FARMINGTON CITY COUNCIL MEETING
Tuesday, October 5, 2010

CITY COUNCIL WORK SESSION/EAST CONFERENCE ROOM

PRESENT: *Mayor Scott Harbertson, Council Members John Bilton, Rick Dutson, Cory Ritz, Jim Talbot and Sid Young, City Manager Max Forbush, Assistant City Planner Glenn Symes, City Finance Director Keith Johnson, City Engineer Paul Hirst and Recording Secretary Cynthia DeCoursey*

Mayor Harbertson called the meeting to order at 6:00 p.m., and **Jim Talbot** offered an opening prayer. City Finance Director **Keith Johnson** gave the financial report, and the Council discussed the following agenda items:

(Agenda Item #5) – (Public Hearing) – Consideration of Amendment to the Farmington Ranches Neighborhood Park Master Plan

Mayor Harbertson explained that City Parks Director **Neil Miller** has requested an amendment to this master plan. Residents living near the Park have expressed opinions that they are opposed to changing the plan. The **Mayor** reviewed past agendas and minutes and found no specific record of discussing and/or approving the landscaping plan. He referred to paragraph 5, page 2, of the Agreement with Farmington Ranches: "The City has the right to determine the size, design, use and makeup of the Park and related improvements." The Council will make a decision following remarks from **Neil Miller** and any residents who wish to speak during the public hearing.

(Agenda Item #6) – (Public Hearing) – Consideration of Plat Amendment for the Village at Old Farm Phase II pertaining to the vacation of three residential building lots with subsequent action to consider a two-lot minor plat approval with a dedicated public street right of way

Max Forbush explained that this request is for a plat amendment, and there may be a road sometime in the future depending on how the property to the north is developed. Approving the amendment doesn't mean you build the road improvements. The development agreement specifies that if it is developed as residential, there is a provision for a road. However, if the area is commercial, the space could be vacated and used as open space.

(Agenda Item #7) – Review of The Haws Company email correspondence regarding conditions for delay of paving the north end of Station Parkway road

Mayor Harbertson said the City has asphalted a portion of this road and is required to continue the asphalt to Burke Lane. However, the Public Works Department would like to allow

the sewer trenches to settle through the winter and then finish the asphalting next spring. **Rich Haws** submitted a letter listing items which may be affected by this decision and which need to be reviewed by the City. The Council discussed the proposed amendments and agreed that delaying the asphalting would be a wise decision.

REGULAR CITY COUNCIL/CITY CHAMBERS/CALL TO ORDER

PRESENT: *Mayor Scott Harbertson, Council Members John Bilton, Rick Dutson, Cory Ritz, Jim Talbot and Sid Young, City Manager Max Forbush, Assistant City Planner Glenn Symes, City Engineer Paul Hirst, City Recorder Margy Lomax and Recording Secretary Cynthia DeCoursey*

Mayor Harbertson opened the meeting at 7:00 p.m. and welcomed those in attendance, including Farmington Youth Council Member **Courtney Kattelman**. **Margy Lomax** offered the invocation, and the Pledge of Allegiance was led by **Max Forbush**.

APPROVAL OF MINUTES (Agenda Item #2)

Motion

Sid Young made a motion to approve the minutes of the City Council meeting held September 21, 2010 with one minor amendment. The motion was seconded by **Cory Ritz** and approved by Council Members **Bilton**, **Dutson**, **Ritz**, **Young**, and **Talbot**.

TRAIL ADVOCATE OF THE YEAR PRESENTATION – FARMINGTON TRAILS COMMITTEE CHAIRMAN GEORGE CHIPMAN (Agenda Item #3)

George Chipman said the Committee looks forward to presenting this award each year, and he announced **Max Forbush** as the Trail Advocate of 2010. He praised the efforts of **Mr. Forbush** and thanked him for the support he has given to the Trail Committee. **Mr. Chipman** also mentioned that the 6th edition of the Farmington Trails Guide has been published, and he presented a copy to **Mayor Harbertson**.

PLANNING COMMISSION REPORT (Agenda Item #4)

Glenn Symes informed the Council that **Craig Kartchner** moved from Farmington several weeks ago, and the Commission appointed **Randy Hillier** as the new Vice Chairman. The Commission approved a request from WCI Construction to amend the Farmington Bay Business Park Plat A for the creation of a condominium plat which will be on the next City Council agenda. The Commission also approved a conditional use permit for a sales office in the model home on Lot 23 in the Grove PUD.

(PUBLIC HEARING): CONSIDERATION OF AMENDMENT TO THE FARMINGTON RANCHES NEIGHBORHOOD PARK MASTER PLAN (Agenda Item #5)

Mayor Harbertson asked Parks & Recreation Direction **Neil Miller** to state his reasoning for the request to amend the master plan and eliminate the plan for trees in the center of the Park. **Mr. Miller** explained that planting trees in the center of the Park space may create undesirable limitations. The open space would be lost, and the remaining areas would be too small for adequate usage. He said a 100 x 40 foot area is barely sufficient for a volleyball court. He said 102 trees have been planted in the park since construction began, and ten Eagle Scout projects were completed.

Public Hearing

Mayor Harbertson opened the public hearing at 7:15 pm.

Stephen Petersen, 1981 W. Old Fort Road, said he lives near the Park which is being used and enjoyed by Farmington residents. He added that the tennis courts are a great amenity and are used frequently. He referred to a landscaping master plan and an agreement between the City and the Farmington Ranches HOA dated April 2008 and said an important part of the plan was to include many different sizes and varieties of trees. He urged the Council not to amend the landscaping master plan.

Gordon Crabtree, 1611 W. Ranch Road, thanked City staff and the Council for creating this wonderful park in west Farmington. He believes it will be a great asset to the City of Farmington, and he asked the Council to follow through with the terms of the master plan.

Gemnie Benson, 1844 W. Country Bend Circle, said she has been a member of the HOA Park Committee for several years. She said the residents of west Farmington love the Park, and it is rarely empty. She mentioned an eyesore on the east side of the park and said additional trees would help diminish the effect. She urged the Council to leave the master plan as it was originally written.

Matthew Gore, 2068 Silver Spur Way, said the park is a beautiful amenity for west Farmington. He believes usage will continue to increase, and the park will be better utilized with additional trees.

Jody Garlick agreed with all of the previous comments. She is in favor of locating trees in the center of the park and believes they will help diminish the noise.

Mayor Harbertson closed the public hearing at 7:35 p.m. and quoted paragraph 5 on page 2 of the Farmington Ranches Subdivision Public Park Agreement: "Except as otherwise

provided in Section 6 of this Agreement, the City also reserves the right in its sole discretion to determine the size, design, use and make up of the Park and related improvements."

Stephen Petersen said the landscape design given to the HOA was developed by the City, and the landscaping master plan and the budget were both reviewed at a meeting with the City.

Mr. Forbush recommended that the neighbors meet with **Mr. Miller** and a member of the Council to discuss a compromise. Various issues that need to be considered are:

- Difficulty of growing grass beneath trees
- Extensive root systems/debris beneath trees
- Difficulty of maintenance beneath trees
- Families with older children and large groups generally utilize larger spaces
- Usage of the park will change as the demographics in the area change.

Motion

John Bilton made a motion to continue this item until the next City Council meeting to allow time for members of the HOA, the City Council, Landscape Architect **Eric Lyman** and **Neil Miller** to obtain legal advice on how to proceed and to compromise and draft a new plan which will satisfy those involved. The motion was seconded by **Cory Ritz** and approved by all Council Members.

(PUBLIC HEARING): CONSIDERATION OF PLAT AMENDMENT FOR THE VILLAGE AT OLD FARM PHASE II – VACATION OF THREE RESIDENTIAL BUILDING LOTS AND A TWO-LOT MINOR PLAT APPROVAL WITH A DEDICATED PUBLIC STREET RIGHT OF WAY (Agenda Item #6)

The **Mayor** explained that the Village at Old Farm was master planned for both residential and commercial/office uses, and there was a provision in the development agreement to require the dedication of a roadway from the southern residential portion to the northern portion if that portion was developed as residential.

Mark Murdock, Gardner Company, said his company is requesting this plat amendment to dedicate the property and move forward with the construction of the last few units.

Public Hearing

The **Mayor** opened the public hearing at 8:15 p.m.

Dan & Laura Hirst, 1516 N. Old Shepard Road, said they are frustrated because they were never told about this proposed road. They believe there is a greater possibility to sell their

property in the future if there is no road. **Laura Hirst** expressed her concern regarding safety issues and the additional traffic this access road would bring to their neighborhood.

Kylie Cook expressed concern regarding the sewer line capacity in the area.

Amy Reynolds, 882 W. Old Shepard Road, said she purchased her home in this area because there is less traffic. Residents use the center of the round-a-bout area frequently, and the addition of an access road would change the area.

Motion

Jim Talbot made a motion to approve the Vacation and Amendment Order for Lots 335, 336, and 337 of the Village at Old Farm PUD Phase 3 Subdivision with the following conditions:

1. All conditions of approval from any previous approval shall be placed as conditions of approval on this application.
2. The applicant continues to work with staff to finalize and record the Village at Old Farm PUD Phase 2 Amended subdivision plat.
3. The applicant must receive approval from the Farmington City Council for the plat amendment and any amendments to the development agreement that may be associated with the plat amendment.

The motion was seconded by **Rick Dutson** and approved by Council Members **Bilton**, **Dutson**, **Ritz**, and **Talbot**. Council Member **Sid Young** did not approve the motion because of the information included in paragraph vii on page 5 of the Agreement which states: "Developer shall delay the construction of one of the dwellings until such time as areas in the Project north of residential Phase 2 are developed by the Developer."

Findings

1. The amendment is in accordance with the requirements of the development agreement.
2. The dedication of the roadway will allow a future developer of the northern portion to have additional access and circulation if it is developed as residential.

REVIEW OF THE HAWS COMPANY EMAIL CORRESPONDENCE REGARDING CONDITIONS FOR DELAY OF PAVING THE NORTH END OF STATION PARKWAY (Agenda Item #7)

Motion

Sid Young made a motion to approve the request and include the amended attachment from The Haws Company with limitations on items #5 and #10 as submitted by the Planning

Department and limitations on items #4, #6, and #9 as submitted by the City Manager. The motion was seconded by **John Bilton** and approved by all Council members.

CONSIDERATION OF GOVERNING BODY ACTION TO VOID PREVIOUS RECORDA-TIONS OF PARK LANE VILLAGE AND PARK LANE COMMONS AGREEMENTS THAT WERE SUPERCEDED BY REPLACEMENT AGREEMENTS (Agenda Item #8)

Mr. Forbush explained that in order for HUD financing to be completed for the Park Lane Village Development, these title problems need to be corrected.

Motion

John Bilton made a motion to void the previous recordations of Park Lane Village and Park Lane Commons Agreements which were superceded by replacement agreements. The motion was seconded by **Sid Young** and approved by all Council Members.

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

9-1. Ratification of Approvals of Construction & Storm Water Bond Agreements
9-2. Authorization to re-roof Museum
9-3. Approval of exemption from curbside recycling service for Lagoon rental house occupied by Fussner family.
9-4. Approval of new Reimbursement Agreement with Farmington Ranches Partners, LLC (David Tolman) pertaining to water line on Shirley Rae Drive.
9-5. Approval of Lettering Bid on City Hall by Thomas & Sons.
9-6. Conceptual approval of Parks & Recreation request to set group rates for spring and fall Youth, Dinner and Summer Theaters.
9-7. Improvements at Park Lane and D&RG rail crossing – proposed paving west to diagonal intersection.
9-8. Host Agency Agreement for Senior Community Services Employment for Patricia Mwanuyera.

Motion

Rick Dutson made a motion to approve the items on the Summary Action List. **John Bilton** seconded the motion, and it was unanimously approved.

DISCUSSION REGARDING CITY MANAGER SELECTION PROCESS (Agenda Item #10)

Mr. Forbush said there were 120 applicants for the Farmington City Manager position, and those were recently cut to 40 applicants. The next step in the process is to choose the approximately ten applicants who will then be interviewed by the **Mayor**, the City Manager, two City Council members, and the Centerville City Manager. The interviews will begin on October 18th.

DISCUSSION PERTAINING TO PROPOSED DEMOLITION OF MARY MYERS' HOME ON SOUTH MAIN STREET (Agenda Item #11)

The **Mayor** predicted expenses of more than $10,000 to salvage even a portion of this home. Historic Commission representative **John Anderson** agreed that the building would require major modifications, but he made several suggestions for possible uses, including using rock from the home to face the well structure or to build a small monument. Following a brief discussion, the Council agreed that funds would be better utilized in saving the home owned by Lagoon on 100 North.

POLICY CONSIDERATION FOR FINANCING CURB, GUTTER AND POSSIBLE STREET LIGHTING PROJECTS (Agenda Item #12)

Mr. Forbush told the Council he met with residents of 900 and 1000 North and said there are some people who would be willing to assist in the costs of these projects. Several issues discussed at the meeting were the length of construction, the interest rate, and possible liens on the property. There was also discussion regarding a special improvement district, the percentage which may be required from abutting property owners, and the fact that several of the residents may not be able to contribute. The Council asked **Mr. Forbush** to prepare a proposal which will be reviewed at the next Council meeting.

CITY MANAGER REPORT (Agenda Item #13)

- The recruitment plan for a new Farmington City Fire Chief has been implemented, and the deadline for applications is October 29 at 5:00 p.m.

- The City planned to honor **Chief Gregory** on October 19, 2010, but he passed away prior to that date. The Council agreed to continue with those plans and invite his wife and family and the fire department to attend.

- An owner (Ron Lindorff) of property near undeveloped west Farmington park property has contacted the City and would like to discuss a possible sale to augment the size of the park. The Council directed **Mr. Forbush** to meet with the owner.

- Invoices for the Station Park development fees were reviewed.

- **Blake Matthews** has signed the flood plain agreement; however, a resident in Farmington Estates said his insurance company raised his flood insurance $1,000 per year. **Mr. Forbush** would like to present a plan to Wilding Engineering which would raise the amount of their compensation from $24,000 to $28,000 with the condition that they submit a LOMR as soon as possible which will provide immediate relief to the residents.

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MAYOR AND CITY COUNCIL REPORTS - (Agenda Item #14)

Mayor Harbertson's Report

- **Margy Lomax** has submitted her resignation, and December 1st will be her last day.

- The City will host a public open house for **Margy Lomax** and **Max Forbush** on Tuesday, November 30 from 4-8 p.m. and an employee luncheon December 1st at 12:00 p.m.

- The annual Christmas employee party will be held on December 16th at 12:00 p.m. City Council members and their wives are invited.

- He asked **Mr. Forbush** to determine whether or not the large tree from Palmer Estates will fit through the doors of the City building and suggested inviting a school to decorate it.

- He reminded the Council of the October 12th field trip to the Harmons grocery store in Sandy and said they would be leaving the City building at 5:00 p.m.

- The URMMA Conference will be held on October 28-29 at Snowbird, and City Council members are invited to attend.

- The November City Council meeting was previously schedule for Wednesday, November 3rd because of elections, but the new building will not be used for elections, and the meeting will be held on its regular date – Tuesday, November 2, 2010.

- He met with Davis County Commissioner **Bret Milburn**, and their architect is in the process of making several changes to the original plans.

- He met with UDOT regarding the SWOOP proposal.

- He asked staff to inquire about the book drops which have been set up in various locations.

City Council Reports

John Bilton

- He referred to the correspondence regarding the City's sign ordinance, and the **Mayor** said the City Attorney is reviewing the issues.
- He gave a brief update of the Historic Preservation Commission.

Rick Dutson

- The podium in chambers needs a longer microphone.
- He met with the Tax and Entity Committee to discuss redevelopment agency issues.
- Progress is being made on the Station Park development.
- Overgrown weeds on a vacant lot on Summerwood Drive are encroaching onto the sidewalk.

Cory Ritz

- He urged City staff to resolve the flood plain issue with **Blake Matthews** prior to the approval of any additional development.
- He asked about the City's policy regarding ice cream trucks and if they are required to have business licenses and background checks.

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ADJOURNMENT

Motion

Jim Talbot made a motion to adjourn the meeting. The motion was seconded by **Sid Young** and approved by all Council members. The meeting was adjourned at 10:40 p.m.

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Margy Lomax, City Recorder
Farmington City Corporation