FARMINGTON CITY COUNCIL MEETING
Tuesday, June 1, 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 meeting at 6:10 p.m. and **Jim Talbot** offered the opening prayer.

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

There were several minor amendments to the minutes of the May 18, 2010 Council meeting.

(Agenda Item #5) – PUBLIC HEARING: CONSIDERATION OF ORDINANCE REZONING PROPERTY LOCATED AT 661 WEST 1400 NORTH OWNED BY MERRILL LAW FROM AGRICULTURE (A) TO LARGE RESIDENTIAL (LR) (Z-2-10)

There was a short discussion of several issues involved with this item.

CEMETERY FLAG POLE PROPOSAL (Agenda Item #6)

The **Mayor**, **Sid Young** and **Max Forbush** visited the cemetery site and suggested moving the pole to a different location because of a large tree which currently blocks the pole.

(Agenda Item #8) – MINUTE MOTION APPROVING SUMMARY ACTION LIST

8-1. Approval of April's disbursement list
8-2. Ratification of City Manager's Signing of Change Order #7 to City Hall Construction Project with Hughes General Contractors
8-3. Ratification of Construction & Storm Water Bond Agreements
8-4. Approval of Jan Petersen's request for exemption from residential curbside recycling
8-5. Authorization for Fire Department to render EMT Assistance for needy family

There was a brief discussion of 8-5 concerning a family in Farmington who is struggling with some health issues, and the Fire Department has been providing EMT assistance on occasion.

(Agenda Item #10) – APPROVAL OF REVISED PARK LANE VILLAGE & PARK LANE COMMONS AGREEMENTS

Mayor Harbertson suggested that the Council table this item until the next Council meeting. He received a call from **Scott Harwood** who said there were still a few details to be worked out.

(Agenda Item #11) – POLICY & PLAN FOR THE CITY HALL MOVING PROCESS AND TIMING; POLICY & PLAN PROCESS FOR SELLING SURPLUS PROPERTY FROM THE EXISTING CITY HALL

Max Forbush reviewed these two plans with the Council. After some discussion, it was determined that an additional day for the move would be helpful. The City offices will be closed on Thursday, July 15 and Friday, July 16, and the offices will open again on Monday, July 19, 2010.

(Agenda Item #12) - COMMENTS AND DISCUSSION ON PROPOSED RESPONSE TO UDOT'S DRAFT "PURPOSE AND NEEDS STATEMENT" FOR WEST DAVIS CORRIDOR

The Council discussed City Planner **David Petersen's** response to UDOT's draft and agreed to encourage him to submit it to the West Davis Corridor Team. The **Mayor** encouraged the Council members to submit their own opinions and said **Cody Hilton's** website--farmingtoncitizen.org--will assist in providing residents with information.

City Engineer Paul Hirst arrived at the meeting at 6:50 p.m.

STORM DRAINAGE EASEMENT ACROSS JONATHAN HUGHES' PROPERTY/COST SHARING PROPOSAL NEAR NEW LDS CHAPEL ON 1525 WEST, SOUTH OF THE CENTRAL DAVIS SEWER PUMP STATION (Agenda Item #13)

Mr. Forbush referred to the location of a new LDS Chapel near the **Jonathan Hughes** property. He gave a brief explanation of the proposal and said he would provide additional information during the regular session.

CITY MANAGER REPORT (Agenda Item #15)

2. 3cBusiness Solutions Agreement to run fiber from new City Hall to Pool

Mr. Forbush told the Council that staff would like to connect the City Pool to City Hall's phone system and computer. Because the distance is over 200 feet, additional fiber cable will need to be installed. The bid from 3cBusiness Solutions is just under $6,000.

MISCELLANEOUS (Agenda Item #17)

- Authorization to assign "First Right of Refusal" to purchase **Neil Welling** property to Redevelopment Agency of Farmington City, if necessary

Mr. Forbush explained the details related to this item and said the proposal would be discussed in a closed session.

REGULAR CITY COUNCIL/CITY CHAMBERS/CALL TO ORDER

PRESENT: *Mayor Scott Harbertson, Council members John Bilton, Rick Dutson, Jim Talbot and Sid Young, City Manager Max Forbush, City 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. **Mayor Harbertson** offered the invocation, and the Pledge of Allegiance was led by **Max Forbush**.

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

Motion

Sid Young made a motion to approve the minutes of the May 29, 2010 City Council Meeting with the minor amendments made in the work session. **Rick Dutson** seconded the motion, and it was unanimously approved.

"TREE CITY USA" AWARD PRESENTATION – SCOTT ZEIDLER OF LAND & FORESTRY (Agenda Item #3)

This agenda item was postponed until the City Council meeting on June 15, 2010.

PLANNING COMMISSION REPORT (Agenda Item #4)

Glenn Symes reported on the following items from the Planning Commission meeting held May 27, 2010:

- A request for a conditional use permit for a temporary shaved ice stand was approved. There were no complaints from the 2009 season, and the Commission approved the permit for five years.

- The site plan and conditional use permit for the construction of a Central Davis Sewer District pump station in Station Parkway was approved.

- A request for a conditional use permit for a sports court within five feet of the rear property line on a double frontage lot located at 324 West Bella Vista Ct. was approved.

PUBLIC HEARING: CONSIDERATION OF ORDINANCE REZONING PROPERTY LOCATED AT 661 WEST 1400 NORTH OWNED BY MERRILL LAW FROM AGRICULTURE (A) TO LARGE RESIDENTIAL (LR) (Z-2-10) (Agenda Item #5)

Background information

Mr. Symes said the applicant is requesting this zone change in conjunction with a proposed flag lot on the subject property. All of the surrounding property is zoned LR, and the general plan shows a land use designation of Low Density Residential. This change would allow smaller lot sizes for a future subdivision, and staff is recommending approval of the proposed zone change.

Public Hearing Opened

Mayor Harbertson opened the public hearing at 7:15 p.m.

Robert Ward, a neighbor of **Merrill Law**, asked what the difference is between the two zones. **Mr. Symes** replied that the most significant difference is the minimum lot size.

Motion

Rick Dutson made a motion to approve the ordinance rezoning property located at 661 West 1400 North owned by **Merrill Law** from Agriculture (A) to Large Residential (LR). **Jim Talbot** seconded the motion, and it was unanimously approved.

CEMETERY FLAG POLE PROPOSAL (Agenda Item #6)

Mayor Harbertson said the current flag pole is blocked by a large tree, and the City would like to relocate the pole. One proposal is to relocate it behind the monument on the corner of 500 South 200 East. Parks & Recreation Director, **Neil Miller,** will determine how much space is available, ask if some of the plot owners would consider a trade, and look for an architect.

"FREEDOM LIGHT FOUNDATION" REQUEST (Agenda Item #7)

Delane England, Chairman of the Freedom Light Foundation, explained that their main purpose is to raise awareness of the Constitution. The first celebration of Constitution Day was held in 2009. The second annual celebration will be held in Bountiful on September 17 and 18, 2010, and she invited Farmington City to participate. **Sylvia Perkins**, a Foundation member, and **Phil Wright**, Vice President, discussed some of the activities which were successful in 2009 and those which have been planned for 2010. They requested assistance with the following three items:

1. Oath of Citizenship (by the **Mayor** and City Council members)
2. Publish the information in the City newsletter
3. Contribute funds to assist the Foundation

Mr. Wright said the schools in Farmington have been contacted and invited to participate, and superintendent **Brian Bowles** of the Davis School District is very supportive and

will play the part of Ben Franklin. The Council suggested that the activity could be an option for a school field trip.

Motion

Rick Dutson made a motion to support the Freedom Light Foundation and donate $250.00 to assist with their efforts. **Sid Young** seconded the motion, and it was unanimously approved.

MINUTE MOTION APPROVING SUMMARY ACTION LIST (Agenda Item #8)

8-1. Approval of April's disbursement list.
8-2. Ratification of City Manager's Signing of Change Order #7 to City Hall Construction Project with Hughes General Contractor
8-3. Ratification of Construction & Storm Water Bond Agreements
8-4. Approval of Jan Petersen's request for exemption from residential curbside recycling
8-5. Authorization for Fire Department to render EMT Assistance for needy family

Motion

Jim Talbot made a motion to approve the items on the summary action list with an addition on 8-5 to have the City Attorney draft an agreement which will hold Farmington City harmless. The motion was seconded by **Sid Young**, and it was unanimously approved.

RESOLUTION AMENDING CONSOLIDATED FEE SCHEDULE PERTAINING TO EXCAVATION PERMITS (Agenda Item #9)

There was a brief discussion, and the Council agreed that $65.00 is a fair amount for the street excavation permit fee.

Motion

John Bilton made a motion to approve the Resolution amending the street excavation permit fee listed in the City's consolidated fee schedule. **Rick Dutson** seconded the motion, and it was unanimously approved.

APPROVAL OF REVISED PARK LANE VILLAGE & PARK LANE COMMONS AGREEMENTS (Agenda Item #10)

There was a brief discussion concerning this item, and it was determined that the agreement was close to being finalized but approval should not be granted until the City Attorney and the developers have made the final changes.

Motion

Jim Talbot made a motion to postpone this item until the next City Council meeting to allow the City Attorney and the developers to finalize some of the issues such as dates and easements. The motion was seconded by **John Bilton**, and it was unanimously approved.

POLICY & PLAN FOR THE CITY HALL MOVING PROCESS AND TIMING; POLICY & PLAN PROCESS FOR SELLING SURPLUS PROPERTY FROM EXISTING CITY HALL (Agenda Item #11)

The **Mayor** said the Council discussed this item in the work session and agreed to extend the moving time to Thursday, July 15 and Friday, July 16. The Davis School District will be gutting the old building, and they would like the City to remove any of the cabinets that are attached to the wall. **Mr. Forbush** said the City has told DSD that everything will be out by August 1, 2010. The **Mayor** invited the Council members and their wives to attend and support the auction of surplus property.

Motion

Rick Dutson made a motion to approve the Policy & Plan for the City Hall moving process and timing and the Policy & Plan Process for selling surplus property from the existing City Hall with the addition of Thursday, July 15, 2010 to the moving process. **Sid Young** seconded the motion, and it was unanimously approved.

COMMENTS AND DISCUSSION ON PROPOSED RESPONSE TO UDOT'S DRAFT "PURPOSE AND NEEDS STATEMENT" FOR WEST DAVIS CORRIDOR (Agenda Item #12)

Mayor Harbertson suggested that the Council grant permission for **David Petersen** to submit his draft letter to the West David Corridor EIS. The **Mayor** also referred to Figures 1-6 and 1-7 in the draft which show Current Levels of Service Deficiency and Future (2040) Levels of Service Deficiency and said it is inaccurate. A small orange line shows a location which is not on Park Lane, but rather it is on State Street and 1525 West and does not make sense. The entire area should be highlighted in orange because Park lane would definitely be affected. He said City Traffic Engineer **Tim Taylor** is also preparing a draft and will refer to this inaccuracy.

Motion

John Bilton made a motion to grant approval for City Planner **David Petersen** to submit his letter to the West Davis Corridor Team. The letter concurs with Farmington City's General Plan and Master Transportation Plan and supports the views of the City Council. **Jim Talbot** seconded the motion, and it was approved by all Council members.

STORM DRAINAGE EASEMENT ACROSS JONATHAN HUGHES' PROPERTY/COST SHARING PROPOSAL NEAR NEW LDS CHAPEL ON 1525 WEST, SOUTH OF THE CENTRAL DAVIS SEWER PUMP STATION (Agenda Item #13)

Mr. Forbush referred to a map of west Farmington and the location of a new LDS Chapel near the **Jonathan Hughes** property. The Church approached **Mr. Hughes** to inquire about an easement, and he said he would grant easements to the Church and the City. He suggested that the Church install the pipe, install an irrigation line, and use his contractor at a cost of $60,000. The Church was not in favor of the proposal, and they approached the City to try and work out a solution. City staff's proposal is to have the Church build the water line, and the City would pay for the upsizing of the line through impact fees. The City would also purchase the public easements with an estimate of approximately $10,000. This proposal would require a public hearing to amend the capital facilities plan for storm sewer.

Motion

Jim Talbot made a motion to authorize City Manager **Max Forbush** to negotiate with the property owner regarding this proposal and obtain an easement, establish the costs and who is responsible to pay them, give notice of a public hearing to amend the capital facilities plan, and allow the storm sewer in this location. **Rick Dutson** seconded the motion, and it was unanimously approved.

REVIEW OF "TEMPORARY SIGNS" PROVISION AND PLACEMENT OF POLITICAL SIGNS (Agenda Item #14)

Mayor Harbertson and the Council discussed issues related to this item, including the length of time a sign may be displayed and the size and type of signs which may be displayed. Recently several school board candidates requested sign information from the City, and they were inadvertently given the same packet that is given to political candidates. There are only four City properties where the signs may be displayed. The other properties are in the State right-of-way and are owned by UDOT. **Mr. Symes** pointed out that the City can control time, place, and manner but cannot differentiate between different kinds of signs and said the 80-day time period was chosen because it includes both the primary and general elections.

Cory Ritz arrived at the meeting at 8:10 p.m.

Motion

John Bilton made a motion to support the decision to enforce the placement of signs on the four City-owned sites, accommodate the timing aspect properly, and look for other potential sites which are not in the State right-of-way. He also request the following: (1) Limit the areas where the signs may be displayed, (2) restrict the number of the signs and (3) cut down on the amount of time the signs may be left up. **Rick Dutson** seconded the motion, and it was approved by Council members **Talbot** and **Young**. **Cory Ritz** abstained because he was not present for the discussion.

CITY MANAGER REPORT (Agenda Item #15)

1. **City Hall Progress/Proposed changes to Project Budget**

Mr. Forbush reviewed the budget changes for the new City Hall and gave an update of the progress that has been made. He said there are several landscaping and quality issues, but the plan is to have it ready by the 1st of July. The Council discussed whether or not the acoustic plaster should be redone or if the City should push for some type of credit. The **Mayor** also pointed out that the concrete in the courtyard was not done properly.

2. **3cBusiness Solutions Agreement to run fiber from new City Hall to Pool**

   The Council advised **Mr. Forbush** to move forward with the bid from 3cBusiness Solutions.

3. **Other City Projects/Plans**

   - The progress of the park in west Farmington has been slow due to the rainy weather.

   - The residents in the area where the new well will be drilled have been contacted.

4. **Pending Committee Meeting**

   - Several personnel policies and procedures need to be amended, the physical fitness policy for the police force needs to be reviewed, and some adjustments need to be made to the Reimbursement Agreement with Center Cal. The City Manager will contact the **Mayor** and Council members with proposed times.

MAYOR AND CITY COUNCIL REPORTS (Agenda Item #16)

Mayor Harbertson's Report

- He had a discussion with **Dal Freeman** who said Lagoon understands the City's position related to water rates, and the only remaining issue they have is regarding the four meters. Two of them are low-flow meters, and two are the main meters. The **Mayor** pointed out that it does not matter how many meters there are—the cost will be the same.

- The West Davis corridor meetings are going well, and public comments regarding the draft will be accepted through June 7, 2010.

- He asked for suggestions of items to include in the time capsule. **Margy Lomax** said she will include photographs taken by **John Cox**, the recent City Council picture, pictures of the various departments in the City, the commemorative coin, a cell phone, a blackberry, an aerial map of the City, and a chip of Farmington rock. **Rick Dutson** suggested pictures of the old City Hall building and items from the historical society/museum.

City Council Reports

Jim Talbot

- He had no items to present.

Cory Ritz

- He suggested that additional police support may be needed at Skate Park to deal with some of the youth who spend time there.

- He will be out of town for the next City Council meeting.

Sid Young

- He reported that **Steve Andersen** will drive the old fire engine for the Council members to ride in during the Festival Days Parade. He requested that the names on the banner be changed.

  He expressed concern regarding an idea from the Farmington Trails Committee using water canons at the parade. He is not sure it would be a good idea, and there was a brief discussion about the type of rules the City may need to adopt relative to the parade.

- He attended a family activity at Woodland Park and commented that it is a great facility. He inquired about the possibility of purchasing an FM transmitter for use during plays at the Park.

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- **Sid Young** said the oak tree on the east side of the new City Hall building is beautiful.

Rick Dutson

- He said there are excessive weeds in the Rose Cove open space area and also on a vacant lot on Summerwood Drive just south of Emerald Oaks. The **Mayor** said neighbors have expressed concern about the excessive weeds at a house on 150 East 620 South which has been vacant for four years.

- He reminded the Council of the Miss Farmington Pageant on Saturday, June 5 at 7:00 p.m. at the Community Center.

- He was contacted regarding establishing free wi-fi in the City via UTOPIA and said he would like to hear about their proposal.

- He inquired about the ICSC conference, and **Mayor Harbertson** said it was much better than last year and that CenterCal signed some additional contracts.

John Bilton

- He attended the Historic Preservation Commission meeting, and they will contribute various items for the time capsule. They would also like to assist with the transfer of some historical items—photographs, handwritten letters and artifacts—to the new building and help with the placement of the items in the new building.

- A historic home on Main Street near Cherry Hill (Alley Rose home) was vandalized (the hardwood flooring has been stripped), and the Historic Preservation Commission would like to pursue the preservation of the home. They have several other buildings they would like to preserve, and they will bring them to the Council sometime in the near future. They are working with **Glen Leonard** to provide important historical information for his book and to assist with editing.

MISCELLANEOUS (Agenda Item #17)

- Authorization to assign "First Right of Refusal" to purchase Neil Welling property to Redevelopment Agency of Farmington City, if necessary

Mr. Forbush referred to a letter he wrote to the LDS Church in November 2009 regarding the **Welling** property. The City's RDA is interested in acquiring this parcel of vacant land as part of their Downtown Redevelopment Plan, and **Mr. Forbush** asked the Church if they would be willing to sell the property. He received a response from the Church with a proposal of $125,000, and the City has 30 days to take action. He said the Council will determine a counter offer in the closed session and adopt a Resolution authorizing the City Manager to finalize an agreement.

- Letter from Davis School District regarding Impact Fees

Davis School District is working on the items to be included on the capital facilities list for the proposed high school in Farmington. They have asked Farmington City to identify these items so that when the school is built and improvements are made, the District will receive credit for those items.

- Letter from **Mark Shurtleff**, Utah Attorney General

The City received a letter from the Utah Attorney General related to employee and contractor verification requirements which are contained in the Utah Code. However, a portion of the letter was unclear, and the Attorney General's office said they will send a letter of clarification.

CLOSED SESSION

Jim Talbot made a motion to adjourn to a closed session to discuss strategy as it relates to the acquisition of real property and pending litigation. **John Bilton** seconded the motion, and it was approved by all Council members.

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.

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Scott C. Harbertson, Mayor

At 9:10 p.m. a motion to go back into an open session was made by **Cory Ritz** and seconded by **Rick Dutson**. The motion passed by all Council Members voting affirmatively.

AUTHORIZATION TO ASSIGN "FIRST RIGHT OF REFUSAL" TO PURCHASE NEIL WELLING PROPERTY TO REDEVELOPMENT AGENCY OF FARMINGTON CITY

Motion

A motion was made by **Cory Ritz** and seconded by **Rick Dutson** to assign the "First Right of Refusal" to purchase the Neil Welling property (Parcel #07-029-0024) to the Redevelopment Agency of Farmington City and that an offer of $100,000 be made to the LDS Church, present owner of the property, for the purchase of said property. The motion passed with all Council Members voting affirmatively.

DAVID AND JULIE BROWN REFUSAL TO ABATE NUISANCES ON PROPERTY (#08-283-0002) LOCATED NORTH AND ADJACENT TO ROSE COVE COMPLEX (847 North Shepard Creek Parkway)

Max Forbush reported that certified letters have been sent to David and Julie Brown requiring abatement of two nuisances located on their parcel of property which is north and adjacent to the Rose Cove Senior Housing complex. The Browns were instructed to (1) cut down volunteer trees and remove/or kill stumps within 20' of the vinyl fence and (2) remove all fragmytes vegetation growing on the property by April 15, 2010. The Browns have refused acceptance of the letters and have not abated the nuisances on their property. The City intends to abate the same and charge the Browns for the cost thereof.

Discussion was held on the best way for the City to proceed to ensure reimbursement for costs associated with abating the two nuisances by either suing or placing a lien on the property. The Browns have not paid taxes on the property for the last two years. If the taxes are not paid for the next three years, then a public sale of the property will be held for the back taxes. If the City places a lien against their property, it would be able to recoup its expenses at the tax sale.

The Council felt a lawsuit would be too costly to pursue and Council Member Ritz suggested a letter be sent to the Browns from the City Attorney asking the Browns to meet with City officials to discuss the issues to see if something can be done that would be mutually beneficial. If that approach does not work, then the City Manager was instructed to abate the nuisances on the property and then file a lien against it.

ADJOURNMENT

Motion

Sid Young moved to adjourn the meeting and the motion was seconded by **John Bilton**. The meeting was then adjourned at 9:15 p.m.

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Margy L. Lomax
City Recorder