FARMINGTON CITY COUNCIL MEETING
Tuesday, May 4, 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, and Recording Secretary Cynthia DeCoursey*

Mayor Harbertson began the work session at 5:40 p.m. **Cory Ritz** offered the opening prayer.

Howard Wilson from Modern Display gave a presentation of possible Christmas decorations for Farmington City. The Council discussed issues such as vandalism, possible locations, and the cost of the decorations. They determined that it was not prudent to commit $100,000 to Christmas decorations at the current time. They suggested that a much smaller proposal be prepared, and they discussed the possibility of allocating a certain amount of funds for decorations spread over a two or three year time period. It was also suggested that cost be spread over a two or three year time period. The Council agreed on the idea of placing ribbons at each of the five entrances to the City and wreaths at the City Hall. **Mr. Forbush** said he would meet with the Council to discuss which decorations should be purchased and how much should be spent.

At 6:10 p.m. pictures of the Council were taken in the City Chambers, and the work session resumed at 6:20 p.m.

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

There were several minor amendments to the minutes.

(Agenda Item #5) – PUBLIC HEARING: CONSIDERATION OF SCHEMATIC PLAN AND MINOR SUBDIVISION FINAL PLAT APPROVAL FOR 2 LOTS IN BELL ESTATES AT APPROXIMATELY 780 SOUTH COUNTRY LANE (S-2-10)

Mr. Symes referred to the Planning Commission report dated April 15, 2010, and there was a brief discussion regarding this item.

(Agenda Item #6) – HOWARD KENT/SLI: CONSIDERATION OF FINAL PLAT APPROVAL FOR THE SPRING CREEK ESTATES SUBDIVISION, PHASES 3-A AND 3-B, LOCATED AT APPROXIMATELY 400 NORTH AND 1875 WEST (S-1-10 AND S-3-10)

Mr. Symes said the original plat of this subdivision included eight phases, but the economic situation required the developer to break it into smaller sub-phases, and this approval is for the first two sub-phases of Phase 3. The Planning Commission reviewed and recommended approval on both 3-A and 3-B. The City has also secured an easement for a future right-of-way, and Phase 3-B will include another access to the subdivision. Because the lots are each a full acre in size, there are no conservation requirements, but a development agreement must be finalized and recorded with the plat.

Mayor Harbertson mentioned Agenda Items 7-12, and there was a brief discussion of issues related to those items. The work session ended at 6:58 p.m.

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 Finance Director Keith Johnson, 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 **Tyler Anderson** from the Trails Committee and **Alyssa Utley** from the Farmington Youth City Council. **Cory Ritz** offered the invocation, and the Pledge of Allegiance was led by local Boy Scout **Sam Jardine**.

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

Motion

John Bilton made a motion to approve the minutes of the Special City Council Work Session held April 27, 2010. The motion was seconded by **Jim Talbot** and was approved by all Council members.

Motion

Cory Ritz made a motion to approve the minutes of the regular City Council meeting held April 20, 2010 with the amendments as noted in the work session. The motion was seconded by **Sid Young** and approved by Council members **Dutson**, **Ritz**, **Talbot**, and **Young**. **John Bilton** abstained because he was not in attendance.

"RELAY FOR LIFE" – FUTURE EVENT PLANNED TO BE HELD IN KAYSVILLE (Agenda Item #3)

Denise Smith, representing the Central Davis Chapter of the American Cancer Society, informed the Council of the annual Relay for Life fundraising event to be held July 30-31, 2010 at Barnes Park in Kaysville. She said the Central Davis Chapter includes Farmington, Kaysville and Fruit Heights. On July 30th the dinner for survivors will begin at 5:00 p.m., and the Relay for runners and/or walkers will begin at 6:00 p.m. The event raises money for cancer research and assists people who are affected by cancer. She complimented the Farmington Youth City Council for their expressed support and will meet with them in June to discuss their participation.

PLANNING COMMISSION REPORT (Agenda Item #4)

Glenn Symes reported on the Planning Commission meeting held April 29, 2010:

- The Commission recommended final plat approval for Phases 3-A and 3-B of the Spring Creek Estates Subdivision.

- The Commission approved the request for a Preliminary Plat for the Park Lane Commons Subdivision which is associated with the Park Lane Commons Master Plan and will subdivide property for Park Lane Village and the dedicate the adjacent rights-of-way.

- The Commission approved the site plan for the Park Lane Village apartment project located at approximately 500 North 1000 West consisting of 324 units on approximately 13 acres of property with conditions as listed in the staff report.

- The Commission approved a request for an addition to an existing home (94 North 100 West) in the OTR zone. The addition will be 80 square feet larger in area and about a foot higher than the existing home.

PUBLIC HEARING: CONSIDERATION OF THE SCHEMATIC PLAN AND MINOR SUBDIVISION FINAL PLAT APPROVAL FOR 2 LOTS IN BELL ESTATES AT APPROXIMATELY 780 SOUTH COUNTRY LANE (S-2-10) (Agenda Item #5)

Background Information

Mr. Symes informed the Council that this subdivision has fewer than ten lots which qualify it as a minor subdivision rather than a major subdivision. The conservation requirements do not apply because each lot will be a full acre in size. The final plat also includes a 55-foot right-of-way easement for a future roadway dedication which may be necessary when the remainder of the area is developed.

Public Hearing

Mayor Harbertson opened the public hearing at 7:25 p.m. There was no one to speak regarding this agenda item, and the public hearing was closed.

Cory Ritz said the flood plain map portion of the Development Agreement was discussed at the previous City Council meeting, and he asked if the issue had been resolved. **Mr. Symes** said they planned to include it as a condition.

Blake Matthews was involved with the partnership that developed Farmington Creek Estates, and he explained the history of this subdivision. He said when the Development Agreement was drafted, developers spent $7,000 on engineering work to comply with the flood plain map revision. However, during the approval process, there was a member of the Planning Commission, **Kim Wallace**, who worked for Davis County Flood Control, and he said the County would like to take over the project. The County released the developers from the responsibility and committed to follow through with the flood plain issue. (The minutes of the December 2004 City Council meeting validate this agreement). However, **Mr. Wallace** no longer works for the County, the plan was never implemented, and the City required the developers to follow through with the original commitment. **Mr. Matthews** said that in the past 2 ½ years, they have sold only one building lot, and they have incurred $21,000 in expenses with Wilding Engineering. Wilding will not submit the work they have done for approval from FEMA until they have been paid, and they put a lien on the property which will ensure that as the lots are sold, they will be paid. He said it is unfortunate because the findings of Wilding Engineering show that the area is not actually part of the flood plain. **Mr. Matthews** said an additional issue is that they received a list of fees from the City when Phase 3 of Farmington Creek Estates was developed. The City failed to list a required $30,000 park fee, and when application was made for a building permit, the City denied the permit until the fee was paid. A proposal with the City was agreed upon, and a portion of the $30,000 was paid each time a building permit was issued. That obligation is now paid off. He suggested that the fee owed to Wilding Engineering be handled in a similar way.

Motion

Cory Ritz made a motion to approve the vacation of Parcel 4 of the Farmington Creek Estates Phase 3 Planned Unit Development First Amended Plat. **Rick Dutson** seconded the motion, and it was approved by all Council members.

Motion

Cory Ritz made a motion to approve the schematic plan, a minor subdivision plat and the final plat of the Bell Estates Subdivision with the following conditions:

1. The plat will not be signed and released until the **Mayor** is satisfied that a mechanism is in place which will finalize the flood plain map amendment as was agreed to in the past.

2. The applicant will work with the City's Development Review Committee to address 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.
3. The changes discussed in the staff report of April 15, 2010 will be made prior to final approval and plat recordation.
4. An easement must be added to the plat for a sewer lateral across the eastern portion of Lot 2.

Findings for Approval

1. The proposed schematic plan is consistent with the requirements of the underlying zoning ordinance requirements.
2. The lots are large enough to avoid any conservation subdivision requirements and do not require a waiver from such requirements.
3. The provision of an easement for future right-of-way allows the City to maintain adequate access for future development to the west of the proposed subdivision.

Sid Young seconded the motion, and it was unanimously approved.

CONSIDERATION OF FINAL PLAT APPROVAL FOR THE SPRING CREEK ESTATES SUBDIVISION, PHASES 3-A AND 3-B, LOCATED AT APPROXIMATELY 400 NORTH AND 1875 WEST (S-1-10 AND S-3-10) (Agenda Item #6)

Mayor Harbertson said there is a portion of this subdivision which requires a road dedication for the continuation of Burke Lane. The Council discussed the costs involved with the construction of a new road and determined that the developer will be responsible for the curb, gutter sidewalk and half of the road. The City will cover the cost for the remainder of the road.

Mr. Symes referred to a map of Spring Creek Estates and explained some of the issues involved with the proposal.

Motion

Cory Ritz made a motion to approve the final plat for the Spring Creek Estates Subdivision Phases 3-A and 3-B (half of Parcel D and fronting Lot 301) and authorize **Mayor Harbertson** to sign the final plat, with the following conditions:

1. The dedication of the right-of-way for the road in Parcel D.
2. The developer's bond amount will be increased to pay for half of the costs incurred with the installation of the road.

3. The applicant will work with the City's Development Review Committee to address 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.
4. The applicant will work with staff to finalize and present to the City Council a development agreement for the Spring Creek Estates Subdivision.

Findings for Approval

1. The proposed final plat is consistent with the approved preliminary plat.
2. The proposed subdivision meets all of the requirements for approval of a final plat.

Sid Young seconded the motion, and it was approved by all Council members.

MINUTE MOTION APPROVING SUMMARY ACTION LIST (Agenda Item #7)

- **Ratification of Construction and Storm Water Bond Agreements.**
- **Approval of Change Order #5 to Farmington City Hall Project.**

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.

CONSIDERATION OF FIRST AMENDMENT TO THE SPRING CREEK ESTATES DEVELOPMENT AGREEMENT (Agenda Item #8)

Motion

John Bilton made a motion to approve Amendment #1 to the Spring Creek Estates Development Agreement. **Rick Dutson** seconded the motion, and it was unanimously approved.

ORDINANCE AMENDING VARIOUS SECTIONS OF TITLE 8, CHAPTER 2 OF THE CITY CODE REGARDING STREETS AND PUBLIC WAYS (Agenda Item #9)

Motion

Rick Dutson made a motion to approve the Ordinance amending various Sections of Title 8, Chapter 2 of the City Code regarding streets and public ways. **John Bilton** seconded the motion, and it was approved by a roll call vote with Council members **Bilton**, **Dutson**, **Ritz**, **Talbot**, and **Young** voting in favor of the motion.

ORDINANCE AMENDING TITLE 8, CHAPTER 5 OF THE CITY CODE REGARDING EXCAVATION PERMITS (Agenda Item #10)

The **Mayor** said a number of changes were made, and the Ordinance has been reviewed by staff and the City Attorney.

Motion

Jim Talbot made a motion to approve the Ordinance amending Title 8, Chapter 5 of the City Code regarding Excavation Permits as presently constituted. The motion was seconded by **Cory Ritz**, and the **Mayor** asked if there were any further comments.

Sid Young mentioned that in Section 8-5-140 (a) there should be more flexibility with the type of bond required and suggested that it should read "a cash bond and/or a corporate surety bond." Following a brief discussion, the Council agreed to state "a cash bond and a corporate surety bond or other type of measure acceptable to the Public Works Director."

Amended Motion

Jim Talbot made a motion to approve the Ordinance amending Title 8, chapter 5 of the City Code regarding Excavation Permits with the language in Section 8-5-140 stated as: "an acceptable cash bond and a corporate surety bond or another type of measure acceptable to the Public Works Director." **John Bilton** seconded the motion, and it was approved by a roll call vote with Council members **Bilton**, **Dutson**, **Ritz**, **Talbot**, and **Young** voting in favor of the motion.

PUBLIC HEARING: ADOPTION OF THE TENTATIVE BUDGET FOR THE FISCAL YEAR ENDING JUNE 30, 2011 (Agenda Item #11)

Public Hearing

Mayor Harbertson informed the Council that the State requires each City to adopt an annual budget. He opened the public hearing at 7:55 p.m. There was no one to speak concerning this agenda item, and the public hearing was closed.

Motion

Rick Dutson made a motion to adopt the tentative budget for the fiscal year ending June 30, 2011 and set the final adoption hearing for June 15, 2010. **Jim Talbot** seconded the motion, and it was unanimously approved.

REVIEW OF ADDITIONAL WATER RATE INFORMATION PROVIDED BY LEWIS YOUNG ROBERTSON BURNINGHAM, INC. (Agenda Item #12)

Mayor Harbertson said the public hearing on this item is scheduled for the June 15, 2010 City Council meeting and referred to the information provided in the staff report. **Mayor Harbertson** pointed out that with the proposed increase in water rates, Farmington would have the second highest water rates in Davis County. North Salt Lake's rates are similar, and West Bountiful's water rates have risen substantially (200-300%) as their infrastructure ages. He predicted that many of the other cities will likely be assessing higher rates as they go through a similar process. Farmington's proposal is a 40% increase on residential water rates.

GOVERNING BODY REPORTS (Agenda Item #13)

Mayor Harbertson

1. Several bikers have expressed concern regarding the overpasses and the raising of drains. **Mr. Forbush** asked UDOT to assist in the resurfacing of the overpasses, but if they will not assist, the City will be responsible for the repairs. An initial bid of $19,200 has been received, and staff plans to obtain at least one more bid.

2. The Wasatch Integrated Waste Management District recycling center will open on June 2, 2010. Tours will be given at 11:00 a.m. and there will be a ribbon cutting ceremony at 3:30 p.m. The District is anticipating rate increases in either 2014 or 2015. When the landfill is completely full, the garbage will have to be transported further, and additional transfer stations will be necessary.

3. The **Mayor** asked for suggestions of topics which could be discussed during the upcoming Town Hall meeting and for the remainder of meetings during 2010. The water rate increase was suggested for May 19, 2010, and additional suggestions were the City's budget, volunteerism, and the Trails Committee.

4. The April issue of the Farmington Ranches HOA Report quotes the **Mayor's** request to decrease lawn watering.

John Bilton

- No report

Rick Dutson

- No report

Sid Young

- He informed the Council that there is money in next year's budget for the lights and the flag pole at the cemetery. He suggested the possibility of a fund-raising event which could assist with additional improvements at the cemetery. The American Legion will not do a flag raising ceremony on Memorial Day because of the flag pole problem.

- He mentioned that several residents in his neighborhood have back yards near a creek area where there are many trash trees. They would like to remove them and plant some nice trees, and he was not sure how to advise them. **Mr. Forbush** said that they should contact the Davis County Public Works Department concerning any issues within 100 feet of a stream channel.

- He received a notice from the Second District Juvenile Court regarding a graduation ceremony to be held at noon on May 11, 2010, and he plans to attend.

Cory Ritz

- **Mr. Ritz** asked if the **Mayor** had heard from the Davis School District or from Davis County regarding the vote on the tax incentive for the CDA. **Mayor Harbertson** said he had not heard from Davis County, but he spoke with a representative from the School District who was supportive of Farmington City's position on the issue.

(**Rick Dutson** left the meeting at 8:20 p.m.).

Jim Talbot

- The Bird Festival will be held on Friday, May 14, 2010 at 9:00 a.m. The public will be allowed to tour the boardwalk, and it is an opportunity for residents to support the Trails Committee.

<u>City Manager Report</u>

- **Mr. Forbush** explained that any burial site where no action has occurred in 60 years can be reclaimed by the City. This is a state law, and the City must give notice to the public. If there is no response, the burial rights revert back to the City and can be resold. He recommended that the City implement this process every five years.

- **Mr. Forbush** said CRS is interested in leasing a portion of the new City Hall, and a proposal was submitted by City Engineer, **Paul Hirst**, of CRS.

There was an extended discussion regarding issues related to this proposal, and it was determined that the process needs to be open to the public and that rental rates need to be

advertised. **Mayor Harbertson** said he considers this opportunity to be a win-win situation for both the City and CRS. However, he thinks the City could possibly be criticized for constructing a building that was too large for its current needs and for leasing the extra space to another tenant. A benefit to the City is that CRS will finish the remaining space which the City cannot afford to do at the current time.

Motion

Sid Young made a motion to authorize staff to advertise the 4500 square feet of unfinished office space in the Farmington City Hall in a local newspaper and to contact interested public entities, including Davis School District and Davis County, regarding the availability of the space. The City Attorney will review the advertisement and offer advice regarding the lease proposal. **Cory Ritz** seconded the motion, and it was approved by all Council members.

ADJOURNMENT

Motion

John Bilton made a motion to adjourn the meeting. The motion was seconded by **Sid Young**, and it was approved by all Council members. The meeting was adjourned at 8:50 p.m.

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Margy Lomax, City Recorder
Farmington City Corporation