to the "observed" Memorial Day of each year and must be removed within seven (7) days following the "observed" Memorial Day. Artificial flowers placed during other periods (except burials) are subject to removal at the next scheduled mowing or for other maintenance purposes (when flowers are faded or weathered). Artificial flowers will be removed off the grave site and/or from any vases (including recessed bases) except for those receptacles that are an integral part of upright markers that are located above the marker base.

3. **Natural or Live Flowers.** Natural or live flowers may be placed at any time but are subject to removal at the next scheduled mowing (except burials). Flowers that are severely wilted will be removed at that time. During the "observed" Memorial Day holiday, flowers may be placed three (3) days prior to the observed holiday. Flowers will be removed by City crews after seven (7) days following the "observed holiday". Natural or live flowers shall be placed in non-glass containers on the marker or adjacent cement collar.

4. **Theft of Flowers.** The City is not responsible for the theft or loss of flowers in the cemetery.

FENCES AND OTHER REGULATIONS

1. **Fences.** Fencing, railing, coping or other enclosures around lots or graves are prohibited.

2. **Plantings.** Planting of shrubs or flowers on or near any grave or lot is prohibited.

3. **City's Right to Remove Non-conforming Objects.** If any tree or shrub, by means of its roots, branches, or otherwise, becomes detrimental to adjacent lots or walks, or interferes with the general appearance of the cemetery, the City has the right to remove such trees and shrubs. The City reserves the right, without notice, to remove from burial sites all flowers and decorations of any kind and any unauthorized plantings that do not conform with the rules and regulations of the cemetery.

4. **Disturbing or Defacing Property.** It is unlawful for any person, other than those authorized by the City, to take away any headboard, tombstone, monument, tree, shrub, flower or cut flower, or any other property or ornament in the City Cemetery. It is unlawful for any person to maliciously damage any monument, marker, tree, shrub, or other property in the City Cemetery.

5. **Vehicle Operation.** The motor vehicle speed limit within the cemetery is 10 mph. Motor vehicles are permitted only within cemetery asphalt roads and parking lots and only during daylight hours.

6. **Animals Prohibited.** Any animal leashed or unleashed is prohibited from the cemetery.

7. **Theft or Loss of Personal Belongings.** The City is not responsible for the theft or loss of personal belongings in the Cemetery.

**AUTHORIZATION TRANSFERRAL FOR RIGHT TO BURIAL IN THE
FARMINGTON CITY CEMETERY**

I, (We) _____, certify that I (we) am (are) the purchaser(s) or the designated person or authorized heir thus having authority to transfer the right to burial in Section _____, Lot _____, Grave _____. I (We) having said authority, do hereby authorize the designation of _____ currently residing at _____ as the designee henceforth having the right of burial on the above-referenced grave. If any claims or litigations are filed against the City as a result of this authorization for transfer or amendment of right to burial and the resulting authorization by Farmington City transferring the right to burial. I, (We) hereby agree to pay any and all legal costs to defend the City of Farmington against such claims or litigations and to pay any costs, settlement amounts or judgments that any be rendered against the City of Farmington.

I (We) hereby agree and understand the above-referenced transfer takes effect upon payment of the transfer fee of \$_____ and any applicable price increase in said "right to burial" from the date of original purchase.

Date: _____

Authorized Signature(s)

STATE OF UTAH)
 : ss.
COUNTY OF _____)

Personally appeared before me this _____ day of _____, who signed the foregoing document in my presence and acknowledged to me the truthfulness of statements contained therein.

Notary Public
My Commission Expires: _____

___ Transfer Fee Paid Receipt #
___ Additional Purchase Costs Receipt # _____ of Right to Burial

**HEIR CERTIFICATION FOR RIGHT OF BURIAL
IN FARMINGTON CITY CEMETERY**

I, (We) _____ hereby certify and affirm that I, (we) am (are) the legal heir(s) holding a right of burial in Grave _____, Lot _____, Section _____ of the Farmington City Cemetery.

I, (We) further certify that I (we) am (are) the sole heir(s) to said grave site or that I, (we) have received legal authorization from other eligible heirs who may have a right of burial.

In signing this certification, I (we) hereby assume any and all liability for conflicting claims of heirship. If any such claims or litigation are filed against the City as a result of this certification and the resulting authorization by Farmington City granting the right to burial, I (we) hereby agree to pay any and all legal costs to defend the City of Farmington against such claims or litigations and to pay any costs, settlement amounts or judgment that may be rendered against the City of Farmington.

Dated this ___ day of _____, ____.

(Please print)

(Please print)

(Signature)

(Signature)

STATE OF UTAH)
 : ss.
COUNTY OF _____)

Personally appeared before me this _____ day of _____, who signed the foregoing document in my presence and acknowledged to me the truthfulness of statements contained therein.

Notary Public
My Commission Expires: _____

CITY COUNCIL AGENDA

For Council Meeting:
October 4, 2011

S U B J E C T: Extension of Farmington City Cemetery into Mountain View Park

ACTION TO BE CONSIDERED:

See staff report for recommendation.

GENERAL INFORMATION:

Please see enclosed staff report prepared by Neil Miller.

NOTE: Appointments must be scheduled 14 days prior to Council Meetings; discussion items should be submitted 7 days prior to Council meeting.



FARMINGTON CITY

SCOTT C. HARBERTSON
MAYOR

JOHN BILTON
RICK DUTSON
CORY R. RITZ
JIM TALBOT
SID YOUNG
CITY COUNCIL

DAVE MILLHEIM
CITY MANAGER

City Council Staff Report

To: Honorable Mayor and City Council
From: Neil Miller, Parks and Recreation Director
Date: September 28, 2011

SUBJECT: EXTENSION OF FARMINGTON CITY CEMETERY INTO MOUNTAIN VIEW PARK

RECOMMENDATIONS

Allow city staff to pursue the extension of the Farmington City Cemetery into Mountain View Park. These would be the improvements made if the extension of the cemetery was approved.

1. Complete a burial lot survey along with a redesign and installation of the Mountain View Park sprinkling system. This will be followed by moving the fence 50 feet east into the park, at a cost of \$4000, and extending the cemetery 50 feet. This would provide approximately 340 additional burial rights. (see attached slide 1)
2. Move the fence another 50 feet east into the park, at an approximate cost of \$4000, and extend the cemetery an added 50 feet. This would provide approximately 340 additional burial rights. (see attached slide 2)
3. Removal of the fence and completion of a final extension of the cemetery into Mountain View Park. This will be followed by the construction of a road around and down the middle of the combined 3 extension. This phase would provide approximately 1000 additional burial rights. (see attached slide 3)

BACKGROUND

Due to the fact that existing side by side burial rights have been sold out the city has been evaluating options for additional cemetery space. After reviewing the options, which included buying and developing additional land, the conclusion was that the extension into Mountain View Park is the most cost effective solution to meet the needs of the city.

Respectfully Submitted


Neil Miller
Parks and Recreation Director

Review and Concur


Dave Millheim
City Manager

CITY COUNCIL AGENDA

For Council Meeting:
October 4, 2011

S U B J E C T: Award of Bid for New Structure/Interface Fire Engine

ACTION TO BE CONSIDERED:

Accept bid of new Structure/Interface Fire Engine as proposed by Rosenbauer for a total of \$339,273.00.

GENERAL INFORMATION:

Please see enclosed staff report prepared by Guido Smith.

NOTE: Appointments must be scheduled 14 days prior to Council Meetings; discussion items should be submitted 7 days prior to Council meeting.

FARMINGTON CITY FIRE DEPARTMENT

82 North 100 East
P.O. Box 160
Farmington, Utah 84025
Tel. (801) 451-2842
Fax (801) 451-7865



THE DESIRE TO SERVE THE COURAGE TO ACT THE ABILITY TO PERFORM

To: Mayor and City Council
From: Guido Smith, Fire Chief
Date: September 27, 2011
Subject: **AWARD BID FOR NEW STRUCTURE / INTERFACE FIRE ENGINE TO ROSENBAUER / FIRE TRUCKS WEST INC.**

RECOMMENDATION

Accept bid of new Structure / Interface Fire Engine as proposed by Rosenbauer (Fire Trucks West Inc.) for a total of three hundred thirty nine thousand and two hundred seventy three dollars (339,273.00).

BACKGROUND

Based on a formal hazard assessment study and 5 year business plan performed by Chief Smith earlier this year, the need for a new structure / interface fire engine was identified as a critical component for effective fire protection within the response areas of Farmington during all seasons.

The Fire Department received permission to go out for bid at the beginning of this fiscal year (July, 2011) and received four (4) bids from various vendors (BMA, KME, Pierce and Rosenbauer).

Under the direction of the Fire Chief an apparatus committee was formed consisting of 9 fire department members with various levels of apparatus expertise & experience. The apparatus committee met multiple times both prior to receiving bids and after bid closing to identify the best apparatus selection using a 28-point check-off / comparison checklist. The top-three choices are as follows:

1st Place Rosenbauer \$339,273 2nd Place KME \$375,665 3rd Place BME \$336,807

Although BME came in with the lowest bid (\$2,466 less than Rosenbauer) it was not selected as first choice due to critical performance criteria such as Wheelbase, Pump & Roll Capabilities, Box Construction Design, Foam Capabilities and Crew Safety features.

Funding of apparatus shall be a combination of the following:

\$200,000 Apparatus savings account (\$50,000 set aside annually / current balance of \$200,000)
\$50,000 EMS Enterprise Fund (apparatus shall also be EMS & Rescue capable)
\$100,000 Financed over the next two (2) years with funding already planned to be set aside (\$50,000 annually).

Anticipated delivery date is approximately 280-300 days from execution of contract.

Please note:

There will be added costs in addition to the \$339,273.00 bid to facilitate factory trips for semi-final & final inspections in addition to installation costs of radio systems, specialized nozzles for high pressure booster lines, FFD Reflective decals and specific shelving needs for FFD equipment. Total project cost shall not exceed a total sum of 350,000.00.

Please view attached,

Respectfully Submitted,



Guido Smith
Fire Chief

Reviewed & Concur



Dave Millheim
City Manager



To: Farmington City
82 North 100 East
Farmington, UT 84025

Date: September 9, 2011

We hereby propose and agree to furnish, after your acceptance of this proposal and the proper execution by Farmington City, UT hereinafter called the BUYER and an officer of Rosenbauer Minnesota, LLC, a division of Rosenbauer America, hereinafter called the COMPANY, the following apparatus and equipment:

| | |
|--|-----------------------|
| Rosenbauer Timberwolf Pumper Apparatus Body Manufactured by Rosenbauer Minnesota, LLC and Specified Equipment | \$ 219,338.00 |
| International 7400, Four Door, 4x4 Chassis | 116,885.00 |
| Delivery Expense | <u>3,000.00</u> |
| TOTAL ... | \$ 339,273.00* |

Three Hundred Thirty Nine Thousand Two Hundred Seventy Three and 00/100 Dollars

All of which are to be built in accordance with the specifications, clarifications and exceptions attached, and which are made a part of this agreement and contract.

Delivery: The estimated delivery time for the completed apparatus, is to be made 290 days after receipt of and approval of this contract duly executed, (chassis must arrive within 150 days or delivery may be delayed), subject to all causes beyond the Company's control. The quoted delivery time is based upon our receipt of the specified materials required to produce the apparatus in a timely manner. The Company cannot be held responsible for delays due to Acts of God, Labor Strikes, or Changes in Governmental Regulations that result in delayed delivery to our manufacturing facilities of these specified materials. This delivery estimate is based on the Company receiving complete and accurate paperwork from the Buyer and that no changes take place during pre-construction, midpoint inspections or final inspections. Changes required or requested by the Buyer during the construction process may be cause for an increase in the number of days required to build said apparatus.

Payment Terms: Final payment for the apparatus shall be made at time of delivery or pick up of the completed vehicle. It is the responsibility of the Buyer to have full payment ready when the apparatus is complete and ready to deliver. If payment is delayed or delivery is delayed pending payment, a daily finance and storage fee may apply. Upon delivery of the apparatus or upon pickup of the apparatus by the Buyer, Buyer agrees to provide all liability and physical damage insurance. It is further agreed that if on delivery and test, any defects should develop, the Company shall be given reasonable time to correct same. Guarantee of the chassis is subject to the guarantee of the chassis manufacturer.

Miscellaneous Provisions: This agreement shall be construed in accordance with the laws of the State of Minnesota. The parties agree that any litigation arising from or in connection with any dispute between the parties under this agreement shall be venued in Minnesota. The parties agree that this agreement bears a rational relationship to the State of Minnesota, and they consent to the personal jurisdiction of such state and further consent and stipulate to venue in the above described court.

The amount in this proposal shall remain firm for a period of 60 days from the date of same.

* Note: If the chassis is paid for upon arrival at the plant in Wyoming, MN, please deduct \$4,496.00 from the proposal price.

Respectfully submitted,

BUYER

We accept the above Proposal and enter into contract with signature below.

Sales Representative

Bob Beck

Title _____

Title _____

Title _____

Date _____

After company receipt of this document signed by the Buyer, the document will be reviewed and upon approval, countersigned by the Company putting the document in force.

ROSENBAUER MINNESOTA, LLC

Title _____

Date _____

Central Division
100 Third Street
PO Box 57
Lyons, SD 57041
605-543-5591
605-543-5593 Fax
sales@centralfire.com
www.centralfire.com

General Division
5181 260th Street
Wyoming, MN 55092
651-462-1000
651-462-1700 Fax
gsefa@aol.com

RK Aerials, LLC
470 South Broad Street
Fremont, NE 68025
402-721-7622
402-721-7622 Fax
rkladders@hotmail.com

TIMBERWOLF

The ultimate Urban Interface vehicle. The Rosenbauer Timberwolf is designed to meet both the requirements of a Type 1 structural pumper and a Type 3 off-road, wildland, fire-fighting vehicle. With a 1000 GPM multi-stage pump and a 750 gallon water tank, the Rosenbauer Timberwolf delivers the performance to meet the complex challenge of fire-fighting.

 **rosenbauer**



ROSENBAUER TIMBERWOLF



Truck Protection Nozzles

Nozzles are provided in front of the front wheels, rear wheels and above roof line for overhead protection.



Rough Off Road Terrain

Capable of performing in the most rugged conditions.

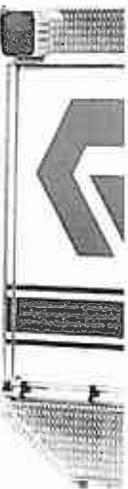


Tilt-Table Tested for Off-Road Stability

Tested at 30 degrees fully loaded.

■ Timberwolf

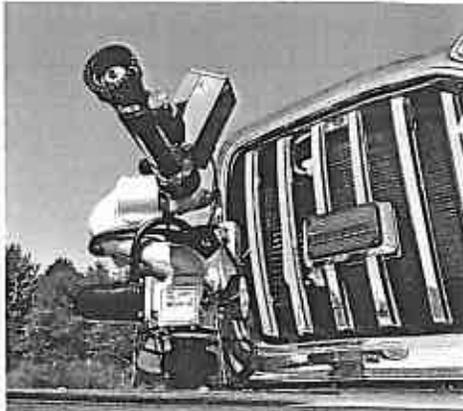
- International 4 x 4 chassis 315 HP with 4-door cab (2-door cab optional)
- Rosenbauer 1000 GPM PTO pump capable of high flow and high pressure simultaneously
- Variety of foam systems available including Rosenbauer EZ Foam and Fix-Mix systems
- Pump controls designed for easy operation including operator's control console in cab
- Best in class pump and roll, forward and reverse
- Front bumper turret and ground sweep nozzles
- Heavy duty extruded aluminum body
- Rescue style body compartments for loads of equipment storage
- Water Tank-up to 750 gallons





Pump and Controls

Rosenbauer NH 1000 GPM PTO-driven pump with easy-to-operate pump panel controls and layout design.



Front Turret and Control Console with Joy Stick

Easy-to-operate turret joy stick control within comfortable reach of the driver.



Rosenbauer Logic Control System (LCS)

Simplistic easy-to-operate pump controls in cab on center control console and on rear pump operator's panel.

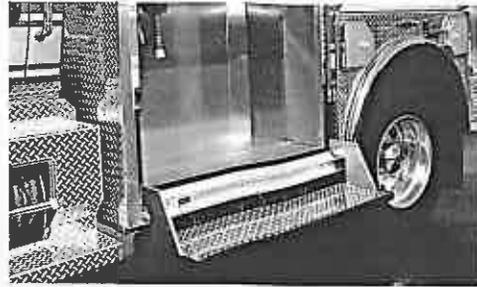


Rosenbauer Fix-Mix foam system that delivers CAFS like foam at an affordable price.



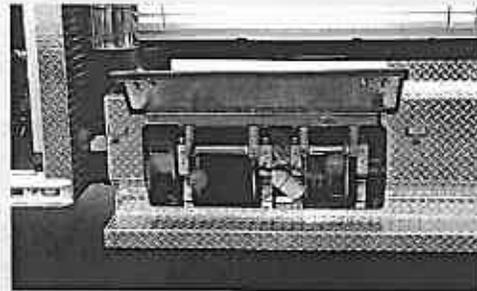
Flexible Equipment Storage

Rescue-style full-height and depth compartments provide flexibility in equipment storage. Exclusive heavy duty extruded aluminum body with **LIFETIME STRUCTURAL WARRANTY**



Rosenbauer Safe Step

Lower door panel folds down to provide safe access to upper compartment storage area.



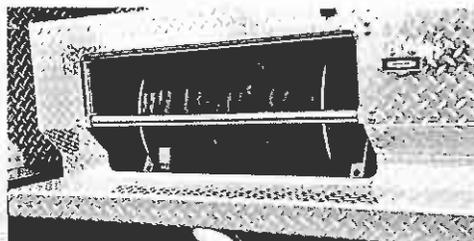
Storage Compartment

Optional storage compartment recessed in cab step.



Rear Discharge Outlet

Preconnected discharge outlet with removable hose tray for 200' x 1 3/4" hose and nozzle.



Booster Reel

High-pressure booster reel recessed behind cab step.



Front Bumper with Crosslay Hosebed

1-1/2" front bumper pre-connect hose tray for 150' of 1-3/4" hose.



CITY COUNCIL AGENDA

For Council Meeting:
October 4, 2011

S U B J E C T: Public Hearing: Hampton Inn Appeal

ACTION TO BE CONSIDERED:

None

GENERAL INFORMATION:

At the request of the applicant, this item has been cancelled.

NOTE: Appointments must be scheduled 14 days prior to Council Meetings; discussion items should be submitted 7 days prior to Council meeting.

CITY COUNCIL AGENDA

For Council Meeting:
October 4, 2011

S U B J E C T: Public Hearing: Mixed Use Zone Text Changes

ACTION TO BE CONSIDERED:

1. Hold the Public Hearing.
2. Approve the enclosed enabling legislation amending or enacting Sections 11-18-105, 11-18-106(2), 11-18-107(2)(d)vi, 11-18-108(d)4.(m) of the Zoning Ordinance.

GENERAL INFORMATION:

See enclosed staff report prepared by David Petersen.

NOTE: Appointments must be scheduled 14 days prior to Council Meetings; discussion items should be submitted 7 days prior to Council meeting.

FARMINGTON CITY



SCOTT C. HARBERTSON
MAYOR

JOHN BILTON
RICK DUTSON
CORY R. RITZ
JIM TALBOT
SID YOUNG
CITY COUNCIL

DAVE MILLHEIM
CITY MANAGER

City Council Staff Report

To: Honorable Mayor and City Council

From: David E. Petersen, Community Development Director

Date: September 22, 2011

SUBJECT: **MIXED USE ZONE TEXT CHANGES**

RECOMMENDATION

Approve the enclosed enabling legislation amending or enacting Sections 11-18-105, 11-18-106(2), 11-18-107(2)(d)vi, 11-18-108(d)4.(m) of the Zoning Ordinance.

Findings:

1. Large buildings with several dwellings units (more than 6) are not compatible with the medium density residential designation in mixed use zones;
2. The Office Mixed Use area is primarily for office and commercial uses. Large high density housing projects are a primary use and should not be permitted in OMU areas;
3. The two story height and greater open space requirements are more compatible with the purposes of the RMU zone;
4. Economic environments change and often futures are uncertain. Development plan and PMP approvals in the mixed use zone should have standards related to expiration for such approvals.

BACKGROUND

These proposed text amendments were previously reviewed by the governing body on May 5, 2011, May 19, 2011, and August 16, 2011. The Council enacted temporary zoning regulations on April 28, 2011, to allow time for further review and study and to also explore the possibility of amending the General Plan map and rezoning certain property in the mixed use area. It is anticipated the Planning Commission will provide its recommendation on September 29, 2011, regarding the proposed text changes. The above recommendation is now ready for City Council consideration.

Updates to the Zoning Ordinance text included with this proposal include: 1) clarifying the term "Medium-density residential" in TMU zones (11-18-105); 2) restricting high density residential uses in the OMU zone (11-18-105); 3) modifying building height and open space

standards in all TMU zones (11-18-106(2)); 8) providing expiration standards in all TMU zones for development plans (11-18-107) and Project Master Plans (11-18-108).

1) “Medium-density residential” in TMU Zones

Table 18.3 of Section 11-18-105 of Chapter 18 lists and describes the “Allowable Land Uses” in the mixed-use districts set forth in that chapter. Some developers have argued that the narrative describing “Medium-density residential” uses the words “such as” and therefore does not limit the number of apartment or condominium dwelling units one can place in a building. The table may be very clear to the Planning Commission that “Medium-density residential” does not mean unlimited numbers of dwelling units in a building (see enclosed), however, the Commission may wish to establish their intent regarding this use by modifying the text:

Medium-density residential—single family small lots and attached units ~~such as or townhomes;/condominiums, mansion homes,~~ limited to duplexes, triplexes, four-plexes, five-plexes, or six-plexes.

2) Residential uses in the OMU Zone

The Office Mixes Use district (OMU) is “intended to be primarily office and commercial, with multiple-unit dwellings allowed as a secondary use” (11-18-101(1)(b)3.). Meanwhile, Table 18.3 permits “High-density” residential—condominium and apartment style” uses in the OMU zone even though they are primary uses. The City should amend the table and not permit “High-density” residential—condominium and apartment style” uses in the OMU zone.

3) Building height and open space standards in all TMU zones (11-18-106(2))

Staff is recommending that the City only modify building height and open space standards set forth in 11-18-106(2) (see enclosure) as they relate to the RMU (Residential Mixed Use) zones [and not all TMU zones] as follows:

1. Building Height Maximum in Stories (& Feet) on local streets should be 2 stories (27 feet) and not 3 stories (40 feet) as now written, and
2. Open Space % Requirements (for zone lots) on Collector/Arterial Roads should be increased from 25 to 30%.

4) Expiration standards in TMU zones

No expiration periods exist for development plans and Project Master Plans (PMPs) in Mixed Use zones. Since it appears that most development plans will be reviewed and approved by staff, the recommended expiration standard for such approvals should be enacted as follows:

11-18-107(2)(d)vi. If the applicant does not obtain and maintain a current building permit within 6 months of any development plan approval, such approval shall be null and void. This time period may be extended for additional six (6) months periods by the Community Development Director if he or she finds it is the best interest of the City and there are compelling reasons to do so. The applicant must petition for an extension, prior to the expiration of

the original six (6) months, or an extension previously granted. An extension may be granted only if it is determined that it will not be detrimental to the City. If any of the fees charged as a condition of approval, including but not limited to, inspection fees, impact fees, as well as the amounts the City uses to estimate bonds to insure completion of improvements, have increased, the Community Development Director, after receiving approval from the City Manager may require that the bond estimate be recalculated and that the applicant pay any applicable fee increases as a condition of granting the extension.

PMP's are approved by the Planning Commission or the City Council. The recommended expiration standards for such approvals should be enacted as Section 11-18-108(d)4.(m) as follows:

(m) Unless there is substantial action under a Project Master Plan within a period of twelve (12) months from the date of Planning Commission or City Council approval, the Project Master Plan shall expire. Substantial action shall be demonstrated by receiving approval for improvement drawings and posting a bond and commencing construction related thereto, or submitting final plans for approval and obtaining, and maintaining, a current Building Permit.

If the Project Master Plan is to expire, a request for extension may be filed with the Community Development Department not less than thirty (30) days prior to the expiration date. The original Project Master Plan approval shall remain valid until the request for extension is acted upon by the Planning Commission or City Council. Failure to request the extension in a timely manner shall cause a Project Master Plan to expire without further notice.

The Planning Commission or City Council for reasonable cause may, after evaluating the applicant's progress in the previous year and after considering the Planning Department's recommendation, grant an extension of up to one (1) year on the Project Master Plan. Only one (1) extension shall be granted.

(mn) Appeals of decision. The final decision of the Planning Commission to approve, approve with conditions, or deny a PMP may be appealed to the City Council as set forth in the Zoning Ordinance.

Respectively Submitted



David Petersen
Community Development Director

Review and Concur



Dave Millheim
City Manager

FARMINGTON, UTAH

ORDINANCE NO. 2011 -

AN ORDINANCE AMENDING OR ENACTING SECTIONS 11-18-105, 11-18-106(2), 11-18-107(2)(d)vi, AND 11-18-108(d)4.(m) OF THE FARMINGTON CITY ZONING ORDINANCE REGARDING MIXED USE DISTRICTS (ZT-1-11).

WHEREAS, the Planning Commission has held a public hearing in which the proposed text changes for Sections 11-18-105, 11-18-106(2), 11-18-107(2)(d)vi, 11-18-108(d)4.(m) of the Farmington City Zoning Ordinance were thoroughly reviewed and the Planning Commission recommended that these changes be approved by the City Council; and

WHEREAS, the Farmington City Council has also held a public hearing pursuant to notice and as required by law and deems it to be in the best interest of the health, safety, and general welfare of the citizens of Farmington to make the changes proposed;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF FARMINGTON CITY, STATE OF UTAH:

Section 1. Amendment. Sections 11-18-105, 11-18-106(2), 11-18-107(2)(d)vi, 11-18-108(d)4.(m) of the Farmington City Municipal Code are hereby amended to read as set forth in Exhibit "A" attached hereto and by this reference made a part hereof.

Section 2. Severability. If any provision of this ordinance is declared invalid by a court of competent jurisdiction, the remainder shall not be affected thereby.

Section 3. Effective Date. This ordinance shall take effect immediately upon publication or posting or 30 days after passage by the City Council, whichever comes first.

PASSED AND ADOPTED by the City Council of Farmington City, State of Utah, on this 4th day of October, 2011.

FARMINGTON CITY

Scott C. Harbertson, Mayor

ATTEST:

Holly Gadd, City Recorder

EXHIBIT "A"

1) The text of the cell regarding "Medium-density residential" in TMU Zones on table 18.3 of Section 11-18-105 is hereby changed and shall read as follows:

Medium-density residential—single family small lots and attached units or townhomes/condominiums limited to duplexes, triplexes, four-plexes, five-plexes, or six-plexes.

2) The "P" (Permitted) in the cell regarding "High Density residential -- Condominium and apartment style" uses related to the OMU district on Table 18.3 of Section 11-18-105 is hereby removed and replaced by an "N" (Not Permitted).

3) The table regarding "Building Height Maximum in Stories (& Feet)" in Section 11-18-106(2) related to "Local Roads" in the Residential MU area is hereby changed from "3(40 feet)" to "2(27 feet)".

4) The table regarding "Open Space % Requirements (for zone lots)" in Section 11-18-106(2) related to "Collector/Arterial Roads" in the Residential MU area is hereby changed from "25" to "30".

5) Section 11-18-107(2)(d)vi.:

If the applicant does not obtain and maintain a current building permit within 6 months of any development plan approval, such approval shall be null and void. This time period may be extended for additional six (6) months periods by the Community Development Director if he or she finds it is the best interest of the City and there are compelling reasons to do so. . The applicant must petition for an extension, prior to the expiration of the original six (6) months, or an extension previously granted. An extension may be granted only if it is determined that it will not be detrimental to the City. If any of the fees charged as a condition of approval, including but not limited to, inspection fees, impact fees, as well as the amounts the City uses to estimate bonds to insure completion of improvements, have increased, the Community Development Director, after receiving approval from the City Manager may require that the bond estimate be recalculated and that the applicant pay any applicable fee increases as a condition of granting the extension.

6) Section 11-18-108(d)4.(m):

(m) Unless there is substantial action under a Project Master Plan within a period of twelve (12) months from the date of Planning Commission or City Council approval, the Project Master Plan shall expire. Substantial action shall be demonstrated by receiving approval for improvement drawings and posting a bond and commencing construction related thereto, or submitting final plans for approval and obtaining, and maintaining, a current Building Permit.

If the Project Master Plan is to expire, a request for extension may be filed with the Community Development Department not less than thirty (30) days prior to the expiration date. The original Project Master Plan approval shall remain valid until the request for extension is acted upon by the Planning Commission or City Council. Failure

to request the extension in a timely manner shall cause a Project Master Plan to expire without further notice.

The Planning Commission or City Council for reasonable cause may, after evaluating the applicant's progress in the previous year and after considering the Planning Department's recommendation, grant an extension of up to one (1) year on the Project Master Plan. Only one (1) extension shall be granted.

(n) Appeals of decision. The final decision of the Planning Commission to approve, approve with conditions, or deny a PMP may be appealed to the City Council as set forth in the Zoning Ordinance.

CITY COUNCIL AGENDA

For Council Meeting:
October 4, 2011

S U B J E C T: Public Hearing: Mixed Use General Plan and Zoning Map Amendments

ACTION TO BE CONSIDERED:

1. Hold the Public Hearing.
2. See enclosed staff report for recommendation.

GENERAL INFORMATION:

See enclosed staff report prepared by David Petersen.

NOTE: Appointments must be scheduled 14 days prior to Council Meetings; discussion items should be submitted 7 days prior to Council meeting.



FARMINGTON CITY

SCOTT C. HARBERTSON
MAYOR

JOHN BILTON
RICK DUTSON
CORY R. RITZ
JIM TALBOT
SID YOUNG
CITY COUNCIL

DAVE MILLHEIM
CITY MANAGER

City Council Staff Report

To: Honorable Mayor and City Council
From: David E. Petersen, Community Development Director
Date: September 22, 2011

SUBJECT: MIXED USE GENERAL PLAN AND ZONING MAP AMENDMENTS

RECOMMENDATION

Approve the enclosed ordinance amending the City's General Plan by re-designating all of those areas north of Shepard Creek, west of I-15, south of Shepard Lane, and east of the UTA rails-to-trails right-of-way identified as "Transportation Mixed Use" (TMU) and "Low Density Residential" (LDR) and "Medium Density Residential" (MDR) to "Class A Business Park" (CA/BP); and re-zoning these same areas from RMU (Residential Mixed Use) and LR (Large Residential) and R-4 to OMU (Office Mixed Use); and designating the Shepard Creek corridor on the General Plan map between I-15 and the UTA right-of-way as "Public/Private Recreation, Open Space, and/or Park, Very Low Density" (PPR),

Findings:

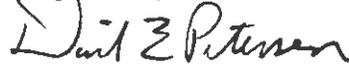
1. A large area is set aside (approx 240 acres) for Class A office park and ancillary mixed uses, which will provide jobs for the City and the County;
2. The change will increase future land values for the property owners, yet they can maintain their green belt status until they are ready to develop;
3. The City is putting to good use an asset located within the City limits (vacant land next to an interchange) to meet its long-term financial needs;
4. This area will provide increased future property taxes for the school district, County, and City, and other taxing entities, as office use assessments are considered at 100% the value of the property;
5. It will result in a more balanced tax base for the City. As Station Park continues to grow sales tax received will also continue to increase;
6. The changes to the General Plan and Zoning Map will enable another source of revenue for the city thereby reducing reliance on only sales tax revenue;
7. Property tax is a less volatile revenue source than sales tax;
8. A large day-time employment population will enhance even more the viability of the Station Park area resulting in increased sales tax;
9. It will reduce vehicle miles traveled (VMT) for the county and the City due to less commuter trips;

10. A reduction in VMT means cleaner air. The change to the General Plan and Zoning map will result in a better environment;
11. The City established an RDA area as a precursor to the Station Park development. The proposed changes help fulfill commitments made to the taxing entities;
12. Sanitary sewer capacity is limited in the area. The change may reduce the need to increase this capacity;
13. The PPR designation is consistent with similar General Plan designations for other stream corridors; and is consistent with the open space mixed use district identified on the Farmington TOD Regulatory Plan as set forth in Chapter 18 of the Zoning Ordinance.

BACKGROUND

The Council enacted temporary zoning regulations on April 28, 2011, to explore, among other things, the possibility of amending the General Plan map and rezoning certain property in the mixed use area. In the interim time period, City staff met with and received recommendations from office park and housing developers, and other real-estate professionals. Moreover, a meeting was held where city staff reviewed, and received input from affected property owners and other stakeholders regarding the proposed changes. It is anticipated the Planning Commission will provide its recommendation on September 29, 2011. The above recommendation is now ready for City Council consideration.

Respectively Submitted



David Petersen
Community Development Director

Review and Concur



Dave Millheim
City Manager

FARMINGTON CITY, UTAH

ORDINANCE NO. 2011 -

AN ORDINANCE AMENDING THE FARMINGTON CITY GENERAL LAND USE PLAN MAP BY RE-DESIGNATING THOSE AREAS NORTH OF SHEPARD CREEK, WEST OF I-15, SOUTH OF SHEPARD LANE AND EAST OF THE UTA RAILS-TO-TRAILS RIGHT-OF-WAY IDENTIFIED AS “TRANSPORTATION MIXED USE” (TMU) AND “LOW DENSITY RESIDENTIAL” (LDR) AND “MEDIUM DENSITY RESIDENTIAL” (MDR) TO “CLASS A BUSINESS PARK” (CA/BP); AND AMENDING THE FARMINGTON CITY ZONING MAP BY RE-ZONING THESE SAME AREAS FROM RMU (RESIDENTIAL MIXED USE) AND LR (LARGE RESIDENTIAL) AND R-4 TO OMU (OFFICE MIXED USE); AND DESIGNATING THE SHEPARD CREEK CORRIDOR ON THE GENERAL LAND USE PLAN MAP BETWEEN I-15 AND THE UTA RIGHT-OF-WAY AS “PUBLIC/PRIVATE RECREATION, OPEN SPACE, AND/OR PARK, VERY LOW DENSITY” (PPR).

WHEREAS, Farmington City has previously adopted a Master Comprehensive General Plan amended on June 16, 1993, including several amendments thereafter; and

WHEREAS, the City has determined that to promote the orderly growth of the City, and to promote the health, safety and general welfare of the residents of the City, the General Plan should be amended to enlarge the “Mixed Use” and “Class A/Business Park” area north of Shepard Creek, west of I-15, south of Shepard Lane, and east of the UTA rails-to-trails right-of-way; and

WHEREAS, in conjunction with the Farmington City Planning Department, the Planning Commission has prepared and reviewed and proposed a General Plan amendment and has held all appropriate public hearings before the Planning Commission in accordance with Utah law to obtain public input regarding the proposed amendment to the General Plan; and

WHEREAS, the City Council has reviewed the proposed General Plan amendment recommended by the Planning Commission and has held all appropriate public hearings before the City Council in accordance with Utah law to obtain public input regarding the proposed amendment to the General Plan; and

WHEREAS, the City Council desires to amend the Farmington General Land Use Plan map;
and

WHEREAS, the Farmington City Planning Commission has reviewed and made a recommendation to the City Council concerning the proposed Zoning Map amendment pursuant to State Law and the Farmington City Zoning Ordinance; and

WHEREAS, a public hearing before the City Council of Farmington City was held after being advertised as required by law; and

WHEREAS, the City Council of Farmington City finds that such General Plan Amendment and Zoning Map amendment should be made;

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF FARMINGTON CITY, STATE OF UTAH:

Section 1. Amendment. The Future Land Use Plan Map of the Farmington City Comprehensive General Plan, which is attached hereto as Exhibit "A" and by this reference made a part hereof, is hereby amended to designate the area north of Shepard Creek, west of I-15, south of Shepard Lane, and east of the UTA rails-to-trails right-of-way to "Class A Business Park" (CA/BP); and the Shepard Creek corridor between I-15 and the UTA right-of-way is hereby designated as "Public/Private Recreation, Open Space, and/or Park, Very Low Density" (PPR) as also set forth on Exhibit "A",

Section 2. Zoning Map Amendment. That certain real property containing approximately 140 acres located within Farmington City which is more particularly illustrated on Exhibit "B," attached hereto and incorporated herein by this reference, presently zoned RMU (Residential Mixed Use) and LR (Large Residential) and R-4 as shown on the Farmington City Zoning Map, is hereby changed and rezoned to OMU (Office Mixed Use) and the Farmington City Zoning map and Ordinance is correspondingly amended;

Section 3. Severability. If any section, subsection, clause, sentence or portion of this Ordinance is declared, for any reason, to be unconstitutional, invalid, void or unlawful, such decision shall not affect the validity of the remaining portions of the Ordinance and such remaining portions shall remain in full force and effect.

Section 4. Omission not Waiver. The omission to specify or enumerate in this Chapter those provisions of general law applicable to all cities shall not be construed as a waiver of the benefits of any such provisions.

Section 5. Effective Date. This ordinance shall take effect immediately upon final passage by the City Council.

PASSED AND ADOPTED by the City Council of Farmington City, State of Utah, on this 4th day of October, 2011.

FARMINGTON CITY

Scott C. Harbertson, Mayor

ATTEST:

Holly Gadd, City Recorder



EXHIBIT "A"



Date 9/27/2011

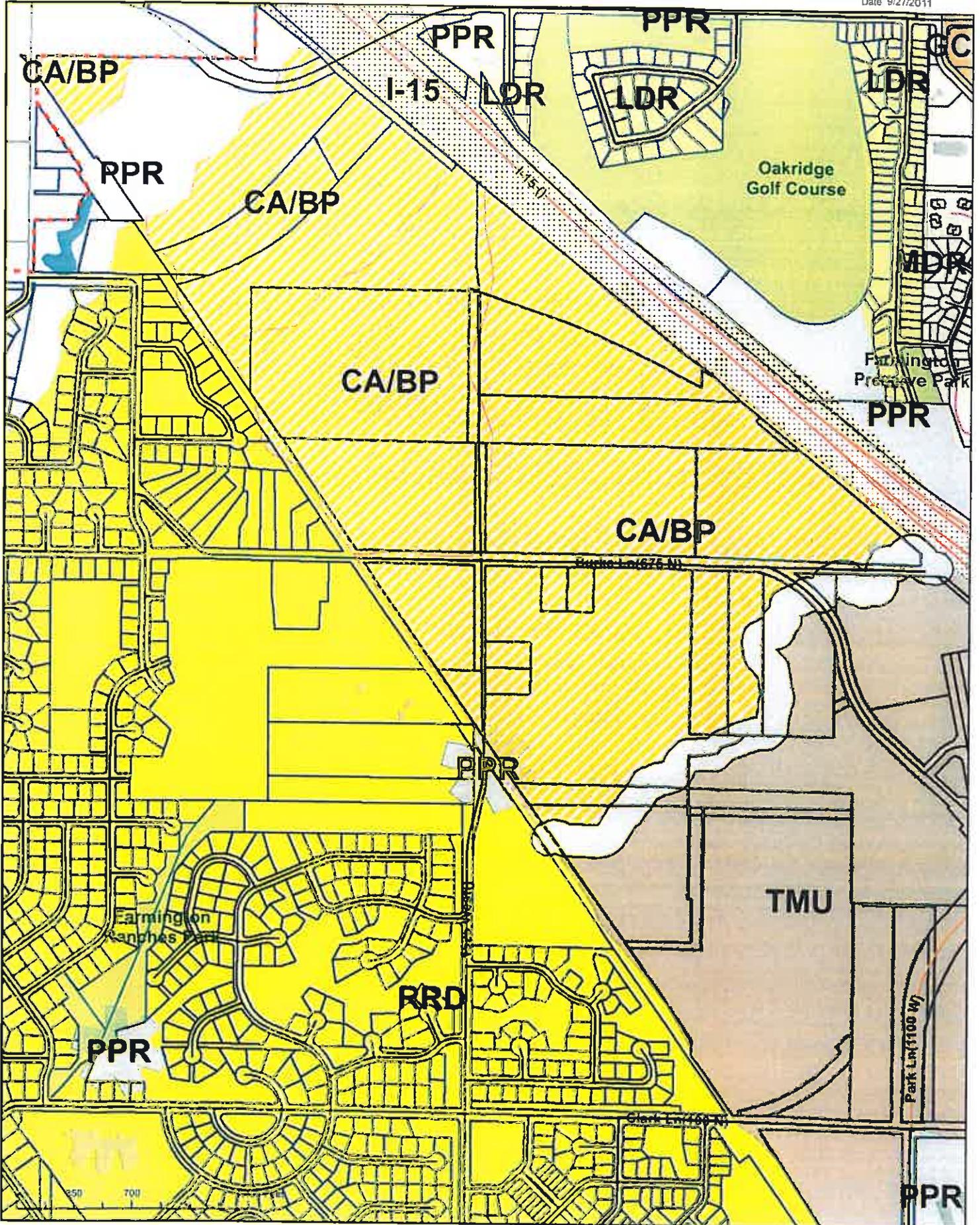
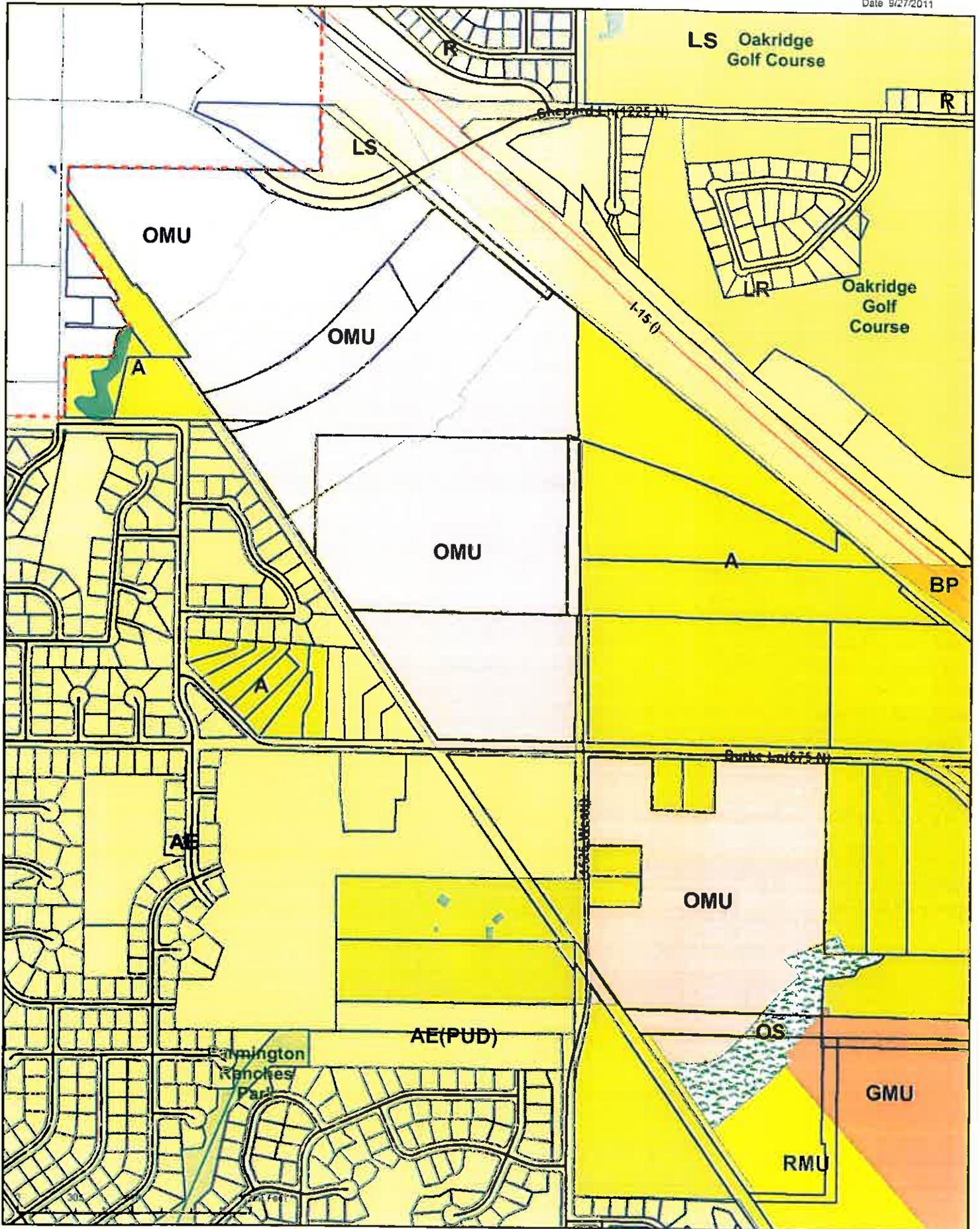




EXHIBIT "B"



Date 9/27/2011

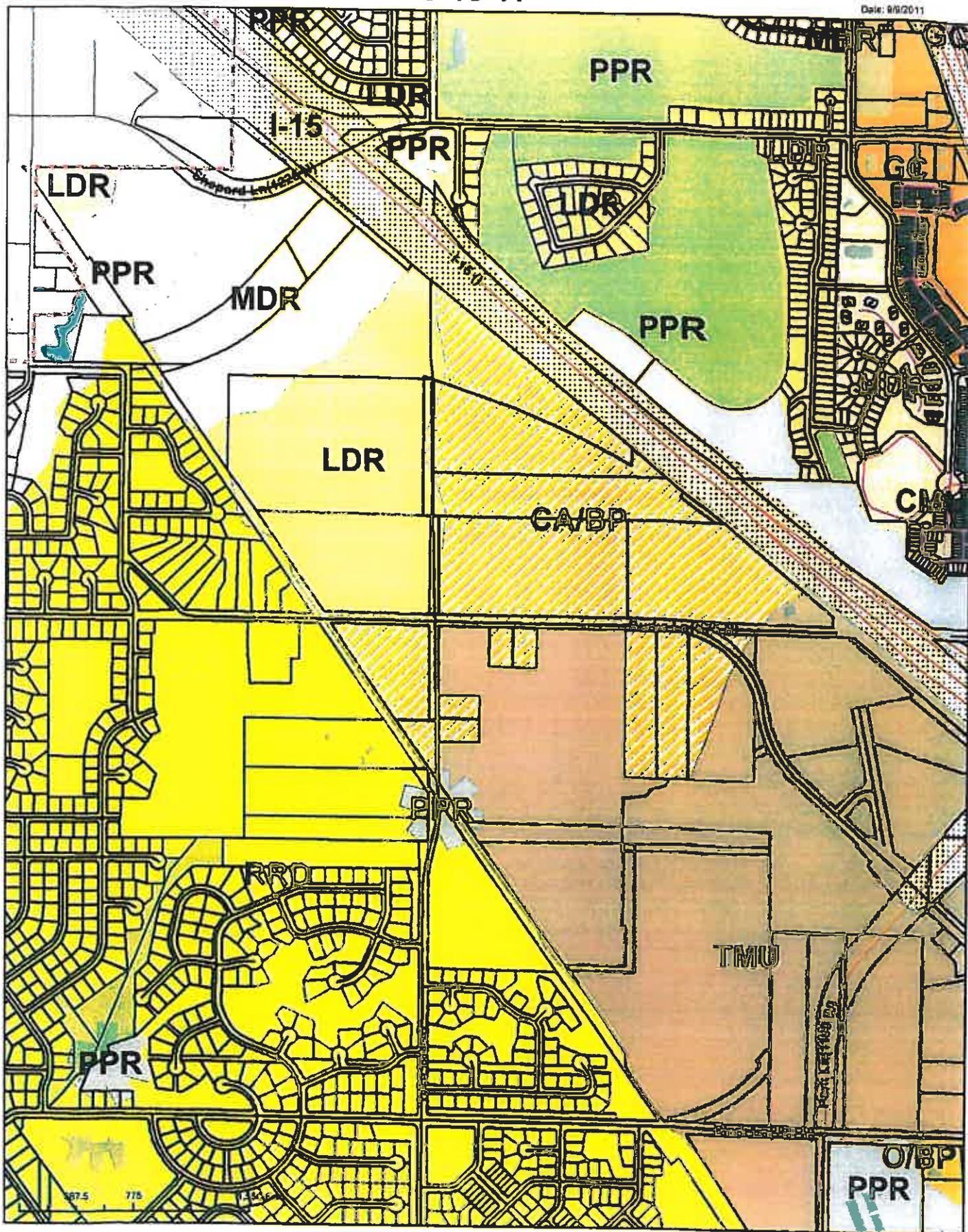




Existing General Plan 9-15-11



Date: 8/8/2011

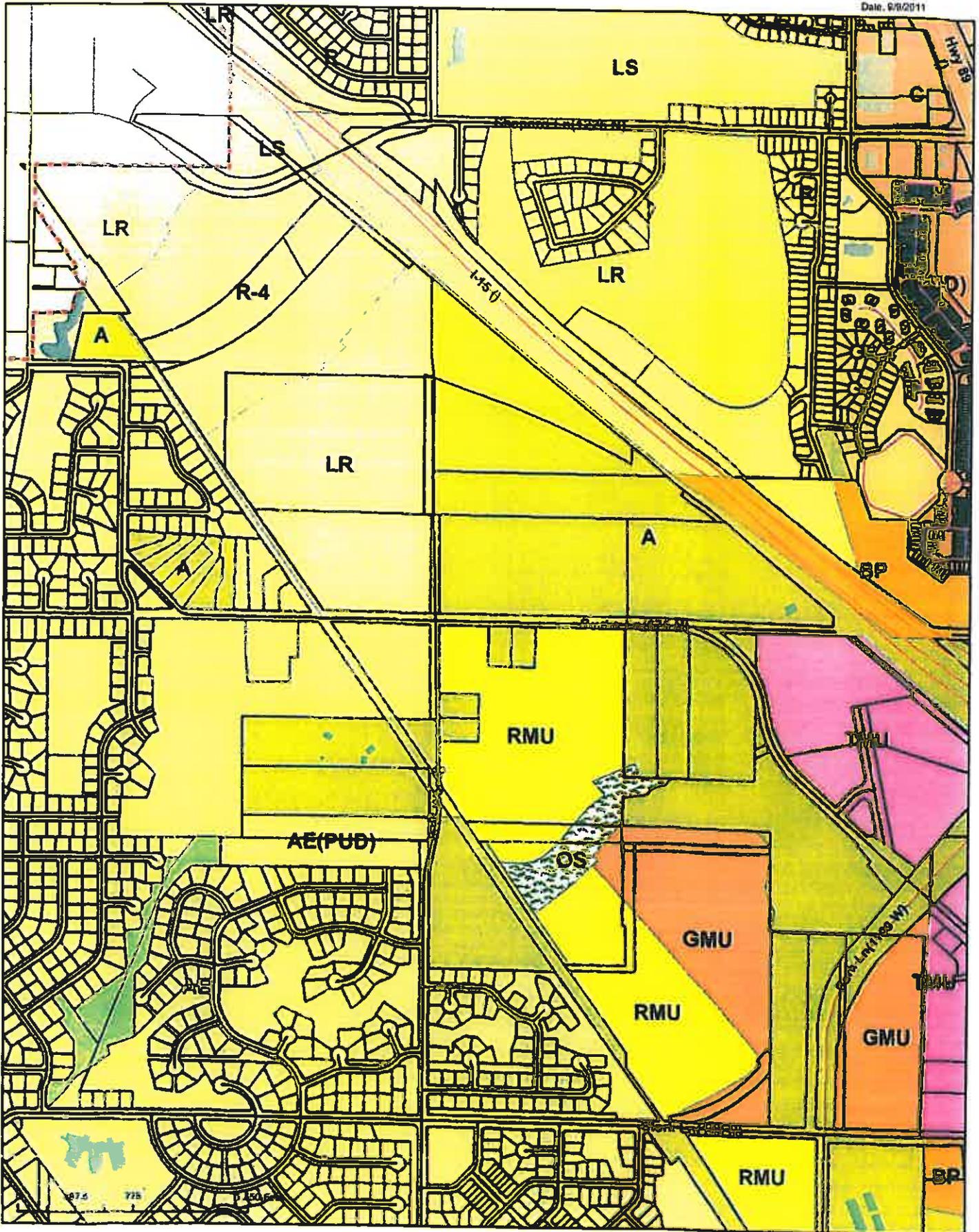




Existing Zoning Ordinance 9-15-11



Date: 9/9/2011



Zimbra**dpetersen@farmington.utah.gov**

09/01/2011 stakeholder meeting

From : jeff cook <jeffcookbuilders@gmail.com> **Fri, Aug 26, 2011 04:45 PM**
Subject : 09/01/2011 stakeholder meeting
To : dpetersen@farmington.utah.gov
Cc : calexander@farmington.utah.gov

Dave,

Thank you for your time explaining the letter we received regarding the September 1, 2011 stakeholder

meeting. As we understand the current General Plan proposal by Farmington our property is split diagonally between

two different zones. Part of our property is currently in the proposed CA/BP zone and part in the proposed TMU zone.

We believe this would adversely affect our property development. This would force us to develop four different triangle

shaped parcels which would not be the best use of the property for us or Farmington City. We believe that our entire

property should be in the TMU zone and are requesting a change in the recommendation of the staff report to that effect.

Most of the corridor where our property is located is in the proposed TMU zone. Only a small odd shaped sliver in the

middle of the area is not. Thank you for your consideration.

Sincerely,

The Dean Cook family
Jeff Cook (801) 915-3060

Zimbra

dpetersen@farmington.utah.gov

General Plan Amendment Z-1-11

From : Lance Evans <lancemrl@hotmail.com>

Wed, Sep 14, 2011 09:02 PM

Subject : General Plan Amendment Z-1-11**To :** scottharbo@msn.com, Dave Petersen
<dpetersen@farmington.utah.gov>

Mayor Halbertson and Council,

First of all, my information is based on an August 5 and August 16 Memos to the Mayor and Council from Dave Peterson and Dave Millheim. The information may be old or have changed to be consistent so double check. But if it hasn't changed, my main concerns are:

1. Who are the outside developers and experts that they have met with? I would like a list. The changes in this memo are minor and regressive not progressive so I don't know what "expert" would have promoted them.
2. The proposed changes on the General Plan do not match the proposed changes on the zoning ordinance. We would prefer to not have any changes to our property but if they insist on reclassifying the general plan the zoning should change at the same time.
3. How is RMU (Residential Mixed Use) suppose to be mixed when it is only 2 stories in height?
4. What is the purpose of limiting RMU to 2 stories from 3?
If they say to control the mass and bulk of the buildings then ask why single family homes aren't limited to one story, homes a few hundred feet away are allowed to be 30 feet why not us? They already have a 100 foot open space trail buffer to the west of our property with the RR right-of-way/ trail how much more do they need? A few hundred feet to the east are multiple story buildings, and gigantic signs but we can't have a 30 foot tall building like the single family homes to the west? Give us a break. (sorry I got carried away on that one, just say whatever you like)

The information I received is pretty sparse, hopefully they will have more information and details that you can get to me for a better review. I can't believe outside developers and experts really agree with what they are proposing here. They got a few bad apples in high density development and so they are way over-reacting really limiting development. This will hurt the whole mixed use concept that they promoted when they did the last code change.

Zimbra**dpetersen@farmington.utah.gov**

Z-1-11 General Plan Amendment and rezoning

From : Lance Evans <lancemrl@hotmail.com>

Wed, Sep 14, 2011 11:23 PM

Subject : Z-1-11 General Plan Amendment and rezoning 1 attachment**To :** Dave Petersen

<dpetersen@farmington.utah.gov>

Cc : Dave Millheim

<dmillheim@farmington.utah.gov>

Dave,

Please find the attached letter to the Mayor and Council with our comments for the proposed General Plan, rezone and ordinance amendment hearing for Thursday night.

Please contact me with any questions.

Thank you,

Lance
208-891-0207

 **Gen Plan Amend EH Land Comments.pdf**
83 KB

September 14, 2011

Mayor Scott Halbertson
Farmington City Council
Farmington City
160 South Main
Farmington UT 84025

RE: Z-1-11 - General Plan Amendment

Dear Mayor Halbertson and Council,

In regard to the proposed General Plan Amendment Z-1-11 we have a couple of concerns about the proposed planning restrictions and designations. As you are aware we own approximately 62 acres on the southern end of the area being rezoned and affected by the ordinance revisions.

First, the proposed General Plan land use designations do not match the proposed zoning district boundaries. They should be consistent when amended and we request to have the General Plan designation not change on our 62 acre parcel. Having multiple and conflicting land use and zoning designations that do not follow property lines, on top of being inconsistent, will unnecessarily complicate the properties development.

Second, the reduction in building height allowed on local streets from 3 stories to 2 stories gains very little for the city and reduces housing opportunities in the area. Concerns about buildings being too tall and the need to control the mass and bulk of the buildings do not seem logical when you consider the height of single family homes to the west that are often over 30 feet tall on local streets. Additionally any buildings in the proposed rezone areas will be separated by over 100 foot open space trail buffer to the west of our property with the abandoned railroad right-of-way and trail.

Additionally, recent demographic trends, as compiled by Dr. Arthur C. Nelson, FAICP, Presidential Professor of City and Metropolitan Planning at the University of Utah, indicate that there is a preference and benefit to having multiple housing types in mixed use areas to allow for individuals and families to go through various life stages in the same neighborhood. Surveys have shown that people wish to migrate from single households to households with children to retirement households in the same neighborhoods preserving the cohesiveness of a community. This can be seen on the eastern side of Farmington, on a very small scale, where my grandfather lived in a traditional home and rented a small basement apartment, usually to newly married individuals. They would usually stay in the apartment until they began to have a family and then found a more traditional home with more room. Restricting the building height will only limit the types of housing available to Farmington citizens as they go through these life stages.

We appreciate your consideration of our concerns,

Sincerely,

Lance Evans, AICP
E&H Land

BBC COTTAGES, LLC

2550 MIDWAY ROAD, SUITE 183 CARROLLTON, TEXAS 75006 (972) 732-1293

September 21, 2011

Mr. David Petersen
Farmington City Planner
160 South Main
Farmington, Utah 84025

SENT VIA E-MAIL TO: dpetersen@farmington.utah.gov

RE: BBC Cottages Parcel - General Plan Amendment and Zoning Amendment

Dear Mr. Peterson:

During the Planning Commission meeting of September 15, 2011, the Planning Commission held a Public Hearing regarding the proposed General Plan Amendment and Zoning Amendment for parcels bounded by the Union Pacific ROW on the east, the UTA rails to trails ROW on the west, Shepard Lane and city boundary on the north and Shepard Creek on the south. As you know BBC Cottages owns a significant portion of the affected area.

BBC Cottages did not receive notice of the Public Hearing in time to make arrangements to be in attendance at the hearing. During the Public Hearing, Judd Lawrence of Bingham Engineering, representing BBC Cottages, requested that we be allowed to submit written comments regarding the proposed zoning amendment.

The Planning Commission was courteous in extending the public hearing until the next Planning Commission hearing on September 29, and to allow written comments until September 22. We appreciate the opportunity to address the Planning Commission.

This letter is to inform you that this letter is our written response, and our response is that I will be in attendance at the September 29th meeting, and will be making a statement at the extended Public Hearing. I will plan on being at the City Hall at 7:00 for the hearing.

If you have any questions, or would like to schedule a time to meet prior to the meeting, please call me at (214) 223-7940.

I'm looking forward to seeing you and the Planning Commission on September 29.

Sincerely,
BBC COTTAGES, LLC



David Dunham
Manager

cc: David Rotenberg

For Council Meeting:
October 4, 2011

S U B J E C T: Minute Motion Approving Summary Action List

1. Ratification of Approvals of Construction & Storm Water Bond Logs
2. Amended Agreement with Davis County Regarding Elections
3. Surplus 1997 Ford Expedition Surveillance Truck to Layton PD
4. Development Agreement Termination for Point of View, LLC

NOTE: Appointments must be scheduled 14 days prior to Council Meetings; discussion items should be submitted 7 days prior to Council meeting.

STORM WATER & CONSTRUCTION BOND LOG

| DATE | NAME | PERMIT | STORM WATER BOND | CONSTRUCTION BOND |
|------|-------------------|--------|------------------|-------------------|
| 9/6 | Henry Walker | 9986 | \$1,000.00 | \$0.00 |
| 9/7 | Blake Mathews | 9991 | \$1,000.00 | \$500.00 |
| 9/8 | Destination Homes | 9985 | \$1,000.00 | \$500.00 |
| 9/13 | EK Bailey Const | 9998 | \$1,000.00 | \$500.00 |
| 9/16 | Henry Walker | 9990 | \$1,000.00 | \$500.00 |
| 9/20 | Lodder Homes | 10002 | \$1,000.00 | \$500.00 |
| 9/27 | Chad Coles | 10017 | \$1,000.00 | \$500.00 |

FARMINGTON CITY



SCOTT C. HARBERTSON
MAYOR

JOHN BILTON
RICK DUTSON
CORY R. RITZ
JIM TALBOT
SID YOUNG
CITY COUNCIL

DAVE MILLHEIM
CITY MANAGER

City Council Staff Report

To: Mayor and City Council
From: Holly Gadd
Date: September 28, 2011
SUBJECT: **APPROVAL OF AMENDED AGREEMENT WITH DAVIS COUNTY REGARDING ELECTIONS**

RECOMMENDATION

Approve the attached Amended Agreement prepared by Davis County.

BACKGROUND

The County, representatives of Benchland Water District, and the recorders met to discuss placing the Benchland board members on the municipal ballots. The final agreement is for the special district to contract with the county and share the cost of the election with the cities. The County will deduct from the city's overall election cost the amount they charge Benchland, which is based upon the projected voter turnout and the number of voters in the Benchland District. The cities will pay the full cost for the voters not in the District, and Benchland will pay the full cost for the unincorporated voters. If an unincorporated voter wishes to vote early they will go to the City office. The electronic check-in determines the ballot style so they will be processed as an incorporated voter. The estimated cost of our general election is \$6,572 and the County will charge Benchland approximately \$2,503 so our estimated total would be \$4,069.

The County has amended the original agreement to reflect the shared costs and the deduction.

Respectfully Submitted

Holly Gadd
City Recorder

Review & Concur

Dave Millheim
City Manager

**AMENDMENT
TO AGREEMENT**

This Amendment to Agreement is made and entered into this _____ day of _____ 2011 by and between **DAVIS COUNTY** which shall be called "County" in this Amendment to Agreement and **FARMINGTON CITY** which shall be called "City" in this Amendment to Agreement. This Amendment to Agreement is made and entered into by and between the parties hereto based upon the following recitals:

RECITALS

A. The County and the City on August 2, 2011 entered into that certain Agreement for provision by the County of election services to the City (the Agreement).

B. In the Agreement, the City agreed to pay certain amounts for the provision of such services.

C. Since entering into that Agreement, Benchland Water District (Benchland) has agreed to use the services of the County for elections and will share the ballot with the City. Benchland has agreed to pay a portion of the costs of the election in those precincts serviced by Benchland thus reducing the amount the City would need to pay. It is therefore necessary to amend the Agreement entered into by the parties to correspond with this change.

D. The City and the County desire to enter into this Amendment to Agreement for the purposes set forth hereafter.

NOW THEREFORE, and in consideration of the mutual covenants and promises contained hereafter the parties hereto amend the Agreement dated August 2, 2011.

1. Section 4 of the Agreement is hereby amended to read as follows:

City agrees to pay County the costs for providing the election equipment, services and supplies in accordance with the election costs schedule, attached hereto, incorporated herein, and made a part hereof as Exhibit "A"; however the costs of certain precincts shall be reduced in accordance with Exhibit "B" which is attached hereto and incorporated into this agreement. The payment shall be made within thirty (30) days of receiving the invoice prepared by the County.

2. The Agreement between the parties dated August 2, 2011 continues in full force and effect accept as modified by this Amendment to Agreement.

WHEREFORE, the parties hereto have signed this Amendment to Agreement, the day and year first above written.

DAVIS COUNTY

By: _____
Louenda H. Downs
Commission Chair

Date: _____

ATTEST:

Steve S. Rawlings
Davis County Clerk/Auditor

ATTORNEY APPROVAL:

The undersigned, the authorized attorney of Davis County approves the foregoing Agreement as to form and compatibility with state law:

APPROVED AS TO FORM:

Deputy Davis County Attorney

FARMINGTON CITY

By _____

Date _____

ATTEST:

Holly Gadd
Farmington City Recorder

ATTORNEY APPROVAL

The undersigned, the authorized attorney of Farmington City approves the foregoing Agreement as to form and compatibility with state law:

Approved as to Form:

Farmington City Attorney

Exhibit "A" (page 1 of 2)

DAVIS COUNTY STANDARD MUNICIPAL ELECTION EXPENSES

2010 Poll Workers Compensation Rates

20A-5-602(4)(b) Municipalities may not compensate higher than the county.

COST

| | | |
|-----------------------------------|----------|---|
| Poll Manager (PM) New | \$160.00 | New Poll Managers and TSTs are required to attend two training courses. Experienced Poll Managers, TSTs and other Poll Workers usually attended only one training course. |
| Training Course(s) | \$50.00 | |
| Touch Screen Technician (TST) New | \$160.00 | |
| Training Course(s) | \$35.00 | |
| Receiving Clerk | \$135.00 | |
| Training Course(s) | \$35.00 | |
| Poll Book Clerk | \$125.00 | |
| Training Course(s) | \$25.00 | |
| Provisional/Optical Scan Clerk | \$125.00 | |
| Training Course(s) | \$30.00 | |
| Host | \$125.00 | |
| Training Course(s) | \$25.00 | |

Poll Worker Recruitment and Training

| | | |
|--|----------|------------------------|
| Poll Worker Recruitment and Administration | \$8.00 | Per Poll Worker |
| Training Creation and Preparation (Includes equipment and preparation) | \$500.00 | Shared with all cities |
| Poll Worker Handbook and Supplies included in Training | \$0.00 | |
| Poll Worker Training per Person | \$20.00 | |

Equipment

| | | |
|---|---------|---|
| Touch Screen (TSX) Includes: | \$75.00 | (150 voters per machine, minimum of 3 machines per location) |
| Testing Pre and Post election | | |
| Security Seals | | |
| Canister, Label, and (1) Roll of Paper | | (1 per machine) |
| Printer Housing | | (1 per machine) |
| VIBS—Visually Impaired Ballot Station (Keypad & Headphones) | | (1 per polling location) |
| Voter Access Cards | | (4 per machine) |
| Optical Scan Voting Booths (each) | \$5.00 | |
| Vote Here Signs (4 per location) | \$5.00 | |
| Laptop computers, programming, pre/post test | \$75.00 | (If using electronic voter check in, 1 laptop per 500 voters) |

Consumable Supplies

| | | |
|---|---------|--|
| Paper Roll (Each additional) | \$1.00 | (No charge for unused and returned paper rolls) |
| Canister Label | \$1.00 | |
| Polling Location Supplies | \$35.00 | (Forms, instructions, signs, stickers, pens, pencils, name tags, etc.) |
| Regular Green Poll Books (per check in station) | \$0.00 | Included with Laptop |
| Provisional Orange Poll Books | \$0.00 | Included with Laptop |

Ballot Layout and Programming

| | | |
|--|----------|--|
| Gems Programming/ Ballot Logic and Accuracy Testing - TSX & Optical Sc | \$800.00 | Shared with all based on number of precincts |
| Optical Scan Ballot Set-up | \$50.00 | |
| City set-up (cities with new recorders) | \$75.00 | |
| Memory Card Programming (per card) | \$15.00 | |
| Audio Programming | \$50.00 | |

Election Services

| | | |
|---|------------|---|
| Public L&A Demonstration (testing, programming & demonstration) | \$300.00 | Shared with all cities |
| Independent Rovers (training & election day) per person | \$500.00 | Shared with all cities |
| Election Night Clerk Staff Support | \$1,400.00 | Shared with all, based on per person per hr – election specific |
| Election Night Security | \$150.00 | Shared with all cities |
| Election Night Ballot / Supply return teams | \$210.00 | Shared with all based on number of Polling Locations |
| Rover Kits (each) | \$25.00 | Shared with all cities |
| Rovers Training | \$400.00 | Shared with all cities |
| Help Desk Set-Up | \$75.00 | Shared with all cities |
| Help Desk Staff | \$450.00 | Shared with all, based on pre and post regular work day hrs |
| Pre-Canvass Ballot Issues Audit, if needed | \$300.00 | Shared with all involved |

Exhibit "A" (page 2 of 2)

DAVIS COUNTY STANDARD MUNICIPAL ELECTION EXPENSES

Delivery and Pickup (machines & supplies at polls)

| | | |
|-------------------------|---------|--------------------------------|
| Delivery (per location) | \$50.00 | (Pending contract negotiation) |
| Pickup (per location) | \$50.00 | (Pending contract negotiation) |

Counting and Canvass - IT Services

| | | |
|-----------------------|------------|--|
| TSX Counters | \$1,125.00 | Shared with all, based on # of hrs. -- election specific |
| Optical Scan Counters | \$450.00 | Shared with all, % based on # of ballots tabulated |
| Canvass Preparation | \$150.00 | Shared with all cities |

Early Voting

Fees and services not listed below apply to early vote sites same as an election day polling k

| | | |
|---|---------|--|
| Early Voting Poll Worker Pay (per hour) | \$10.00 | (optional – city staff may be used) if needed |
| Administration Support | \$30.00 | |
| Poll delivery and set up for electronic check-in | \$50.00 | |
| Early Vote on call technical support (per hour + mileage) | \$75.00 | |
| Early Vote TSX | \$75.00 | |
| Early Vote Laptop computers, programming, pre/post test | \$75.00 | |
| Early Voting Polling Location Supplies | \$35.00 | |

Absentee/Optical Scan Ballots

| | | |
|--|--------|--------------------------------|
| Absentee ballot envelopes (each) | \$0.16 | |
| Absentee ballot return envelopes (each) | \$0.28 | |
| Absentee Labels | \$0.12 | |
| Optical Scan Ballots (Provisional and Absentee) (each) | \$0.33 | (Actual printing costs) |
| Postage (each) | \$0.44 | April 17th, rates may increase |
| Absentee Administration (per absentee) | \$1.40 | |

Post Election

| | |
|-------------------------------------|---------|
| Provisional Verification (per hour) | \$25.00 |
|-------------------------------------|---------|

Administration

| | |
|--|---------|
| Election Administration Support | \$45.00 |
| Clerk Staff (per hour) for any additional services | \$25.00 |

Complete Paper Voting System

| | | |
|--|---------|--|
| Printed Official Registers (1-3 precincts) | \$30.00 | |
| Printed Official Registers (4 or more precincts) | \$60.00 | |
| Addendums (per location) | \$5.00 | Only applies if Vista Local is not used for early voting |
| Posting List (each) | \$7.00 | Optional |

EXHIBIT "B"

Based upon the agreement of Benchland Water District to pay a portion of the charges for each precinct where candidates or proposals for Benchland will be on the ballot, Farmington City will pay only fifty percent (50%) of the election costs itemized in Exhibit "A" for each incorporated Benchland District Voter for the following precincts:

Farmington 1, 2, 3, 4, 5, 6, 7, 8, 9, 10 and 11

Utah Election Code:

17B-1-306. (Superseded 01/01/12). Local district board – Election procedures.

(1) Except as provided in Subsection (11), each elected board member shall be selected as provided in this section.

(2) (a) Each election of a local district board member shall be held:

(i) at the same time as the municipal general election; and

(ii) at polling places designated by the county clerk in consultation with the local district for each county in which the local district is located, which polling places shall coincide with municipal general election polling places whenever feasible.

(6)(b) (i) Except as provided in Subsection (6)(c) and in accordance with Section 20A-6-305, the clerk of each county in which the local district is located shall coordinate the placement of the name of each candidate for local district office in the nonpartisan section of the municipal general election ballot with the municipal election clerk.

(ii) If consolidation of the local district election ballot with the municipal general election ballot is not feasible, the county clerk shall provide for a separate local district election ballot to be administered by poll workers at polling locations designated under Subsection (2).

20A-5-400.1. Contracting with an election officer to conduct elections – Fees – Contracts and Interlocal agreements – Private providers.

(1) (a) In accordance with this section, a local political subdivision may enter into a contract or interlocal agreement as provided in Title 11, Chapter 13, Interlocal Cooperation Act, with a provider election officer to conduct an election.

(b) If the boundaries of a local political subdivision holding the election extend beyond a single local political subdivision, the local political subdivision may have more than one provider election officer conduct an election.

(2) A provider election officer shall conduct an election:

(a) under the direction of the contracting election officer; and

(b) in accordance with a contract or interlocal agreement.

(3) A provider election officer shall establish fees for conducting an election for a contracting election officer that:

(a) are consistent with the contract or interlocal agreement; and

(b) do not exceed the actual costs incurred by the provider election officer.

(4) The contract or interlocal agreement under this section may specify that a contracting election officer request, within a specified number of days before the election, that the provider election officer conduct the election to allow adequate preparations by the provider election officer.

(5) An election officer conducting an election may appoint or employ an agent or professional service to assist in conducting the election.

Official Ballot for Farmington City Utah
Municipal Election Held November 8, 2011

Holly Gadd

Farmington City Recorder

INSTRUCTIONS TO VOTERS:

- To vote for a measure or candidate of your choice, fill in the oval  next to your choice.
- To vote for a candidate whose name is not printed on the ballot, fill in the oval , and write in the candidate's name on the blank line(s) provided for a write-in candidate.
- Use ballpoint pen with dark ink (**not red**). Do not use pencil.
- If you tear, deface or wrongly mark this ballot, contact the County Clerks office or Poll Worker.



Farmington City Council
(Vote for THREE)

- Justin LeCheminant
- Nelsen Michaelson
- Cory R. Ritz
- Dustin Siler
- Tyler Turner
- James Madison Young
- Write-in
- Write-in
- Write-in

Official Ballot for Benchland Water District
Special Election Held November 8, 2011

Judith C. Ryberg

Clerk

Benchland Water District Trustee
(Vote for THREE)

- Greg Jones
- Phil Leonard
- Reid Neumann
- James H. Taylor
- Paul E. White
- Write-in
- Write-in
- Write-in

End of Ballot

Farmington Police Department

286 SOUTH 200 EAST • FARMINGTON, UTAH 84025

WAYNE D. HANSEN
CHIEF OF POLICE

City Council Staff Report

TEL (801) 451-2842
FAX (801) 451-7865

To: Honorable Mayor and City Council

From: Wayne Hansen, Police Chief

Date: September 26, 2011

SUBJECT: Surplus 1997 Ford Expedition surveillance truck to Layton PD

RECOMMENDATIONS

Transfer title and ownership of 1997 Ford Expedition surveillance truck to Layton City Police Department.

BACKGROUND

Several years ago we received a Homeland Security grant which in part was used to purchase the above mentioned surveillance vehicle.

We have found it to be a very useful tool however we only occasionally have the need to use it. We have upgraded some of the components over the time we have owned this truck. Several of the cameras and some of the recording equipment are now in need of being upgraded. It is critical to keep the equipment in this vehicle up to date and in good operating condition.

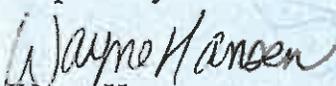
In the past we have discovered that problems with the rechargeable battery system and other items have arisen due the vehicle sitting idle for long periods. It has gotten to the point that I don't feel the money we would continue to put into the truck outweighs the few times that we find a need to use it.

We have loaned the truck to other agencies in the county as they have needed it. Layton City Police have recently used it for several investigations and have indicated that they are willing to spend a significant amount of money to upgrade it and make it more useful and bring it up to speed technologically.

In conversation with Chief Terry Keefe he indicated that if we transfer ownership to Layton PD he will keep it up to date and will make it available to us whenever we need it as long as his agency owns the truck. He will provide a letter to us detailing this agreement.

Based on all the different considerations I recommend that we transfer title and ownership to Layton City Police Department.

Respectfully Submitted


Wayne Hansen
Police Chief

Review and Concur


Dave Millheim
City Manager



FARMINGTON CITY

SCOTT C. HARBERTSON
MAYOR

JOHN BILTON
RICK DUTSON
CORY R. RITZ
JIM TALBOT
SID YOUNG
CITY COUNCIL

DAVE MILLHEIM
CITY MANAGER

City Council Staff Report

To: Honorable Mayor and City Council
From: David E. Petersen, Community Development Director
Date: September 23, 2011
SUBJECT: **DEVELOPMENT AGREEMENT MATRIX UPDATE 2**

RECOMMENDATION

Terminate the development agreement between Farmington City and Pointe of View L.C. dated December 11, 1996 (97-05), and amendment 98-28 thereto, by authorizing the Mayor to send written notice to the respective party(s) responsible for the agreement(s) [note: all requirements of both agreements have been met and they should not remain in our files indefinitely, but technically they cannot be terminated and removed from the matrix until notice have been sent].

BACKGROUND

| Agreement Matrix | | | | | | |
|----------------------------|------------------------|-------------|-----------|----------------------------|--------------------|----------------------|
| Update to CC | Remove (expired, etc.) | Not expired | Terminate | Ongoing (do not terminate) | Still under review | Agreements evaluated |
| 8- 2-11 | 17 | 3 | 2 | 3 | 16 | 41 |
| 10-4-11 | 17 | 0 | 2 | 0 | 10 | 28 |
| total | 34 | 3 | 4 | 3 | 26 | 70 |
| Agreements left to analyze | | | | | | 127 |

Respectively Submitted

David Petersen
Community Development Director

Review and Concur

Dave Millheim
City Manager

Cc: Heidi Gordon, Planning Secretary

CITY COUNCIL AGENDA

For Council Meeting:
October 4, 2011

SUBJECT: City Manager Report

1. Upcoming Agenda Items
2. Planning for Veterans Memorial Dedication
3. Council Orientation Dates and Retreat

NOTE: Appointments must be scheduled 14 days prior to Council Meetings; discussion items should be submitted 7 days prior to Council meeting.

Upcoming Agenda Items

October 18, 2011 - Staff Reports Due: October 7th

Work Session: Red Barn – Rich Haws at 4:00pm.

1. Trail/Paving of Red Barn/Modify Development Agreement
2. Lift Station Issues with Sewer District
3. Resolution on Engineering Fees

Action Items:

- Approval of Minutes of Previous Meetings

Summary Action Items:

- Ratification of Approvals of Construction & Storm Water Bond Logs
- Approval of Disbursement Lists

Discussion Items:

- Presentation by UDOT regarding West Davis Corridor
- Plat Amendment for Village at Old Farm PUD Phase 1
- Planning Commission Report
- Mayor & City Council Reports

CITY COUNCIL AGENDA

For Council Meeting:
October 4, 2011

SUBJECT: Mayor Harbertson & City Council Reports

To be given at City Council meeting.

NOTE: Appointments must be scheduled 14 days prior to Council Meetings; discussion items should be submitted 7 days prior to Council meeting.