

CITY COUNCIL AGENDA

For Council Meeting:
May 15, 2012

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

It is requested that Council Member Jim Talbot give the invocation/opening comments to the meeting and it is requested that Council Member Nelsen Michaelson 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:
May 15, 2012

S U B J E C T: Executive Summary for Planning Commission held April 26, 2012

ACTION TO BE CONSIDERED:

None

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
NEILSEN MICHAELSON
CORY R. RITZ
JIM TALBOT
JAMES YOUNG
CITY COUNCIL

DAVE MILLHEIM
CITY MANAGER

City Council Staff Report

To: Honorable Mayor and City Council

From: Christy Alexander, Associate City Planner

Date: May 4, 2012

SUBJECT: EXECUTIVE SUMMARY FOR PLANNING COMMISSION ON APRIL 26, 2012

RECOMMENDATION

No action required.

BACKGROUND

The following is a summary of Planning Commission review and action on April 26, 2012 [note: six commissioners attended the meeting—Chair Michael Nilson, Kris Kaufman, Brigham Mellor, Bob Murri, Michael Wagstaff, and Alternate Brad Dutson]:

1. Howard Kent – Applicant is requesting a recommendation for Final Plat approval for the Spring Creek Estates No. 5 subdivision encompassing 2.984 acres and consisting of 10 lots located at approximately 1750 West Burke Lane in an AE zone. (S-17-11)
Voted to recommend final plat approval, Vote: 6 – 0.
2. Farmington City – (Public Hearing) - Applicant is requesting a recommendation to amend Section 11-35-103(15) of the Zoning Ordinance removing real estate offices as a prohibited home occupation. (ZT-2-12)
Voted to recommend text change for approval, Vote: 6 – 0.
3. Farmington City – (Public Hearing) - Applicant is requesting a recommendation to amend Sections 12-6-170 and 12-7-100 of the Subdivision Ordinance by eliminating a surety bond as an acceptable security bond and reducing the warranty period for public improvements from 2 years to 1 year. (ZT-1-12)
Voted to recommend text change for approval, Vote: 6 – 0

Respectfully Submitted

Christy J. Alexander
Associate City Planner

Review & Concur -

Dave Millheim
City Manager

CITY COUNCIL AGENDA

For Council Meeting:
May 15, 2012

S U B J E C T: Public Hearing: Zoning Ordinance Amendment for Tobacco Retailers

ACTION TO BE CONSIDERED:

1. Hold the public hearing.
2. See enclosed staff report for recommendation.

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

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CITY COUNCIL

DAVE MILLHEIM
CITY MANAGER

City Council Staff Report

To: Honorable Mayor and City Council

From: Christy Alexander, Associate City Planner

Date: May 4, 2012

SUBJECT: ZONING ORDINANCE AMENDMENT FOR TOBACCO RETAILERS

RECOMMENDATION

1. Hold the public hearing
2. Do not approve the attached amendment to the Zoning Ordinance regarding tobacco retailers.

BACKGROUND

The City Council/Mayor previously stated concerns with the number of tobacco retail establishments developing and/or proposed within the City and worried about the effects of paraphernalia on the city's youth. One can argue that permitting the sale of tobacco and/or tobacco paraphernalia, may promote the consumption and purchase of tobacco by children and minors by increasing their exposure to tobacco and tobacco paraphernalia, which may result in threats to public health, safety and welfare, but this is inconclusive. Other cities have experienced these shops illegally selling the drug Spice on premises. For these reasons the City considered restricting tobacco sales near schools and other locations frequented by children. Currently nothing in the Zoning Ordinance references this type of retail business. Staff had previously expressed interest to amend the zoning ordinance by adding a section in Chapter 28 that includes definitions related to tobacco products, use, and sales, sets requirements for the separation from sensitive uses, limits the number of tobacco retailers based on population, and limits the density of tobacco retailers.

Recently the State of Utah passed House Bill 95 (attached herein) which regulates tobacco retailers and almost mirrors the regulations proposed by City staff. With this bill almost in place (goes into effect July 1, 2012), the City does not need to adopt its own ordinance unless city officials deem it worthy to adopt stricter regulations than the state has enacted. The Planning Commission decided to leave it as is. Staff would recommend at this time to not approve the proposed ordinance and utilize the State's HB 95 in regulating retail tobacco establishments. Counsel verified that the City does not need to address this matter further

should it rely solely on the State code. The defensibility of any such ordinance enacted by a city is highly questionable and in essence singles out a certain retail establishment. Singling out sexually-oriented-businesses (SOBs) to a specific zone has been able to be upheld in the past due to their high crime relationship whereas smoke shops have not had enough documented crimes at or near the rates that SOBs have. The Planning Commission voted unanimously on April 12, 2012 to not recommend this amendment for approval. The City Council also placed a moratorium on May 1, 2012 upon any such establishments in order to better understand the implications that the State code has upon the City. Therefore, no new tobacco retailers may apply for a business license within the City for the next six months or until the City Council removes the moratorium.

Respectively Submitted



Christy J. Alexander
Associate City Planner

Review and Concur.



Dave Millheim
City Manager

1 **RETAIL SALE OF TOBACCO PRODUCTS**

2 2012 GENERAL SESSION

3 STATE OF UTAH

4 **Chief Sponsor: Paul Ray**

5 Senate Sponsor: Allen M. Christensen

6

7 **LONG TITLE**

8 **General Description:**

9 This bill authorizes a municipality to issue a business license for a retail tobacco
10 specialty business, and creates certain restrictions on the location of a retail tobacco
11 specialty business and the sale of tobacco paraphernalia.

12 **Highlighted Provisions:**

13 This bill:

- 14 ▶ amends the definition of tobacco paraphernalia;
- 15 ▶ clarifies the prohibition against the sale of tobacco paraphernalia to minors;
- 16 ▶ defines a retail tobacco specialty business;
- 17 ▶ beginning July 1, 2012, requires an entity doing business as a retail tobacco
18 specialty business to obtain a license from a municipality to conduct business;
- 19 ▶ restricts the location of a retail tobacco specialty business;
- 20 ▶ exempts current retail tobacco specialty businesses from the licensing requirements,
21 except in certain circumstances.

22 **Money Appropriated in this Bill:**

23 None

24 **Other Special Clauses:**

25 None

26 **Utah Code Sections Affected:**

27 AMENDS:

28 76-10-104.1, as enacted by Laws of Utah 2010, Chapter 316

29 ENACTS:

30 10-8-41.6, Utah Code Annotated 1953

31 17-50-333, Utah Code Annotated 1953

32

33 *Be it enacted by the Legislature of the state of Utah:*

34 Section 1. Section 10-8-41.6 is enacted to read:

35 **10-8-41.6. Regulation of retail tobacco specialty business.**

36 (1) As used in this section:

37 (a) "Community location" means:

38 (i) a public or private kindergarten, elementary, middle, junior high, or high school;

39 (ii) a licensed child-care facility or preschool;

40 (iii) a trade or technical school;

41 (iv) a church;

42 (v) a public library;

43 (vi) a public playground;

44 (vii) a public park;

45 (viii) a youth center or other space used primarily for youth oriented activities;

46 (ix) a public recreational facility; or

47 (x) a public arcade.

48 (b) "Retail tobacco specialty business" means a commercial establishment in which:

49 (i) the sale of tobacco products accounts for more than 35% of the total annual gross
50 receipts for the establishment;

51 (ii) food and beverage products, excluding gasoline sales, is less than 45% of the total
52 annual gross receipts for the establishment; and

53 (iii) the establishment is not licensed as a pharmacy under Title 58, Chapter 17b,

54 Pharmacy Practice Act.

55 (c) "Tobacco product" means:

56 (i) any cigar, cigarette, or electronic cigarette as defined in Section 76-10-101;

57 (ii) a tobacco product as defined in Section 59-14-102, including:

58 (A) chewing tobacco; or

59 (B) any substitute for a tobacco product, including flavoring or additives to tobacco;

60 and

61 (iii) tobacco paraphernalia as defined in Section 76-10-104.1.

62 (2) The regulation of a retail tobacco specialty business is an exercise of the police
63 powers of the state, and through delegation, to other governmental entities.

64 (3) (a) Except as provided in Subsection (7), and beginning July 1, 2012, a
65 municipality shall require an entity to be licensed as a retail tobacco specialty business to
66 conduct business as a retail tobacco specialty business in a municipality.

67 (b) A municipality may issue a retail tobacco specialty business license to an entity if
68 the entity complies with the provisions of Subsection (5).

69 (4) Except as provided in Subsection (7), and beginning July 1, 2012, a business entity
70 that conducts a retail tobacco specialty business in a municipality shall be licensed by the
71 municipality as a retail tobacco specialty business.

72 (5) (a) A municipality may not issue a license to a retail tobacco specialty business if it
73 is located within:

74 (i) 1,000 feet of a community location;

75 (ii) 600 feet of another retail tobacco specialty business; or

76 (iii) 600 feet from property used or zoned for:

77 (A) agriculture use; or

78 (B) residential use.

79 (b) For purposes of Subsection (5)(a), the proximity requirements shall be measured in
80 a straight line from the nearest entrance of the retail tobacco specialty business to the nearest
81 property boundary of the community location, or agricultural or residential use, without regard
82 to intervening structures or zoning districts.

83 (6) (a) Nothing in this section:

84 (i) requires a municipality to issue a business license to a retail tobacco specialty
85 business; or

86 (ii) prohibits a municipality from adopting more restrictive requirements on a tobacco
87 specialty business than provided for in this section.

88 (b) A municipality may revoke a business license issued under this section:

89 (i) if a licensee engages in a pattern of unlawful activity under Title 76, Chapter 10,
90 Part 16, Pattern of Unlawful Activity Act;

91 (ii) if a licensee violates the regulations restricting the sale and distribution of
92 cigarettes and smokeless tobacco to protect children and adolescents issued by the United
93 States Food and Drug Administration, 21 C.F.R. Part 1140; or

94 (iii) under other provisions of state law or local ordinance.

95 (7) (a) In accordance with Subsection (7)(b), a retail tobacco specialty business that has
96 a business license and is operating lawfully in a municipality on or before May 8, 2012, is
97 exempt from Subsections (4) and (5).

98 (b) A retail tobacco specialty business may maintain an exemption under Subsection
99 (7)(a) if:

100 (i) the business license is renewed continuously without relapse or permanent
101 revocation;

102 (ii) the retail tobacco specialty business is not closed for business or otherwise
103 suspends the sale of tobacco products for more than 60 consecutive days;

104 (iii) the retail tobacco specialty business does not substantially change the business
105 premises or its business operation; and

106 (iv) the retail tobacco specialty business maintains the right to operate under the terms
107 of other applicable laws, including zoning ordinances, building codes, and the business license
108 issued prior to May 8, 2012.

109 Section 2. Section 17-50-333 is enacted to read:

110 **17-50-333. Regulation of retail tobacco specialty business.**

111 (1) As used in this section:

112 (a) "Community location" means:

113 (i) a public or private kindergarten, elementary, middle, junior high, or high school;

- 114 (ii) a licensed child-care facility or preschool;
- 115 (iii) a trade or technical school;
- 116 (iv) a church;
- 117 (v) a public library;
- 118 (vi) a public playground;
- 119 (vii) a public park;
- 120 (viii) a youth center or other space used primarily for youth oriented activities;
- 121 (ix) a public recreational facility; or
- 122 (x) a public arcade.
- 123 (b) "Retail tobacco specialty business" means a commercial establishment in which:
- 124 (i) the sale of tobacco products accounts for more than 35% of the total annual gross
- 125 receipts for the establishment;
- 126 (ii) food and beverage products, excluding gasoline sales, is less than 45% of the total
- 127 annual gross receipts for the establishment; and
- 128 (iii) the establishment is not licensed as a pharmacy under Title 58, Chapter 17b,
- 129 Pharmacy Practice Act.
- 130 (c) "Tobacco product" means:
- 131 (i) any cigar, cigarette, or electronic cigarette as defined in Section 76-10-101;
- 132 (ii) a tobacco product as defined in Section 59-14-102, including:
- 133 (A) chewing tobacco; or
- 134 (B) any substitute for a tobacco product, including flavoring or additives to tobacco;
- 135 and
- 136 (iii) tobacco paraphernalia as defined in Section 76-10-104.1.
- 137 (2) The regulation of a retail tobacco specialty business is an exercise of the police
- 138 powers of the state, and through delegation, to other governmental entities.
- 139 (3) (a) Except as provided in Subsection (7), and beginning July 1, 2012, a county shall
- 140 require an entity to be licensed as a retail tobacco specialty business to conduct business as a
- 141 retail tobacco specialty business in a county.

142 (b) A county may issue a retail tobacco specialty business license to an entity if the
143 entity complies with the provisions of Subsection (5).

144 (4) Except as provided in Subsection (7), and beginning July 1, 2012, a business entity
145 that conducts a retail tobacco specialty business in a county shall be licensed by the county as a
146 retail tobacco specialty business.

147 (5) (a) A county may not issue a license to a retail tobacco specialty business if it is
148 located within:

149 (i) 1,000 feet of a community location;

150 (ii) 600 feet of another retail tobacco specialty business; or

151 (iii) 600 feet from property used or zoned for:

152 (A) agriculture use; or

153 (B) residential use.

154 (b) For purposes of Subsection (5)(a), the proximity requirements shall be measured in
155 a straight line from the nearest entrance of the retail tobacco specialty business to the nearest
156 property boundary of the community location, or agricultural or residential use, without regard
157 to intervening structures or zoning districts.

158 (6) (a) Nothing in this section:

159 (i) requires a county to issue a business license to a retail tobacco specialty business; or

160 (ii) prohibits a county from adopting more restrictive requirements on a tobacco
161 specialty business than provided for in this section.

162 (b) A county may revoke a business license issued under this section:

163 (i) if a licensee engages in a pattern of unlawful activity under Title 76, Chapter 10,
164 Part 16, Pattern of Unlawful Activity Act;

165 (ii) if a licensee violates the regulations restricting the sale and distribution of
166 cigarettes and smokeless tobacco to protect children and adolescents issued by the United
167 States Food and Drug Administration, 21 C.F.R. Part 1140; or

168 (iii) under other provisions of state law or local ordinance.

169 (7) (a) In accordance with Subsection (7)(b), a retail tobacco specialty business that has

170 a business license and is operating lawfully in a county on or before May 8, 2012, is exempt
171 from Subsections (4) and (5).

172 (b) A retail tobacco specialty business may maintain an exemption under Subsection
173 (7)(a) if:

174 (i) the business license is renewed continuously without relapse or permanent
175 revocation;

176 (ii) the retail tobacco specialty business is not closed for business or otherwise
177 suspends the sale of tobacco products for more than 60 consecutive days;

178 (iii) the retail tobacco specialty business does not substantially change the business
179 premises or its business operation; and

180 (iv) the retail tobacco specialty business maintains the right to operate under the terms
181 of other applicable laws, including zoning ordinances, building codes, and the business license
182 issued prior to May 8, 2012.

183 Section 3. Section **76-10-104.1** is amended to read:

184 **76-10-104.1. Providing tobacco paraphernalia to minors -- Penalties.**

185 (1) For purposes of this section:

186 (a) "Provides":

187 (i) includes selling, giving, furnishing, sending, or causing to be sent; and

188 (ii) does not include the acts of the United States Postal Service or other common
189 carrier when engaged in the business of transporting and delivering packages for others or the
190 acts of a person, whether compensated or not, who transports or delivers a package for another
191 person without any reason to know of the package's content.

192 (b) "Tobacco paraphernalia":

193 (i) means any equipment, product, or material of any kind which is used, ~~or~~ intended
194 for use, or designed for use to package, repackage, store, contain, conceal, ingest, inhale, or
195 otherwise introduce a cigar, cigarette, or tobacco in any form into the human body, including:

196 (A) metal, wooden, acrylic, glass, stone, plastic, or ceramic pipes with or without
197 screens, permanent screens, hashish heads, or punctured metal bowls;

H.B. 95

Enrolled Copy

- 198 (B) water pipes;
- 199 (C) carburetion tubes and devices;
- 200 (D) smoking and carburetion masks;
- 201 (E) roach clips: meaning objects used to hold burning material, such as a cigarette, that
- 202 has become too small or too short to be held in the hand;
- 203 (F) chamber pipes;
- 204 (G) carburetor pipes;
- 205 (H) electric pipes;
- 206 (I) air-driven pipes;
- 207 (J) chillums;
- 208 (K) bongs; and
- 209 (L) ice pipes or chillers; and
- 210 (ii) does not include matches or lighters.
- 211 (2) (a) ~~[Any person who]~~ It is unlawful for a person to, knowingly, intentionally,
- 212 recklessly, or with criminal negligence ~~[provides]~~ provide any tobacco paraphernalia to any
- 213 person under 19 years of age[?].
- 214 (b) A person who violates this section is guilty of a class C misdemeanor on the first
- 215 offense and a class B misdemeanor on subsequent offenses.



Planning Commission Staff Report April 14, 2012

Item 5: Zoning Ordinance Text Amendment

Public Hearing:	No
Application No.:	ZT-3-11
Property Address:	NA
General Plan Designation:	NA
Zoning Designation:	NA
Area:	NA
Number of Lots:	NA
Property Owner:	Farmington City
Agent:	Farmington City

Request: *Applicant is requesting a recommendation for approval of a text amendment to the Zoning Ordinance.*

Background Information

The City Council is concerned with the number of tobacco retail establishments popping up within the City and worried about the effects of paraphernalia on the city's youth. One can argue that permitting the sale of tobacco and/or tobacco paraphernalia, may promote the consumption and purchase of tobacco by children and minors by increasing their exposure to tobacco and tobacco paraphernalia, which may result in threats to public health, safety and welfare. Other cities have experienced these shops illegally selling the drug Spice. For these reasons the City would like to consider restricting tobacco sales near schools and other locations frequented by children. Currently nothing is stated in the zoning ordinance referencing this type of retail business. Staff has previously expressed interest to amend the zoning ordinance by adding a section in Chapter 28 that includes definitions related to tobacco products, use, and sales, sets requirements for the separation from sensitive uses, limits the number of tobacco retailers based on population, and limits the density of tobacco retailers.

Recently the State of Utah passed House Bill 95 (attached herein) which regulates tobacco retailers and almost mirrors the regulations proposed by City staff. With this bill in place, the City does not need to adopt its own ordinance unless city officials deem it worthy to adopt stricter regulations than the state has enacted. The Planning Commission may want to consider whether the State's regulations are not enough or to leave it as is. Staff would recommend at this time to not approve the proposed ordinance and utilize the State's HB 95 in regulating retail tobacco establishments. Counsel is in the process of verifying whether the City needs to address this matter further should it rely solely on the State code.

Possible Motions:

Move that the Planning Commission approves the proposed amendment to the Zoning Ordinance.

Findings

1. The ordinance is consistent with the General Plan. The first General Goal is “The Farmington City General Plan is based on the overall goal of creating within the community a healthy, attractive, and pleasant living environment for its residents; and
2. The first goal of the Residential Goals and Policies includes “Protect the integrity of existing neighborhoods...”
3. Regulating Tobacco Retailers is in the best interest of the citizens because they have been shown to be the site of illegal spice sales in other communities.
4. Other communities within the state have enacted similar ordinances.

-OR-

Move that the Planning Commission does not approve the proposed amendment to the Zoning Ordinance.

Findings

1. The State of Utah has enacted HB 95, regulating the retail sale of tobacco products which is sufficient to regulate such establishments within the City of Farmington.

Supplemental Information

1. Copy of HB 95
2. Copy of proposed ordinance
3. Table comparing the State’s regulations vs. the City’s proposed regulations

Applicable Ordinances

1. Chapter 28 of the Zoning Ordinance

11-28-230 TOBACCO RETAILERS

(1) For the purpose of this Chapter, the following words or phrases shall have the following meanings:

- (a) "Tobacco Paraphernalia" means cigarette papers or wrappers, pipes, holders of smoking materials of all types, cigarette rolling machines, and any other item designed for the smoking or ingestion of tobacco products.
- (b) "Tobacco Products" means any substance containing any tobacco leaf, including, but not limited to, cigarettes, cigars, bidis, pipe tobacco, snuff, chewing tobacco, and smokeless tobacco.
- (c) "Tobacco Retailer" means any person who sells, offers for sale, exchanges or offers to exchange for any form of consideration, tobacco, tobacco products and/or tobacco paraphernalia; and either devotes twenty percent (20%) or more of floor area or display area to, or derives seventy-five percent (75%) or more of gross sales receipts from, the sale or exchange of tobacco products and/or tobacco paraphernalia.

(2) Separation from sensitive uses: No tobacco retailer shall be located within one thousand feet (1,000') of the boundary of any residential or agricultural zone, or a parcel occupied by any of the following:

- (a) A licensed childcare facility or preschool other than a family daycare;
- (b) A playground;
- (c) A youth center;
- (d) A recreational facility;
- (e) An arcade
- (f) A park; or
- (g) A library

as measured in a straight line from parcel boundary to parcel boundary.

(3) Limited Number: One tobacco retailer shall be allowed for every ten thousand (10,000) citizens living in the city.

(4) Limited Density of Tobacco Retailers: No tobacco retailer shall be located within five hundred feet (500') of a site occupied by another tobacco retailer, as measured in a straight line from parcel boundary to parcel boundary.

Comparison of Tobacco Retailer Ordinances		
	State	City
Distance buffer in a straight line from community location	1000 ft	1000 ft
Distance from another retail tobacco specialty business	600 ft	500 ft
Distance from property used or zoned for ag or res use	600 ft	1000 ft
Must be licensed by appropriate government (County or City)	yes	did not clarify
Exemptions given to businesses already in operation	yes	did not clarify
Limited number of businesses	no	1 per 10,000 residents
Community Location/Sensitive Uses Specified in Ordinance		
	State	City
public or private kindergarten, elementary, middle, junior high, or high	X	
licensed child-care facility or preschool	X	X
trade or technical school	X	
church	X	
public library	X	X
public playground	X	X
public park	X	X
youth center	X	X
public recreational facility	X	X
public arcade	X	X

MEMORANDUM

To: Christy Alexander, Planning Commission

From: Wayne Hansen, Police Chief

Date: March 23, 2012

Re: Smoke shop ordinance

I would like to give you a few thoughts to ponder as you consider a proposed ordinance to limit and regulate smoke shops within Farmington City. One of my biggest concerns with smoke shops is the sale of spice and other synthetic drug products. The police agencies that I have spoken to about their experience with smoke shops have all indicated that they have had repeated instances of smoke shops selling spice in spite of previous citations and even pulling of business licenses in some cases. While we have had no reports yet of the lone smoke shop in Farmington selling spice it is a great concern to me as I feel it is not a question of if, but when that will happen.

Given the history other cities have had with this type of business I would urge that we do all we can legally to regulate and limit the number of locations that we allow to set up shop in Farmington. I feel that if we make a united effort to regulate, monitor and enforce whatever ordinance we eventually adopt will go a long way to putting the business owners on notice that we will expect them to be responsible and do the right thing. I realize that we cannot simply legislate these things away from our city however we can do all in our power to keep things in our favor and empower us to maintain the things that make our community the wonderful place it is. If you have any questions or would like to discuss this issue with me I would welcome you comments.

CITY COUNCIL AGENDA

For Council Meeting:
May 15, 2012

S U B J E C T: Crosswalk Safety Project

ACTION TO BE CONSIDERED:

Request from Hunter and Spencer Benson to place pedestrian flags at several crosswalks within Farmington. This request is in the form of a proposal for an Eagle Scout project that the Benson brothers are working on together.

GENERAL INFORMATION:

See enclosed staff report prepared by Chief Wayne Hansen

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



FARMINGTON POLICE DEPARTMENT

Chief Wayne D. Hansen

MEMORANDUM

To: Dave Millheim, City Manager, Mayor Harbertson and City Council Members

From: Wayne Hansen, Police Chief

Date: May 8, 2012

Re: pedestrian flags at crosswalks

We have received a request from Hunter and Spencer Benson to place pedestrian flags at several crosswalks within Farmington. This request is in the form of a proposal for an Eagle Scout project that the Benson brothers are working on together.

They propose to place orange pedestrian flags at the following locations:

State Street and 400 West
800 West Shepard Lane (School Crossing)
200 South 200 East (School Crossing)
50 West 200 South (School Crossing)
150 South 200 West (School Crossing)

*The school crossings are all staffed with crossing guards before and after school.

They estimate this project will cost \$1000.00 to initially implement. They have raised approximately \$750.00 at present to put toward this amount.

I recently asked Tim Taylor of W.C. Engineers to do an analysis of crosswalk flags. His findings are attached to this memo. In addition you all have copies of Hunter and Spencer Benson's project outline.

Tim Taylor highlights a few concerns in his letter as the issue relates to Farmington. He found that most of the research involving this matter related to areas with higher traffic, higher pedestrian volume and multi-lane or midblock crossings. He also found that usage rates by pedestrians is about fifteen percent however flags have been effective in showing a pedestrians's intent to cross. Flags have also been shown to be



FARMINGTON POLICE DEPARTMENT

Chief Wayne D. Hansen

effective in getting motorist attention. He also notes that despite the above mentioned benefits, there is no quantitative evidence to show flag usage reduces pedestrian involved accidents. Tim states that “reductions in pedestrian related crashes are most often a result of a combination of education, enforcement and engineering strategies.”

Tim also mentions that the cities using pedestrian flags have a continuing issue of replacing flags due to theft and vandalism which has led some cities to discontinue the program. They chose to do so because they felt that the benefit did not outweigh the continuous maintenance. Some cities have opted to use “sponsors” who provide regular maintenance/restocking.

I have included Tim Taylor’s findings and recommendation with this memo which you may want reference for further insight as you make your decision on this proposal. As it appears to me there are three options:

- 1- Do not institute this program and leave things as they are.
- 2- Use the intersection at 400 West State Street as a trial location for pedestrian flags and monitor the results.
- 3- Implement the proposal as put forward and monitor all locations.

Please let me know if you have questions or would like further information.

Wayne Hansen

From: Dave Millheim [dmillheim@farmington.utah.gov]
Sent: Wednesday, April 25, 2012 1:24 PM
To: Michaelson, Nelsen; Young, Jim; Ritz, Cory; Talbot, Jim; Harbertson, Scott; Bilton, John
Cc: Wayne Hansen; Tim Taylor
Subject: Fwd: Providing Flags at Pedestrian Crossings

Mayor & Council -- We are trying to be a little proactive on this issue. While we have still not received a formal request from the private party wishing to pursue this idea, once we receive the request we will get them on an agenda for consideration. In the meantime, below is a short report we asked Tim Taylor to research regarding the idea of flags at cross walks. We asked Tim to keep this simple to keep costs down but I think his summary points are right on target. While we recognize the raw emotions related to the recent cross walk fatality I have two concerns beyond those outlined below:

1. We should make whatever decision we make based on data and real proven methods of improving public safety. Sometimes in our legitimate desire to help a situation we may cause problems not otherwise intended.
2. We need to have a consistent standard as to how we would apply this method and to which crosswalks, if we go forward. It would be a little labor intensive and costly to keep the flags in stock as stated by some others who have adopted these techniques AND we will get more requests than should realistically be addressed.

Think of this as advance food for thought because this will probably be on an agenda in the next month or so.

Dave Millheim

----- Forwarded Message -----

From: "Tim Taylor" <ttaylor@wcecengineers.com>
To: "Wayne Hansen" <whansen@farmington.utah.gov>
Cc: "Dave Millheim" <dmillheim@farmington.utah.gov>
Sent: Wednesday, April 25, 2012 11:44:54 AM
Subject: Providing Flags at Pedestrian Crossings

Wayne,

Per your request, I've taken a close look at the issue of providing flags at pedestrian crossings. Here's a brief summary of key findings/experience along with my recommendation:

Key Findings/Experience

- 1) Flag and Equip Specs - Yellow or orange 14" x 14" plastic flag with a wooden handle. Reflective tape can be added. Some have included a pedestrian symbol on the flag (See attached specs/photos pdf from Kirkland, WA; see also <http://www.kirklandwa.gov/Assets/Public+Works/Public+Works+PDFs/Transportation/PedFlag+and+Equipment+Photos.pdf>).
- 2) Most of the research and experience related to the use of flags at crossings has involved higher traffic volume, higher pedestrian volume, and multi-lane and/or mid-block crossing locations.
- 3) Observed usage rates (i.e. crossing pedestrians who actually choose to cross with a flag in hand) are generally very low (15% or less).
- 4) When used by pedestrians, flags have been shown to be effective in establishing a pedestrian's intent to cross.
- 5) When used by pedestrians, crossing flags have been shown to be effective in getting the attention of approaching motorists, which can improve driver yielding behavior.
- 6) Despite the benefits of #3 and #4, unfortunately there is no

quantitative evidence to show that the use of pedestrian flags at crossings reduces pedestrian related crashes (before v. after crash data). General reductions in pedestrian related crashes are most often a result of a combination of education, enforcement and engineering strategies.

7) The issue and expense of providing continual maintenance of the flags (theft and vandalism of flags and related equipment) is one of the primary reasons Cities/agencies have discontinued formal programs. The observed benefit, in most cases, has not been shown to outweigh the continual maintenance expense. Those who continue to support such a program generally require a local "sponsor" to provide regular maintenance/restocking.

Additional Info:

- City of Seattle, WA - "Because of the limited effectiveness of the flags and the ongoing maintenance associated with them, SDOT will no longer provide replacement pedestrian crossing flags at the pilot locations, and will not install any new locations."
http://www.seattle.gov/transportation/pedpolicy_pedcrossingflags.htm

- Berkeley, CA - "The flag program is not sustainable because while the vast majority of crosswalks could theoretically benefit from this treatment, the flags are misused and stolen, meaning continual replacement is required. The general public needs to learn safe walking practices (e.g. bright, light colored clothes, defensive crossing techniques) while motorists need to learn safe driving habits, watching for pedestrians at all times in all locations."
<http://www.ci.berkeley.ca.us/ContentDisplay.aspx?id=14286>

- Salt Lake City, UT - "Although to date, no formal engineering studies have been undertaken, city staff has noted a dramatic increase in the willingness of drivers to yield to pedestrians carrying orange flags."
<http://www.slcclassic.com/transportation/Pedestrian/pdf/Crosswal>

kFlagsBrochure11_05.pdf

• BYU student killed at a crossing that had flags – Student crossed at a location with flags but did not use them.
http://www.heraldextra.com/news/local/byu-student-killed-in-crosswalk-identified/article_7fb1e1a9-213f-5e4e-9732-e303fd51ded7.html .

Recommendation

I recommend that the City not use flags at pedestrian crossings as a general treatment or as a part of a general/city-wide program. Any solution to a traffic/transportation safety issue should involve a thorough study by experienced professionals who consider and incorporate a combination of education, enforcement and engineering strategies. There are many issues that must be considered and weighed as it relates to providing a truly safe pedestrian crossing environment. Although the use of pedestrian flags should be one of many strategies considered on a case-by-case basis, I am not aware of locations within the City where I would currently implement that strategy over the others that are available.

Please feel free to contact me if you would like additional information/references.

Thanks,

Tim

Timothy J. Taylor, P.E., PTOE | WCEC Engineers, Inc.

9980 South 300 West. Ste 200, Sandy, UT 84070

Email: ttaylor@wcecengineers.com

Tel: 801.456.3847

Fax: 801.618.4157

Cell: 801.884.9166

CROSS WALK SAFETY PROJECT

April 16, 2012

Mayor Harbertson
Farmington City Council
Farmington, Utah 84025

Dear Mayor and City Council,

On March 27, 2012, 16 year-old Andrew Tolman was struck and killed by a westbound driver as he walked his bike through a crosswalk on 400 South and State Street in Farmington. Recently, with the growth in west Farmington and the new Station Park shopping center, it has brought significant traffic for both pedestrians and automobiles. We wish to express our desire to raise awareness by placing orange pedestrian flags on crosswalk posts for pedestrians to use while walking on proposed existing crosswalks.

On April 6th, KSL and the Deseret News interviewed us. I stated, "We don't want this to happen to any more of our friends". Deseret News did another article on crosswalk safety on April 16, and indicated that 81% of drivers stop when they see a pedestrian with an orange flag versus 20% of drivers stopping when an orange flag is not used. (This study was from the University of Utah).

This project will be funded entirely on donations from the community. We currently have raised \$736.50 in donations. The projected cost for the materials and flags is approximately \$1100.00. This covers 5 crosswalks with 24 flags per crosswalk, plus 24 additional flags in reserve.

We propose the following five crosswalks:

- State Street /400 South (Andrew Tolman)
- Shepard Lane/801 West (Knowlton Elementary)
- 200 South/200 East
- 200 South/ 50 West (Farmington Elementary)
- 200 West/ 150 South (Farmington Junior High)

We wish to pass this project in a timely fashion for the crosswalks to be outfitted prior to the end of the school year.

Thank you for your time and consideration in helping us to heal Farmington and to help prevent future tragedies from happening.

Sincerely,



Hunter Benson



Spencer Benson

MONDAY

APRIL 16, 2012

Deseret News

DESERETNEWS.COM

SALT LAKE CITY, UTAH



Crosswalk death prompts safety project

VICTIM'S FRIENDS PUSHING TO
SEE PEDESTRIAN FLAGS PLACED
AT SITE OF FATAL ACCIDENT



A memorial was placed at the site of the crosswalk accident in Farmington that killed Andrew Tolman.

BY JASEN LEE
DESERET NEWS

FARMINGTON — When Spencer and Hunter Benson learned of their friend's death in a crosswalk here, they were instantly impacted. But rather than have the incident remain a tragic cautionary tale, they decided to turn it into a project of awareness in remembrance of a young life lost.

On March 27, 16-year old Andrew Tolman was struck and killed by a westbound driver as he walked his bicycle through a crosswalk at 400 South and State Street in Farmington.

Pedestrian safety

VEHICLES STOPPING TO ALLOW
PEDESTRIANS TO CROSS

■ Salt Lake City ■ Washington D.C.



SOURCES: Salt Lake City, University of Utah

FLAGS B4

DESERET NEWS GRAPHIC

FLAGS

FROM B1

Authorities said the intersection has not been a problem in the past, but the teen's death has shined a light on traffic safety.

Now a Farmington family is working to get orange traffic safety flags placed at the intersection where Tolman was hit and at other high-traffic crossings. Recent studies show it could have a dramatic impact on keeping pedestrians safe.

"We don't want any of our friends, or friends of other friends, to have this happen to them," said Hunter Benson, 15. "We don't want to go to school knowing that we could have done something to stop it and someone else got hit."

Benson said he attended elementary school with Tolman while his 17-year-old brother Spencer Benson played soccer with him. They both knew him as a friendly, hard-working young man, who excelled in academics, sports and was also an

Eagle Scout.

The traffic flag effort is part of the boys' Eagle Scout service project.

"We were all friends with him, and it's a good thing to know that just because he's not here anymore he can still make an impact on the community," said Spencer Benson. The project is just the kind of effort that Andrew would have been involved with himself, Spencer said.

"He was always trying to help people, and this is definitely something that will help a lot of people," he said.

According to data from the University of Utah, the installation of flags at crosswalks has yielded significant safety results.

"(The) study found that 81 percent of

vehicles stopped to allow pedestrians to cross when they were holding the orange flags, compared to 20 percent of vehicles that stopped when orange flags were not used," said Colin Quinn-Hurst, pedestrian and bicycle transportation planner for Salt Lake City.

The city also completed two flag use studies that showed approximately 11

percent to 14 percent of pedestrians used the flags when walking in crosswalks.

Quinn-Hurst said that in the first year of the program, there was a 10.6 percent reduction in the number of auto pedestrian crashes reported to police.

"By 2003, three years after the program began (accompanied by other crosswalk improvements such as count-

down timers at signalized intersections), the Salt Lake City (metropolitan statistical area) showed the greatest improvement in pedestrian safety in the entire nation, with the Pedestrian Danger Index declining by 44.2 percent," he said. "The PDI looks at the rate of pedestrian deaths relative to the amount of people that walk in a given metro area."

Flag programs in other cities have also proved effective, he said.

A pedestrian flag program in Washington, D.C., found that "thirty percent of pedestrians used the flags in crossing, and the observed compliance

rate was 92.5 percent for pedestrians with flags. For pedestrians without flags, 73 percent of

drivers did not yield to the pedestrians in the crosswalk." "These pedestrians were forced to wait a gap in traffic in order to cross the road-way," he said.

Meanwhile, along with their mother, Becky Hale, the Benson brothers have set up the Andrew Tolman Crosswalk Fund at Wells Fargo Bank — dedicated to raising the \$1,000 needed to finance the flag project. The family has also reached out to Farmington city officials and is hopeful to have the approval process expedited so that the flags can be in place before the school year ends in late May or early June.

"I've talked to them (and) the Tolman family doesn't want this to happen again," Hale said. "This is a message to everybody that's affected by this to reach out and help, and to have that moment when they see the flags to know that we're making a difference in the lives of a lot of people."

EMAIL: jeepdesnews.com

TWITTER: JessenLeel

\$299

Digital Hearing Aids

100% Invisible Hearing



No One Will Know You Have Hearing Loss

All Of The Latest Invisible Technologies At The Lowest Price!

CLEAR CHOICE

Blue Cross Federal Mail Handlers

FREE Hearing Exam

801 West Shepard Lane
(Knowlton Elementary)



State Street and 400 South (Andrew Tolman)



50 West 200 South
(Farmington Elementary)



150 South 200 West
(Farmington Junior High)



200 East and 200 South
(Downtown Chevron)



CITY COUNCIL AGENDA

For Council Meeting:
May 15, 2012

S U B J E C T: Farmington City Fireworks Restriction Proposals – Options 1-3

ACTION TO BE CONSIDERED:

Evaluate Fire Department “Fireworks Restrictions” proposals 1-3 and vote accordingly. Note: Option #1 recommended by staff.

GENERAL INFORMATION:

See enclosed staff report prepared by Chief 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: April 18, 2012
Subject: **FARMINGTON CITY FIREWORKS RESTRICTION PROPOSALS - OPTIONS 1-3.**

RECOMMENDATION

Evaluate Fire Department "Fireworks Restrictions" proposals 1-3 and vote accordingly.

Note: Option #1 recommended by staff.

BACKGROUND

In 2005 the council approved an ordinance that restricted the use of fireworks on the east side of the city based on urban interface fire hazard potentials and historical events. This restriction applied to all areas located east of Main Street from the Kaysville / Farmington city limits through Center Street (downtown Farmington), then south from Center Street through 200 East to the Centerville border.

This ordinance remained in effect until June 2011 when the council voted to repeal the ordinance for 2011 and requested the fire department provide alternative options for the following year.

Since June 2011, the Fire Chief & Fire Marshal have reevaluated and reassessed fire hazard potentials on the east side of Farmington City. This evaluation included the following factors:

1. **Ignition Source Potential** – *Legal aerial fireworks, ground fireworks and illegal fireworks.*
2. **Fuel loads** – *Brush, trees, ladder fuels, structures to include roofing materials.*
3. **Topography** – *Angle of incline & elevations of fuel-loads.*
4. **Typical Fire Behavior & Historical Trends** – *Seasonal weather patterns, moisture content of fuels, density & proximity of fuel-loads.*
5. **Access & Egress** – *Ability to access and exit all given areas during fire conditions.*
6. **Resources & Staffing Availability** – *Timelines of basic response to include: Time of incident, 911 notification, station notification, staffing of apparatus and arrival times.*
7. **Water Supply** – *Locations of municipal supplies in addition to static water supplies.*
8. **Existing Prevention Measures** – *Community preparedness programs, Defensible spacing and preparation work.*

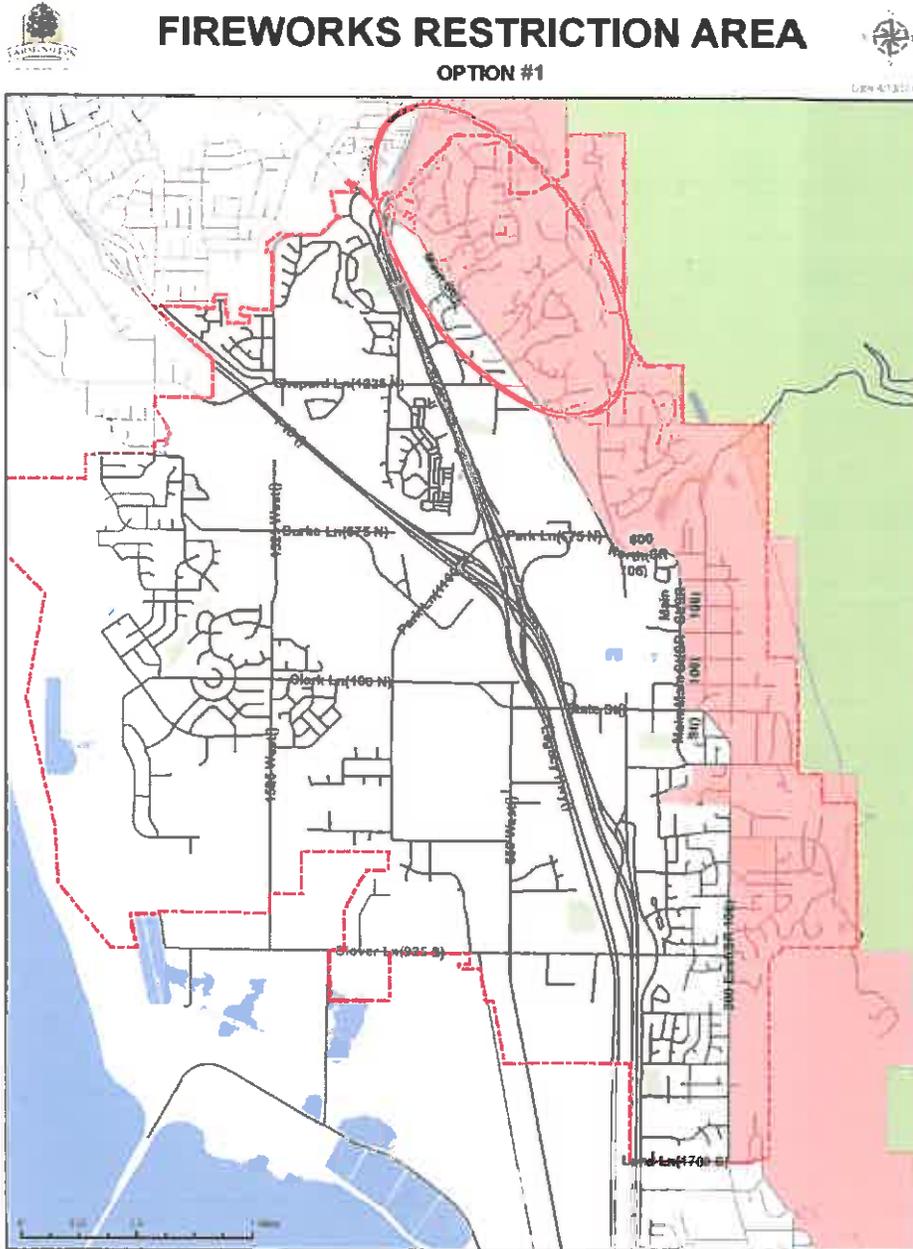
The Farmington City Fire Department proposes the following three options based on the above factors.

Please note: Option # 1 promotes a higher degree of Life Safety & Property Conservation with the 3rd option promoting the lowest degree of Life Safety & Property Conservation.



Option #1

Reinstate previous fireworks restriction ordinance with minor modifications. Fire station staffing to be maintained at four (4) personnel during scheduled firework days July 1st – 7th, and July 21st – 27th (14 days total). Allow fireworks to be discharged within city parks located west of restricted areas during approved dates and times.



Option #2

Modify previous fireworks restriction ordinance and remove the lower section of Summerset Subdivision, Leonard Lane, and lower section of 1400 North to include Ridgewood Circle, Ridgeview Circle and Bennett Circle from restricted area. Fire station staffing to be maintained at six (6) personnel during scheduled firework days July 1st – 7th, and July 21st – 27th (14 days total). Allow fireworks to be discharged within city parks located west of restricted areas during approved dates and times.

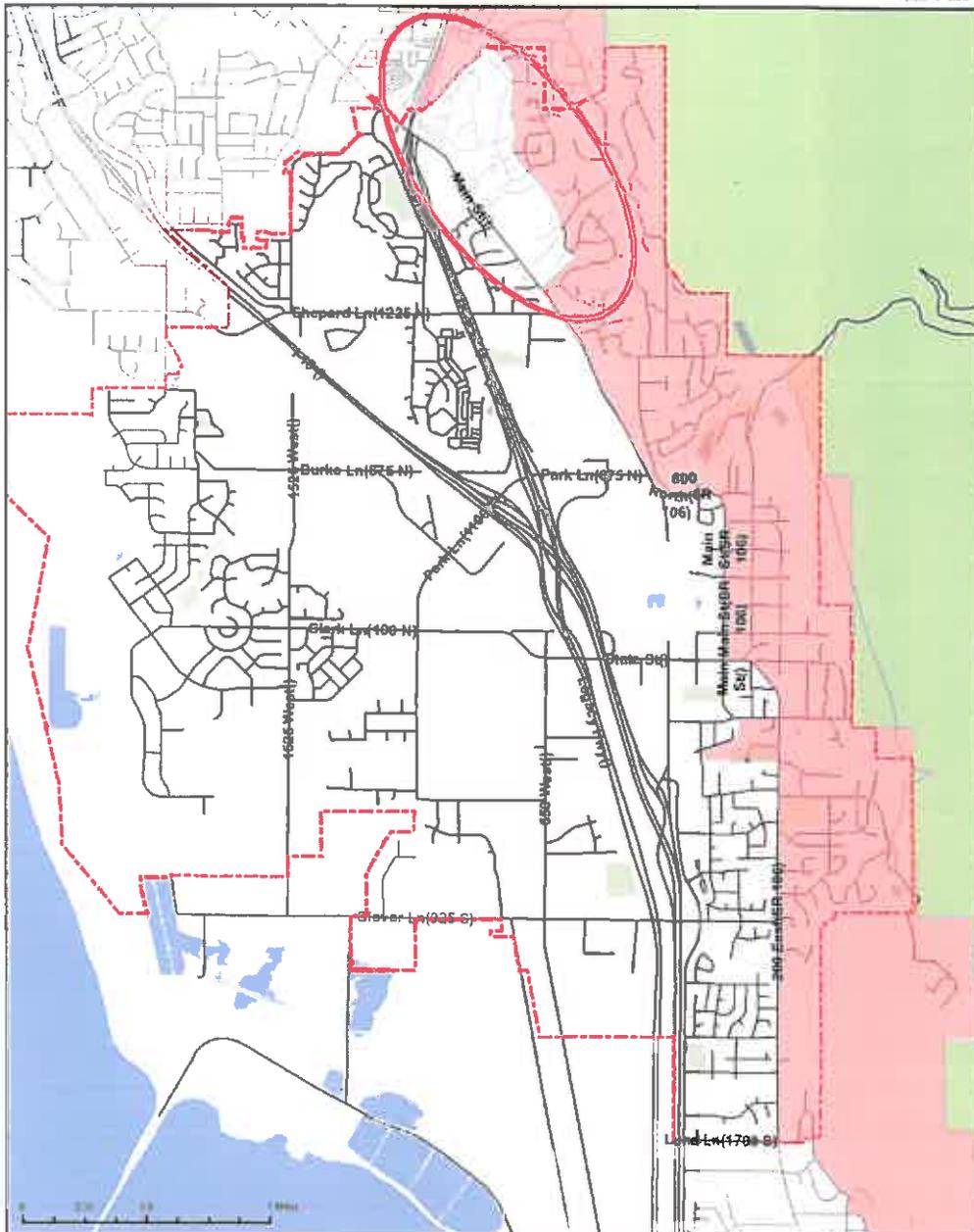


FIREWORKS RESTRICTION AREA



OPTION #2

DATE: 6/18/2012



Option #3

Modify previous fireworks restriction ordinance and remove lower section of Compton Road (from 600 North & Main Street) & North Compton Rd (from 1100 North through Deer Point Subdivision) from restricted area. As with option #2, station staffing to be maintained at six (6) personnel during scheduled firework days July 1st – 7th, and July 21st – 27th (14 days total). Allow fireworks to be discharged within city parks located west of restricted areas during approved dates and times.

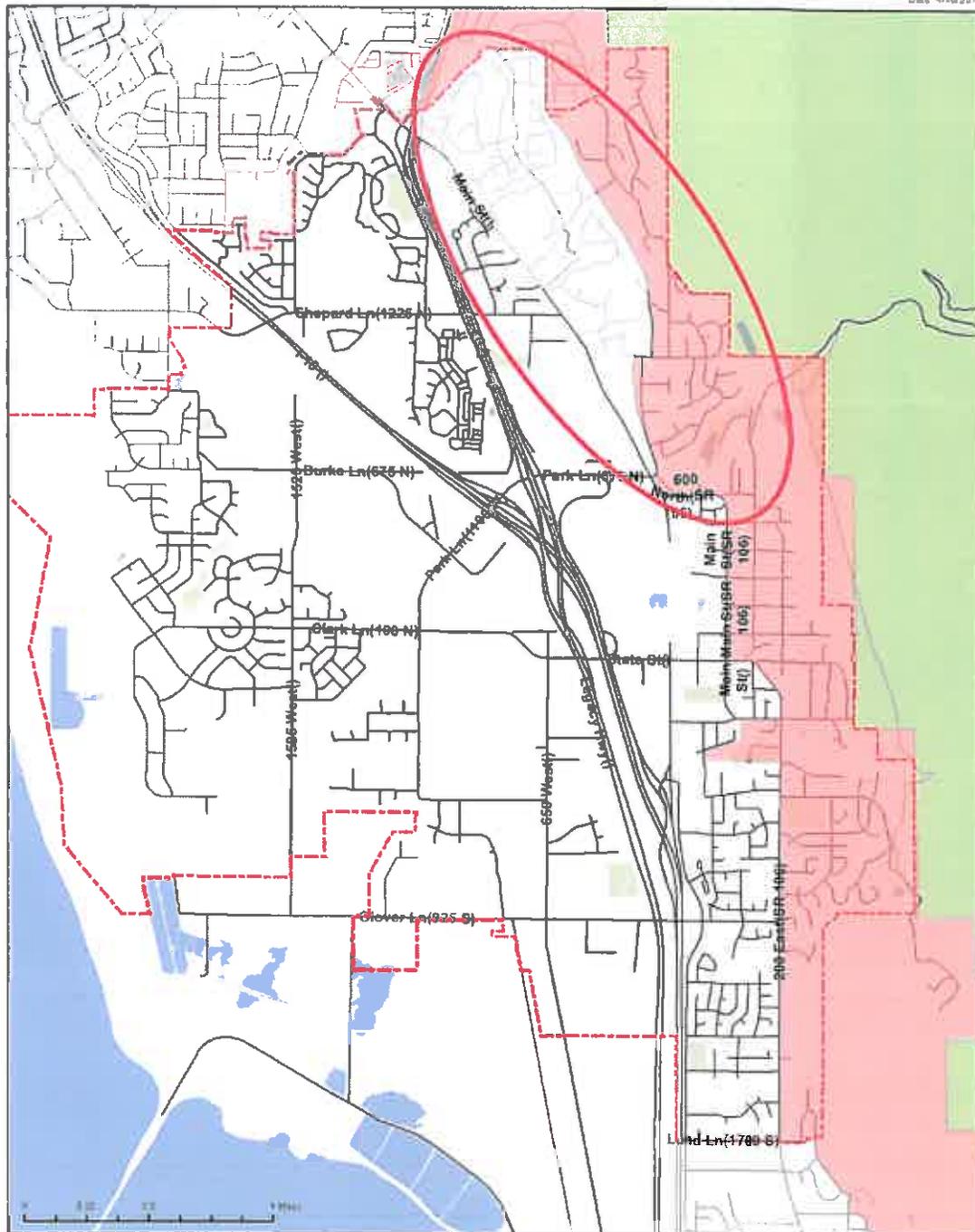


FIREWORKS RESTRICTION AREA



OPTION #3

Date 4/10/2012



Cost

There are added operational costs associated with each option; however, Option #1 is the lowest based on best prevention practices.

Option # 1

Approved Firework Shoot Days: 14

Additional staffing of two (2) personnel from Noon – Midnight / 24 Man-hours each day in addition to current FFD staffing model.

Staffing Expense / Firework Shoot Days: \$4,370

Based on 14 days with 2 additional personnel at 12 hours each (avg. of \$13.00 per hour).

Options #'s 2 & 3

Approved Firework Shoot Days: 14

Additional staffing of four (4) personnel from Noon – Midnight / 48 Man-hours each day in addition to current FFD staffing model.

Staffing Expense / Firework Shoot Days: \$8,740

Based on 14 days with 4 additional personnel at 12 hours each (avg. of \$13.00 per hour).

Last year marked the first year of legalized airborne fireworks that shoot multi-chambered rounds up to 150 feet into the air. Last year also marked an unusually wet and cool season that unquestionably helped prevent excessive amounts of fires. As this year season continues to develop, I urge the council to review these proposals and reinstate accordingly in an effort to reduce the loss of life & property through preventative measures.

Respectfully Submitted,



Guido Smith
Fire Chief

Reviewed & Concur



Dave Millheim
City Manager

CITY COUNCIL AGENDA

For Council Meeting:
May 15, 2012

SUBJECT: Appeals Board Selection

ACTION TO BE CONSIDERED:

By motion, select two Council representatives and two alternate Council members to serve on the Farmington Appeals Board per Section 3-04-050 of the Municipal Code.

GENERAL INFORMATION:

See enclosed staff report prepared by Dave Millheim

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
NELSEN MICHAELSON
CORY R. RITZ
JIM TALBOT
JAMES YOUNG
CITY COUNCIL

DAVE MILLHEIM
CITY MANAGER

City Council Staff Report

To: Honorable Mayor and City Council

From: Dave Millheim, City Manager

Date: May 7, 2012

SUBJECT: APPEALS BOARD SELECTION

RECOMMENDATION

By motion, select two Council representatives and two alternate Council members to serve on the Farmington Appeals Board per Section 3-04-050 of the Municipal Code.

BACKGROUND

In reviewing Title 3 of the Municipal Code as part of our update process, we became aware that Section 3-04-050 requires we have a duly constituted Appeals Board in the event one is needed for significant personnel matters usually involving discipline up to and including termination. This code section was updated a few years ago as a result of new state law reflected in Utah Code Ann. 10-3-1106. While we have no employee disciplinary matters pending, we do not want to be putting this Board together when an action is before us. Therefore, staff is asking for the names of two Council members who would serve in the event we receive an appeal for which the Board would be needed. We also need two alternate names in case either of the Council Appeals Board members could not serve when an appeal takes place. Those selected would be appointed until they are no longer on the City Council and/or removed by a majority vote of the City Council.

As a further FYI, the City Manager will be seeking nominations from the employees and/or making assignments to fill out the three required members from the full-time employees and three alternates so that we have those members also selected. I will be seeking a cross section of employees including both line personnel and supervisors. The code requires us to also have three alternate members in the event an appeal were to come forward wherein either the supervisor or the employee were to have a conflict of interest with a potential future appeal. An example of a conflict could be the supervisor was the

one recommending the discipline in question or the employee was in the same department or had a close working relationship with the affected employee.

I have attached a copy of Code Section 3-04-050 so that you may see the full set of rules governing the Employee Appeals Board.

Respectfully Submitted

A handwritten signature in black ink, appearing to read "Dave Millheim", with a long horizontal flourish extending to the right.

Dave Millheim
City Manager

3-04-050. Employee Appeal Board.

(a) Created. There is hereby created an Employee Appeal Board as required by *Utah Code Ann.* § 10-3-1106, as amended, to hear appeals of covered officers and employees who have been discharged, suspended for more than two days without pay, or involuntarily transferred to a position with less remuneration.

(b) Members. The Employee Appeal Board shall consist of five (5) members, three (3) of whom shall be chosen by and from the appointed officers and employees of the City and two (2) of whom shall be members of the City Council. Alternate members shall also be appointed as provided herein.

(c) Selection of Members and Alternates.

(1) Council Members and Alternates. The City Council shall designate two (2) of its members to serve on the Employee Appeal Board, hereinafter referred to as the "Council Members," and two (2) of its members to serve as Alternate Council Members.

(2) Officer and Employee Members and Alternates. The appointed officers and employees of the City shall elect three (3) of its members to serve on the Employee Appeal Board, hereinafter referred to as "Employee Members," and three (3) of its members to serve as Alternate Employee Members in the following manner.

(i) Nomination. The City Manager shall send written notice to all appointed officers and employees of the City that they may make written nominations for officer and employee candidates to serve on the Employee Appeal Board and the closing date for filing such nominations with the City Recorder. Nominations received by the City Recorder after the closing date will not be considered.

(ii) Voting. Upon the closing of nominations, an election shall be held by all appointed officers and employees of the City to elect three (3) Employee Members of the Board and three (3) Alternate Employee Members. The election shall be by secret ballot. The three (3) individuals receiving the highest number of votes shall be deemed elected as Employee Members, and the next three (3) individuals receiving the highest number of votes shall be deemed elected as Alternate Employee Members.

(d) Limitation on Members. No person may sit on the Employee Appeal Board who also sat on a pre-disciplinary hearing of the appealing employee or whose employment with the City has terminated.

(e) Term. Elected and Employee and Council Members shall serve for a term of two (2) years from the date of their election or appointment. Members may serve additional terms in accordance with the election and appointment procedures set forth herein.

(f) Vacancies. Any vacancy in an Employee Member position shall be first filled by an Alternate Employee Member by drawing lots, and if no Alternate Employee Member is available, by nomination and election as provided herein at the time such vacancy occurs. Any vacancy in a Council Member position shall be filled first by an Alternate Council Member by drawing lots, and if no Alternate Council Member is available, by appointment as provided herein at the time such vacancy occurs.

(g) Procedures. All appeals to the Employee Appeal Board shall be conducted in accordance with *Utah Code Ann.* § 10-3-1106, as amended, and applicable provisions of the personnel policies and procedures adopted by the City.

CITY COUNCIL AGENDA

For Council Meeting:
May 15, 2012

S U B J E C T: Christmas Decorations

ACTION TO BE CONSIDERED:

Request that the City Council review the proposal for new Christmas decorations and approve the use of account 38-400-420 to purchase decorations. The amount in that account at this time is \$12,000.00.

GENERAL INFORMATION:

See enclosed staff report prepared by Walt Hokanson

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
NELSEN MICHAELSON
CORY R. RITZ
JIM TALBOT
JAMES YOUNG
CITY COUNCIL

DAVE MILLHEIM
CITY MANAGER

City Council Staff Report

To: Honorable Mayor and City Council
From: Walt Hokanson, Public Works Director
Date: May 3, 2012
SUBJECT: CHRISTMAS DECORATIONS

RECOMMENDATION

Request that the City Council review the proposal for new Christmas decorations and approve the use of account 38-400-420 to purchase decorations. The amount in that account at this time is \$12,000.00.

BACKGROUND

During the wind storm on December 1, 2011 most of our current decorations were damaged. We have money in this year's budget for decorations but it is not enough to replace them. We have determined that there are 34 poles on which decorations can be hung. There are approximately 11 poles that will need electrical repair. Ray estimated the cost per pole would be \$1,500.00. From our research we have found there are basically 4 different styles of pole decorations. They are garland, silhouette, wreaths and banners with or without banner enhancers. Because of the height of the goose neck lights on State Street from Main to 100 East we cannot have decorations that are taller than 5 feet which limits our choices. We have prices from 3 different companies, Modern Display, Downtown Decorations & Temple Display. Enclosed find lists of examples with prices and a map of locations. Shipping cost would be determined by what we order.

Our recommendation is to order wreaths for the gooseneck poles on State Street from Main to 100 East. The wreaths we chose would be center mounted on the poles. They would run parallel to the street. If they are installed parallel they would not be in the way of buses or other traffic. On the rest of the poles we recommend banner enhancers and banners. The banners would be 30" x 60". The banners are made out of polyester canvas which is easier to repair, easy to clean and the colors are brighter. The brackets are rated for wind up to 60 mph. The banner enhancers would have stars on them so we could also use them during July with a patriotic banner. We felt they could provide double duty if

we want to order patriotic banners at a future time. In the past we have used the American flag in July which requires someone to put them up in the morning and take them down at dusk since we do not have lights shining on the flags. If we choose to order from Modern Display they will warranty everything for 1 year.

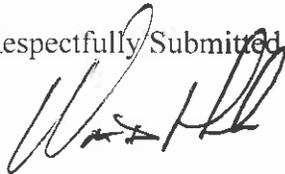
We also have to consider the light poles Davis County will install and order decorations for them. We are in the process of finding out how many lights they will have.

This cost estimate is from Modern Display.

Wreaths	5 @ \$706.00	\$ 3,530.00
Banner Enhancers	29 @ \$396.00	\$11,484.00
Banners	29 @ \$200.00	<u>\$ 5,800.00</u>
	Total	\$20,814.00

Electrical repairs estimate:	<u>\$16,500.00</u>
Grand Total	\$37,314.00

Respectfully Submitted



Walt Hokanson
Public Works Director

Review and Concur, _____



Dave Millheim
City Manager

**Proposed Items and Elements
Outdoor areas**



2012



Terms & Conditions

Modern Display Service requires a deposit of 50% be made on all decorations and services with remaining
In The event of a default, purchaser agrees to pay all costs of collection including reasonable attorney's fees and
Any line-item deletions or additions made to this contract, verbal or written, will require review from Modern Display
By signing this herein you are agreeing to pay all other additional expenses accrued and that the bid stands as an

Note: A rush charge may be incurred if sufficient time is not allowed:

Services cannot be scheduled and production cannot begin until this contract is signed and returned with the 50%

60% Deposit

The required deposit amount is

The deposit may be paid by check or credit card. Checks should be made payable to Modern Display
and mailed to Modern Display, Attn. **Howard Wilson**, 424 S. 700 E., Salt Lake City, UT 84102.
Please note: For a single payment or deposit exceeding \$5,000, there is a 2% surcharge on credit card
payments.

If paying the deposit via credit card, please include the following information:

Name _____
Card Type _____
Card No. _____
Billing Address _____

Exp Date: _____

Billing Information

If the invoice for our services is to be sent to someone other than you, please provide the following information:

Name: _____
Address: _____
City/State/Zip: _____
Phone #: _____
Email: _____

Please sign below to indicate that you agree to the above contract and terms listed therein and return it in it's entirety to Howard Wilson at fax # 801.521.3040.

Thank you, We look forward to working with you.

Sign: _____
Print: _____

Date: _____

Pole Mount Wreath



Center Mount

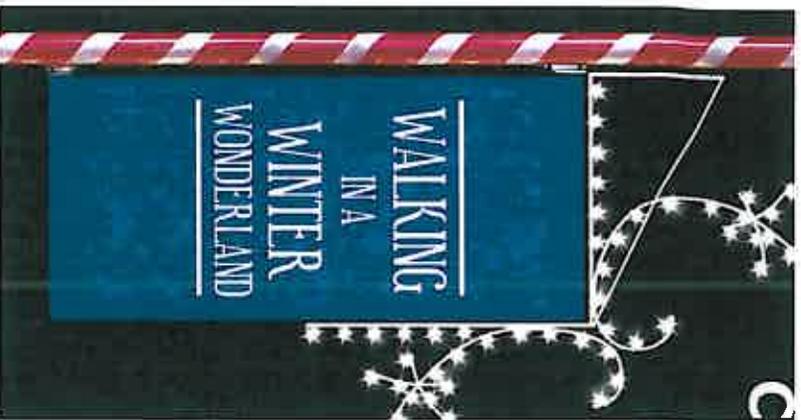


Traditional

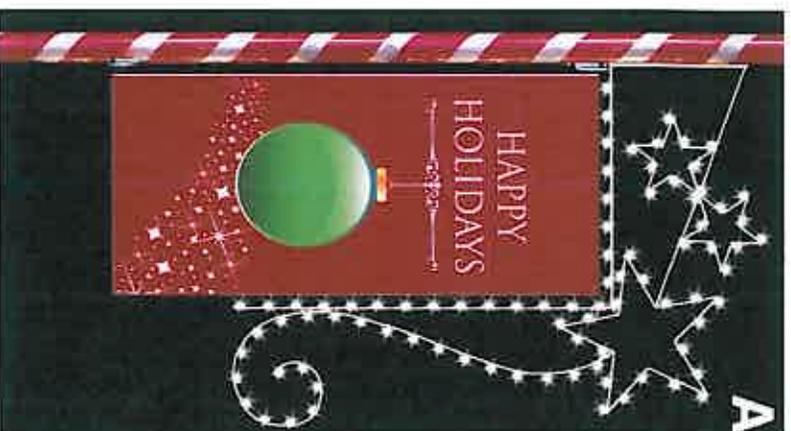


Stylized

Pole Banner Enhancer



Winter Season



Multiple Season

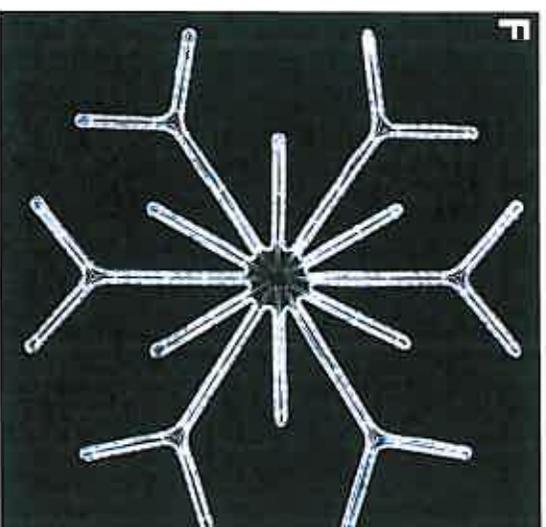
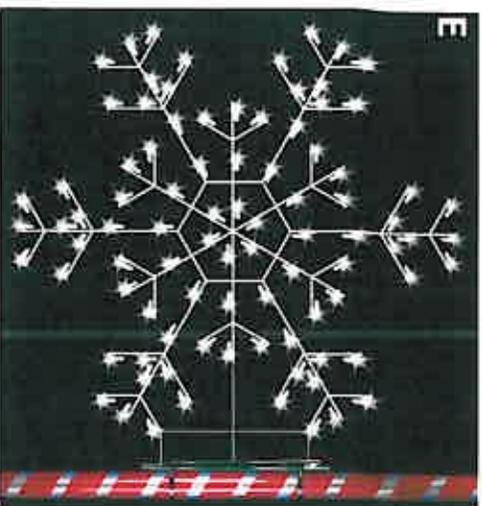


Summer Season

LED Lights



LED Pole Mount Snowflakes



Garland Pole Mount



Stylized Tree



Garland Snow Flake

Downtown Decorations

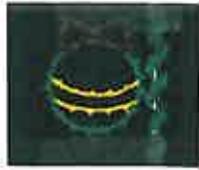
Kathy Moore

1-877-369-6332

6604 Deere Road

Syracuse NY 13206

Garland Pole Decorations:



Ball - \$407



Bell - \$305



Candle - \$383



Candy Cane - \$303

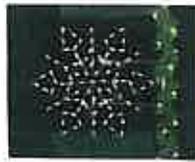


Stocking - \$310

Silhouette Decorations:



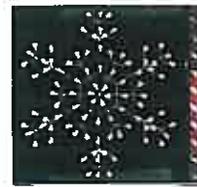
\$529



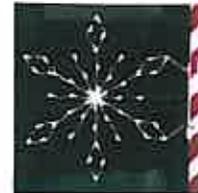
\$563



\$563



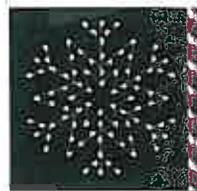
\$554



\$396



\$518



\$339



\$422



\$422



\$544



\$519



\$512

Wreath Pole Decorations:



\$503

Silhouette with Garland:



\$585



\$425

Banner Enhancers



\$344



\$278



\$304



\$512



\$344



\$279



\$355



\$357



\$460

Banners: Cost varies on how many colors and if we want a special imprint such as the City logo. The price on some of the simple 2-3 color banners without an imprint range from \$70.00 to \$78.00.

Brackets are included in the price. We won't need any special tools to install and the extra long bands to go around the wooden poles are no extra charge.

Temple Display

Tyler Temple
1-800-722-2501
P.O. Box 965
Oswego, IL 60543

Garland Pole Decorations:

Snowflake	Star Snowflake
4' x 4' \$400	4' x 4' \$460
5' x 5' \$509	5' x 5' \$562

Silhouette Decorations:

Spiral Snowflake	Presidential Snowflake	Winterfest Snowflake	Diamond Snowflake
4' x 4' \$544	4' X 4' \$529	4' x 4' \$489	4' x 4' \$437
5' x 5' \$598	5' X 5' \$595	5' x 5' \$547	5' x 5' \$470

Wreath w/Bow - Colored lights
4 ½' x 4 ½' \$617

Wreaths:

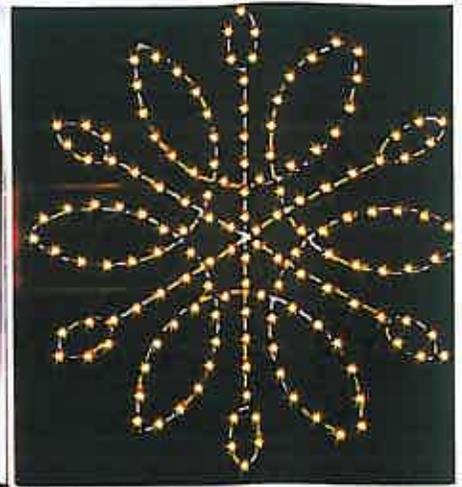
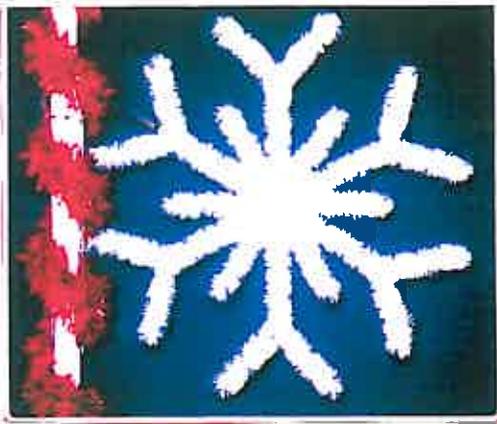
Wreath w/2 Vinyl Bows	Double Frame Wreath w/2 Metallic Bows
4 ½' Standard lights \$447	5' x 5' \$860
Random lights \$503	

Candle Wreath w/ 2 Vinyl Bows
4 ½' Standard lights \$517
Random lights \$572

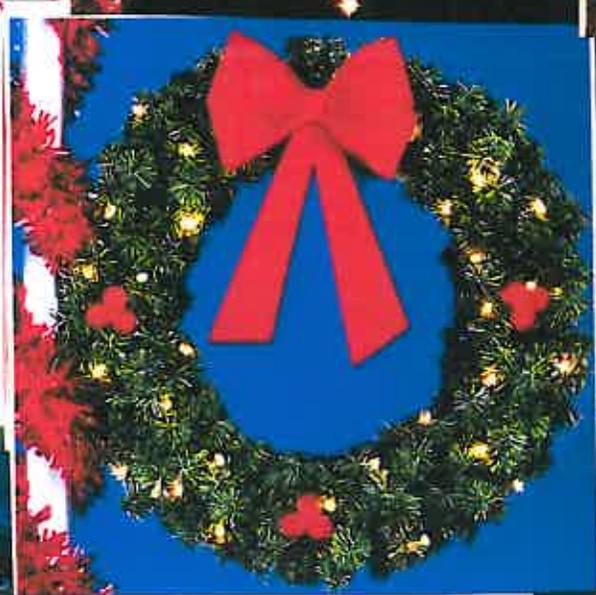
Banners:

30" x 60" \$90
Brackets \$105 Would require a banding tool and more strapping for wooden poles.

Price includes all mounting hardware. Exterior decorations are covered by a 6-year, non-pro-rated warranty. Light bulbs are covered against burn out for 3 years. All prices are for LED lights. This Company is offering 25% off on orders placed before May 31, 2012.



529
595
638



Pro's and Con's for each type of decorations:

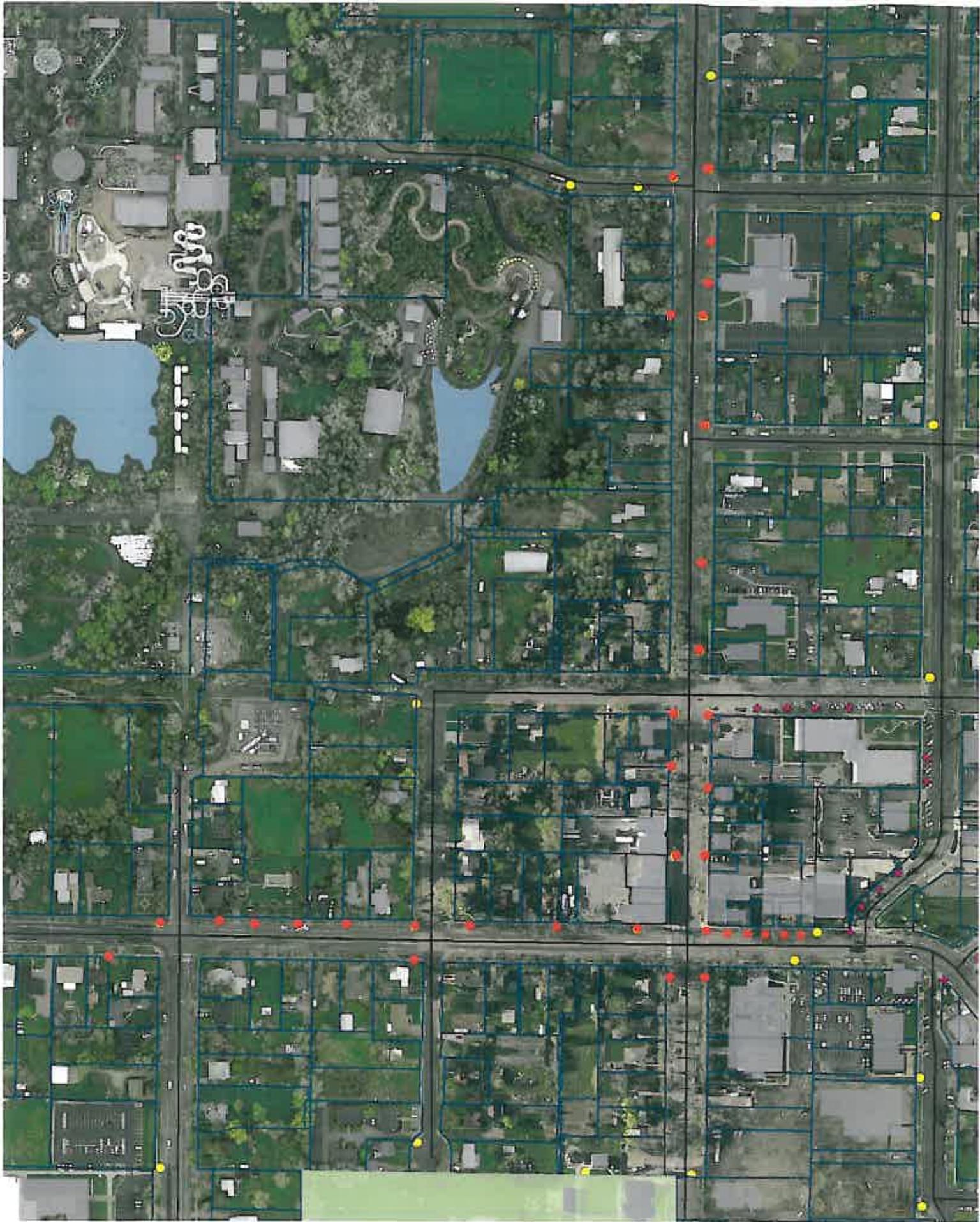
Garland decorations: Visible day and night, hard to store, garland would not last as long.

Silhouette decorations: Not visible during the day, would something added for color, easy to store.

Wreath Pole decorations: Visible day and night, hard to store, shorter life.

Banners and Banner enhancers: Visible day and night, easy to store,

Silhouette with garland: Visible day and night, easy to store, garland might not last too long.



CITY COUNCIL AGENDA

For Council Meeting:
May 15, 2012

SUBJECT: Minute Motion Approving Summary Action List

1. Approval of Minutes from April 17, 2012 and May 1, 2012
2. Ordinance Amending, Renumbering and Recodifying Title 3 of the Municipal Code
3. Approval and/or Ratification of Bonds – Garbett Homes and Woodside Hunters Creek, LLC

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

April 17, 2012

WORK SESSION

Present: Mayor Scott Harbertson, Council Members John Bilton, Nelsen Michaelson, Cory Ritz, Jim Talbot, and Jim Young, City Manager Dave Millheim, Community Development Director David Petersen, City Engineer Paul Hirst, City Attorney Todd Godfrey, and Recording Secretary Cynthia DeCoursey

Street Master Plan for the Chestnut Farms PUD Subdivision

The meeting began at 6:20 p.m., and **David Petersen** provided background information on this item. He explained that because there are several elements to this Plan, staff provided a "decision tree" which breaks up the motion into levels. The Council discussed important details concerning this proposal, including a possible stub street to the Jung property, whether or not 475 South should be a through street, and if 375 South should be extended to 1525 West as shown on the 2005 Chestnut Farms Master Plan.

CLOSED SESSION

Motion:

At 6:45 p.m. **Jim Talbot** made a motion for the Council to go into a closed meeting to discuss the acquisition of real property. The motion was seconded by **Nelsen Michaelson** and approved by Council Members **Bilton, Michaelson, Ritz, Talbot and Young**.

Sworn Statement

I, **Scott C. Harbertson**, Mayor of Farmington City, do hereby affirm that the items discussed in the closed meeting were as stated in the motion to go into closed session and that no other business was conducted while the Council was so convened in a closed meeting.

Scott C. Harbertson, Mayor

Motion:

At 7:05 p.m. a motion to end the closed session was made by **Cory Ritz**, seconded by **John Bilton**, and approved by Council Members **Bilton, Michaelson, Ritz, Talbot and Young**.

REGULAR SESSION

Present: Mayor Scott Harbertson, Council Members John Bilton, Nelsen Michaelson, Cory Ritz, Jim Talbot, and Jim Young, City Manager Dave Millheim, Community Development Director David Petersen, Planning Department Secretary Heidi Gordon, and Recording Secretary Cynthia DeCoursey. Youth City Council Members Daniel Montgomery and Steven Swanson were also in attendance.

CALL TO ORDER:

Roll Call/Opening Comments/Invocation/Pledge of Allegiance

Mayor Harbertson began the meeting at 7:10 p.m. and welcomed those in attendance. The opening prayer was offered by Dave Millheim, and the Pledge of Allegiance was led by Boy Scout Caleb Jeppson of Troop 1116.

REPORTS OF COMMITTEES/MUNICIPAL OFFICERS

Executive Summary for Planning Commission meeting held March 29, 2012

The Summary was included in the staff report.

Presentation from the Utah National Guard

Lt. Casey Staheli informed the Council that the Utah Community Covenant Program is a formal commitment of support by state and local communities to Service Members and their families—Active, Guard, and Reserve. It is designed to foster and sustain effective state and community partnerships and provides community leaders with available education and resource. They would like each city to designate a “military liaison” and to organize a signing ceremony. John Bilton agreed to act as the military liaison.

PUBLIC HEARINGS

Street Master Plan for the Chestnut Farms PUD Subdivision

David Petersen said the City received a great deal of input from residents regarding this Plan. The City Subdivision Ordinance states: “In the event a master street plan does not exist, the subdivider shall prepare such a plan.” He read the main motion, sub-motions 1A, 1B, 2A, 2B, 3A, 3B, and the findings as included in the staff report. He provided information regarding the four utilities which will have spacing requirements and emphasized that inter-connectivity between neighborhoods is a good planning practice.

Public Hearing:

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

Chase Bybee, 1418 West 475 South referred to a petition he sent to the Council with 46 signatures of residents who support leaving 475 S. as a cul de sac. He purchased a 2-acre parcel at the end of 475 S., created a 2-lot subdivision, built his home on the easterly lot, and sold the westerly lot to Symphony. He and other residents on 475 S. paid for the cul de sac. He requested that the City compensate them if they decide to make 475 South a through street.

Scott Thurgood, 1364 West 475 South, is upset about this proposal. He and his wife purchased a lot in the cul de sac because they wanted less traffic in their neighborhood. They were told from the beginning that it would remain a cul de sac, and they helped pay for it. He is also concerned about safety.

Dan Wight, 267 South 1400 West, said the burden of expanding the Chestnut Farms Subdivision should not fall on the homeowners who live in the 475 South cul de sac. He asked the City to rethink the project and change the street plan.

Candace Daly, 1296 West 475 South, said they chose their lot because of the cul de sac and the rural feel of the area. They have a great deal of empathy for the Bybees, and she asked the Council to deny the request for removal of the cul de sac.

Jared Gilmann, 1212 West 280 South, lives on Lot #5 in the Symphony development and said it would be great if everyone could live on cul de sacs and be surrounded by acres of property, but it is a fact of life that development and changes will happen. He urged the Council to use perspective as they consider plans which will provide connectivity.

Steve Bouck, 1392 West 475 South, is concerned about safety and purchased his lot because it was on a cul de sac. He said there are as many reasons why 475 S. should remain a cul de sac as there are reasons why it should be a through street, and he encouraged the Council to look at other options.

Jake Barker, 517 South 1250 West, was unable to attend, but **Mr. Bouck** read a letter he wrote which stated that the City did not communicate with residents regarding the possible removal of their cul de sac. He does not think it is fair to eliminate a cul de sac in their neighborhood but allow many more cul de sacs in an adjacent subdivision.

Valerie Bybee, 1418 West 475 South, said they gave up 20% of their lot and a significant amount of money to construct the cul de sac, yet this was not included as a reason why the connection should not be approved. She said there is nothing ethical about the proposal to remove the cul de sac.

John Wheatley, Symphony Homes, said they feel like they are on approval quicksand because their 2005 Master Plan is no longer valid. It is difficult to plan a subdivision when things are constantly changing. The most economical plan for a developer is not to have any stubs, but they understand the need for street connectivity and have worked with staff to meet the City's standards. They also added the Bangerter stub which is a great connection and will spread the traffic flow.

Stacey Glossner, 494 South 1250 West, purchased her home 4 years ago and was told that 475 S. would not be a through street. She is concerned about the safety of her children, the bus route, and the value of her home. She is in favor of 60-foot walking path which would connect 475 S. to the new street and offer access to the utilities without additional traffic. She asked the Council to vote against this proposal and look for other alternatives.

Brian Gates, 256 South 1275 West, lives directly across from the Chestnut Farms community pool and park, and if traffic is increased on 250 South, there will be a direct impact on the children in the area. He is dismayed that the **Bybees** could be so negatively impacted by this decision. If 475 South is allowed to go through, a City like Farmington should do as much as possible to make this right for them.

Calvin Squires, 1244 West 475 South, opposes 475 S. as a through street and believes there are other feasible options. He pointed out that there is a farm access road on the north side of the church and asked if it could be used. He is an avid user of the City's trails and would like to see trails woven throughout all of these neighborhoods.

Andrew Hiller purchased the rear portion of the **Williams** property. He is concerned about the homeowners in the 475 South cul de sac because they were promised that it would never be a through street. The Planning Commission and City Council need to look beyond the rules and do what makes sense.

The Public Hearing was closed at 8:45 p.m.

Mayor/City Council comments:

Nelsen Michaelson said it is difficult to make a decision when his friends and neighbors are involved. He feels that it is important to adhere to development standards which will ensure connectivity

between neighborhoods. Some residents are in favor of a connection to 1525 West, but others are not, and he would like to review other possibilities.

Cory Ritz listed the following concerns: (1) He respects the DRC but discounted several of their points due to the lack of logic; (2) He is concerned about the Schematic Plan as it relates to open space, density, and wetlands; (3) The City must provide protection for residential streets, and if the cul de sac is removed, each resident on the street should be fairly compensated; (4) He questioned the reason for the north/south connection between the two Symphony parcels; (5) The 375 S. connection makes more sense and would preserve open space and two cul de sacs; (6) There are multiple ways to provide connectivity in this area, to deal with the 1000-foot issue, and to preserve neighborhoods as they currently exist.

Jim Young said he respects and appreciates City staff for their thorough work and dedication, but he does not agree with all of their points on this issue. He expressed concern that there were 10 findings in favor of the proposal and only 3 against it. The residents on 475 S. have had a reasonable expectation for many years and took the initiative to pay for the street and create a quiet, secure neighborhood. He studied the issues and does not think the City's reasons are compelling. There are some creative and excellent alternatives for Symphony and for connectivity in the area, and he will vote against the current proposal.

John Bilton referred to a section in the Ordinance regarding the number of dwelling units allowed on cul de sacs and asked how many units exist on 475 South. He would like to see different alternatives.

David Petersen did not know the number of units on 475 S. but said it existed as a private street in the county and predates the Ordinance. The Commission and the Council approved the 2005 Master Plan which showed both 375 S. and 475 S. as through streets but no stub to the Jung property. The proposal by **Cory Ritz** has some merit, but there would be 34 lots on the 300 S. extension—ten more than the Ordinance allows. That would be inverse condemnation, and the City would be open to litigation. He stressed that six City Departments, governmental entities and the City's Traffic Engineer put a great deal of thought and time into this proposal.

Jim Talbot commented that although they do not always agree, **David Petersen** is a fine City Planner. After looking at this area in west Farmington, and listening to public comments, he believes there are other alternatives that could work. He approves of the 375 South to 1525 West extension and the Jung stub and realizes that traffic patterns are important, but he would not approve the extension of 475 South.

Mayor Harbertson appreciated the comments of each Council member and the public comments. He pointed out that nothing remains constant, and no one knows the future. He does not have all of the answers, but he would like to postpone a final decision until all options have been researched.

Motion:

Nelsen Michaelson made a motion to table this item to allow staff to research different options. There was no second to the motion, and it died.

Motion:

Cory Ritz made a motion to approve the Chestnut Farm/475 South street master plan incorporating the results and findings of the sub-motions as follows.

1. The westerly connection extending 475 South (the "Extension") to a north to south street proposed by the Symphony Homes shall be removed from the master plan and the westerly end of 475 South

Street shall remain a cul-de-sac subject to the following:

- a. No lot in the Symphony Home project may have double frontage on the 475 South cul-de-sac and the proposed north to south street. In lieu of lots, the property owner may develop open space in this area.
 - b. Residents on 300 South and 250 South must understand that additional traffic may occur in their neighborhoods.
 - c. It may be necessary for the City to amend its street and block standards in the Subdivision Ordinance.
2. The developer shall stub a street to the Jung property (the “Jung Stub Street”).
 3. The present street master plan proposal shall be updated to show a 375 South Street connecting a proposed north to south street to 1525 West Street (“375 South”).

Findings

- a. The Subdivision Ordinance requires a master street plan prior to consideration of a subdivision application (12-7-040(4)).
- b. The plan provides inter-connectivity within the neighborhood evenly dispersing local traffic north to south and east to west .
- c. The plan demonstrates how the neighborhood may connect to the Bangerter property enhancing neighborhood inter-connectivity and local traffic dispersion.
- d. The City Traffic Engineer, Tim Taylor, provided a positive recommendation regarding the plan.
- e. The amount of traffic that will be diverted to 300 South and 250 South is negligible.
- f. Section 12-7-040(4)(b) states, “Proposed streets shall be extended to the boundary lines of the land to be subdivided, unless prevented by topography or other physical conditions, or unless, in the opinion of the Planning Commission, such extension is not desirable for the coordination of the subdivision with the existing layout or the most advantageous future development of adjacent tracts.
- g. Topography or other physical conditions do not prevent the developer from stubbing a street to the Jung property.
- h. The Jung Stub Street provides the most advantageous future development of adjacent tracts. Wetlands running north to south divide the Jung property east to west. The east portion of the property is developable, and in the event the US Army Corp of Engineers prevents any encroachment of the wetlands in the future, the property may still be fully developed from the east from the stub street and the west from 1525 West.
- i. The Jung’s desire not to develop now or in the future. But in the event that years from now Jung heirs or assigns desire to develop, the option is available. In the meantime, the Jung’s will continue to have full use and enjoyment of all of their property as they deem appropriate as owners.

- j. The first sentence of Section 12-7-020(3) states, “The maximum length of blocks shall be one thousand (1000) feet and the minimum length of blocks shall be four hundred (400) feet”. The distance from Citation Drive to the proposed street south of the existing LDS Stake Center is approximately 2900 feet. Although, wetlands in the area dictate that the eventual distances between blocks in this area may never comply with the ordinance, a possible extension of the Jung Stub Street to 1525 West will result in a block face distance from Citation Drive to this street of approximately 900 feet, which is consistent with the ordinance.
- k. The City’s Traffic Engineer maintains that a possible Jung Stub Street connection will result in better local traffic circulation in the area.
- l. The Jung Stub Street may become an important connection if a 375 South Street is not extended as discussed in another sub motion set forth herein.
- m. A home now exists on parcel 08-074-0032 (1 acre) which is centered/surrounded by parcel 08-074-0033 (4 acres). Both parcels are owned by the Jung family. If the Jung Stub Street is extended to 1525 West Street in the future, the extension can be designed to veer north and miss the home while still allowing development of reasonable sized lots on both sides of said extension without involving another property owner because the Jung family also owns the adjacent 5 acre parcel (08-074-0022) on the north side of 08-074-0033.
- n. 375 South will increase and improve inter-connectivity to 1525 West.
- o. 375 South was shown on the 2005 Chestnut Farms master plan previously approved by the City.
- p. Wetlands may exist in the area, but the developer previously planned to mitigate these wetlands

The motion was seconded by **Jim Talbot** and approved by Council Members **Bilton, Michaelson, Ritz, Talbot** and **Young**.

The City Council took a 10-minute recess, and the meeting was resumed at 10:15 p.m.

Historic Landmark Designation

Annette Tidwell, Executive Director of the Farmington Historic Preservation Commission, introduced Chairperson **Alyssa Revell** and President of the Davis/Farmington DUP Company, **Diane Williams**. The Commission recommended that three properties be added to the Farmington Historic Landmarks Register. She gave a brief history of each site.

Public Hearing:

The Public Hearing opened at 9:45 p.m.—there were no public comments, and it was closed. The **Mayor** suggested that the City consider allocating funds for the placement of historical plaques at historic sites throughout the City.

Motion:

Jim Talbot made a motion to approve the Ordinance designating the Farmington City Cemetery, the Farmington Historical Museum, and the Charles Penrose Cabin as historic resources on the Farmington Historic Landmarks Register. The motion was seconded by **Jim Young** and approved by Council Members **Bilton, Michaelson, Ritz, Talbot** and **Young**.

Local Consent for Sushi Monster LLC Limited Service Restaurant License

Public Hearing:

The Public Hearing opened at 9:55 p.m. There were no public comments, and it was closed.

Motion:

John Bilton made a motion to approve the Local Consent form for the Sushi Monster LLC Limited Service Restaurant License, conditional upon compliance of all conditions of Title 32B of the Utah State Code and City Ordinances. **Nelsen Michaelson** seconded the motion which was approved by Council Members **Bilton, Michaelson, Ritz, Talbot and Young**.

SUMMARY ACTION:

Minute Motion Approving Summary Action List

- 1. Approval of Minutes from March 6th and March 20th**
- 2. Ratification of Approvals of Storm Water Bond Logs**
- 3. Arbor Day Proclamation**
- 4. Arendal Manor Subdivision**
- 5. Professional Service Fee Deposit**
- 6. 10.5-acre Expansion at Bus Park**
- 7. Appointment of Ron Robinson to the Farmington Trails Committee**
- 8. Union Pacific Railroad Easement for Pipe within Red Barn Lane**
- 9. UTA Easement for Pipe within Red Barn Lane**
- 10. Easement to the Weber Basin Water Conservancy District**

Motion:

Jim Talbot made a motion to approve Items 1-10 on the Summary Action List. The motion was seconded by **John Bilton** and approved by Council Members **Bilton, Michaelson, Ritz, Talbot and Young**.

11. Farmington Greens Open Space Acquisition

Mayor Harbertson explained that this open space was to be purchased using money from the Parks fund, but upon further review, the City decided to use funds from the Storm Drain Fund.

Motion:

Cory Ritz made a motion to authorize the Mayor to execute the purchase agreement between the Farmington Greens HOA and the City for the acquisition of open space. The parcel will be purchased for an amount not to exceed \$20,000 in back taxes from the storm drain fund. The motion was seconded by **Nelsen Michaelson** and approved by Council Members **Bilton, Michaelson, Ritz, Talbot and Young**.

PRESENTATION OF PETITIONS AND REQUESTS

Final Plat for Hunters Creek Phase 4A

David Petersen explained that the Council approved this Final Plat several years ago, but the approval expired. Woodside Homes lost the property with the downturn in the economy but recently regained control of the property and would like to finish the project. It is consistent with the Development Agreement and Master Plan. The Council discussed the yield plan and conservation easements.

Mayor/City Council comments:

Jim Talbot expressed concern regarding the viability of Woodside Homes and their ability to finish this project. **David Petersen** said Woodside has a strong partner who is purchasing the land, and staff feels confident that they will be able to see the project through.

Garrett Sealy was employed by Woodside in 2004 when this property was purchased. He left the company for six years but was recently hired to assist in finishing Hunters Creek. He cannot speak to the actions of Woodside during the time he was not employed by the company but said they are now financially viable and have the ability to complete the project.

Motion:

Nelsen Michaelson made a motion to approve the Final Plat for the Hunters Creek Phase 4 Subdivision (26 lots), located at approximately 2250 West 700 North, subject to the same conditions and findings established previously by the City Council at schematic plan and preliminary plat approvals as set forth in the supplemental information. The motion was seconded by **Cory Ritz** and approved by Council Members **Bilton, Michaelson, Ritz, Talbot and Young**.

Easement within Red Barn Lane for The Haws Companies (THC)

Jason Nelson, attorney for THC, said the origin of this easement was the Sept. 2008 “Road to the North” agreement executed between the City and Station Park LLC. Both parties agreed that a portion of Burke Lane would no longer be necessary once Station Park connected into the old existing Burke Lane alignment and that a small stub would remain. The contractual obligation of the City was to vacate the existing public right-of-way across that stub and grant an easement to THC. However, the easement could not be recorded with the Agreement because both parties were waiting on the alignment of Station Park. Once the alignment was decided, the City’s obligation was to immediately grant the easement, but it was never granted. THC could take a hard-line approach but prefer to work with the City towards a resolution.

He addressed three concerns outlined in the staff report and suggested a solution which would meet the needs of THC, the City, and the **Cook** family. Their first proposal: (a) both parties will abandon the Agreement; (b) the City will allow THC to leave the improvements which are there—subject to the rights of third parties; and (c) The City will allow THC to pave the driveway area out to the public road. THC will agree to maintain the road, the fence, and the landscaping. Their second proposal: The City will vacate the property—50% would go to the **Cooks** and 50% to THC as the adjoining landowners.

Jeff Cook said they have serious issues with the “Road to the North” Agreement. They were never contacted by the City, and as a result, they question the validity of the Agreement. They do not understand how the City could grant an easement on property they do not own and reminded the Council that their property line is the center of Burke Lane. The current alignment of the road takes a large swipe through their property, leaving them with a small triangle of land that is difficult to utilize.

City Manager **Dave Millheim** said there is no argument that the 2008 Agreement was flawed for a variety of reasons, and the easement issue needs to be resolved. There is no logical reason that the City would not allow THC to address the paving of Burke Lane, and no one wants to take away the **Cook’s**

rights. He advised the Council to vote on the motion and direct City staff and THC to further negotiate the issues. **Mr. Nelson** expressed concern regarding the ability of City staff and his client to reach a resolution because they have tried multiple times over several years to reach a resolution and have not been successful. **Dave Millheim** said that is because THC's definition of "negotiation" is to get exactly what they want. He did not appreciate the fact that **Mr. Nelson** personally attacked his integrity in a letter to the Farmington City Attorney. He explained that he has no reason to punish THC, but he has every desire to clean up the 2008 issue and stop arguing about it. However, it is bad public policy for the Council to make this decision without sufficient information and proper documentation. **Mayor Harbertson** agreed with the City Manager's advice and volunteered to participate in the negotiations. **Jerry Cook** said they would like to be involved with the discussions as well.

Motion:

Jim Young made a motion to authorize staff to create an easement for the use of Red Barn Lane for THC subject to the following conditions:

1. The legal description will be from the **Cook/Haws** property line on the west to the track area on the east. It will not go all the way out to Burke Lane so as to not restrict the **Cooks** in any way from their historical access rights.
2. The cost of the easement will be adjusted proportional to the square footage involved and will not be signed and recorded until that payment is received by the City and escrowed.
3. If THC does not accept the terms and conditions outlined herein, in writing, within 30 days of Council approval, this approval will lapse, and no further actions will be taken.
4. Should THC agree to the terms and conditions outlined herein within 30 days, the City Council will require the final easement agreement to be drafted and placed upon a future City Council agenda no later than June 30, 2012 for formal review and possible approval.
5. **Mayor Harbertson** will participate in the negotiations to act as a mediator between THC and staff.

The motion was seconded by **John Bilton** and approved by Council Members **Bilton, Michaelson, Ritz, Talbot** and **Young**.

Earl Kemp, 1383 Fairway Circle, Farmington, said THC is only asking for permission to pave the road to the trail at their cost. He watched a man in a wheel chair ride on the muddy road today and said it is used frequently as a trail access and will be of great value to the City.

Dave Millheim asked THC's attorney to prepare a draft for a completely new agreement which addresses the landscaping, fencing, and road issues. He asked that the draft include a mutual release clause and be made available prior to the meeting so the discussion can be more productive.

Cory Ritz left the meeting at 11:00 p.m.

GOVERNING BODY REPORTS

City Manager – Dave Millheim

1. Upcoming Agenda Items
2. To Do Lists
3. He spoke with Davis County regarding several power poles the County has paid for since 1976. The City will now pay the bills, and the County will not pursue reimbursement.
4. City staff met with residents concerning the south Main Street project which will begin on April 18th and should be finished in the fall.

5. He informed the Council that the Station Parkway bond has been paid off.
6. According to state code, the Council is required to adopt a draft budget by May 1st. Next week's work meeting has been cancelled—it has been rescheduled for Tues., May 1st from 4-6:00 p.m. Department heads will not attend, and areas of focus will include the general fund balance, \$500,000 earmarked for parks, a road repair budget, and staffing requests.
7. City Council pictures will be taken on May 1st.
8. He attended a meeting regarding the 2040 Transportation Plan for the Wasatch Front which is a very detailed, comprehensive look at future transportation needs.
9. The City held its EOC ShakeOut today, and staff compiled a hard copy of an emergency plan for the City which includes 80% of its GIS information. A copy has been placed in every City vehicle. He complimented **Matt McCullough** on his efforts.

Mayor Harbertson

- He asked for an update on the fire break road issue, and the City Manager reported that he is hoping for a resolution within 30-60 days.
- The City sent a formal request to **Judge Jensen** regarding receiving a monthly report on cases and is waiting for a response.
- The clean-up effort at Lagoon was significant—65 loads of debris were removed, and Lagoon was very appreciative of the City's assistance.
- The Easter Egg Hunt was sponsored by the Youth City Council and was a success.
- He and **John Bilton** will attend the Town Hall Meeting on Wed., April 18th.
- **Andrew Tolman's** accident/death has prompted resident **Becky Hale** and her sons to work on an Eagle Scout project to increase safety in several City crosswalks by installing brightly colored flags for pedestrian use. She will make a proposal at a future City Council meeting.

City Council

Jim Young

- **Jim Hansen** asked if ATVs have been made street legal yet. The Council discussed the issue a year and decided against it.

Nelsen Michaelson

- There is a street light on the corner of 250 S. 1275 W. which has not worked since the wind storm, and **Dave Millheim** said he will address the issue with Utah Power in the near future.

ADJOURNMENT

Motion:

John Bilton made a motion to adjourn the meeting. **Nelsen Michaelson** seconded the motion which was approved by Council Members **Bilton, Michaelson, Ritz, Talbot** and **Young**. The meeting was adjourned at 11:30 p.m.

Heidi Gordon, Planning Department Secretary
Farmington City Corporation

FARMINGTON CITY COUNCIL MEETING

May 1, 2012

BUDGET WORK SESSION

Present: Mayor Scott Harbertson, Council Members John Bilton, Nelsen Michaelson, Cory Ritz, and Jim Young, City Manager Dave Millheim, Finance Director Keith Johnson, City Recorder Holly Gadd and Recording Secretary Cynthia DeCoursey

Mayor Harbertson began the meeting at 4:15 p.m. City Finance Director **Keith Johnson** referred to the budget message for the Fiscal Year 2013 and proposed that the City focus on the following elements:

- The transfer of \$300,000 from the General Fund to the Capital Streets Fund for street paving and the reconstruction of south Main Street; and the transfer of \$500,000 to the Capital Park Fund as seed money to develop a new regional park and/or recreation center;
- A 3% overall increase for potential merit employee raises and a 1% increase for employees above a certain grade level;
- No tax or fee increases;
- Staffing—move the part-time secretary in the Community Development Dept. to full-time status and several employees in the Public Works Dept. from seasonal to full-time;
- Cut a portion of the department requests to ensure that the overall financial integrity of the City is maintained;
- Research other health insurance options as CIGNA has proposed a large increase in medical premiums;
- Fund balance will be slightly less than \$500,000 or 7.31% of the General Fund.

Keith Johnson presented various charts and graphs related to each of these points, and there was Council/Staff discussion of each issue. The motion to approve the tentative Budget needs to include a public hearing date for June 19, 2012. There will be a Special Budget meeting for the Mayor, the City Council, and each Department head on Tuesday, May 8, 2012 at 6:00 p.m.

WORK SESSION

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

Public Works Director **Walt Hokanson** presented information regarding the condition of the City's streets. The City has 163.52 miles of streets to maintain, and the work that has been completed is available on the City's GIS system. For 10 years the main source of funding was from the Class C Gas Tax, but those funds decreased with the downturn in the economy. The \$300,000 from 2012 and an additional \$300,000 in 2013 will help in preventive measures such as slurry seal and chip and seal. Street Superintendent **Ray White** said he inspects all of the streets in the City twice each year, and their

work crews also report any problems they may notice. The weather, frost, and the change of seasons can all change the status of a street. He listed the top ten priorities for street maintenance in the City, and details were included in the staff report.

Northeast Corner of Main Street and 1400 North Partial ROW Vacation

David Petersen said this vacation is necessary for the Villa Susanna PUD to have a fifth lot. Several residents were concerned, but once they were told that the right-of-way is behind the cement barrier, they were fine with it.

Approval of Schematic Plan for the Legacy Estates Subdivision Phases 1 & 2

Mayor Harbertson said the street length is typically measured from the middle intersection of the street to the middle of the cul-de-sac, but there is nothing in writing. **David Petersen** said that if the ordinance is unclear, the advantage goes to the property owner. The Planning Commission felt that the Ordinance should be amended. He also pointed out that one of the neighbors did not place his home strategically (the property was in Davis County rather than Farmington City), and that placement has presented problems for the Packs. **John Bilton** attended the PC meeting, and as he listened to the facts regarding this Plan, he said it may have been better to have some flexibility on this one, because if the rule was hard and fast, the developer would have been forced into a flag lot.

Consideration of Final Plat Approval and Final (PUD) Master Plan for the Villa Suzanna (PUD) Subdivision

David Petersen said the Planning Commission is concerned about additional traffic on 1400 North and asked that the City install a “reduced speed” or “% grade” to warn drivers. They would also like to review the elevations when they are submitted.

Consideration of Final Plat Approval for Phase 5 of the Spring Creek Estates Subdivision

There was a brief discussion regarding improvement agreements on several of these homes which were assigned to the City from Davis County, a future Burke Lane connection, and a one-way street.

Minute Motion Approving Summary Action List

- **Resolution refunding the 2009 \$1,250,000 G.O. Bond**

Keith Johnson informed the Council that the City decided to refinance the 2009 G.O. Bonds (\$1,250,000) at a lower interest rate. The average interest rate will drop from 4.56% to 2.23%, the life of the bonds will be shortened by one year, and the City will save over \$109,000.

- **Temporary Zoning Regulations regarding Smoke Shops**

There was a brief discussion regarding the temporary zoning regulations related to smoke shops. Staff plans to study the provisions of HB95, a bill that was recently approved by the Utah State Legislature and goes into effect on July 1, 2012.

REGULAR SESSION

Present: Mayor Scott Harbertson, Council Members John Bilton, Nelsen Michaelson, Cory Ritz, Jim Talbot, and Jim Young, City Manager Dave Millheim, Community Development Director David Petersen, Finance Director Keith Johnson, Public Works Director Neil Miller, City Recorder Holly Gadd Recording Secretary Cynthia DeCoursey, and Youth City Council Member Coleman Barnson.

CALL TO ORDER:

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

Mayor Harbertson began the meeting at 7:00 p.m. An opening prayer was offered by Nelsen Michaelson, and the Pledge of Allegiance was led by Dave Millheim.

REPORTS OF COMMITTEES/MUNICIPAL OFFICERS:

Executive Summary for Planning Commission meetings held April 12, 2012 and April 26, 2012

There were no comments and/or questions regarding these two meetings.

Presentation by Scott Zeivler regarding Tree City USA

Scott Zeivler, Utah Division of Forestry, said they partner with the Arbor Day Foundation to recognize cities that are committed to community forestry programs. This is the third year that Farmington City has been recognized, and he complimented the City for its efforts to clean up following the 2011 wind storm, to control black pineleaf scale, and to plant 18 new trees on Comcast Service Day. He presented the Tree City USA award to Public Works Director Neil Miller who said Parks Superintendent Colby Thackeray implemented the pest management program, and the award belongs to the entire City.

PUBLIC HEARINGS:

Northeast Corner of Main Street and 1400 North Partial ROW Vacation

David Petersen explained that the yield plan for the Villa Susanna development must show four 10,000 square foot (sf) lots. Therefore, the City must vacate portions of the public right-of-way on Main Street and 1400 North to increase the total area from 38,332 sf to 40,000 sf. The area being vacated is directly behind the concrete wall which sits within the current right-of-way and would not cause the sidewalk to be displaced from the right-of-way.

Public Hearing: The Public Hearing was opened at 7:15 p.m. There were no comments, and it was closed.

Motion:

Cory Ritz made a motion to approve the Ordinance vacating a portion of Main Street and 1400 North (as described in Exhibit “A” attached herein) as a public right-of-way. John Bilton seconded the motion which was approved by Council Members Bilton, Michaelson, Ritz, Talbot and Young.

Approval of Schematic Plan for the Legacy Estates Subdivision Phases 1 & 2

David Petersen said this 7-lot subdivision south of Glover Lane and approximately 487 West will consist of three one-acre lots in the first phase and four one-acre or larger lots in the second phase. The first three lots will have frontage on a public street extending south from Glover Lane. The City's standard for the length of a dead-end street is 1,000 feet, and the length of this road is slightly less than 1,000 feet. The Planning Commission ruled in favor of the property owner and felt it would be better to allow Lot 203 to be a standard lot rather than force it to be a long flag lot. Other concerns such as water, sewer, and storm will be reviewed in greater detail during the preliminary and final plat stages.

Public Hearing: The Mayor opened the Public Hearing at 7:20 p.m.

Carla Pack Peay, 684 West 910 North, West Bountiful, is **Brad Pack's** sister and a partner with him on this Subdivision. They believe that it will enhance the area and the community.

Eva Gissemann, 465 West 1025 South, said they are not opposed to this plan, but they want the Council to be aware of their water issues. A week ago a broken Weber Basin water line caused flooding on their property. A large portion of the drainage water in this area crosses their property—it has nowhere to go because **Mr. Pack** filled in all of the ditches. Their sewer line (a semi-pressurized line authorized by the Sewer District) and other utility lines are located on the west side of the road, and it would be a significant cost to them if any of the utility lines were damaged. The utility companies do not blue stake the lines because it is a private road.

John Kraczek, 1037 South 650 West, said when he purchased his property 34 years ago, he was told that Doberman Lane would become a public road and that curb and gutter would be installed on both sides, but the road was never dedicated. At the Planning Commission meeting, he and other residents who live west of Doberman Lane were told that they would be required to install their own curb and gutter. He asked what the costs would be and who would collect the funds.

David Petersen said the **Packs** are planning to install the curb and gutter on the east and west sides of the road and full improvements—including the park strip and sidewalk—on the east side. The City would enter into a pioneering agreement with the developer which would stipulate that each property owner pay for their share of the improvements. The City would collect the funds and reimburse the developer. **Dave Millheim** further explained that the property owners are in control of when that happens, but he advised then to wait until it can all be done at the same time. **Mr. Kraczek** said that would be reasonable and thanked City staff for their assistance.

Mike Gissemann, 465 West 1025 South, said when the City finally allowed them to build their home, they put a great deal of time and money into the road. He hauled in all of the materials for the road base, and he would like to be reimbursed for some of it. One of his neighbors—**Karlene Mower**—is land locked, and more than half of **John Kraczek's** property is landlocked. Ditches and ponds in the area are gone now, and the water runs onto his and his dad's property.

The Public Hearing was closed at 7:30 p.m.

Council discussion:

The Mayor asked if the City Engineer is aware of these issues, and **David Petersen** replied that **Tammy North** attended the PC meeting, and **Eva Gissemann** came to the last DRC meeting. He

confirmed that the storm drain line will be located in the road, and at some point there will be a new sewer trunk line for the entire Subdivision which the **Gissemans** will be able to connect with.

Motion:

Jim Young made a motion to approve an exception to the City's Street Design Standards by allowing the proposed cul-de-sac to be longer than 1,000 feet and to approve the attached Schematic Plan for the Legacy Estates Phases 1 & 2 Subdivision (7 lots) located at approximately 487 West Glover Lane, subject to the same conditions and findings established previously by the Planning Commission on April 12, 2012, and an additional finding that staff will conduct a careful review of the drainage issues. The motion was seconded by **Cory Ritz** and approved by Council Members **Bilton, Michaelson, Ritz, Talbot and Young**.

PRESENTATION OF PETITIONS AND REQUESTS:

Consideration of Final Plat Approval and Final (PUD) Master Plan for the Villa Suzanna (PUD) Subdivision

The applicant, **Frank McCullough**, has spoken with several developers/builders regarding this PUD. Each person seems to have their own ideas regarding prices—which could range from \$200,000-\$350,000. It will be a small but very attractive development, and he shared several additional elevations.

Motion:

Jim Talbot made a motion to approve final plat and final master plan; The motion was seconded by **John Bilton** and approved by Council Members **Bilton, Michaelson, Ritz, Talbot and Young**.

Consideration of Final Plat Approval for Phase 5 of the Spring Creek Estates Subdivision

Motion:

Nelsen Michaelson made a motion to approve the Final Plat for Phase 5 of the Spring Creek Estates Subdivision subject to the following conditions:

1. The applicant will work with the City's Development Review Committee to address and comply with any outstanding issues related to the Final Plat—including, but not limited to—planning, engineering, storm water, sewer, culinary and secondary water and public works.
2. The applicant must comply with all conditions of preliminary plat approval and provisions of the development agreement.

Cory Ritz seconded the motion which was approved by Council Members **Bilton, Michaelson, Ritz, Talbot and Young**.

Findings:

1. The proposed Final Plat is consistent with the approved Preliminary Plat.
2. The proposed Subdivision meets all the requirements for approval of a final plat.

SUMMARY ACTION:

Minute Motion Approving Summary Action List

1. Resolution refunding the 2009 \$1,250,000 G.O. Bond
2. Ratification of Approvals of Storm Water Bond Logs
3. Installation of Bridge over Shepard Creek, south of Ranches Park
4. Approval of Disbursement Lists for March 2012
5. Temporary Zoning Regulations regarding Smoke Shops

Motion:

Jim Young made a motion to approve the five items on the Summary Action List. **Jim Talbot** seconded the motion, and Council Members **Bilton, Michaelson, Ritz, Talbot** and **Young** approved it.

CONSIDERATION OF ORDINANCES/RESOLUTIONS/AGREEMENTS:

Resolution adopting the Tentative Budget for Fiscal Year 2013

Motion:

John Bilton made a motion to approve the Resolution adopting the tentative budget for the Fiscal Year 2012-2013 and to schedule the public hearing to adopt the budget on June 19, 2012. **Jim Talbot** seconded the motion, and Council Members **Bilton, Michaelson, Ritz, Talbot** and **Young** approved it.

GOVERNING BODY REPORTS

City Manager – Dave Millheim

- The Upcoming Agenda Items and To Do Lists were included in the staff report, and he had nothing further to report.

Mayor – Scott Harbertson

- He thanked **Neil Miller** and his staff for the wonderful job they did on the Comcast Day of Service. There were 550 volunteers who participated on multiple projects throughout the City.
- He asked if any Council Members would be able to attend a FEMA emergency training course August 26-31 in Maryland. He offered his spot to a Council Member. **Cory Ritz, Nelsen Michaelson,** and **Jim Young** said they will check their calendars.

City Council

John Bilton:

- No report

Cory Ritz:

- No report

Jim Young:

- No report

Jim Talbot:

- The paintings for the downstairs lobby are finished, and he asked staff to hang them as soon as possible. He is very pleased with the paintings which were done by Farmington residents and will add life to the building.
- He received an email from resident **Brooke Lewis** who is concerned about young children crossing 200 East near 1395 South on Sundays, and youth who cross at the same location during the week. YCC Member **Coleman Barnson** said residents are expected to cross at the Reading Elementary crosswalk, and resident **Alex Pace** was hit by a car in this area. **Dave Millheim** agreed to speak with **Chris Petersen** at UDOT concerning the issue.

Nelsen Michaelson:

- No report

Motion:

At 8:05 p.m. **John Bilton** made a motion to adjourn the meeting. The motion was seconded by **Nelsen Michaelson** and approved by Council Members **Bilton, Michaelson, Ritz, Talbot** and **Young**.

Holly Gadd, City Recorder
Farmington City Corporation

ORDINANCE NO. 2012 _____

AN ORDINANCE AMENDING AND RECODIFYING TITLE 3 OF THE FARMINGTON MUNICIPAL CODE REGARDING ADMINISTRATION, INCLUDING PROVISIONS RELATED TO APPOINTED OFFICERS, DEPARTMENTS, COMMITTEES, HUMAN RESOURCES, GOVERNMENT RECORDS, AND PROCUREMENT

WHEREAS, there have been a number of State statutory changes relating to appointed officers, government records, employee appeals board, and procurement; and

WHEREAS, in light of such State statutory changes and other recommended updates, Staff has evaluated, reviewed and prepared suggested revisions, renumbering and updates to Title 3 of the Farmington Municipal Code regarding Administration and recommends adoption of the revisions as more particularly set forth herein; and

WHEREAS, the City Council has reviewed the recommended changes to Title 3 of the Farmington Municipal Code and desires to adopt the recommended revisions, renumbering and updates as more particularly set forth herein to comply with the requirements of State law; and

WHEREAS, the City Council finds that the proposed revisions, renumbering and updates to Title 3 are in the best interest of the public to ensure that the City's ordinances are up to date and in compliance with applicable provisions of State law.

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

Section 1. Amendment and Recodification. Title 3 of the Farmington City Municipal Code regarding Administration is hereby amended, renumbered and recodified to read in its entirety as set forth in **Exhibit "A,"** attached hereto and incorporated herein by this reference.

Section 2. Repealer. The amendment, renumbering and recodification of Title 3 of the Farmington Municipal Code shall be a repeal of all ordinances in conflict with the adopted and codified Ordinances, provided however, all ordinances in force prior to the adoption and codification shall continue in force after the adoption and codification for the purpose of all rights acquired, fines, penalties, forfeitures and liabilities incurred and actions therefor.

Section 3. Severability Clause. If any section, part or provision of this Ordinance is held invalid or unenforceable, such invalidity or unenforceability shall not affect any other portion of this Ordinance, and all provisions, clauses and words of this Ordinance shall be severable. This Section shall become effective without codification.

Section 4. Effective Date. This Ordinance shall become effective upon publication or posting, or twenty (20) days after adoption, whichever occurs first.

PASSED AND ADOPTED BY THE CITY COUNCIL OF FARMINGTON, STATE OF UTAH, ON THIS ____ DAY OF MAY, 2012.

FARMINGTON CITY

By: _____
Mayor Scott Harbertson

ATTEST:

Holly Gadd, City Recorder

Voting by the City Council:

	"AYE"	"NAY"
Councilmember Bilton	_____	_____
Councilmember Michaelson	_____	_____
Councilmember Ritz	_____	_____
Councilmember Talbot	_____	_____
Councilmember Young	_____	_____

EXHIBIT "A"

TITLE 3 ADMINISTRATION

TITLE 3

ADMINISTRATION

CHAPTER 3-01.	APPOINTED OFFICES
CHAPTER 3-02.	DEPARTMENTS AND DIVISIONS
CHAPTER 3-03.	BOARDS AND COMMITTEES
CHAPTER 3-04.	HUMAN RESOURCES
CHAPTER 3-05.	GOVERNMENT RECORDS
CHAPTER 3-06.	PROCUREMENT AND SURPLUS PROPERTY

CHAPTER 3-01. APPOINTED OFFICES

3-01-010.	Appointed Offices.
3-01-020.	Appointment and Vacancies <u>Removal.</u>
3-01-030.	Oath of Office.
3-01-040.	Bond.
3-01-050.	Salaries.
3-01-055.	Utah Retirement System.
3-01-060.	Transfer of Records.
3-01-070.	Conflicts of Interest.
3-01-080.	City Manager.
3-01-090.	City Recorder.
3-01-100.	City Treasurer.
3-01-110.	City Attorney.
3-01-120.	City Engineer.
3-01-130.	City Chief of Police <u>Chief.</u>
3-01-140.	City Fire Chief.

3-01-010. Appointed Offices.

The City Council may create any appointed office deemed necessary for the government of the City and shall prescribe the powers and duties to be performed by appointed officials, including, but not limited to, the City Manager, ~~the~~ City Recorder, ~~the~~ City Treasurer, ~~the~~ City Attorney, ~~the~~ City Engineer, ~~the~~ City Police Chief, and ~~the~~ City Fire Chief.

3-01-020. Appointment and ~~Vacancies~~Removal.

Appointed officers shall be appointed ~~or vacancies filled~~ in accordance with the provisions of this Title and applicable provisions of Utah Code Ann. §§ 10-3-901, et seq., as amended, regarding Appointed Officials Title 10, Chapter 3 of the Utah Code Annotated. ~~Except as otherwise provided herein regarding the appointment of the City Manager, the~~ Mayor, with the advice and consent of the City Council, shall ~~may~~ appoint and fill vacancies in all appointed offices provided for by law or ordinance. ~~Except as otherwise provided herein regarding the dismissal of the City Manager and unless~~ ~~Unless~~ otherwise provided by law, appointed officers shall serve at the pleasure of the City Council and may be removed with or without cause by a majority vote of the City Council. Unless sooner removed as provided herein, all appointed officers shall continue in office until their successors are appointed and qualified. The City Manager may provide written recommendation to the Mayor and City Council regarding the appointment or dismissal of any appointed officer as more particularly provided in Section 3-01-080. ~~Except as otherwise provided herein, the Mayor and City Council will not recommend, suggest, or require of the City Manager the appointment or removal of any other City employee except for appointed officers as set forth in Section 3-01-010 and department heads as specified in Section 3-02-020.~~

3-01-030. Oath of Office.

(a) Required. Before entering on the duties of their respective offices, all appointed officers of the City shall take, subscribe and file the constitutional oath of office as set forth in Article IV, Section 10 of the Utah Constitution.

(b) Administered. The oath of office shall be administered by ~~the City Recorder or~~ any judge, justice court judge, or notary public, or the City Recorder.

(c) Filed. All oaths of office shall be filed with the City Recorder, except that of the City Recorder, which shall be filed with the City Treasurer, pursuant to Utah Code Ann. § 52-1-4, as amended.

(d) Failure to Comply. No official act of any officer shall be invalid for the reason that he or she failed to take the oath of office.

3-01-040. Bond.

(a) Required. The Treasurer and the Finance Director shall be required to furnish a bond in accordance with the provisions set forth herein. All other appointed officers of the City may, by resolution or ordinance, be required to furnish a personal bond with good and sufficient sureties or corporate surety bond payable to the City in such sum as the resolution or ordinance may establish, conditioned for the faithful performance of the duties of their office and the payment of all monies received by such officers according to law, or such officers may be included within public employee blanket bonds at such amounts as may be determined by the City Council.

(b) Treasurer and Finance Director's Bond. The City Treasurer and Finance Director's bond shall be in the amount established by the State Money Management Council pursuant to *Utah Code Ann.* § 51-7-15, as amended.

(c) Filed. All bonds shall be filed with the City Recorder, except the City Recorder's bond, if required, which shall be filed with the City Treasurer.

(d) Premium Charge. The premium charge by a corporate surety for any official bond shall be paid by the City.

(e) Additional Bonds. The City Council may at any time require further and additional bonds of any or all appointed officers of the City by resolution or ordinance.

3-01-050. Salaries.

(a) Salary. Appointed officers shall receive such compensation for their services as the City Council may fix or amend by ordinance in accordance with notice and hearing requirements set forth in *Utah Code Ann.* § 10-3-818, as amended.

(b) Monthly Compensation. The compensation of municipal officers shall be paid at least monthly.

3-01-055. Utah Retirement System.

For purposes of determining eligibility under the Utah Retirement System and provisions of the Utah State Retirement and Insurance Benefit Act, as set forth in Title 49 of the Utah Code, the City hereby certifies that any appointive officer position requiring less than forty (40) hours of work per week shall be considered a part-time appointive officer position. Unless otherwise provided by law, any appointive officer appointed for the first time to a part-time appointive officer position on or after July 1, 2011, shall not be eligible for participation in the Utah Retirement System.

3-01-060. Transfer of Records.

Every officer of the City, upon expiration of his or her term for any cause whatsoever shall, within five (5) days after notification and request to do so, deliver to the City his or her successor all books, property, keys, and records which are may be the property of the City.

3-01-070. Conflicts of Interest.

All appointed officers of the City shall conduct themselves in an appropriate manner, including adherence to the conflict of interest and disclosure filing provisions of the Utah Officers' and Employees' Ethics Act, set forth at *Utah Code Ann.* § 10-3-1301, *et seq.*, as amended, hereby adopted by reference as if fully set forth herein.

3-01-080. City Manager.

(a) Appointment. The office of City Manager has been heretofore created and established under existing law and shall continue in force and effect as an appointed office of the City in accordance with Utah Code Ann. § 10-3-830, as amended. The City Council shall appoint a qualified person to act as City Manager. Pursuant to *Utah Code Ann.* § 10-3b-302, as amended, 10-3-101, the Mayor shall have the right to vote in the appointment of the City Manager.

(b) Term of Office and Severance Pay. The City Manager shall serve at the pleasure of the City Council and may be terminated at any time with or without cause by a majority vote of the City Council. Pursuant to *Utah Code Ann.* § 10-3b-302, 10-3-101, the Mayor shall have the right to vote in the dismissal of the City Manager. In any case where the City Manager is removed without cause, the City shall pay to the City Manager severance pay equal to six (6) months' salary and benefits at the current rate at the time of removal. The City Manager position is an at-will position and is exempt from the protections of Utah Code Ann. § 10-3-1105(1)(a), as amended. As such, the City Manager may be terminated with or without cause and shall not be entitled to due process appeal procedures as set forth in Utah Code Ann. § 10-3-1106, as amended.

(c) Office. The City Manager shall maintain an office in City Hall and shall spend such time in the performance of his or her duties as is necessary or as may be required from time to time by the City Council, but not less than forty (40) hours per week. The City Manager need not be a resident or qualified elector of the City, but should maintain his or her residence within a reasonable driving distance of the City.

(d) Resignation. Before voluntarily resigning from the position of City Manager, the City Manager shall give the City Council at least thirty (30) days notice in writing of his or her intent to resign.

(e) Other Employment. The City Manager shall not accept any outside employment in addition to employment by the City without prior annual written approval of the City Council.

(f) Powers of Mayor not Delegated. The legislative and judicial powers and ceremonial functions of the Mayor, his or her position as chairman of the City Council, and any ex officio position he or she may hold, shall not be delegated to the City Manager. Any changes to the powers and duties of the Mayor, as delegated to the City Manager, shall comply with applicable provisions of Utah Code Ann. § 10-3b-303, as amended.

(g) Duties. The City Manager shall at all times be under the control and supervision of the City Council, and shall administer the day-to-day operations of the City and its services according to the policies and programs established by the City Council. The following duties and the authority to perform them are hereby delegated to the City Manager. The City Manager may delegate his or her duties to department heads or other subordinates as deemed appropriate.

(1) Appointment and Removal of Employees. Appointed Officers. ~~The City Manager~~ may recommend to the Mayor and City Council the appointment or removal of appointed officers, whose employment or appointment may be terminated only by the City Council. The City Manager shall have authority to hire appoint and terminate remove all other department heads with the advice and consent of the City Council. The City Manager shall have authority to hire appoint and terminate remove all other City employees. The City Manager may delegate ~~the this~~ authority to hire or terminate employees by authorizing the head of a department ~~or office~~ to hire, appoint, suspend, or remove subordinates in such department ~~or office~~ in accordance with City Personnel Policies and Procedures.

(2) Interpretation of Policy. The City Manager shall, whenever a question of the interpretation or operation of City policy arises, consult with the Mayor, who has full executive authority to interpret, apply, and implement City policy, subject to review, further direction, and revision of policy by the City Council at its meetings. Whenever the Mayor has been called upon to interpret, apply or implement City policy, the City Council shall be notified thereof at or prior to the next meeting of the City Council, in order that the City Council may consider City policy in light of its executive interpretation, application, implementation, and administration.

(3) Supervision. The City Manager has general supervisory authority over all City employees and shall provide direct supervision to and have direct responsibility over all department heads. The City Manager shall manage, direct, or otherwise supervise the construction, reconstruction, maintenance or repair of public works and related facilities, and activities such as but not limited to the following: parks, playgrounds, cemeteries, waterworks, storm sewers, drains, ditches, culverts, streets, water courses, curbs and gutters, sidewalks, alleys, lanes, bridges, garbage collection and municipal buildings.

(4) Property. The City Manager shall be responsible for the care and custody of all real and personal property of the City, including equipment, buildings, parks and all other City property which is not by law, City Ordinance, or job description, assigned to some other department, employee, office or body for care and control.

(5) Buildings and Safety. The City Manager shall oversee the issuing of building permits; the inspection of buildings, plumbing, electrical, mechanical, and other installations; and supervise and oversee all functions of the Public Safety Department.

(6) Purchasing and Claims. The City Manager shall act as purchasing agent for the City. As such, the City Manager shall see that all goods purchased by and for the City are received as per contract, shall approve all claims before presentation to the City Council for payment, and shall enforce and carry out all provisions of the ordinances of the City relating to purchasing.

(7) Council Meetings. The City Manager shall attend all meetings of the City Council ~~and may with the right to~~ take part in the discussion and to recommend to the City Council adoption of such measures as the City Manager may deem necessary or expedient, ~~but not to vote.~~

(8) Budget and Finances. The City Manager shall act as the budget officer for the City and shall perform or cause to be performed all of the duties of such office as set forth in the Utah Uniform Municipal Fiscal Procedures Act. The City Manager shall prepare the budget annually and submit it to the City Council together with a message describing the important features, and shall administer the budget after its adoption. The City Manager shall also exercise budgetary control over City departments and services, pre-audit claims and disbursements of City funds, keep the City Council advised as to the financial condition and needs of the City, and make such recommendations to the City Council as may be desirable.

(9) Contracts. The City Manager shall review and make recommendations to the City Council concerning all proposed contracts to which the City may be a party and shall see that the terms of any contract to which the City is party are fully performed by all parties thereto.

(10) Policy Proposals. The City Manager shall propose plans and programs concerning the development, operation and needs of the City and submit such plans to the City Council to be approved and developed as policy.

(11) Management Controls. The City Manager shall set performance standards and exercise managerial control to ensure that the City government is functioning in the most efficient and effective manner.

(12) Organization. The City Manager shall recommend creation and organization of all necessary departments, divisions, bureaus and offices necessary for the government of the City to the City Council for its approval prior to implementation.

(13) Records. The City Manager shall examine the books, records, and official papers of the City's departments and offices.

(14) Emergencies. The City Manager shall serve as Emergency Services Director with duties as prescribed under the Farmington City Emergency Preparedness Plan.

(15) Emergency Notification. The City Manager shall notify the Mayor immediately upon the City Manager's cognizance of any emergency situation existing in any department or office under his or her supervision where the emergency threatens to interrupt normal City operations. The City Manager will then inform members of the City Council of the emergency as soon as is reasonably possible.

(16) Utility Billing Disputes. The City Manager shall settle disputes regarding utility billings and fees in accordance with policies and procedures as set by resolution or ordinance of the City Council.

(17) Other. The City Manager shall have such other powers and shall perform such other duties and obligations as may be required of him or her by state law or by ordinance or resolution of the City Council.

(h) Disbursement of Funds. The City Manager shall not disburse funds of the City nor obligate the City to disburse funds, if the amount of such disbursement exceeds five thousand dollars (\$5,000), ~~five hundred dollars (\$500.00)~~, unless approval of the City Council is first obtained for such disbursement obligation. If the disbursement or obligation is contained within the intent of a duly adopted budget, or is made pursuant to a contract authorized by the City Council, or is made in payment of salary at an approved rate, then the disbursement or obligation shall be deemed approved for purposes of this subsection. An obligation made in violation of this subsection shall be null and void.

(i) Duties of Mayor Relative to City Manager. The duties of the Mayor relative to the City Manager shall be as follows:

(1) Appointment and Removal of City Manager. The Mayor shall recommend the appointment or removal of the City Manager, with or without cause, to the City Council, and may vote on the appointment or dismissal of the City Manager as provided by law.

(2) Appointment of Appointed Officers. The Mayor shall appoint ~~and remove~~ appointed officers of the City, with the advice and consent of the City Council, as more particularly provided in Section 3-01-020 Title 2, Chapter 2. The City Manager may recommend the appointment or removal of appointed officers to the Mayor and City Council.

(3) Boards and Committees. The Mayor, with the advice and consent of the City Council, shall appoint persons to fill openings on City boards, committees and commissions.

(j) Duties and Powers of City Council Relative to City Manager. The duties and powers of the City Council relative to the City Manager shall be as follows:

(1) Appointment and Removal of City Manager. The City Council shall appoint and remove, with the participation of the Mayor as provided by law, the City Manager by majority vote thereof. The City Council may conduct annual performance evaluations of the City Manager.

(2) Policy. The City Council shall pass upon and determine all questions of policy, unless such policies relate to the administrative duties of the City Manager as defined in Section 3-01-080 in which case the City Manager may create policies as needed to perform his or her defined duties.

(3) Appointments. The City Council shall give advice and consent to the appointment of all officers and the appointment of persons to City boards, committees and commissions, as more particularly provided by law and in these Ordinances.

(4) Administration. The City Council shall create new departments and organize the City's administration.

3-01-090. City Recorder.

(a) Appointment. On or before the first Monday in February following a municipal election, the Mayor, with the advice and consent of the City Council, shall appoint a qualified person to the office of **City Recorder.** The City Recorder position is an at-will position and is exempt from the protections of Utah Code Ann. § 10-3-1105(1)(a), as amended. As such, the City Recorder may be terminated with or without cause and shall not be entitled to due process appeal procedures as set forth in Utah Code Ann. § 10-3-1106, as amended.

(b) Office. The office of the City Recorder shall be located at ~~occupy an office in the~~ City Hall or at some other place convenient thereto as the City Council may direct.

(c) Supervision. The City Recorder shall be supervised by the Finance Director under the direction of the City Manager.

(d) Corporate Seal. The City Recorder shall keep the Corporate Seal. When certified by the City Recorder under the Corporate Seal, copies of all papers filed in the City Recorder's office and transcripts from all records of the City Council shall be admissible in all courts as originals.

(e) Meetings of City Council. The City Recorder, or his or her designee, shall attend the meetings and keep the record of the proceedings of the City Council.

(g) Actions of City Council. The City Recorder shall record all ordinances, resolutions, and regulations passed by the City Council.

(g) Contracts. The City Recorder shall countersign all contracts made on behalf of the City or to which the City is a party and shall maintain a properly indexed record of all such contracts.

(h) Fiscal Procedures. ~~The City Recorder's shall perform all required duties under of the~~ Uniform Fiscal Procedures Act for Utah Cities have been delegated to the Finance Director in accordance with as set forth in Utah Code Ann. §§ 10-6-157, 10-6-101, et seq., as amended.

(i) Elections and Appointments. The City Recorder shall manage all municipal election procedures and requirements as provided in Title 20A of the Utah Code Annotated, as amended, and

shall keep a record of all persons elected or appointed to any office within the City, including the date of appointment or election, term of office, date of death, resignation, or removal, and name of person appointed to fill any vacancy. Election duties may be performed by Davis County pursuant to agreement between the City and County.

(j) Records of the City. The City Recorder shall keep all of the books, records, accounts and documents of the City at the Recorder's Office. Such records shall be open for public inspection pursuant to the provisions of the Utah Government Records Access and Management Act.

(k) Limitations. The City Recorder shall not serve as the City Treasurer.

(l) Warrants. In the event the City is without funds on deposit to pay any lawfully approved claims, the City Recorder shall draw and sign a warrant upon the City Treasurer for payment of the claim, pursuant to Utah Code Ann. § 10-6-140, as amended.

(m) Additional Duties. The City Recorder shall perform such other and further duties as the City Council may provide by ordinance, resolution, regulation or directive.

3-01-100. City Treasurer.

(a) Appointment. On or before the first Monday in February following a municipal election, the Mayor, with the advice and consent of the City Council, shall appoint a qualified person to the office of City Treasurer. The City Treasurer position is an at-will position and is exempt from the protections of Utah Code Ann. § 10-3-1105(1)(a), as amended. As such, the City Treasurer may be terminated with or without cause and shall not be entitled to due process appeal procedures as set forth in Utah Code Ann. § 10-3-1106, as amended.

(b) Custodian. The City Treasurer shall be the custodian of all money, bonds, or other securities of belonging to the City.

(c) Collections. The City Treasurer shall collect and receive all monies payable to the City, including taxes, assessments, licenses, fines, forfeitures, service charges, fees and other revenues of the City. The City Treasurer shall keep an accurate account of all monies received hereunder and shall promptly deposit all such monies in the appropriate bank accounts of the City.

(d) Receipts. The City Treasurer shall give or cause to be given to every person paying money to the City Treasury, a receipt or other evidence of payment therefor, specifying the date of payment and the account paid. The City Treasurer shall file the duplicate of such receipt, a summary report, or other evidence of payment in the office of the Finance Director.

(e) Checks. The City Treasurer, or other ~~designated~~ person designated by the City Council, shall sign all checks prepared by the City and shall, prior to affixing said signature, determine or cause to be determined that sufficient funds are on deposit in the appropriate bank account of the City to honor such check.

(f) Warrants. In the absence of appropriate monies, the The City Treasurer shall pay all warrants in the order in which presented and as money becomes available for payment thereof in the appropriate funds of the City. The City Treasurer shall note upon the back of each warrant presented the date of presentation and the date of payment, pursuant to Utah Code Ann. § 10-6-144, as amended.

(g) Special Assessments. All monies received by the City Treasurer on any special assessment shall be applied to the payment of the improvement for which the assessment was made.

(h) Accounting. The City Treasurer shall keep an accurate and detailed accounting of transactions, receipts, collections, disbursements and other matters within the Treasurer's charge as provided by State law or as the City may by ordinance or resolution direct.

- (i) Limitations. The City Treasurer shall not serve as the City Recorder.
- (j) Supervision. The City Treasurer shall be supervised by the Finance Director.
- (k) Investments. The City Treasurer shall invest the City's idle funds with qualified depositories as determined by the standards set forth by the Utah Money Management Council and under the supervision and direction of the Finance Director.
- (l) Payroll. The City Treasurer shall prepare the City payroll.
- (m) Additional Duties. The City Treasurer shall perform such other and further duties as the City Council may provide by ordinance, resolution, regulation or directive.

3-01-110. City Attorney.

(a) Appointment. The City may contract with, retain, or appoint an attorney licensed to practice law in the State of Utah to the office of City Attorney to provide such legal assistance to the City as may be necessary. The City Attorney shall be appointed by the Mayor with the advice and consent of the City Council. The City Attorney shall act as legal advisor to the City in all matters pertaining to contracts with or by the City or questions of legality arising out of any law, ordinance or otherwise, and shall advise all City officers in relation to their official duties.

(b) Criminal Prosecutor. The City may contract with, retain or appoint an attorney or attorneys licensed to practice law in the State of Utah for the performance of criminal prosecutorial legal services.

(c) At-Will Position. If the City hires or appoints a person to act as City Attorney or Criminal Prosecutor, such positions are deemed at-will positions and are exempt from the protections of Utah Code Ann. § 10-3-1105(1)(a), as amended. As such, any person hired or appointed to act as City Attorney or Criminal Prosecutor may be terminated with or without cause and shall not be entitled to due process appeal procedures as set forth in Utah Code Ann. § 10-3-1106, as amended.

3-01-120. City Engineer.

(a) Appointment. The City may contract with, retain, or appoint an engineer licensed to practice engineering in the State of Utah to the office of City Engineer. The City Engineer shall be appointed by the Mayor with the advice and consent of the City Council. Any person appointed or retained as City Engineer shall be a registered professional engineer under Title 58, Chapter 22 of the *Utah Code*, as amended. If the City hires or appoints a person to act as City Engineer, such position is deemed an at-will position and is exempt from the protections of Utah Code Ann. § 10-3-1105(1)(a), as amended. As such, any person hired or appointed to act as the City Engineer may be terminated with or without cause and shall not be entitled to due process appeal procedures as set forth in Utah Code Ann. § 10-3-1106, as amended.

(b) Records. The City and/or the City Engineer shall maintain all maps, plans, plats, profiles, drawings, final estimates, specifications and contracts which in any way relate to the public improvements and engineering affairs of the City and the holder of such records shall ensure public accessibility to the same as required by law.

(c) Recording. The City Engineer shall record and file all drawings and documents pertaining to public lands and improvements of the City, and shall maintain such records and files in good condition allowing no alteration, mutilation or changes to be made. The recording or filing of any drawing or instrument with the City shall not conflict in any way with the recording or filing of the same in other offices of record.

(d) Fees. The City Engineer shall not record any drawings or instruments, file any papers or notices, furnish any copies, or render any service connected with his or her official duties, until the required fees for the same are paid or tendered as required by law or City ordinance.

(e) Seal. The City Engineer shall have a seal for his or her use, which seal shall be affixed to every certification approval.

(f) Additional Duties. The City Engineer shall perform such other and further duties as the City Council may provide by ordinance, resolution, regulation or directive.

3-01-130. City-Police Chief of Police.

(a) Appointment. The Mayor shall, with the advice and consent of the City Council, appoint a qualified person to the office of City-Police Chief of Police. Pursuant to Section 3-01-080, the City Manager may provide written recommendation to the Mayor and City Council regarding the appointment or dismissal of the Police Chief. The Police Chief position is an at-will position and is exempt from the protections of Utah Code Ann. § 10-3-1105(1)(a), as amended. As such, the Police Chief may be terminated with or without cause and shall not be entitled to due process appeal procedures as set forth in Utah Code Ann. § 10-3-1106, as amended.

(b) Supervised by City Manager. The Police Chief of Police shall be under the direction, control and supervision of the City Manager, as delegated from the appointing authority, and shall exercise and perform such duties as may be prescribed by the City Council.

(c) Hiring. Pursuant to City Personnel Policies and Procedures, the Police Chief of Police may hire police officers as may be authorized in the budget by the City Council. The appointment of any assistants to the Police Chief shall be made pursuant to Utah Code Ann. § 10-3-918, as amended, requiring the consent of the person or body who appointed the Chief of Police.

(d) Duties. The Police Chief of Police shall have the same authority and responsibilities as sheriffs and constables of Davis County, Utah, as provided by law, and shall in addition to other Statewide authority as otherwise provided by law:

- (1) suppress riots, disturbances, and breaches of the peace;
- (2) apprehend all persons violating State laws or City ordinances;
- (3) diligently discharge his or her duties and enforce all ordinances of the City to preserve the peace, good order, and protection of the rights and property of all persons;
- (4) attend court the municipal Justice Court of the City when required, on behalf of the City; provide security for such Court, and obey its orders and directions; and
- (5) exercise and perform such other and further duties as the City Council may provide by ordinance, resolution, regulation or directive.

3-01-140. City-Fire Chief.

(a) Appointment. The Mayor shall, with the advice and consent of the City Council, appoint a qualified person to the office of City-Fire Chief. Pursuant to Section 3-01-080, the City Manager may provide written recommendation to the Mayor and City Council regarding the appointment or dismissal of the Fire Chief. The Fire Chief position is an at-will position and is exempt from the protections of Utah Code Ann. § 10-3-1105(1)(a), as amended. As such, the Fire Chief may be terminated with or without cause and shall not be entitled to due process appeal procedures as set forth in Utah Code Ann. § 10-3-1106, as amended.

| (b) Supervised by City Manager. The ~~City~~ Fire Chief shall be under the direction, control and supervision of the City Manager, and shall exercise and perform such duties as may be prescribed by the City Council.

| (c) Hiring. Pursuant to City Personnel Policies and Procedures, the ~~City~~ Fire Chief may hire fire fighters as may be authorized in the budget by the City Council.

| (d) Duties. The ~~City~~ Fire Chief shall have the authority and responsibility of fire prevention and suppression within the City and shall perform such other duties as may be prescribed by the City Council or as provided by law.

CHAPTER 3-02. DEPARTMENTS AND DIVISIONS

- 3-02-010. Departments.
- 3-02-020. Department Heads.
- 3-02-030. Public Works Department.
- 3-02-040. Public Works Director.
- 3-02-050. Community Development Department.
- 3-02-060. Community Development Director.
- 3-02-070. Parks & Recreation Department.
- 3-02-080. Parks & Recreation Director.
- 3-02-090. Finance Department.
- 3-02-100. Finance Director/Assistant City Manager.
- 3-02-110. Police Department.
- 3-02-120. Police Chief of Police.
- 3-02-130. Fire Department.
- 3-02-140. Fire Chief.

3-02-010. Departments.

The City Council may create any department, division or section deemed necessary or appropriate for the administration of the City and shall prescribe by resolution or ordinance the organization, powers and duties of such departments, divisions or sections.

3-02-020. Department Heads.

Except as otherwise provided by law, the City Manager, with the advice and consent of the City Council, shall appoint a qualified person to direct and administer each department, to be known and referred to as "Department Heads." Unless otherwise provided by law, Department Heads shall serve at the pleasure of the City Council and may be removed by the City Manager, with the advice and consent of the City Council, with or without cause ~~by a majority vote of the City Council.~~ Department Heads shall be under the direct control and supervision of the City Manager. Department Heads shall obtain annual written approval from the City Manager prior to accepting or pursuing employment outside his or her duties as a City Department Head. The powers and duties of the Department Heads shall be prescribed by ordinances, resolutions, regulations and job descriptions approved and adopted by the City Council, or as delegated from the City Manager. All Department Head positions described in this Chapter shall be deemed to constitute a "head of a municipal department" as such term is used in Utah Code Ann. § 10-3-1105, as amended. All Department Head positions are deemed at-will positions and are exempt from the protections of Utah Code Ann. § 10-3-1105(1)(a), as amended. As such, Department Heads may be terminated with or without cause and shall not be entitled to due process appeal procedures as set forth in Utah Code Ann. § 10-3-1106, as amended.

3-02-030. Public Works Department.

There is hereby created and established a Public Works Department within the City which shall be responsible for maintaining public properties of the City including, but not limited to, streets, ~~parks,~~ storm drain facilities, and water facilities of the City.

3-02-040. Public Works Director.

There is hereby created the position of Public Works Director who shall act as the Department Head of the Public Works Department. The Public Works Director shall have such powers and duties as designated and assigned to him or her by the City Council. The Public Works Director position is an at-will position and is exempt from the protections of Utah Code Ann. § 10-3-1105(1)(a), as amended. As such, the Public Works Director may be terminated with or without cause and shall not be entitled to due process appeal procedures as set forth in Utah Code Ann. § 10-3-1106, as amended.

3-02-050. Community Development Department.

There is hereby created and established a Community Development Department within the City which shall be responsible for the administration of planning and zoning policies of the City and which shall oversee and regulate all building, construction and development activities within the City.

3-02-060. Community Development Director.

There is hereby created the position of Community Development Director who shall act as the Department Head of the Community Development Department. The Community Development Director shall have such powers and duties as set forth in Title 11 of the City Zoning Ordinances and as otherwise designated or assigned to him or her by the City Council. The Community Development Director position is an at-will position and is exempt from the protections of Utah Code Ann. § 10-3-1105(1)(a), as amended. As such, the Community Development Director may be terminated with or without cause and shall not be entitled to due process appeal procedures as set forth in Utah Code Ann. § 10-3-1106, as amended.

3-02-070. Parks & Recreation Department.

There is hereby created and established a Parks & Recreation Department within the City which shall be responsible for developing, maintaining and managing public properties of the City, including, but not limited to, City parks, trails and cemetery. The Parks & Recreation Department shall also develop, manage, plan and implement activities, programs and policies regarding recreation, cultural and leisure opportunities within the City.

3-02-080. Parks & Recreation Director.

There is hereby created the position of Parks & Recreation Director who shall act as the Department Head of the Parks & Recreation Department. The Parks & Recreation Director shall have such powers and duties as set forth in City Ordinances and as otherwise designated or assigned to him or her by the City Council. The Parks & Recreation Director position is an at-will position and is exempt from the protections of Utah Code Ann. § 10-3-1105(1)(a), as amended. As such, the Parks & Recreation Director may be terminated with or without cause and shall not be entitled to due process appeal procedures as set forth in Utah Code Ann. § 10-3-1106, as amended.

3-02-090. Finance Department.

There is hereby created and established a Finance Department within the City which shall be responsible for maintaining and managing all accounts and investments, preparing financial reports and budgets, monitoring expenditures and advising the City Council on financial matters.

3-02-100. Finance Director/Assistant City Manager.

There is hereby created the position of Finance Director/Assistant City Manager who shall act as the Department Head of the Finance Department. The Finance Director/Assistant City Manager shall perform all the financial duties and responsibilities of the City Recorder as set forth in the Uniform Fiscal Procedures Act, pursuant to the provisions of Utah Code Ann. § 10-6-157, as amended, and shall have such powers and duties as set forth in City Ordinances and as otherwise designated or assigned to him or her by the City Council. Pursuant to Utah Code Ann. § 10-6-157, as amended, the Finance Director/Assistant City Manager shall be appointed and removed by the Mayor, with the advice and consent of the City Council. The Finance Director/Assistant City Manager may not assume the statutory duties of the City Treasurer. The Finance Director/Assistant City Manager position is an at-will position and is exempt from the protections of Utah Code Ann. § 10-3-1105(1)(a), as amended. As such, the Finance Director/Assistant City Manager may be terminated with or without cause and shall not be entitled to due process appeal procedures as set forth in Utah Code Ann. § 10-3-1106, as amended.

3-02-110. Police Department.

There is hereby created and established a Police Department within the City which shall be responsible for enforcing the traffic and criminal ordinances of the City and protecting the lives and property within the City.

3-02-120. Police Chief of Police.

There is hereby created the position of Police Chief of Police who shall act as the Department Head of the Police Department. The Police Chief of Police shall be appointed and have such powers and duties as set forth in Chapter 1 of Title 3 regarding appointed offices.

3-02-130. Fire Department.

There is hereby created and established a Fire Department within the City which shall be responsible for providing fire protection services within the City and administering and enforcing applicable provisions of the Fire Code, as adopted by the City.

3-02-140. Fire Chief.

There is hereby created the position of Fire Chief who shall act as the Department Head of the Fire Department. The Fire Chief shall be appointed and have such powers and duties as set forth in Title 7. The Fire Chief position is an at-will position and is exempt from the protections of Utah Code Ann. § 10-3-1105(1)(a), as amended. As such, the Fire Chief may be terminated with or without cause and shall not be entitled to due process appeal procedures as set forth in Utah Code Ann. § 10-3-1106, as amended.

CHAPTER 3-03. BOARDS AND COMMITTEES

- 3-03-010. Boards and Committees.
- 3-03-020. General Rules for Boards and Committees.
- 3-03-030. Reserved.
- 3-03-040. ~~Reserved Farmington City Historic Preservation Commission.~~
- 3-03-050. Farmington City Cultural Arts Council.
- 3-03-060. Farmington City Trails Committee.
- 3-03-070. Farmington City Youth City Council.

3-03-010. Boards and Committees.

The City Council may create any agencies, boards, bureaus, committees or commissions deemed necessary or appropriate for the administration of the City and shall prescribe by resolution or ordinance the organization, powers and duties of such bodies.

3-03-020. General Rules for Boards and Committees.

Unless otherwise provided by law or these ordinances, such as Title 11 regarding the Planning Commission and Board of Adjustment, the following rules shall apply to ~~a~~ City agencies, boards, bureaus, committees or commissions, ~~all of~~ which are hereinafter collectively referred to as "Committees."

- (a) Advisory. Committees shall be advisory boards only unless otherwise specifically authorized by ordinance or resolution.
- (b) Number of Members. Committees shall consist of a number of members as the City Council shall provide by ordinance or resolution.
- (c) Removal of Members. Committee members may be removed from office with or without cause by a majority vote of the City Council.
- (d) Vacancies. A vacancy occurring on any Committee for any reason shall be promptly filled by a replacement appointed in the same manner as the original appointment for the remainder of the unexpired term.
- (e) No Compensation. Committee members shall receive no compensation for their services, but may be reimbursed for reasonable expenses incurred in the performance of their duties, and except as otherwise provided, shall be deemed volunteers for purposes of governmental immunity ~~;~~ ~~and~~
- (f) Funding. Committees may receive funds by an annual appropriation in the City budget, by government, corporate or private grants or donations, and from proceeds of approved Committee functions, which funds shall be held and managed as directed by the City Council.
- (g) Council Liaison Member. The Mayor, with the advice and consent of the City Council, may appoint a City Council member to any Committee to serve as liaison between the City Council and the Committee. The selection of Council member shall be approved by the City Council by resolution. The Council member shall serve in an advisory capacity only and shall have no voting or other authority. The Council member shall serve as a liaison for a term of two years.
- (h) Chairperson. The Chairperson of each Committee, or his or her designee, shall give a report to the City Council regarding the Committee's activities and proposals. Such reports shall be provided at least annually and more frequently as requested or directed by the City Council.

3-03-030. Reserved.

3-03-040. Farmington City Historic Preservation Commission.

There is hereby created and established a Farmington City Historic Preservation Commission within the City for the purpose of encouraging and fostering the preservation of the City's historical, architectural and archeological resources. The organization, powers and duties of the Farmington City Historic Preservation Commission shall be as follows:

(a) Number. The Commission shall be comprised of at least seven (7) members appointed by the Mayor with the advice and consent of the City Council. These members shall have a demonstrated interest, competence or knowledge in historic preservation or architecture. To the extent available in the community, two (2) Commission members shall be "professionals" from the disciplines of history, architecture or architectural history, as defined by the National Park Service regulations.

(b) Term. The members of the Commission shall be appointed to staggered terms of three (3) years, provided that members may be appointed to terms shorter than three (3) years when necessary to provide for staggered terms. These terms are renewable.

(c) Chairperson. The members of the Commission shall appoint one of their members as chairperson, subject to being ratified by the City Council. The chairperson shall serve for a term of one year, which term may be renewed. The chairperson shall oversee the proceedings and activities of the Farmington City Historic ~~Preservation Sites~~ Commission.

(d) Meetings. The Commission may hold meetings at such times as the Commission determines it is necessary and as properly called with notice given to each Commission member.

(e) Rules. The Commission may adopt reasonable rules and regulations in accordance with the provisions of this Section for governing the conduct of its business and the establishment of subcommittees. Such rules and regulations shall be adopted by resolution of the City Council.

(f) Duties. It shall be the duty of the Commission to act in an advisory and voluntary capacity to the City Council and in accordance with Chapter 11-39 of this Code, to help identify, preserve, protect and enhance historic buildings, sites, monuments, streetscapes and landmarks within the City deemed architecturally or historically significant. The Commission's duties shall include, but are not ~~be~~ limited to, the following:

 (1) provide advice to City officials, departments and committees regarding the identification and protection of local historic and archeological resources;

 (2) conduct or cause to be conducted a survey of the historic, architectural and archeological resources within the City, which will be compatible with the Utah Inventory of Historic and Archeological Sites;

 (3) establish and maintain an Historic Sites List and an Historic Landmark Register as provided in Chapter 11-39 of this Code;

 (4) review and comment to the State Historic Preservation Office on all proposed National Register nominations for properties within the boundaries of the City, seeking expertise by professionals as necessary when an area of expertise is not represented on the Commission;

 (5) help sponsor historic home tours and help educate citizens regarding historic preservation and the community's history;

 (6) assist with local preservation projects including the creation of historic districts, the creation of a historical magazine or newspaper, and the creation of slide or video presentations about Farmington City History;

(7) support the enforcement of all State laws relating to historic preservation, including, but not limited to ~~Utah Code Ann. § 17A-3-1301, et seq., as amended, regarding the Historic District Act; Utah Code Ann. § 9-8-301, et seq., as amended, regarding the protection of Utah archeological and anthropological resources and antiquities; and Utah Code Ann. § 9-8-401, et seq. as amended, regarding the placement of historic sites on the State Register or National Register; and~~

(8) report activities of the Commission to the City Council annually, and as otherwise requested by the City Council.

3-03-050. Reserved. Farmington City Cultural Arts Council.

~~There is hereby created and established the Farmington City Cultural Arts Council to act as an advisory committee to the City Council for the purpose of recommending, developing and proposing policies and programs to promote and encourage meaningful opportunities for learning, artistic appreciation, and participation in cultural programs. The organization, powers and duties of the Farmington City Cultural Arts Council shall be as follows:~~

~~(a) — Number. The Council shall be comprised of seven (7) members appointed by the Mayor with the advice and consent of the City Council.~~

~~(b) — Diversity. To the extent practicable, the Council should be composed of members from broad and various areas, interests, skills, backgrounds and talents within the City to bring together a mix of perspectives representing the larger population served by City programs and facilities.~~

~~(c) — Term. The members of the Council shall be appointed to staggered terms of three (3) years, provided that members may be appointed to terms shorter than three (3) years when necessary to provide for staggered terms. These terms are renewable.~~

~~(d) — Chairperson. The members of the Council shall appoint one of their members as chairperson, subject to ratification by the City Council. The chairperson shall serve for a term of one year, which term may be renewed. The chairperson shall oversee the proceedings and activities of the Cultural Arts Council.~~

~~(e) — Meetings. The Commission may hold meetings at such times as the Council determines it is necessary and as properly called with notice given to each Council member.~~

~~(f) — Rules. The Council may adopt reasonable rules and regulations in accordance with the provisions of this Section for governing the conduct of its business. Such rules and regulations shall be adopted by resolution of the City Council.~~

~~(g) — Duties. It shall be the duty of the Council to act in an advisory and voluntary capacity to the City Council to promote and expand the community's awareness of and interest in cultural programs, including but not limited to the following:~~

~~(1) — work in concert with the staff Coordinator, Leisure Services Advisory Board, and the Leisure Services Director to formulate recommendations, concerning resident programs for the performing arts, visual arts, other art forms, the Miss Farmington program, and other programs as specified by the City Council; such recommendations shall be made to the Leisure Services Director, who shall forward as appropriate to the City Staff and/or City Manager for review by the City Council;~~

~~(2) — carry out and oversee resident programs for the performing arts, visual arts, other art forms, the Miss Farmington program, and other programs at the direction of the City Council;~~

~~(3) — assist in developing and creating public awareness, support and understanding of the City's cultural programs;~~

~~(4) — appoint an individual to serve as a grievance coordinator during each event, who may be a member of the Council, someone working on the event or an outsider to the event, who will hear the concerns of those working on the event and try to work out appropriate solutions;~~

~~(5) — recommend physical improvements and/or additions to programs and facilities;~~

~~(6) — initiate, sponsor and promote involvement by substantial citizen participation, either by direct participation or audience participation; and~~

~~(7) — abide by the budgetary financial risk management program and other pertinent City rules and regulations regarding fiscal responsibility, and shall not enter into any contract or agreement without authorization by a City purchasing requisition.~~

3-03-060. Farmington City Trails Committee.

There is hereby created the Farmington City Trails Committee to recommend and monitor the establishment of public trails and related facilities, programs and policies to meet the recreational needs of the citizens of Farmington City. The organization, powers and duties of the Trails Committee shall be as follows:

(a) Number. The Committee shall be comprised of not more than nine (9) but no less than seven (7) regular members who shall be appointed by the Mayor with the advice and consent of the City Council.

(b) Term. The members shall be appointed to staggered terms of three (3) years, provided that members may be appointed to terms shorter than three (3) years when necessary to provide for staggered terms. These terms are renewable.

(c) Chairperson. The members of the Committee shall appoint one of the members as chairperson, subject to being ratified by the City Council. The chairperson shall serve for a term of one year, which term may be renewed. The chairperson shall oversee the proceedings and activities of the Committee.

(d) Rules. The Committee may adopt reasonable rules and regulations in accordance with this Ordinance for governing the conduct of its business. The rules and regulations shall be adopted by resolution of the City Council.

(e) Meetings. The Committee may hold meetings at such times as the Committee determines is necessary and as properly called with notice given to each Committee member.

(f) Duties. It shall be the duty of the Committee to act in an advisory and voluntary capacity in the development of trails and related facilities for Farmington City residents, including, but not limited to, the following:

(1) recommend to the City Council and the Planning Commission a Trails Master Plan;

(2) review and recommend appropriate changes and updates to the Trails Master Plan to the City Council and Planning Commission;

(3) recommend projects, legislation, policies, funding allocations, and other measures, programs, or activities for the development of parks, trails and recreation opportunities for the benefit of City residents;

(4) carry out projects, programs, or activities as directed by the City Council;

(5) initiate, sponsor, and promote involvement, activities and contributions by the private sector for the development of parks, trails and recreation for City residents; and

(6) provide input in the planning and approval process for City developments shown on the Trails Master Plan to include a present or future trail.

3-03-070. Farmington City Youth City Council.

There is hereby created and established the Farmington City Youth City Council (FYCC) within the City for the purpose of initiating, recommending, planning and implementing activities and programs authorized by the City Council which promote and enhance youth citizenship and volunteerism within Farmington City. All activities and programs of the Farmington City Youth City Council shall be supervised by one or more duly appointed adult advisors and conducted in accordance with rules and regulations adopted by ordinance or resolution of the City Council.

(a) Members.

(1) Qualifications. All members must reside within the Farmington City limits and must be in at least the Ninth Grade.

(2) Selection and terms. Members will be selected by vote of the current FYCC according to the applicant's qualifications and the needs of the FYCC. Members are sworn in at the City Council meeting in March. Members may continue to serve until March 1st of their Senior year. Members lose their voting status once new officers and members have been selected and sworn in, however they may remain associated with the FYCC as a Junior Advisor through the consent of advisors and the majority vote of the new members.

(b) Attendance. FYCC members must attend 75 percent of all FYCC activities and meetings. -Members are expected to be in attendance to each regular meeting unless excused by an officer. Each member is also required to attend at least two City Council Meetings each year while a member.

(c) Removal. Members may be removed if recommended by the officers and approved by a vote of the FYCC. Grounds for removal may include non-participation in meetings and other activities. A member may also be removed for cause.

(d) Voting and Quorum. Business of the FYCC may be conducted at any meeting where at least half of the members are present. Action may be taken by a simple majority of those present, except for removal of a member or officer, which requires a two-thirds majority of those present.

(e) Officers. The members of the FYCC shall appoint members of the FYCC to the positions of Mayor, Director of Youth Citizenship, Director of Volunteerism, Chairs of Publicity, Historian, Treasurer Secretary, Parliamentarian, and Sergeant of Arms. In the absence of the Mayor, the other officers listed may serve as Acting Mayor in the order listed.

(1) Selection. Officers will be nominated and elected in February before the selection of new members occurs. Officers will be nominated and elected by current FYCC members. Advisors and the current Mayor may not participate in the election of new officers. Officers are subject to the ratification of the City Council.

(2) Term. Officers will serve from the time elected until the time new officers are elected in February of the following year.

(3) Vacancies. A vacancy in an unexpired term of office shall be filled by nomination and vote of the FYCC at the next regular meeting.

(4) Removal. Any officer may be removed for cause.

(5) Duties. Specific duties of the officers shall be as follows:

(a) The Mayor shall preside at all meetings of the FYCC, coordinate all projects and activities that involve the FYCC, prepare agendas for regular meetings, notify the officers to contact and inform members of meetings and activities, and oversee the efforts of other officers. The Mayor may also appoint and remove adult youth advisors to assist with efforts of the FYCC.

(b) The Director of Youth Citizenship shall notify youth council members of meetings and activities at the direction of the Mayor, publicize all activities involving the community, and appoint members to Chairs of Publicity from schools or organizations in the Farmington area.

(c) The Chairs of Publicity shall publicize activities of the FYCC in the schools and community of Farmington and assist the Director of Citizenship.

(d) The Director of Volunteerism shall coordinate all activities which include the community, including fund-raisers, collecting donations, contacting public places for use, etc.

(e) The Historian shall collect pictures, articles, flyers, etc. from FYCC activities and projects and compile them into a book which will remain with future councils.

(f) The Treasurer shall keep record of all FYCC expenses and balance the FYCC budget.

(g) The Secretary shall keep minutes of the meetings of the FYCC and assist all other officers.

(h) The Parliamentarian shall ensure that the Roberts Rules of Order are followed at all meetings.

(i) The Sergeant of Arms shall be responsible for maintaining order and removal from meetings of any disruptive person.

CHAPTER 3-04. HUMAN RESOURCES

- 3-04-010. Human Resources Director.
- 3-04-020. Personnel Policies and Procedures.
- 3-04-030. Equal Opportunity Employer.
- 3-04-040. Employee Appeals.
- ~~3-04-045. Exclusions.~~
- 3-04-050. Employee Appeals Board.
- 3-04-060. Volunteers.
- ~~3-04-070. Prohibited Activities.~~

3-04-010. Human Resources Director.

The City Manager is hereby designated as the Human Resources Director ~~to ensure just and equitable employment conditions and to promote positive and efficient working morale for all City personnel.~~ As Human Resources Director, the City Manager shall implement and maintain the provisions of this Chapter and perform other duties as required by ordinance, resolution or policy of the City Council.

3-04-020. Personnel Policies and Procedures.

The City may establish and adopt personnel policies and procedures consistent with State and Federal the ordinances, laws, and regulations ~~of the City, State and federal government~~ for the efficient administration, organization, operation, and conduct of its personnel.

3-04-030. Equal Opportunity Employer.

Farmington City is an "Equal Opportunity Employer" and it is the policy of the City to comply with Federal and State equal employment opportunity laws and guidelines. ~~It is the policy of the City to prevent discrimination as such does not discriminate in the hiring, employment, or promotion, and other employment practices with respect to of its employees on the basis of race, color, national origin, religion, sex, political affiliation, age, pregnancy, childbirth or pregnancy-related condition, disability, genetic information, race, sex, color, national origin, age, religion, disability or status as a veteran,~~ in accordance with applicable State and Federal laws.

3-04-040. Employee Appeals.

(a) Except as provided in Section 3-04-045, Subsection (b), each employee of the City shall hold employment without limitation of time, being subject to discharge, suspension of over two days without pay, or involuntary transfer to a position with less remuneration only as provided herein.

~~(b) This Section shall not apply to:~~

- ~~(1) Police and Fire Chief;~~
- ~~(2) Deputy Police or Fire Chief;~~
- ~~(3) Department Heads;~~
- ~~(4) Superintendents;~~
- ~~(5) Probationary Employees;~~
- ~~(6) Part Time Employees~~
- ~~(7) Seasonal or Limited Employees~~

~~(be) If an employee other than an employee Any appointed officer or employee covered herein excluded under Section 3-04-045 who is discharged, suspended without pay for more than two days without pay, or involuntarily transferred from one position to another with less remuneration for any disciplinary reason, the employee may appeal the final decision to discharge, suspend without pay,~~

~~suspension or involuntarily involuntary~~ transfer to the Employee Appeal Board in accordance with and subject to the procedures set forth *Utah Code Ann.* § 10-3-1106, as amended.

3-04-045. Exclusions.

Section 3-04-040 does not apply to any officers, employees or positions described herein, which positions are deemed at-will and subject to termination with or without cause and without appeal rights pursuant to *Utah Code Ann.* 10-3-1105, as amended.

(a) Designated Positions. Section 3-04-040 does not apply to a person who holds a position or equivalent position described as follows:

- (1) a police chief
- (2) a deputy or assistant police chief;
- (3) a fire chief;
- (4) a deputy or assistant fire chief;
- (5) a head of a municipal department or division;
- (6) a superintendent;
- (7) a probationary or introductory employee;
- (8) a part-time employee;
- (9) seasonal, temporary or limited employees;
- (10) a person who works in the office of an elected official; or
- (11) a secretarial or administrative assistant support position that is specifically designated as a position to assist an elected official or the head or deputy head of a municipal department

(b) Appointed Officers. Section 3-04-040 does not apply to any person appointed to a position under Part 9, Appointed Officials and Their Duties, including, but not limited to, the City Manager, City Recorder, City Treasurer, City Engineer, City Attorney, Police Chief, and Fire Chief.

(c) Layoffs and Reorganizations. Section 3-04-040 does not apply to any employee who is discharged or involuntarily transferred to a position with less remuneration if the discharge or involuntary transfer is the result of a layoff, reduction in force, reorganization, or other non-disciplinary action.

(d) Statutory Exclusion. Section 3-04-040 does not apply to any officer, employee, or position that is excluded under and in accordance with the provisions of *Utah Code Ann.* § 10-3-1105(2), as amended.

3-04-050. Employee Appeal Board.

(a) Created. There is hereby created an Employee Appeal Board in accordance with as ~~required by~~ *Utah Code Ann.* § 10-3-1106, as amended, to hear appeals of covered ~~officers and~~ employees who have been discharged, suspended for more than two days without pay, or involuntarily transferred to a position with less remuneration.

(b) Members. The Employee Appeal Board shall consist of five (5) members, three (3) of whom shall be chosen by and from the appointed officers and employees of the City and two (2) of whom shall be members of the City Council. Alternate members shall also be appointed as provided herein.

(c) Selection of Members and Alternates.

(1) Council Members and Alternates. The City Council shall designate two (2) of its members to serve on the Employee Appeal Board, hereinafter referred to as the "Council Members," and two (2) of its members to serve as Alternate Council Members.

(2) Officer and Employee Members and Alternates. The appointed officers and employees of the City shall elect three (3) of its members to serve on the Employee Appeal Board, hereinafter referred to as "Employee Members," and three (3) of its members to serve as Alternate Employee Members in the following manner.

(i) Nomination. The City Manager shall send written notice to all appointed officers and employees of the City that they may make written nominations for officer and employee candidates to serve on the Employee Appeal Board and the closing date for filing such nominations with the City Recorder. Nominations received by the City Recorder after the closing date will not be considered.

(ii) Voting. Upon the closing of nominations, an election shall be held by all appointed officers and employees of the City to elect three (3) Employee Members of the Board and three (3) Alternate Employee Members. The election shall be by secret ballot. The three (3) individuals receiving the highest number of votes shall be deemed elected as Employee Members, and the next three (3) individuals receiving the highest number of votes shall be deemed elected as Alternate Employee Members.

(d) Limitation on Members. No person may sit on the Employee Appeal Board who also sat on a pre-disciplinary hearing of the appealing employee or whose employment with the City has terminated. No employee member of the Employee Appeal Board may sit on the Employee Appeal Board if they themselves or an employee they supervise is the appealing employee. Should such a situation occur, the City Manager shall appoint by random lot an alternate employee member to sit for the appeal.

(e) Term. Elected and Employee and Council Members shall serve for a term of two (2) years from the date of their election or appointment. Members may serve additional terms in accordance with the election and appointment procedures set forth herein.

(f) Vacancies. Any vacancy in an Employee Member position shall be first filled by an Alternate Employee Member by drawing lots, and if no Alternate Employee Member is available, by nomination and election as provided herein at the time such vacancy occurs. Any vacancy in a Council Member position shall be filled first by an Alternate Council Member by drawing lots, and if no Alternate Council Member is available, by appointment as provided herein at the time such vacancy occurs.

(g) Procedures. All appeals to the Employee Appeal Board shall be conducted in accordance with *Utah Code Ann.* § 10-3-1106, as amended, and applicable provisions of the personnel policies and procedures adopted by the City.

3-04-060. Volunteers.

(a) Defined. "Volunteer" means any person who donates service without pay or other compensation except expenses actually and reasonably incurred as approved by the City.

(b) Status. All volunteers of the City shall be subject to the provisions of the Volunteer Government Workers Act, as set forth in *Utah Code Ann.* §§ 67-20-1, *et seq.*, as amended. A volunteer may not donate any service to the City unless and until the volunteer services are approved by the City Manager.

(c) Government Employee. Except as provided in *Utah Code Ann. § 67-20-3*, as amended, regarding volunteer safety officers, an approved volunteer is considered a government employee for purposes of:

(1) receiving workers' compensation medical benefits, which shall be the exclusive remedy for all injuries and occupational diseases as provided under Title 34A, Chapter 2, Workers' Compensation Act, and Chapter 3, Utah Occupational Disease Act, for any injury sustained while engaged in the performance of any authorized service for the City;

(2) the operation of motor vehicles or equipment if the volunteer is properly licensed and authorized to do so; and

(3) liability protection and indemnification normally afforded paid government employees.

(d) Expenses. Volunteers may receive reimbursement for transportation, meals, travel expenses, lodging, uniforms, and supplies, in the discretion of and when authorized and approved by the City Manager.

~~3-04-070. Prohibited Activities.~~

~~An employee of the City to which *Utah Code Ann. § 10-3-1105* applies may not be discharged, suspended without pay, or involuntarily transferred to a position with less remuneration because of the employee's politics or religious beliefs or incident to, or through, changes either in the elective officers, governing body, or heads of departments, pursuant to *Utah Code Ann. § 10-3-1106(1)*.~~

CHAPTER 3-05. GOVERNMENT RECORDS

- 3-05-010. Government Records.
- 3-05-015. Records Officer.
- 3-05-020. Retention Schedule.
- 3-05-030. Records Requests.
- 3-05-040. Fees.
- 3-05-050. Fee Waiver.
- 3-05-060. Appeals to City Manager.
- 3-05-070. Appeal to Records Committee or District Court.

3-05-010. Government Records.

All government records of the City shall be maintained, classified and accessed in accordance with the Government Records Access and Management Act set forth at *Utah Code Ann.* §§ 63G-2-101, 63-2-101, et seq., as amended.

3-05-015. Records Officer.

The City Recorder is hereby appointed as records officer of the City to work with the Utah Division of Archives and Records Service in the care, maintenance, scheduling, designation, classification, disposal, and preservation of City records. Pursuant to Utah Code Ann. § 63G-2-108, as amended, the records officer shall, on an annual basis, successfully complete online training and certification from the State Archives regarding government records access and management.

3-05-020. Retention Schedule.

All government records of the City shall be retained in accordance with the Utah Municipal General Records Retention Schedule, as created and retained by the Utah Division of Archives and Records Service (1998), which is hereby adopted by reference as the Farmington City Records Retention Schedule. The City may classify or reclassify a particular record, record series, or information in a record at any time, in accordance with applicable provisions of Utah Code Ann. § 63G-2-307, as amended.

3-05-030. Records Requests.

Any person requesting a record shall file a written Government Records Access and Management Request Form as provided by the City. Such request shall be submitted and processed in accordance with the Government Records Access and Management Act. All government records requests shall contain the requestor's name, mailing address, and daytime phone number, if available, and shall provide a description the record requested that identifies the record with reasonable specificity.

3-05-040. Fees.

The City may charge a reasonable fees to cover the City's actual cost of providing a record. Fees for providing a record shall be adopted and set forth and may be amended as part of in the City's Fee Schedule, which fees may be amended from time to time, and are adopted herein hereby adopted by reference. When the City compiles a record in a form other than that normally maintained by the City in response to a records request, the actual costs for compiling the record may include those costs set forth in *Utah Code Ann.* § 63G-2-203, 63-2-203, as amended; provided, no charge may be made for the first quarter hour of staff time. The City may require payment of past fees and future estimated fees before beginning to process a request if: ~~(1)~~ the fees are expected to exceed fifty dollars (\$50.00); or (2) the requester has not paid fees from previous requests. Any prepaid amount in excess of fees due shall be returned to the requester.

3-05-050. Fee Waiver.

In accordance with Utah Code Ann. § 63G-2-203, as amended, ~~Section 63-2-203 of the Act~~, the City may fulfill a record request without charge when it determines that:

- (a) releasing the record primarily benefits the public rather than a person;
- (b) the individual requesting the record is the subject of the record, or an individual specified in Subsections 63G-2-202(1), ~~63-2-202(1)~~ or (2) of the Act; or
- (c) the requester's legal rights are directly implicated by the information in the record and the requester is impecunious.

3-05-060. Appeals to City Manager.

Any person aggrieved by the City's access determination made or fees imposed under this Chapter may appeal the determination within thirty (30) days to the City Manager by filing a written notice of appeal with the City Manager in accordance with the provisions set forth in Utah Code Ann. § 63G-2-401, 63-2-401, as amended. The notice of appeal shall contain the petitioner's name, mailing address, daytime phone number, and the relief sought. The notice of appeal should also contain a brief statement of facts, reasons, and legal authority in support of the appeal. The City Manager shall make a determination on the appeal within the time periods set forth in Utah Code Ann. § 63G-2-401, as amended. The City Manager shall send written notice of his or her determination to all participants, including notice of any right to appeal in accordance with Section 3-05-070.

3-05-070. Appeal to Records Committee or District Court.

If the City Manager denies a records request under Section 3-05-060, the requester may appeal the denial to the State Records Committee as provided in Utah Code Ann. § 63G-2-403, as amended, or petition for judicial review in district court as provided in Utah Code Ann. § 63G-2-404, as amended. Any person aggrieved by a determination of the City Manager under Section 3-05-060, including persons who did not participate in the appeal proceedings before the City Manager, may appeal the determination to the State Records Committee as provided in Utah Code Ann. § 63G-2-402, as amended.

CHAPTER 3-06. PROCUREMENT AND SURPLUS PROPERTY

- 3-06-010. Compliance.
- 3-06-020. Purchasing Agent.
- 3-06-030. Budget Limitation.
- 3-06-040. Purchase Requisition.
- 3-06-050. Classification of Expenditures.
- 3-06-060. Formal Bidding Procedures.
- 3-06-070. Informal Bidding Procedures.
- 3-06-080. Additional Data.
- 3-06-082. Retention of Bids.
- 3-06-084. Restrictions on Architect or Engineering Services.
- 3-06-090. Delivery.
- 3-06-100. Surplus Property Definitions.
- 3-06-110. Disposal of Surplus Property.
- 3-06-115. Use of Recycled Goods.

3-06-010. Compliance.

All expenditures of the City shall conform to the procurement policies and procedures adopted by the City and all applicable provisions of State law including, but not limited to, the Uniform Fiscal Procedures Act set forth at *Utah Code Ann.* §§ 10-6-101, *et seq.*, as amended, ~~and the Utah Procurement Code as set forth at *Utah Code Ann.* §§ 63-56-101, *et seq.*, as amended.~~ Any expenditures of the City involving federal assistance funds shall comply with applicable federal law and regulations. Any expenditures of the City involving the construction, maintenance or improvement projects of a class C road shall comply with applicable provisions of the State ~~Transportation Highway~~ Code including but not limited to *Utah Code Ann.* §§ 72-6-108 and -109, as amended.

3-16-020. Purchasing Agent.

The City Manager is hereby designated as the Purchasing Agent for the City. The Purchasing Agent shall be subject to the direction and supervision of the City Council and shall have the powers and duties concerning procurement as established in this Chapter and the authority to delegate such powers and duties, including but not limited to:

- (a) administer and interpret the procurement system provided herein, in accordance with any rules and regulations established by the City;
- (b) procure or supervise the procurement of all supplies, services, and construction needed by the City, including preparation of specifications and negotiation of contracts connected therewith;
- (c) exercise general supervision and control over all inventories or supplies of the City and the inspection of and accounting for all such inventories or supplies;
- (d) prepare and maintain forms and reports as are reasonably necessary to the operation of the Chapter and other rules and regulations of the City;
- (e) keep generally informed of current developments in the field of procurement, including but not limited to market conditions and new products; and
- (f) recommend to the City Council from time to time such new or revised procurement rules and regulations as are desirable and in conformance with other statutory requirements.

3-06-030. Budget Limitation.

All expenditures or encumbrances made by the City for supplies, services or construction shall be made in accordance with the Uniform Fiscal Procedures Act for Utah Cities, set forth at *Utah Code Ann.* §§ 10-6-101, et seq., as amended. Except as provided in said Act or herein, all expenditures or encumbrances shall be made or incurred within the appropriate budget limitations adopted or subsequently amended by the City. The City Manager is authorized to approve certain transfers of funds from one expenditure account to another within a department or an excess expenditure of one or more line items, provided the total of all excess expenditures or encumbrances do not exceed the total unused appropriations within the department at the close of the budget year, in accordance with *Utah Code Ann.* § 10-6-124, as amended. The City Manager may not make adjustments to Capital Funds Budgets without prior approval from the City Council.

3-06-040. Purchase Requisition.

Before any order may be placed for the purchase of any supply, service or construction having a unit value in excess of \$3,000, a Purchase Requisition Form shall be submitted to the Purchasing Agent. The Purchasing Agent shall review all Purchase Requisitions and determine whether the expenditure requested is for a City purpose, properly budgeted, and in compliance with City ordinances and state law. If the Purchasing Agent determines the expenditure requested complies with these requirements, he or she shall sign the Purchase Requisition and initiate the appropriate procedures set forth herein for procurement of the supply, service or construction. A Purchase Requisition shall not be required for service contracts entered into between the City and the contracting party specifying the cost of service.

3-06-050. Classification of Expenditures.

(a) Large Expenditures. Except as otherwise provided herein, any expenditure of the City of Twenty-five Thousand Dollars (\$25,000) or more shall be referred to as a "large expenditure" and shall be made pursuant to formal bidding procedures set forth in Section 3-06-060.

(b) Small Expenditures. Except as otherwise provided herein, any expenditure of the City of less than Twenty-five Thousand Dollars (\$25,000) shall be referred to as a "small expenditure" and may be made pursuant to formal bidding procedures set forth in Section 3-06-060 or pursuant to informal bidding procedures set forth in Section 3-06-070. It shall be unlawful to artificially divide a purchase or expenditure so as to constitute a small expenditure under this Section.

(c) Exempt Expenditures. The following expenditures of the City shall be referred to as "exempt expenditures" and may be made without formal or informal bidding procedures, but should be made with as much competition as practicable under the circumstances. The Purchasing Agent should maintain a record of expenditures made hereunder, other than minor expenditures, documenting information such as the supplier's name, the amount and type of expenditure, and the supplies, services, or construction procured.

(1) Minor. Any expenditure amounting to less than Three Thousand Dollars (\$3,000). Such minor expenditures may be made by Department Heads and the Finance ~~Director Officer~~ as authorized or delegated by the City Manager. Chairpersons of volunteer committees are not considered Department Heads as referred to herein, but shall be permitted to make minor expenditures amounting to less than Two Hundred Fifty Dollars (\$250) but only when as authorized or delegated by the City Manager.

(2) Single Source. Any expenditure for goods or services which by their nature are not reasonably adapted to award by competitive bidding. These expenditures include, but are not limited to goods or services which can only be purchased from a single source, contracts for additions to and repair and maintenance of equipment already owned by the City which may be more efficiently added to, repaired or maintained by a certain person or firm, and equipment which, by reason of the training of the personnel or an inventory of replacement parts is compatible with the existing equipment owned by the City. The Purchasing Agent or his or her

designee shall make a written determination that there is only one source for the required supply, service or construction.

(3) Professional Services. Any expenditure for professional services which by their nature are not reasonably adapted to award by competitive bidding. Such expenditures shall be awarded at the discretion of the City Council based on the City Council's evaluation of the professional qualifications, service ability, experience, cost of services and other applicable criteria.

(4) Emergency. Any expenditure made under the existence of an emergency condition threatening the public health, welfare, or safety. The Purchasing Agent or his or her designee shall prepare a written determination of the basis for the emergency and the selection of the particular supplier or contractor.

(5) State Bidding. Any expenditure for which competitive bidding or price negotiation has already occurred on the State level.

(6) Interlocal Cooperation. Any expenditure made in conjunction with an agreement approved by resolution of the City Council between the City and another city or governmental entity.

(7) Special Sale. Any expenditure made in conjunction with any public auction, closeout sale, bankruptcy sale or other similar sale when the Purchasing Agent determines in writing that such purchase may be made at a cost below the market cost for the same or similar goods.

(8) Exchanges. Any exchange of supplies, materials, property, or equipment between the City and other public or private party made by mutual agreement of the respective parties.

3-06-060. Formal Bidding Procedure.

Except as otherwise provided herein, all large expenditures shall be made by written contract or Purchase Requisition between the City and the lowest responsible bidder according to the following procedure:

(a) Specifications. Specifications should be prepared by the Purchasing Agent when he or she deems them appropriate and practical, which specifications shall be submitted to the City Council for approval and authorization prior to any advertisement for bids.

(b) Invitation for Bids. An invitation for bids shall be prepared by or under the direction of the Purchasing Agent which invitation shall:

- | _____ (1) describe the goods or services to be purchased or work to be performed;
- | _____ (2) set forth all contract terms, conditions and bond requirements applicable to the purchase or work;
- | _____ (3) set forth the criteria that will be used to evaluate the bid;
- | _____ (4) state where plans, specifications and other information may be obtained;
- | _____ (5) state the time and place of the bid opening; and
- | _____ (6) reserve for the City the right to reject any and all bids for any reason without liability.

(c) Notice. The invitation for bids shall be published at least twice in a newspaper of general circulation in the jurisdiction of the City at least five (5) days prior to the opening of bids. In the event there is no newspaper of general circulation printed or published within the jurisdiction of the City, the notice shall be posted at least five (5) days prior to the opening of bids in at least three (3) public places in the City which notice shall remain posted for at least three (3) days.

(d) Amending Invitation. The invitation to bid may be amended, supplemented, or cancelled at any time prior to the opening of bids when the Purchasing Agent determines that such action is in the best interest of the City. The reasons for the amendment or cancellation of the invitation shall be in writing and shall be made a part of the City's records.

(e) Sealed Bids. All bids shall be received by the City in sealed envelopes labeled "Bid for (item)" which shall not be opened prior to the time set for opening of the bids, except as provided in subsection (f).

(f) Correction of Bids. The Purchasing Agent may permit correction or withdrawal of inadvertently erroneous bids in appropriate circumstances, provided that no changes in bid prices or other provisions of bids which are prejudicial to the interest of the City or fair competition shall be permitted. Any decision to permit the correction or withdrawal of bids shall be supported by a written determination prepared by the Purchasing Agent.

(g) Opening Bids. The bids shall be opened publicly by the Purchasing Agent in the presence of one or more witnesses at the time and place designated in the invitation for bids.

(h) Recording Bids. The amount of each bid and the name of the bidder shall be read aloud as the bids are opened, and such information shall be recorded and open to public inspection during regular business hours for a period of not less than thirty (30) days after the bid opening.

(i) Evaluating Bids. The bids shall be evaluated within a reasonable time by the Purchasing Agent to determine the lowest responsible bidder based upon the following objectively measurable criteria as set forth in the invitation for bids:

(1) Price. The total price of the bid.

(2) Quality. The overall ~~quality~~ quality of the goods or work to be provided and/or the ability, capacity and skill of the bidder to provide any services or work required.

(3) Conditions. The number and scope of any conditions or qualifications set forth in the bid.

(4) Time. The time limit within which the bidder can provide the goods, services or work.

(5) Reputation. The character, integrity, reputation, judgment, experience and efficiency of the bidder and the quality of previous goods, services or work obtained from the bidder.

(6) Compliance. The previous and existing compliance by the bidder with laws and ordinances relating to the goods, services or work.

(7) Financial Resources. The sufficiency of the financial resources and ability of the bidder to provide the goods, services or work.

(8) Future Service. The ability of the bidder to provide future maintenance and service and the local availability of parts, materials, etc.

(j) Determination. The Purchasing Agent shall determine the lowest responsible bidder and communicate such determination, in writing, to the City Council. The City Council may accept, reject, or modify the Purchasing Agent's determination and thereupon award the contract or reject any and all bids. All information relating to the selection of the lowest responsible bidder shall be retained by the City in accordance with the City Government Records Access and Management Ordinance.

(k) Cancellation and Rejection of Bids. The City reserves the right to cancel an invitation for bids or to reject any or all bids for any reason. Such cancellation or rejection shall be in writing and shall be made part of the City's records. In the event all bids are rejected and the City determines to make the improvement or purchase, it shall advertise anew as provided herein. If after twice advertising, no satisfactory bid is received, the City Council may proceed to negotiate or make the improvement or acquisition or enter such other agreements as it deems necessary or desirable.

(l) Tie Bids. If two or more bids received are for the same total amount or unit price, quality and service being equal, and if the public interest will not permit the delay of re-advertising for bids, the City Council shall accept the lowest bid made by and after negotiation with the tie bidders after the time of the bid opening.

(m) Bonds. Prior to entering any contract hereunder, the City Council may require performance and payment bonds to be provided in such form and amounts as required by law and by the City Council as reasonably necessary to protect the best interest of the City.

(n) Responsibility of the Bidder. The Purchasing Agent may request additional information with respect to the responsibility of a bidder. The unreasonable failure of a bidder to promptly supply information in connection with a request of the Purchasing Agent regarding responsibility may be grounds for a determination of a non-responsibility and/or non-responsiveness of the bidder.

3-06-070. Informal Bidding Procedure.

Except as otherwise provided herein, all small expenditures of the City may be awarded to the lowest responsible bidder according to the formal bidding procedure set forth above or to the lowest responsible bidder according to the following procedure:

(a) Invitation of Bids. The Purchasing Agent shall invite bids from at least three (3) potential, responsible providers of the supplies, services or construction needed or desired. Such invitations may be made in writing or orally, including by telephone, and shall be made without unfair favoritism or bias. A record of all invitations and bids made hereunder shall be kept by the Purchasing Agent.

(b) Evaluation. The Purchasing Agent shall evaluate the bids to determine the lowest responsible bidder based upon the criteria set forth in Section 3-06-060.

(c) Determination. The Purchasing Agent shall determine the lowest responsible bidder and award the contract to such bidder, unless otherwise directed by the City Council. All information relating to the bids obtained and the selection of the lowest responsible bidder shall be retained by the City in accordance with the City Government Records Access and Management Ordinance.

3-06-080. Additional Data.

Any additional relevant data pertaining to the selected bidder shall be added to the Purchase Requisition or contract documents. If required by law, a written contract shall be entered into between the City and the selected bidder. Contracts involving construction work shall further provide for a bid security in the amount equal to at least five percent (5%) of the amount of the bid which bid security shall be provided in a form specified by the Purchasing Agent and/or the bid documents.

3-06-082. Retention of Bids.

Whenever the City is required by State law to receive bids for purchases, construction, repairs or any other purpose requiring the expenditure of funds, the City shall keep on file all bids received together with proof of advertisement by publication or otherwise, in accordance with Utah Code Ann. § 10-6-122, as amended.

3-06-084. Restrictions on Architect or Engineering Services.

When the City elects to obtain architect or engineering services by using a competitive procurement process and has provided public notice of its competitive procurement process, the City may not award the contract for such services solicited to a higher education entity or any part of one, in accordance with and subject to the provisions of Utah Code Ann. § 10-7-20.5, as amended. When the City engages the services of a professional architect, engineer, or surveyor and considers more than one such professional for the engagement, the City shall comply with applicable provisions of Utah Code Ann. § 10-7-86, as amended.

3-06-090. Delivery.

When supplies ordered are delivered, the Purchasing Agent, or the employee who requested the supplies, shall inspect the supplies received to assure that the correct quantity and quality have been delivered. If the supplies delivered are satisfactory, the supplies shall be accepted and a copy of the packing slip, invoice, or other delivery document shall be stapled to the Purchase Requisition and forwarded to the appropriate employee for review, payment, and filing.

3-06-100. Surplus Property Definitions.

(a) ~~A-A~~ "Significant parcel of real property" shall mean a parcel of one (1) acre or more in size or a parcel having a value of more than \$100,000 as determined by the City Council.

(b) "Reasonable notice" shall mean publishing a notice of the proposed disposition and of a public hearing before the City Council to consider such disposition once in a newspaper of general circulation within the City.

3-06-110. Disposal of Surplus Property.

(a) The City shall have the authority to sell, lease, convey and dispose of real and personal property for the benefit of the City as provided by Utah Code Ann. ~~§~~ 10-8-2, as amended.

(b) Before the City may dispose of a significant parcel of real property, the City shall:

(1) Provide reasonable notice of the proposed disposition at least fourteen (14) days before a scheduled meeting at which the City will hear public comment; and

(2) Hold a meeting at which the City Council accepts public comment on the proposed disposition.

(c) All disposal, leases, or subleases of such property of the City other than a significant parcel of real property, shall be made, as nearly as possible, under the same conditions and limitations as required by City Ordinances and State law for the purchase or sale of property.

(d) The City Council may also authorize at its discretion and under such terms and conditions as it may deem desirable, fair and appropriate, considering intended use, property tax value, and the interests of the City, the sale of any surplus property, through public auction or other method designed to best serve the interests of City residents and produce a fair return; the trade or exchange of any surplus property; and the lease or sublease of any surplus property.

3-06-120. Use of Recycled Goods.

The procurement officer or other person responsible for purchasing supplies for the City shall give recycled items consideration when inviting bids and purchasing supplies in accordance with applicable provisions of Utah Code Ann. § 10-7-87, as amended, and Utah Code Ann. § 11-37-101, as amended.

FARMINGTON CITY
IMPROVEMENTS AGREEMENT
(CASH FORM)

THIS AGREEMENT is made by and between FARMINGTON East, LC (hereinafter "Developer"), whose address is 273 N EAST CAPITAL ST, and SL, UT 84103 Farmington City Corporation, a municipal corporation of the State of Utah, (hereinafter "City"), whose address is 160 South Main, P.O. Box 160, Farmington, Utah, 84025-0160.

WHEREAS, Developer desires to subdivide and/or to receive a permit to develop certain property located within the City, said project to be known as Farmington Crossing North Pk5, located at approximately Shepard Church Drive in Farmington City; and # Stillwater Drive

WHEREAS, the City will not approve the subdivision or issue a permit unless Developer promise to install and warrant certain improvements as herein provided and security is provided for that promise in the amount of \$ 275,329.00.

NOW, THEREFORE, in consideration of the mutual promises contained herein, and for other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties agree as follows:

1. **Installation of Improvements.** The Developer agrees to install all improvements required by the City as specified in the bond estimate prepared by the City for Developer's project which shall be an Exhibit hereto, (the "Improvements"), precisely as shown on the plans, specifications, and drawings previously reviewed and approved by the City in connection with the above-described project, and in accordance with the standards and specifications established by the City, within 12 months from the date of this Agreement. Developer further agrees to pay the total cost of obtaining and installing the Improvements, including the cost of acquiring easements.
2. **Dedication.** Where dedication is required by the City, the Developer shall dedicate to the City the areas shown on the subdivision or development plat as public streets and as public easements, provided however, that Developer shall indemnify the City and its representatives from all liability, claims, costs, and expenses of every nature, including attorneys fees which may be incurred by the City in connection with such public streets and public easements until the same are accepted by the City following installation and final inspection of all of the Improvements and approval thereof by the City.
3. **Cash Deposit.** The Developer has delivered to the City cash or a cashier's check in the aggregate amount of \$ 275,329.00 for deposit with the City in its accounts (the "deposit"), which the Developer and the City stipulate to be a

reasonable preliminary estimate of the cost of the Improvements, together with 10% of such cost to secure the warranty of this Agreement and an additional 10% of such cost for contingencies.

4. **Progress Payments.** The City agrees to allow payments from the deposit as the work progresses as provided herein. The City shall, when requested in writing, inspect the construction, review any necessary documents and information, determine if the work completed complies with City construction standards and requirements, and review the City's cost estimate. After receiving and approving the request, the City shall in writing authorize disbursement to the Developer from the Deposit in the amount of such estimate provided that if the City does not agree with the request, the City and Developer shall meet and the Developer shall submit any additional estimate information required by the City. Except as provided in this paragraph or in paragraphs 5 through 7 inclusive, the City shall not release or disburse any funds from the Deposit.
5. **Refund or Withdrawal.** In the event the City determines it is necessary to withdraw funds from the Deposit to complete construction of Improvements, the City may withdraw all or any part of the Deposit and may cause the Improvements (or any part of them) to be constructed or completed using the funds received from the Deposit. Any funds not expended in connection with the completion of said Improvements by the City shall be refunded to Developer upon completion of the Improvements, less an additional 15% of the total funds expended by the City, which shall be retained by the City as payment for its overhead and costs expended by the City's administration in completing the Improvements.
6. **Preliminary Release.** At the time(s) herein provided, the City may authorize release of all funds in the Deposit, except 10% of the estimated cost of the Improvements, which shall be retained in the Deposit until final release pursuant to the next paragraph. Said 10% shall continue as security for the performance by the Developer of all remaining obligations of this Agreement, including the warranty, and may be withdrawn by the City as provided in paragraph 5 above for any breach of such an obligation. The release provided for in this paragraph shall occur when the City certifies that the Improvements are complete, which shall be when the Improvements have been installed as required and fully inspected and approved by the City, and after "as-built" drawings have been supplied as required.
7. **Final Release.** Upon full performance of all of Developer's obligations pursuant to this Agreement, including the warranty obligations of paragraph 26, the City shall notify the Developer in writing of the final release of the Deposit. After giving such notice, the City shall relinquish all claims and rights in the Deposit.
8. **Non-Release of Developer's Obligations.** It is understood and agreed between the parties that the establishment and availability to the City of the Deposit as

herein provided, and any withdrawals from the Deposit by the city shall not constitute a waiver or estoppels against the City and shall not release or relieve the Developer from its obligation to install and fully pay for the Improvements as required in paragraph 1 above, and the right of the City to withdraw from the Deposit shall not affect any rights and remedies of the City against the Developer for breach of any covenant herein, including the covenants of paragraph 1 of this Agreement. Further, the Developer agrees that if the City withdraws from the Deposit and performs or causes to be performed the installation or any other work required of the Developer hereunder, then any and all costs incurred by the City in so doing which are not collected by the City by withdrawing from the Deposit shall be paid by the Developer, including administrative, engineering, legal and procurement fees and costs.

9. **Connection and Maintenance.** Upon performance by Developer of all obligations set forth in this Agreement and compliance with all applicable ordinances, resolutions, rules, and regulations of the City, whether now or hereafter in force, including payment of all connection, review and inspection fees, the City shall permit the Developer to connect the Improvements to the City's water and storm drainage systems and shall thereafter utilize and maintain the Improvements to the extent and in the manner now or hereafter provided in the City's regulations.
10. **Inspection.** The Improvements, their installation, and all other work performed by the Developer or its agents pursuant to this Agreement shall be inspected at such times as the City may reasonably require and prior to closing any trench containing such Improvements. The City shall have a reasonable time of not less than 24 hours after notice in which to send its representatives to inspect the Improvements. Any required connection and impact fees shall be paid by the Developer prior to such inspection. In addition, all inspection fees required by the ordinances and resolutions shall be paid to the City by the Developer prior to inspection.
11. **Ownership.** The Improvements covered herein shall become the property of the City upon final inspection and approval of the Improvements by the City, and the Developer shall thereafter advance no claim or right of ownership, possession, or control of the Improvements.
12. **As-Built Drawings.** The Developer shall furnish to the City, upon completion of the Improvements, drawings showing the Improvements, actual location of water and sewer laterals including survey references, and any related structures or materials as such have actually been constructed by the Developer. The City shall not be obligated to release the Deposit until these drawings have been provided to the City.

13. **Amendment.** Any amendment, modification, termination, or rescission (other than by operation of law) which affects this Agreement shall be made in writing, signed by the parties, and attached hereto.
14. **Successors.** No party shall assign or transfer any rights under this Agreement without the prior written consent of the other first obtained, which consent shall not be unreasonably withheld. When validly assigned or transferred, this Agreement shall be binding upon and inure to the benefit of the legal representatives, successors and assigns of the parties hereto.
15. **Notices.** Any notice required or desired to be given hereunder shall be deemed sufficient if sent by certified mail, postage prepaid, addressed to the respective parties at the addresses shown in the preamble.
16. **Severability.** Should any portion of this Agreement for any reason be declared invalid or unenforceable, the invalidity or unenforceability of such portion shall not affect the validity of any of the remaining portions and the same shall be deemed in full force and effect as if this Agreement had been executed with the invalid portions eliminated.
17. **Governing Law.** This Agreement and the performance hereunder shall be governed by the laws of the State of Utah.
18. **Counterparts.** The fact that the parties hereto execute multiple but identical counterparts of this Agreement shall not affect the validity or efficacy of their execution, and such counterparts, taken together, shall constitute one and the same instrument, and each such counterpart shall be deemed an original.
19. **Waiver.** No waiver of any of the provisions of this Agreement shall operate as a waiver of any other provision, regardless of any similarity that may exist between such provisions, nor shall a waiver in one instance operate as a waiver in any future event. No waiver shall be binding unless executed in writing by the waiving party.
20. **Captions.** The captions preceding the paragraphs of this Agreement are for convenience only and shall not affect the interpretation of any provision herein.
21. **Integration.** This Agreement, together with its exhibits and the approved plans and specifications referred to, contains the entire and integrated agreement of the parties as of its date, and no prior or contemporaneous promises, representations, warranties, inducements, or understandings between the parties pertaining to the subject matter hereof which are not contained herein shall be of any force or effect.
22. **Attorney's Fees.** In the event either party hereto defaults in any of the covenants or agreements contained herein, the defaulting party shall pay all costs and

expenses, including a reasonable attorney's fee, incurred by the other party in enforcing its rights hereunder whether incurred through litigation or otherwise.

23. **Other Bonds.** This Agreement and the Deposit do not alter the obligation of Developer to provide other bonds under applicable ordinances or rules of any other governmental entity having jurisdiction over Developer. The furnishing of security in compliance with the requirements of the ordinances or rules of other jurisdictions shall not adversely affect the ability of the City to draw on the Deposit as provided herein.
24. **Time of Essence.** The parties agree that time is of the essence in the performance of all duties herein.
25. **Exhibits.** Any exhibit(s) to this Agreement are incorporated herein by this reference, and failure to attach any such exhibit shall not affect the validity of this Agreement or of such exhibit. An unattached exhibit is available from the records of the parties.
26. **Warranty.** The Developer hereby warrants that the Improvements installed, and every part hereof, together with the surface of the land and any improvements thereon restored by the Developer, shall remain in good condition and free from all defects in materials, and/or workmanship during the Warranty Period, and the Developer shall promptly make all repairs, corrections, and/or replacements for all defects in workmanship, materials, or equipment during the Warranty Period, without charge or cost to the City. The City may at any time or times during the Warranty Period inspect, photograph, or televise the Improvements and notify the Developer of the condition of the Improvements. The Developer shall thereupon immediately make any repairs or corrections required by this paragraph. For purposes of this paragraph, "Warranty Period" means the one-year period beginning on the date on which the Improvements are certified complete by the City.

IN WITNESS WHEREOF, the parties have caused this Agreement to be executed by their respective duly authorized representatives this 13 day of April, 2012

CITY:

DEVELOPER:

FARMINGTON CITY CORPORATION

By: Scott C. Harbartson

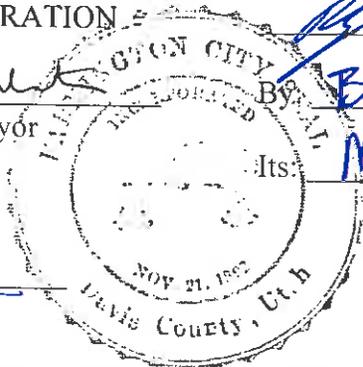
Scott C. Harbartson, Mayor

By: Bryson Carbett

Its: Manager

ATTEST:

Holly Gadd
Holly Gadd, City Recorder



(Complete if **Developer** is a **Partnership**)

STATE OF UTAH)
 :SS.
COUNTY OF _____)

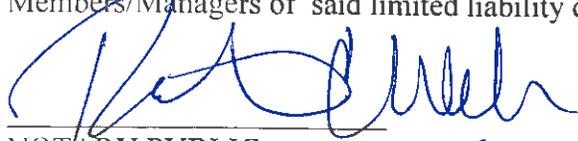
On this _____ day of _____, 20____, personally appeared before me, _____, who being by me duly sworn did say that he/she/they is/are the _____ of _____, a partnership, and that the foregoing instrument was duly authorized by the partnership at a lawful meeting held by authority of its by-laws and signed in behalf of said partnership.

NOTARY PUBLIC
Residing in _____ County, _____.

(Complete if **Developer** is a **Limited Liability Company**)

STATE OF UTAH)
 :SS.
COUNTY OF Salt Lake)

On this 13 day of April, 2012, personally appeared before me Bryson Garbett who being by me duly sworn did say that he or she is the Manager of Farmington East LLC a limited liability company, and that the foregoing instrument was duly authorized by the Members/Managers of said limited liability company.



NOTARY PUBLIC
Residing in Highland UT County, Utah.

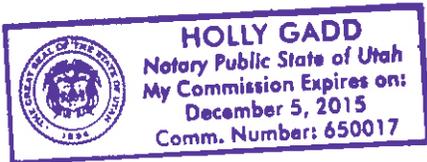


CITY ACKNOWLEDGEMENT

STATE OF UTAH)
 : SS.
COUNTY OF Davis)

On the 1 day of May, 2012, personally appeared before me Scott C. Harbertson ~~and Holly Gadd~~ who, being by me duly sworn, did say that they are the Mayor and ~~City Recorder~~, respectively, of Farmington City Corporation, and said persons acknowledged to me that said corporation executed the foregoing instrument.

Holly Gadd
NOTARY PUBLIC
Residing in Davis County, Utah.



FARMINGTON CITY

IMPROVEMENTS AGREEMENT

(CASH FORM)

THIS AGREEMENT is made by and between Woodside Hunters Creek, LLC (hereinafter "Developer"), whose address is 39 East Eagleridge Drive, Ste.100, NSL, Utah 84054, and Farmington City Corporation, a municipal corporation of the State of Utah, (hereinafter "City"), whose address is 160 South Main, P.O. Box 160, Farmington, Utah, 84025-0160.

WHEREAS, Developer desires to subdivide and/or to receive a permit to develop certain property located within the City, said project to be known as Hunters Creek Phase 4A, located at approximately 2250 West 700 North, in Farmington City; and

WHEREAS, the City will not approve the subdivision or issue a permit unless Developer promise to install and warrant certain improvements as herein provided and security is provided for that promise in the amount of \$556,280.78.

NOW, THEREFORE, in consideration of the mutual promises contained herein, and for other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties agree as follows:

- 1. Installation of Improvements.** The Developer agrees to install all improvements required by the City as specified in the bond estimate prepared by the City for Developer's project which shall be an Exhibit hereto, (the "Improvements"), precisely as shown on the plans, specifications, and drawings previously reviewed and approved by the City in connection with the above-described project, and in accordance with the standards and specifications established by the City, within 6 months from the date of this Agreement. Developer further agrees to pay the total cost of obtaining and installing the Improvements, including the cost of acquiring easements.
- 2. Dedication.** Where dedication is required by the City, the Developer shall dedicate to the City the areas shown on the subdivision or development plat as public streets and as public easements, provided however, that Developer shall indemnify the City and its representatives from all liability, claims, costs, and expenses of every nature, including attorneys fees which may be incurred by the City in connection with such public streets and public easements until the same are accepted by the City following installation and final inspection of all of the Improvements and approval thereof by the City.
- 3. Cash Deposit.** The Developer has delivered to the City cash or a cashier's check in the aggregate amount of \$556,280.78 for deposit with the City in its accounts (the "deposit"), which the Developer and the City stipulate to be a reasonable

preliminary estimate of the cost of the Improvements, together with 10% of such cost to secure the warranty of this Agreement and an additional 10% of such cost for contingencies.

4. **Progress Payments.** The City agrees to allow payments from the deposit as the work progresses as provided herein. The City shall, when requested in writing, inspect the construction, review any necessary documents and information, determine if the work completed complies with City construction standards and requirements, and review the City's cost estimate. After receiving and approving the request, the City shall in writing authorize disbursement to the Developer from the Deposit in the amount of such estimate provided that if the City does not agree with the request, the City and Developer shall meet and the Developer shall submit any additional estimate information required by the City. Except as provided in this paragraph or in paragraphs 5 through 7 inclusive, the City shall not release or disburse any funds from the Deposit.
5. **Refund or Withdrawal.** In the event the City determines it is necessary to withdraw funds from the Deposit to complete construction of Improvements, the City may withdraw all or any part of the Deposit and may cause the Improvements (or any part of them) to be constructed or completed using the funds received from the Deposit. Any funds not expended in connection with the completion of said Improvements by the City shall be refunded to Developer upon completion of the Improvements, less an additional 15% of the total funds expended by the City, which shall be retained by the City as payment for its overhead and costs expended by the City's administration in completing the Improvements.
6. **Preliminary Release.** At the time(s) herein provided, the City may authorize release of all funds in the Deposit, except 10% of the estimated cost of the Improvements, which shall be retained in the Deposit until final release pursuant to the next paragraph. Said 10% shall continue as security for the performance by the Developer of all remaining obligations of this Agreement, including the warranty, and may be withdrawn by the City as provided in paragraph 5 above for any breach of such an obligation. The release provided for in this paragraph shall occur when the City certifies that the Improvements are complete, which shall be when the Improvements have been installed as required and fully inspected and approved by the City, and after "as-built" drawings have been supplied as required.
7. **Final Release.** Upon full performance of all of Developer's obligations pursuant to this Agreement, including the warranty obligations of paragraph 26, the City shall notify the Developer in writing of the final release of the Deposit. After giving such notice, the City shall relinquish all claims and rights in the Deposit.
8. **Non-Release of Developer's Obligations.** It is understood and agreed between the parties that the establishment and availability to the City of the Deposit as

herein provided, and any withdrawals from the Deposit by the city shall not constitute a waiver or estoppels against the City and shall not release or relieve the Developer from its obligation to install and fully pay for the Improvements as required in paragraph 1 above, and the right of the City to withdraw from the Deposit shall not affect any rights and remedies of the City against the Developer for breach of any covenant herein, including the covenants of paragraph 1 of this Agreement. Further, the Developer agrees that if the City withdraws from the Deposit and performs or causes to be performed the installation or any other work required of the Developer hereunder, then any and all costs incurred by the City in so doing which are not collected by the City by withdrawing from the Deposit shall be paid by the Developer, including administrative, engineering, legal and procurement fees and costs.

9. **Connection and Maintenance.** Upon performance by Developer of all obligations set forth in this Agreement and compliance with all applicable ordinances, resolutions, rules, and regulations of the City, whether now or hereafter in force, including payment of all connection, review and inspection fees, the City shall permit the Developer to connect the Improvements to the City's water and storm drainage systems and shall thereafter utilize and maintain the Improvements to the extent and in the manner now or hereafter provided in the City's regulations.
10. **Inspection.** The Improvements, their installation, and all other work performed by the Developer or its agents pursuant to this Agreement shall be inspected at such times as the City may reasonably require and prior to closing any trench containing such Improvements. The City shall have a reasonable time of not less than 24 hours after notice in which to send its representatives to inspect the Improvements. Any required connection and impact fees shall be paid by the Developer prior to such inspection. In addition, all inspection fees required by the ordinances and resolutions shall be paid to the City by the Developer prior to inspection.
11. **Ownership.** The Improvements covered herein shall become the property of the City upon final inspection and approval of the Improvements by the City, and the Developer shall thereafter advance no claim or right of ownership, possession, or control of the Improvements.
12. **As-Built Drawings.** The Developer shall furnish to the City, upon completion of the Improvements, drawings showing the Improvements, actual location of water and sewer laterals including survey references, and any related structures or materials as such have actually been constructed by the Developer. The City shall not be obligated to release the Deposit until these drawings have been provided to the City.

13. **Amendment.** Any amendment, modification, termination, or rescission (other than by operation of law) which affects this Agreement shall be made in writing, signed by the parties, and attached hereto.
14. **Successors.** No party shall assign or transfer any rights under this Agreement without the prior written consent of the other first obtained, which consent shall not be unreasonably withheld. When validly assigned or transferred, this Agreement shall be binding upon and inure to the benefit of the legal representatives, successors and assigns of the parties hereto.
15. **Notices.** Any notice required or desired to be given hereunder shall be deemed sufficient is sent by certified mail, postage prepaid, addressed to the respective parties at the addresses shown in the preamble.
16. **Severability.** Should any portion of this Agreement for any reason be declared invalid or unenforceable, the invalidity or unenforceability of such portion shall not affect the validity of any of the remaining portions and the same shall be deemed in full force and effect as is this Agreement had been executed with the invalid portions eliminated.
17. **Governing Law.** This Agreement and the performance hereunder shall be governed by the laws of the State of Utah.
18. **Counterparts.** The fact that the parties hereto execute multiple but identical counterparts of this Agreement shall not affect the validity or efficacy of their execution, and such counterparts, taken together, shall constitute one and the same instruments, and each such counterpart shall be deemed an original.
19. **Waiver.** No waiver of any of the provisions of this Agreement shall operate as a waiver of any other provision, regardless of any similarity that may exist between such provisions, nor shall a waiver in one instance operate as a waiver in any future event. No waiver shall be binding unless executed in writing by the waiving party.
20. **Captions.** The captions preceding the paragraphs of this Agreement are for convenience only and shall not affect the interpretation of any provision herein.
21. **Integration.** This Agreement, together with its exhibits and the approved plans and specifications referred to, contains the entire and integrated agreement of the parties as of its date, and no prior or contemporaneous promises, representations, warranties, inducements, or understandings between the parties pertaining to the subject matter hereof which are not contained herein shall be of any force or effect.
22. **Attorney's Fees.** In the event either party hereto defaults in any of the covenants or agreements contained herein, the defaulting party shall pay all costs and

expenses, including a reasonable attorney's fee, incurred by the other party in enforcing its rights hereunder whether incurred through litigation or otherwise.

23. **Other Bonds.** This Agreement and the Deposit do not alter the obligation of Developer to provide other bonds under applicable ordinances or rules of any other governmental entity having jurisdiction over Developer. The furnishing of security in compliance with the requirements of the ordinances or rules of other jurisdictions shall not adversely affect the ability of the City to draw on the Deposit as provided herein.
24. **Time of Essence.** The parties agree that time is of the essence in the performance of all duties herein.
25. **Exhibits.** Any exhibit(s) to this Agreement are incorporated herein by this reference, and failure to attach any such exhibit shall not affect the validity of this Agreement or of such exhibit. An unattached exhibit is available from the records of the parties.
26. **Warranty.** The Developer hereby warrants that the Improvements installed, and every part hereof, together with the surface of the land and any improvements thereon restored by the Developer, shall remain in good condition and free from all defects in materials, and/or workmanship during the Warranty Period, and the Developer shall promptly make all repairs, corrections, and/or replacements for all defects in workmanship, materials, or equipment during the Warranty Period, without charge or cost to the City. The City may at any time or times during the Warranty Period inspect, photograph, or televise the Improvements and notify the Developer of the condition of the Improvements. The Developer shall thereupon immediately make any repairs or corrections required by this paragraph. For purposes of this paragraph, "Warranty Period" means the one-year period beginning on the date on which the Improvements are certified complete by the City.

IN WITNESS WHEREOF, the parties have caused this Agreement to be executed by their respective duly authorized representatives this 1 day of May, 2012

CITY:

FARMINGTON CITY CORPORATION

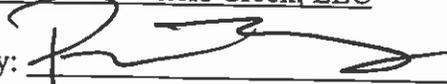
By: _____
Scott C. Harbertson, Mayor

ATTEST:

Holly Gadd, City Recorder

DEVELOPER:

Woodside Hunters Creek, LLC

By: 
Peter Evans
Its: Authorized Signer

DEVELOPERS ACKNOWLEDGEMENT

(Complete if **Developer** is an **Individual**)

STATE OF UTAH)
 :ss.
COUNTY OF _____)

On this _____ day of _____, 20____, personally appeared before me, _____, the signer(s) of the foregoing instrument who duly acknowledged to me that he/she/they executed the same.

NOTARY PUBLIC
Residing in _____ County, _____.

(Complete if **Developer** is a **Corporation**)

STATE OF UTAH)
 :ss.
COUNTY OF _____)

On this _____ day of _____, 20____, personally appeared before me, _____, who being by me duly sworn did say that he/she is the _____ of _____ a _____ corporation, and that the foregoing instrument was signed on behalf of said corporation by authority of its Board of Directors, and he/she acknowledged to me that said corporation executed the same.

NOTARY PUBLIC
Residing in _____ County, _____.

(Complete if Developer is a Partnership)

STATE OF UTAH)
 :ss.
COUNTY OF _____)

On this _____ day of _____, 20____, personally appeared before me, _____, who being by me duly sworn did say that he/she/they is/are the _____ of _____, a partnership, and that the foregoing instrument was duly authorized by the partnership at a lawful meeting held by authority of its by-laws and signed in behalf of said partnership.

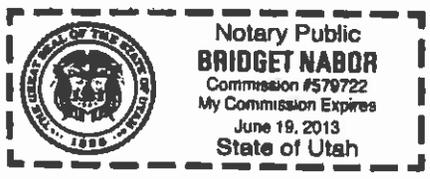
NOTARY PUBLIC
Residing in _____ County, _____.

(Complete if Developer is a Limited Liability Company)

STATE OF UTAH)
 : ss.
COUNTY OF Davis)

On this 1 day of May, 2012, personally appeared before me Peter Evans who being by me duly sworn did say that he or she is the Authorized Signer of Woodside Hunters Creek LLC, a limited liability company, and that the foregoing instrument was duly authorized by the Members/Managers of said limited liability company.

Bridget Nabor
NOTARY PUBLIC
Residing in Layton County, Davis.



CITY COUNCIL AGENDA

For Council Meeting:
May 15, 2012

SUBJECT: Yield Plan Discussion

ACTION TO BE CONSIDERED:

Discussion Only: Staff will present existing yield plan regulations to the governing body.

GENERAL INFORMATION:

See enclosed staff report prepared by Dave 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
NELSEN MICHAELSON
CORY R. RITZ
JIM TALBOT
JAMES 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: April 23, 2012
SUBJECT: **YIELD PLAN DISCUSSION**

RECOMMENDATION

DISCUSSION ONLY: Staff will present existing yield plan regulations to the governing body.

BACKGROUND

Farmington City adopted its conservation subdivision ordinance in 1999. A key component of this ordinance is the yield plan. The purpose of the yield plan is to determine and calculate the base number of dwelling units for any given property developed as a conservation subdivision or a planned unit development. Enclosed for your review is Section 11-12-070 of the Zoning Ordinance with accompanying exhibits, which exhibits graphically illustrate how a yield plan works and will be further presented and discussed at the City Council meeting.

Respectfully Submitted

David Petersen
Community Development Director

Concur

Dave Millheim
City Manager

11-12-068 Fee in Lieu; Conservation Land Dedication.

In the event a proposed conservation land dedication does not, in the City's legislative discretion, produce sufficient public benefit, the City may require the payment of a fee in lieu of the dedication of conservation land. The fee to be paid to the City shall be established as follows:

- (1) The City shall establish the amount of the fee to be paid by determining the value of land of the same general characteristics as the conservation land dedication which would be required absent the application of the provisions of this section. The City's determination of value may be based on land sales data in the City's possession or reasonably available, and the basis of the City's determination shall be made available to the Applicant.
- (2) In the event the Applicant disagrees with the City's determination of the amount of the fee in lieu, the Applicant may, at its sole expense, submit an appraisal report from a licensed and Certified General Appraiser to establish the value of the proposed conservation land dedication. The value as established in a qualifying appraisal shall be the amount of the fee in lieu of conservation land dedication.
- (3) Any amount received by the City in lieu of conservation land dedication shall be set aside solely for open space and/or park acquisition and/or development.



11-12-070 Subdivision Yield Plan.

All applications for a Conservation Subdivision shall include a Subdivision Yield Plan prepared in accordance with the provisions set forth herein. The Subdivision Yield Plan is utilized to determine and calculate the base number of dwelling units for any given property to be developed as a Conservation Subdivision.

- (a) Subdivision Yield Plan. Applicants shall prepare a Subdivision Yield Plan for the proposed project showing how the property within the project could be developed under a Conventional Subdivision layout using the dimensional standards set forth in Subsection (c). The Subdivision Yield Plan is not intended to propose or permit the actual development of the property in accordance with the dimensional standards set forth herein, but is prepared merely to determine the base number of dwelling units to be used in calculating the permitted number of dwelling units and lot size for the actual Conservation Subdivision. No subdivision may be developed in accordance with the dimensional standards set forth in Subsection (c) or a proposed Subdivision Yield Plan.

(b) Realistic Layout. The Subdivision Yield Plan must be drawn to scale and must exhibit a realistic layout reflecting a Conventional Subdivision layout that could reasonably be expected to be implemented in consideration of dimensional standards set forth herein and calculating and addressing the presence of non-buildable or infrastructure areas, including, but not limited to, rights-of-way, public improvement areas, wetlands, floodplains, steep slopes, restricted areas subject to the Farmington City Foothill Development Standards, and existing easements or encumbrances. A sample Subdivision Yield Plan is set forth in Exhibit "A," attached hereto and incorporated herein by this reference, providing an example of a hypothetical Yield Plan for land zoned Large Suburban.

(c) Dimensional Standards. The Subdivision Yield Plan shall reflect the following dimensional standards:

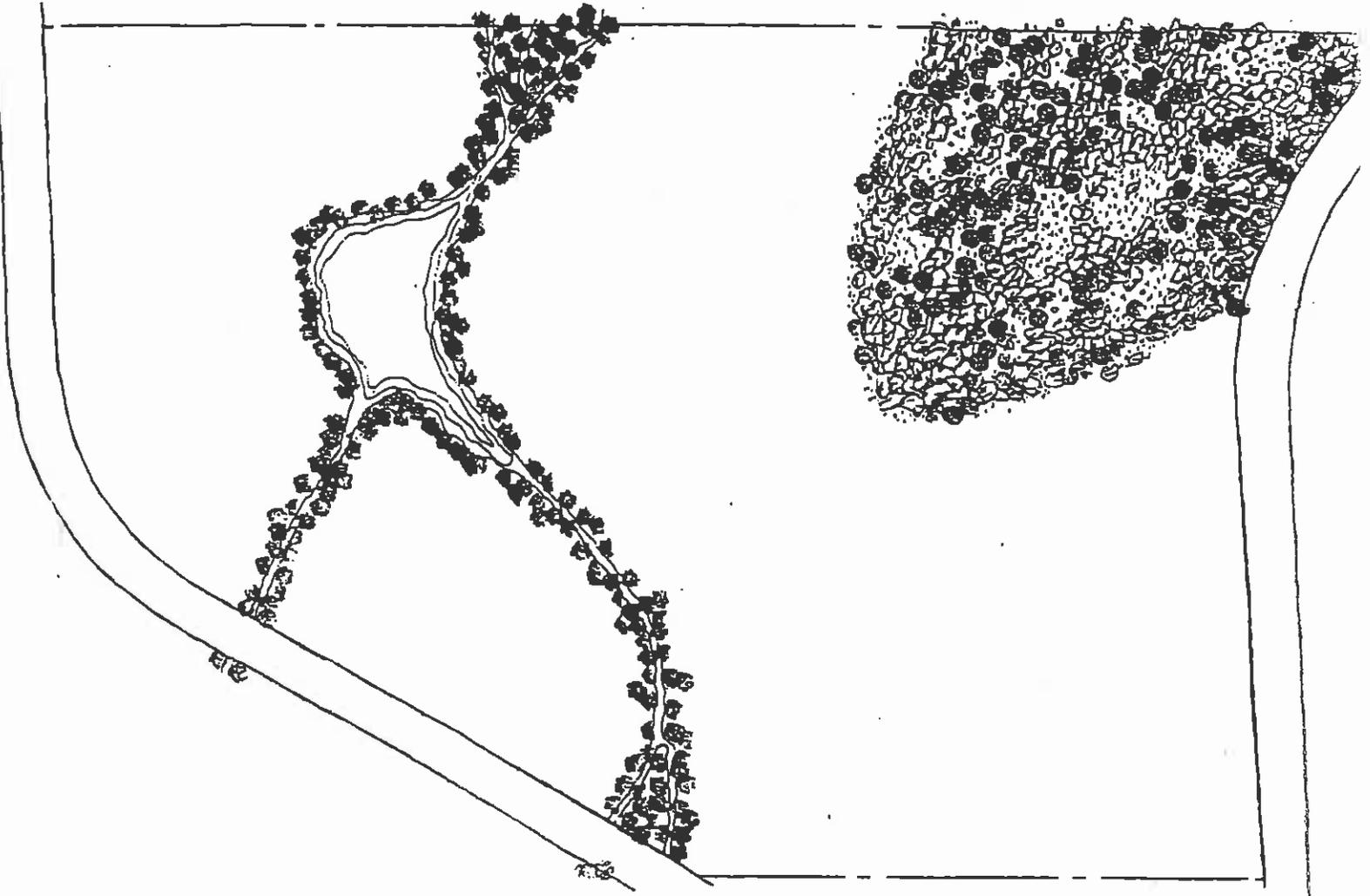
Subdivision Yield Plan Dimensional Standards			
Zone	Lot Area	Lot Width	
		Interior	Corner
R (Residential)	8,000 s.f.	75'	85'
LR (Large Residential)	10,000 s.f.	85'	95'
S (Suburban)	15,000 s.f.	95'	100'
LS (Large Suburban)	20,000 s.f.	100'	110'
AE (Agriculture Estates)	½ Acre	100'	110'
A (Agriculture)	1 Acre	100'	110'
AA (Agriculture-Very Low Density)	5 Acre	150'	160'

(d) Approval. The Subdivision Yield Plan must be approved in writing by the City Planner for compliance with the standards and provisions of this Section prior to the submission of a Schematic Plan for a Conservation Subdivision.

11-12-080 Sensitive Area Designation Plan.

All applications for a Conservation Subdivision shall include a Sensitive Area Designation Plan prepared in accordance with the provisions set forth herein. The Sensitive Area Designation Plan shall identify all constrained and sensitive lands within the property boundaries

EXHIBIT A



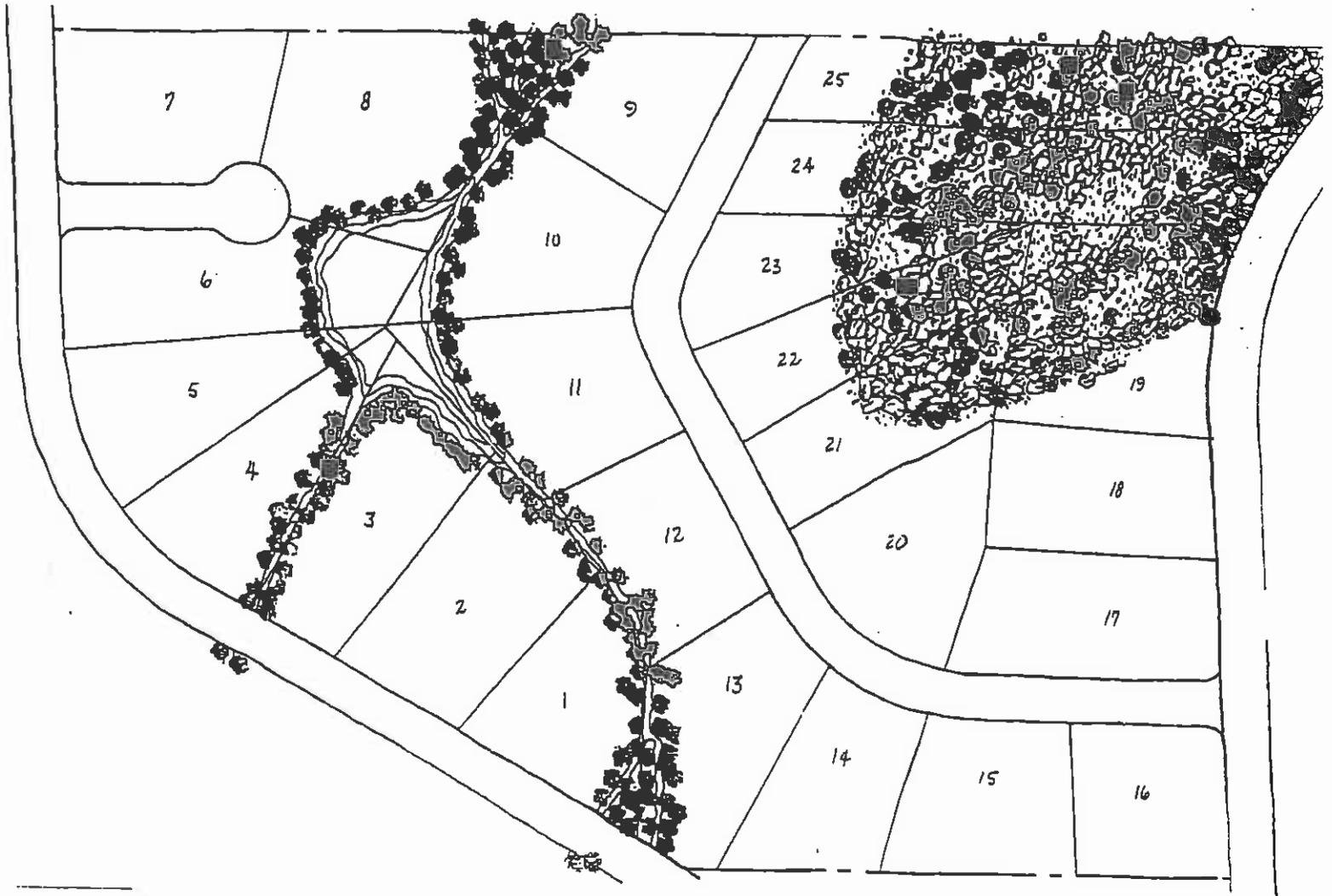
EXISTING CONDITIONS SCHEMATIC MAP

PARCEL SIZE: 29 Acres

CONSTRAINED LAND

- . Wetland Areas: 1 Acre
- . Slopes Greater than 30%: 3 Acres

EXHIBIT B



BASE ZONE SUBDIVISION SCHEMATIC PLAN

LARGE SUBURBAN (LS) ZONE

- . Parcel Size: 29 Acres
- . Lot Area: 40,000 Square Feet
- . Total Lots: 25

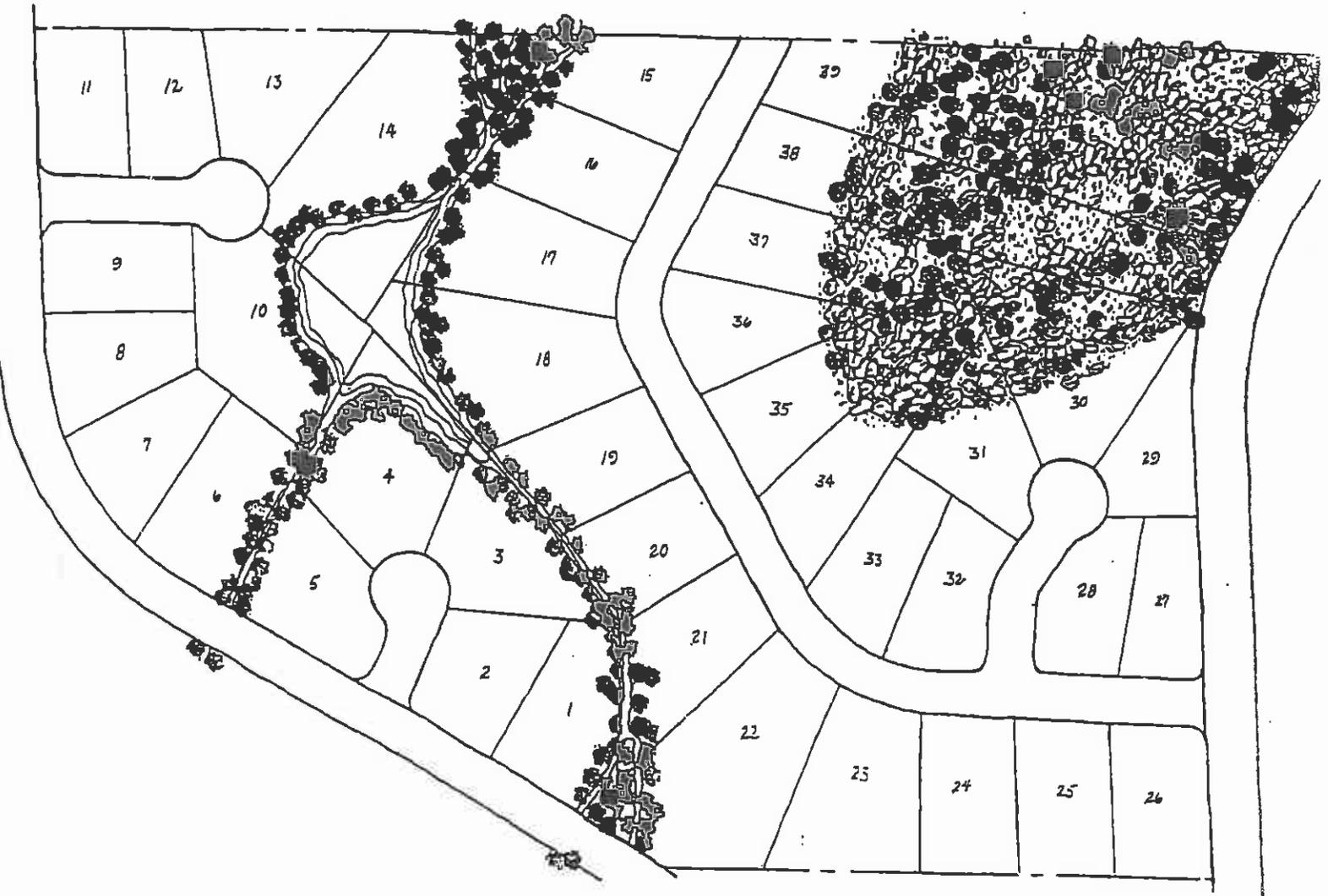
CONSTRAINED LAND

- . Wetland Areas: 1 Acre
- . Slopes Greater than 30%: 3 Acres

CONSERVATION LAND

- . 0%

EXHIBIT C



DENSITY FACTOR LARGE SUBURBAN SUBDIVISION YIELD PLAN

LARGE SUBURBAN (LS) ZONE

- . Parcel Size: 29 Acres
- . Lot Area: 20,000 Square Feet
- . Total Lots: 39

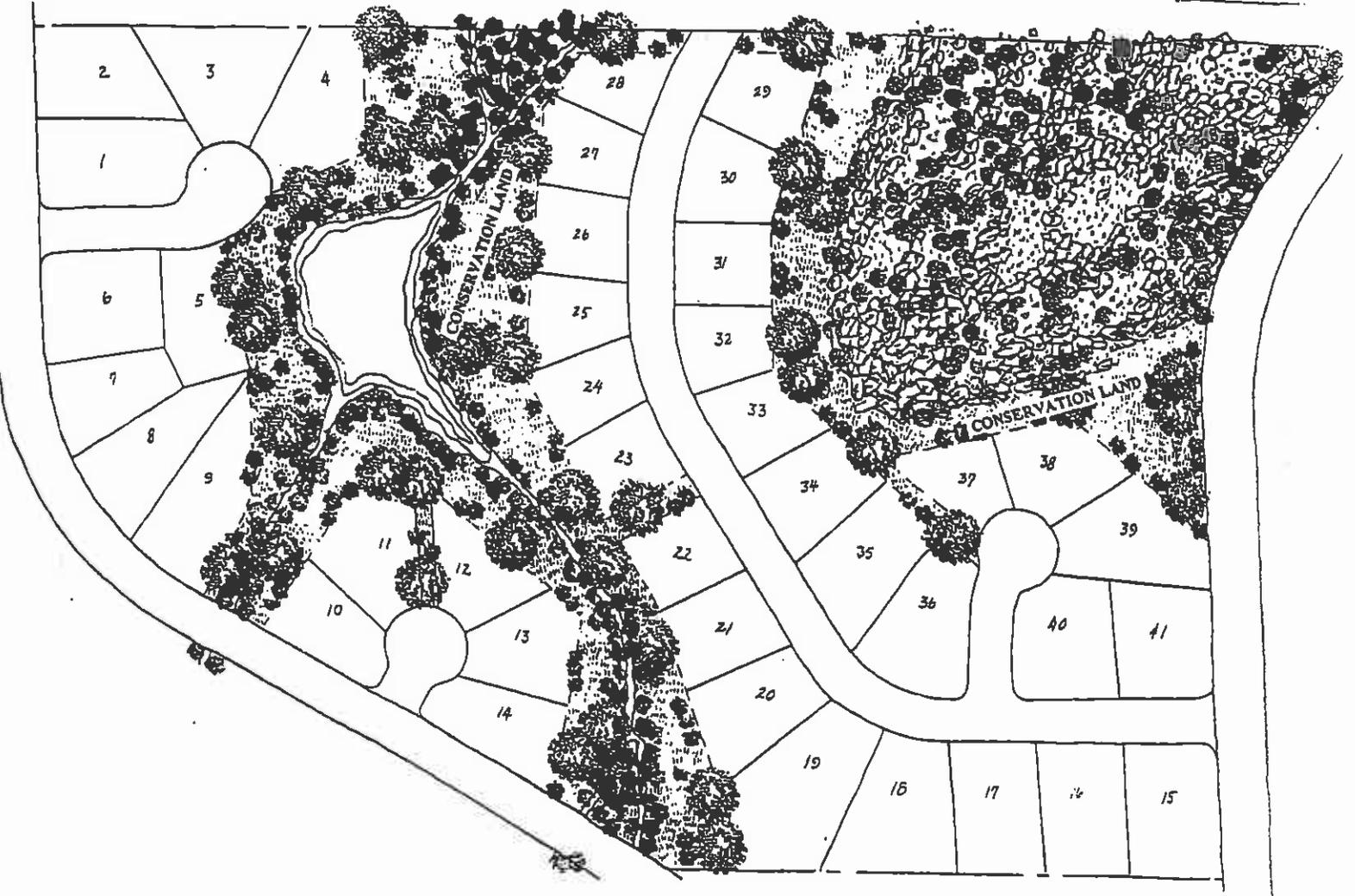
CONSTRAINED LAND

- . Wetland Areas: 1 Acre
- . Slopes Greater than 30%: 3 Acres

CONSERVATION LAND

- . 0%

EXHIBIT D



OPTION 1: LARGE SUBURBAN SUBDIVISION SCHEMATIC PLAN

LARGE SUBURBAN (LS) ZONE

- Parcel Size: 29 Acres

CONSTRAINED LAND

- Wetland Areas: 1 Acre
- Slopes Greater than 30%: 3 Acres

CONSERVATION LAND

- 25% (6.25 Acres)

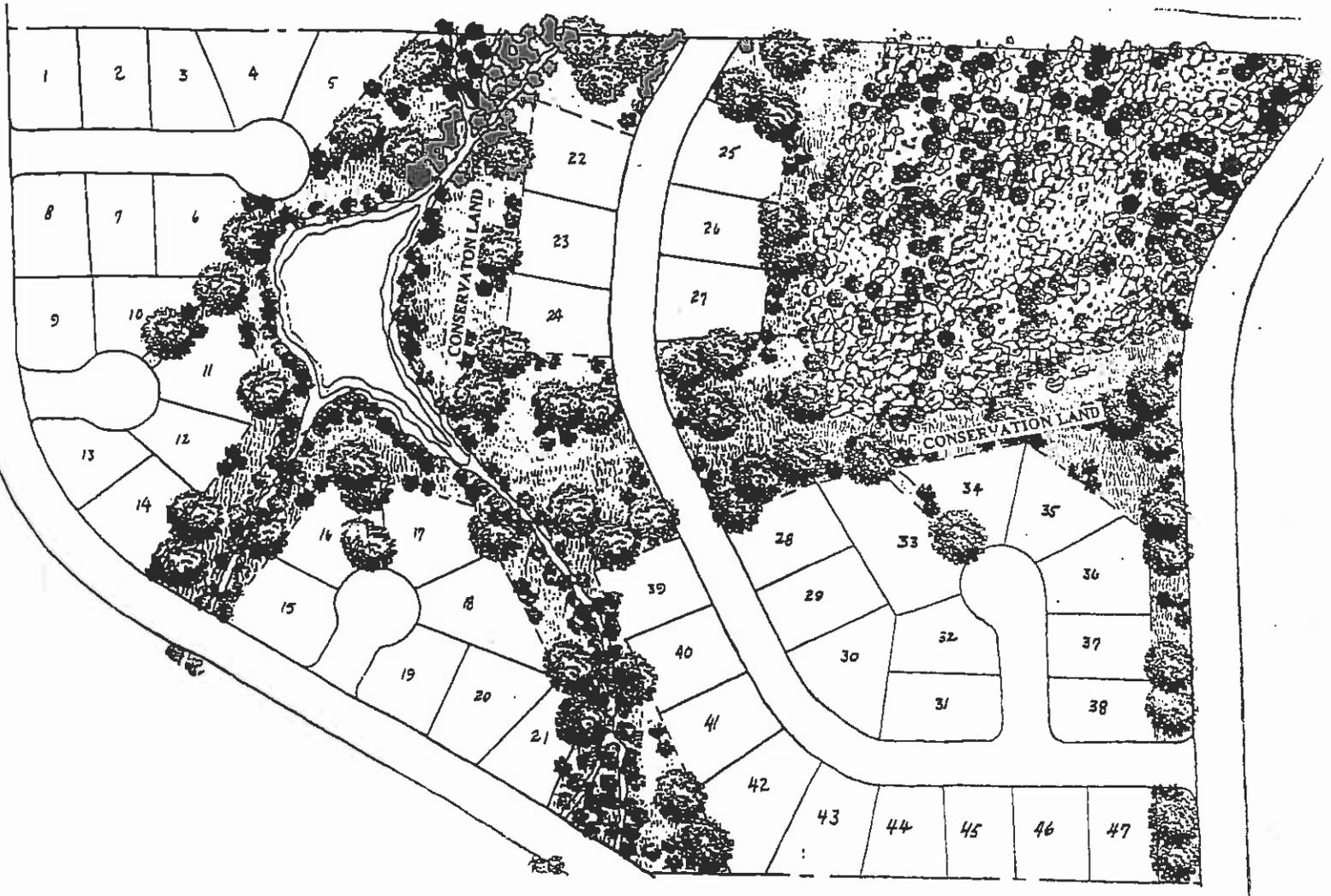
LOT AREA

- Typical Lot Size: 14,286 Square Feet
- Minimum Lot Size: 10,000 Square Feet

INCENTIVE MULTIPLIER

- 5% (or 2 lots)
- Total Lots: $39 + 2 = 41$

EXHIBIT E



2 OPTION 2: LARGE SUBURBAN SUBDIVISION SCHEMATIC PLAN

LARGE SUBURBAN (LS) ZONE

- . Parcel Size: 29 Acres

CONSTRAINED LAND

- . Wetland Areas: 1 Acre
- . Slopes Greater than 30%: 3 Acres

CONSERVATION LAND

- . 30% (7.5 Acres)

LOT AREA

- . Typical Lot Size: 11,667 Square Feet
- . Minimum Lot Size: 9,000 Square Feet

INCENTIVE MULTIPLIER

- . 20% (or 8 lots)
- . Total Lots: $39 + 8 = 47$

CITY COUNCIL AGENDA

For Council Meeting:
May 15, 2012

SUBJECT: City Manager Report

1. Upcoming Agenda Items
2. Park Lane Safety/Tim Taylor Report
3. Fire Department meeting with PLAINS
4. Veterans Memorial Day Program
5. Farmington Trail Access and Mapping City Owned Properties
6. Transportation Project Review
7. Building Activity Report for April 2012

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

June 5, 2012 – Staff Reports Due: May 25th

Front pocket of binder: Monthly Statistics for Police and Fire

Action Items:

- HHI Trail Easement
- Haws Burke Lane Use Agreement

Summary Action Items:

- Approval of Minutes of Previous Meetings
- Ratification of Approvals of Storm Water Bond Logs
- Approval of Disbursement Lists
- Ritz Easement and Boundary Line Adjustment



FARMINGTON CITY

SCOTT C. HARBERTSON
MAYOR

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

MAX FORBUSH
CITY MANAGER

April 28, 2010

Jason Davis
Director, UDOT, Region One
166 West Southwell Street
Ogden, Utah 84404

Re: **Park Lane Safety**

Dear Mr. Davis:

The Park Lane/I-15 Interchange and the Park Lane/U.S 89/Legacy Highway Interchange were completed in October of 2004. Even though it appears that the multi-lane facility is operating at a high level of service significantly under capacity, numerous crashes have occurred on the overpass since its inception, including fatalities. As the governing body of Farmington City, we hereby request that the Utah Department of Transportation perform a study and analysis as soon as possible to determine what must be done to increase the safety of the interchanges, and thereafter implement the results of the study.

Farmington City is concerned that the lack of overhead signing through both interchanges may be a primary contributor to the frequency and severity of the crashes. Motorists desiring to go southbound on I-15 from the overpass must enter an on-ramp, which entrance is positioned where one normally expects to enter Legacy Parkway, not I-15. Likewise, traffic from the overpass joining southbound Legacy Parkway must do so from an on-ramp located where one expects to enter I-15, not Legacy Parkway. Moreover, the two diamond-type interchanges are so close together it is even confusing when one is entering or exiting a ramp situated at its "normal" location. Often motorists routinely look down and/or across for the appropriate north or southbound highway first and do not "see" the existing post mounted signs until it is too late. Even when one is trying to look for the right post-mounted sign first, extra effort is necessary to find it because of the extensive width of the bridge, all the while decision points are fast approaching and distances established for weaving movements are very short.

Farmington City strongly requests that UDOT, without delay, increase the safety of the Park Lane overpass and interchanges before more regretful crashes and fatalities occur. Please

contact and coordinate your efforts with: Max Forbush, the Farmington City Manager at 801-939-9201 or at mforbush@farmington.utah.gov, David Petersen, the City's Community Development Director at 801-939-9211 or at dpetersen@farmington.utah.gov, and Tim Taylor with WCFC Engineers, Inc., the City's Traffic Engineer at 801-456-3847 or at taylor@wcesengineers.com.

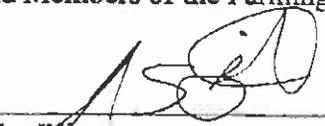
Your prompt, accurate, and thorough attention to this matter is greatly appreciated.

Sincerely,



Scott C. Harberston
Mayor
Farmington City

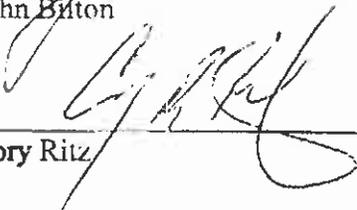
and Members of the Farmington City Council:



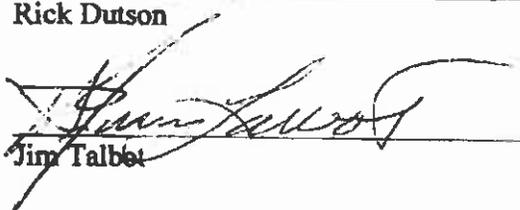
John Britton



Rick Dutson



Cory Ritz



Jim Talbot



Sid Young

cc: Max Forbush, City Manager
David Petersen, Community Development Director
Tim Taylor, City Traffic Engineer
Darin Duersch, UDOT Region 1 Traffic Engineer
W. Scott Jones, UDOT Traffic and Safety Division, Safety Programs Engineer
File

Hello Dave,

Just an F.Y.I,

I had a long productive meeting with the PLAINS group from Wyoming yesterday afternoon. We ended up with six representatives in total ranging from various Enviro Care representatives in addition to various Division Directors.

In a nutshell the meeting went very well with Station Park hazards identified and followed-up with in-depth operational discussions. This first meeting (of several to come) ended with PLAINS agreeing to pursue the trailer and supplies (recommended by FFD) providing corporate office in Texas approves the expenses (total cost ranging from \$100,000 - \$400,000). It is speculated funding will probably be approved and become available in January / February 2013.

PLAINS is waiting for a new set of maps to be printed prior to holding our next meeting. This will allow us to focus on other environmental hazard potentials within Farmington such as waterways, nature preserves, etc. I am looking to involve applicable City & County representatives in this meeting also.

It was agreed the only way for us to move forward would be to share an agreement (via MOU) that would identify the following criteria:

(Note: This identifies the spirit of the MOU only and would go through legal first...)

1. PLAINS provides the Haz-Mat trailer and equipment as outlined within the FFD request. PLAINS will maintain the trailer and all equipment to include replacement of all equipment as it is used or becomes expired.
2. FFD will stage the trailer at its facility ready for deployment.
3. Joint-training of FFD & PLAINS personnel to be conducted two (2) times per year.
4. PLAINS will cover up to 5% of supplies expenses for annual training.
5. FFD will respond the trailer and equipment to pipeline releases (sanctioned by PLAINS) within Davis County as part of our Mutual-Aid agreement.
6. FFD may provide limited operational support to PLAINS during trouble shooting operations that pose potential release hazards.

Please let me know if you have any questions,

Respectfully,

Guido.

FIRST ANNUAL

FARMINGTON CITY MEMORIAL DAY PROGRAM

**12:00 P.M. (noon), Monday, May 28, 2012
Farmington City Cemetery
Military Veterans Memorial**

“Honoring Our Fallen Warriors”

**Mayor Scott C. Harbertson
Master of Ceremonies**

--Key Note Speaker--

***Lieutenant Colonel (Ret) Paula R. Stephenson
Commander, American Legion Post 27***

**American Legion Post 27 – Farmington
Honor Guard and Rifle Team**

***L. Brent Christensen
Director
Bugles Across America***



FARMINGTON MEMORIAL DAY PROGRAM

May 28, 2012 12:00 P.M. Noon

Farmington Cemetery Military Veterans Memorial
Farmington, Utah

American Legion Farmington Post 27 Honor Guard and Rifle Squad

March to Military Veterans Memorial from parking lot

Honor Guard raises flags on Memorial flag poles to full staff

L. Brent Christensen, Bugles Across America, plays "To The Colors"

**Pledge of Allegiance – lead by Jay Hess, Lieutenant Colonel (Retired), USAF & member of
American Legion Post 27**

Welcome - Mayor Scott Harbertson

*Introduce JGolden Barton, American Legion Post 27 Chaplain & World War II
Veteran*

Prayer - JGolden Barton

Remarks – Mayor Scott Harbertson

*Recognize any veterans who are in attendance (includes all American Legion Post
27 members)*

Recognize Council members & Parks & Recreation Personnel

*Introduce Keynote Speaker Paula R. Stephenson, Lieutenant Colonel (Retired), U.S.
Army & Commander of American Legion Post 27*

Keynote Speaker - Lieutenant Colonel (Ret) Paula R. Stephenson

Closing Remarks - Mayor Harbertson

Rifle Volley - by American Legion Post 27 Rifle Team to honor fallen veterans

"Taps" - L. Brent Christensen, Director, Bugles Across America

American Legion Post 27 marches out.

Candy Allen
801 403-3936
Bike Trail Access

080570045
BBC COTTAGES LLC

080570038
ELLIOTT CLIFFORD L JR & LYNETTE B
1926 W 900 NORTH

080570048
FARMINGTON CITY A MUNICIPAL CORPORATION

950 North()

080570040
BBC COTTAGES L.L.C.

080570052
DANVILLE LAND INVESTMENTS LLC

083530131
HUNTERS CREEK HOMEOWNERS ASSOCIATION

083530130
WAGER, JOEY C
821 N BROWNING PL

083530105
SORIA, SIDNEY & NATALIE L - TRUSTEES
818 N BROWNING PL

083530114
JONES, CHACE P & AMY W
916 N BROWNING PL

083530103
BJOBERG, ERIC S & WENDY R
904 N BROWNING PL

083530102
BRYSON, SHARIE A
852 N BROWNING PL

083530101
OWYAN, JOHN C & MARIE C
878 N BROWNING PL

083530135
RICHMOND, JONNA
1947 W WINCHESTER LN

083530136
BRADY, KEITH D & M JAN - TRUSTEES
1923 W WINCHESTER LN

083530137
PRICE, DAVE
1852 W RUGER PL

083530132
HAMMOND, BRADFORD & CHRISTINE
1938 W RUGER PL

083530133
PECK, STEVEN E & CHRISTINE
1926 W RUGER PL

083530134
FORSYTH, JEFFREY & REBECCA
1899 W RUGER PL

Hunters Creek No. 1

HUNTERS CREEK

Browning Pl (1975 W)

Winchester Ln (850 N)

Ruger Pl (925 N)

084170130
FARMINGTON CITY

084170101
GOODRICH, BRIAN R & BECKY - TRUSTEE
938 N 1875 WEST

084170102
HERRON, JEREMY & HEIDI
826 N 1875 WEST

084170103
WILCOUGHBY, RYAN & HAYLEY
1872 W 875 NORTH

084170104
TURMAN, BRANDON & JAYMIE
1884 W 875 NORTH

084170105
PETERSON, CRAIG B & KATHLEEN S - TRUSTEES
1858 W 875 NORTH

084170106
YOUNG, SEBASTIAN & MEGAN
880 N MCKITTRICK LN

084170107
HOGAN, EDWARD MICHAEL
874 N MCKITTRICK LN

084170108
PRICE, COREY & YOUNG RAN
864 N MCKITTRICK LN

084170109
WATTS, KEVIN E & SASHA
852 N MCKITTRICK LN

084170110
QUANTON, KELLY & CAMILLE
838 N MCKITTRICK LN

084170126
HUNTER, JON D & LESLIE
1822 W 800 NORTH

084170125
BRETZING, STEPHEN & ERIN
1844 W 800 NORTH

084170123
EVERETT, BRIAN K & SANDRA J
1882 W 800 NORTH

084170122
PECK, RANDALL
1868 W 800 NORTH

084170129
FARMINGTON CITY

084170127
CELLA, TYLER & TERESA G
873 N MCKITTRICK LN

084170125
SULLIVAN, MARK & CONNIE
1871 W 875 NORTH

084170106
HOGAN, EDWARD MICHAEL
874 N MCKITTRICK LN

084170108
PRICE, COREY & YOUNG RAN
864 N MCKITTRICK LN

084170109
WATTS, KEVIN E & SASHA
852 N MCKITTRICK LN

084170110
QUANTON, KELLY & CAMILLE
838 N MCKITTRICK LN

084170126
HUNTER, JON D & LESLIE
1822 W 800 NORTH

084170125
BRETZING, STEPHEN & ERIN
1844 W 800 NORTH

084170123
EVERETT, BRIAN K & SANDRA J
1882 W 800 NORTH

084170122
PECK, RANDALL
1868 W 800 NORTH

0875 North()

1875 West()

Spring Creek Phase I
Spring Creek No. 1

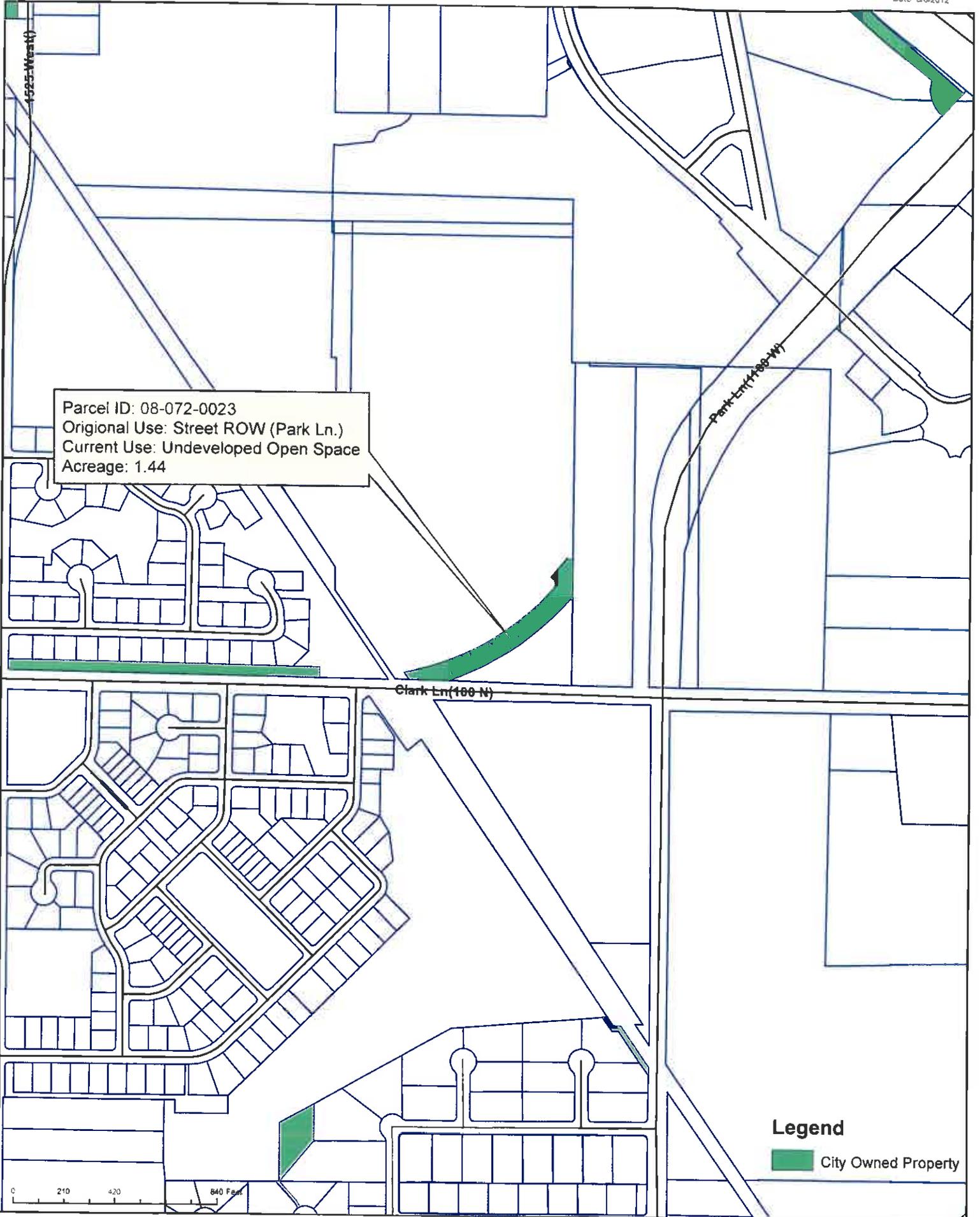
Mckittrick Ln (1862 W)



Farmington City Property Map



Date 5/8/2012



Month of April 2012	BUILDING ACTIVITY REPORT - JULY 2011 THRU JUNE 2012				
RESIDENTIAL	PERMITS THIS MONTH	DWELLING UNITS THIS MONTH	VALUATION	PERMITS YEAR TO DATE	DWELLING UNITS YEAR TO DATE
NEW CONSTRUCTION *****					
SINGLE FAMILY	9	9	\$2,481,000.00	92	92
DUPLEX	0	0	\$0.00	2	2
MULTIPLE DWELLING	0	0	\$0.00	0	0
OTHER RESIDENTIAL	0	0	\$0.00	15	15
SUB-TOTAL	9	9	\$2,481,000.00	109	109
REMODELS / ALTERATION / ADDITIONS *****					
BASEMENT FINISH	1		\$24,000.00	22	
CARPORT/GARAGE	2		\$24,360.00	2	
ADDITIONS/REMODELS	2		\$87,047.00	16	
SWIMMING POOLS/SPAS	0		\$0.00	0	
OTHER (Roofs, Waterheaters)	22		\$206,666.00	140	
SUB-TOTAL	27		\$342,073.00	180	
NON-RESIDENTIAL - NEW CONSTRUCTION *****					
COMMERCIAL	3		\$4,164,000.00	13	
PUBLIC/INSTITUTIONAL	2		\$610,000.00	4	
CHURCHES	0		\$0.00	0	
OTHERS	0		\$0.00	2	
SUB-TOTAL	5		\$4,774,000.00	19	
REMODELS / ALTERATIONS / ADDITIONS - NON-RESIDENTIAL *****					
COMMERCIAL/INDUSTRIAL	5		\$657,054.00	25	
OFFICE	0		\$0.00	2	
PUBLIC/INSTITUTIONAL	0		\$0.00	1	
CHURCHES	0		\$0.00	0	
OTHER	0		\$0.00	0	
SUB-TOTAL	5		\$657,054.00	28	
MISCELLANEOUS - NON-RESIDENTIAL *****					
ftgs, fnd, signs, awnings	3		\$43,500.00	47	
SUB-TOTAL	3		\$43,500.00	47	
TOTALS	49	9	\$8,297,627.00	383	109

CITY COUNCIL AGENDA

For Council Meeting:
May 15, 2012

SUBJECT: Mayor Harbertson & City Council Reports

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