FARMINGTON CITY COUNCIL MEETING
Tuesday, July 6, 2010

CITY COUNCIL WORK SESSION/EAST CONFERENCE ROOM

PRESENT: *Mayor Scott Harbertson, Council Members John Bilton, Cory Ritz, Jim Talbot and Sid Young, City Manager Max Forbush, and Recording Secretary Cynthia DeCoursey. Council Member Rick Dutson was excused.*

The work session began at 5:45 p.m., and **John Bilton** offered the opening prayer.

Closed Session

Motion

At 5:50 p.m. a motion was made by **Jim Talbot** to adjourn to a closed session to discuss strategy as it relates to pending litigation and the acquisition of real property and to discuss the professional competency of an individual. **John Bilton** seconded the motion which was approved by **Cory Ritz** and **Sid 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 a closed session and that no other business was conducted while the Council was convened in the closed meeting.

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Scott C. Harbertson, Mayor

Motion

At 6:08 p.m. **John Bilton** made a motion to reconvene into an open meeting. The motion was seconded by **Sid Young** and approved by **Cory Ritz** and **Jim Talbot**.

The work session began at 6:15 p.m., and the following items were reviewed:

(Agenda Item #4) - CONSIDERATION OF FINAL MASTER PLAN AMENDMENT TO NICHOLL'S NOOK SUBDIVISION AND AMENDMENTS TO RELATED DEVELOPMENT AGREEMENT

Mr. Forbush explained that **Rodney Griffin** is planning to either move forward with or sell this subdivision, and this amendment would allow him an additional year to do so.

(Agenda Item #5) – CONSIDERATION OF LOT LINE ADJUSTMENT REQUESTS

- **Noel Erasmus – Adjustment between Lots 115 and 116 of Hughes Estates Subdivision**

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- **Daniel Bohman – Adjustment between Lots 147 and 301 of Somerset Farms**

There was a brief discussion of issues related to these requests.

(Agenda Item #6) – CEMETERY FLAG POLE/VETERANS' MEMORIAL PROPOSAL

The **Mayor** said Farmington resident **Sherm Hoskins** and several members of the American Legion would be present to discuss this item during the regular session. He reviewed the plans and pictures in the staff report and said **Mr. Hoskins** is willing to work on fundraising for the proposed veterans' memorial.

(Agenda Item #7) – CEMETERY POLICY ISSUES

- **Future trading of lots – Brad Harris**
- **Repurchase of right to burials by City**
- **Restriction of Sale of "Right to Burial" to residents only**

The Council discussed these issues regarding the City cemetery. The possibility of increasing the size of the current cemetery was also discussed, but if the adjacent tennis courts and park were used for cemetery space, the City would be required to create another park because the land was purchased with conservation funds. The residents in that neighborhood would likely protest such an action.

(Agenda Item #8) – REQUEST FOR PUBLIC STREET CLOSURE OF HIDDEN QUAIL COVE STREET FOR FUND-RAISING EVENT – CHAD & CARLA SMITH

Mayor Harbertson referred to a letter from **Chad** and **Karla Smith** regarding the possibility of hosting a musical concert to help raise funds for the Cystic Fibrosis Foundation. He said they would provide additional information in the regular meeting.

(Agenda Item #9) – VERIZON REQUEST FOR CELL TOWER AT POLICE STATION SITE

This is the second time Verizon has requested this cell tower, and the same issues are relevant: height, aesthetics, revenue to the City, health concerns, and the concerns of adjacent residents. With the previous request, City staff and the Planning Commission spent many hours in the process of deciding if it would be wise to approve the cell tower, and then Verizon withdrew their request. **Mr. Forbush** estimated that the annual revenue would be approximately $10,000.

(Agenda Item #10) – CONSIDERATION OF ORDINANCE ANNEXING .43 ACRES OF PROPERTY LOCATED AT APPROXIMATELY 1700 NORTH AND 1500 WEST AS REQUESTED BY GEORGE CLARK

Mr. Clark would like another extension for this request, and following a brief discussion, the Council decided to extend it until the first meeting in September.

REGULAR CITY COUNCIL/CITY CHAMBERS/CALL TO ORDER

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

Mayor Harbertson opened the meeting at 7:00 p.m., welcomed those in attendance, and offered the opening prayer. The Pledge of Allegiance was led by Boy Scout **Ben Bohman**.

APPROVAL OF MINUTES (Agenda Item #2)

Motion

Sid Young made a motion to approve the minutes of the regular City Council meeting held June 15, 2010. The motion was seconded by **Jim Talbot** and was approved by Council Member **Bilton**. Council Member **Ritz** abstained because he did not attend the meeting.

PLANNING COMMISSION REPORT (Agenda Item #3)

Chairman Jim Young said two items were approved by the Planning Commission at a meeting held June 24, 2010:

1. The request for a minor amendment to the Nicholl's Nook final PUD master plan as well as an extension of one year for the conditional use permit was approved.

2. The Gardner Company's request for a special use permit to reconstruct portions of a retaining wall in excess of four feet in height in an NMU zone was also approved. The previous retaining wall collapsed as a result of the area being saturated because of an irrigation leak.

CONSIDERATION OF FINAL MASTER PLAN AMENDMENT TO NICHOLL'S NOOK SUBDIVISION AND AMENDMENTS TO RELATED DEVELOPMENT AGREEMENT (Agenda Item #4)

Mayor Harbertson explained that **Mr. Griffin** requested an extension of the conditional use permit for the Nicholl's Nook PUD in order to continue pursuing the development himself or to sell the project. In addition, the applicant is proposing a slight adjustment to the final PUD Master Plan. The Planning Commission approved both requests at their June 24, 2010 meeting.

Motion

Cory Ritz made a motion to approve an amendment to the Nicholl's Nook final PUD master plan and an extension of the conditional use permit for one (1) year with the following conditions:

1. Any further changes or amendments to the PUD master plan will need to be re-approved by the Planning Commission and City Council.
2. As per Chapter 8 (Conditional Uses), no more extensions may be filed for this conditional use permit. Any further extension shall require a new conditional use permit application.

Sid Young seconded the motion, and it was approved by Council Members **Bilton** and **Talbot**.

Findings for Approval

1. The number of units approved for the Nicholl's Nook PUD have not changed from the preliminary PUD master plan to the proposed amended final PUD master plan;
2. There has been no reduction in area designated for common open space;
3. There is no non-residential use proposed;
4. There is no increase to the ground coverage ratio by all buildings with the proposed amendment to the final PUD master plan;
5. The applicant has submitted the request to the Planning Department within the required timeline for a requested extension of the conditional use permit.

CONSIDERATION OF LOT LINE ADJUSTMENT REQUESTS (Agenda Item #5)

- **Noel Erasmus** – Adjustment between Lots 115 and 116 of Hughes Estates Subdivision

Noel Erasmus requested this adjustment which would transfer approximately one quarter acre from Lot 116 to Lot 115 and allow him to have singular maintenance of the no-build area. He plans to sell Lot 116 for future development.

- **Daniel Bohman** – Adjustment between Lots 147 and 301 of Somerset Farms

Daniel and **Catherine Bohman** would like to construct an addition to their home, but in order to meet the City's setback requirements, it is necessary for them to acquire land from the Somerset HOA (owners of Lot 301) and to receive an administrative variance from Farmington City.

Motion

John Bilton made a motion to approve both lot line adjustment requests. The motion was seconded by **Cory Ritz**, and it was approved by Council Members **Bilton, Ritz, Talbot** and **Young**.

CEMETERY FLAG POLE/VETERANS' MEMORIAL PROPOSAL (Agenda Item #6)

Three members of the American Legion were in attendance: **Jim Hefner**, **Bill Huber**, and **John Sheets**. **Mayor Harbertson** expressed appreciation for their efforts and the efforts of **Michael Nilson**, a current Planning Commission member and architect who designed the memorial proposal, and **Sherm Hoskins** who will assist in raising funds for the project.

Michael Nilson presented pictures and information regarding the proposed veteran's memorial in the City Cemetery. His proposal includes using an existing wall and adding three new flag poles and 40 individual granite tiles which will include space for 560 names, and additional plaques could be added in the future. The American Legion representatives expressed their enthusiasm for the project, and there was discussion regarding fundraising, the current flagpole location, and maintenance of the memorial. The Council approved the proposal and urged City staff, **Mr. Nilson** and others to move forward with the project and obtain an estimate of the cost for the memorial.

CEMETERY POLICY ISSUES (Agenda Item #7)

Future trading of lots – Brad Harris

The City has not typically been involved in the trading of burial lots; however, if lots became available, they have been and will continue to be sold by the City on a first come, first serve basis.

Repurchase of right to burials by City

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 which Farmington has recently done. If there is no response, the burial rights revert back to the City and can be resold. The Council discussed whether or not the cost of the lots should be increased.

Motion

Sid Young made a motion to authorize staff to amend the City's cemetery policies to increase the fee structure and allow for the repurchase of lots reclaimed by the City. The motion was seconded by **Cory Ritz** and approved by Council Members **Bilton** and **Talbot**.

Restriction of Sale of "Right to Burial" to residents only

There are only a few lots left in the City cemetery, some of which are single lots, and the Council decided it would be prudent to restrict the sale of lots to Farmington residents. Also, some of the lots which are available are only single lots.

Motion

Cory Ritz made a motion to authorize staff to develop a written policy for the sale of "right to burial" lots to Farmington residents. **John Bilton** seconded the motion, and it was approved by Council Members **Bilton** and **Talbot**.

REQUEST FOR PUBLIC STREET CLOSURE OF HIDDEN QUAIL COVE STREET FOR FUND-RAISING EVENT – CHAD & CARLA SMITH (Agenda Item #8)

Chad Smith, a Farmington resident, explained that one of his neighbors, **Lynette Thredgold**, is a violinist who has offered to do a neighborhood concert to raise money for the Cystic Fibrosis Foundation. A tentative date has been set (August 14, 2010), and he asked for input from the Council regarding the best way to host such an event. The Council discussed related issues such as adequate lighting and parking, access for the police and fire departments, and cleanup of the site. There is no City ordinance which prohibits such events, and the City receives frequent requests for this type of event.

Mr. Forbush proposed additional research and possibly establishing a policy regarding this type of event. When asked if he had considered a City park for the event, **Mr. Smith** replied that the costs to do so were prohibitive. The Council approved the event provided it is within a three-hour time frame and the concert ends by 10:00 p.m.

VERIZON REQUEST FOR CELL TOWER AT POLICE STATION SITE (Agenda Item #9)

Mr. Forbush pointed out that Verizon requested this cell tower previously, and the City prepared a lease agreement, and then Verizon decided against the tower. He asked if the Council would grant permission for them to try again. The Council discussed several issues including height, alternate sites, the market rate, and the amount of revenue to the City. **Mr. Forbush** said he would obtain a copy of the previous agreement and research some of these concerns.

CONSIDERATION OF ORDINANCE ANNEXING .43 ACRES OF PROPERTY LOCATED AT APPROXIMATELY 1700 NORTH AND 1500 WEST AS REQUESTED BY GEORGE CLARK (Agenda Item #10)

Motion

Cory Ritz made a motion to extend this request until the September 7, 2010 City Council Meeting. The motion was seconded by **Jim Talbot** and approved by Council Members **Bilton** and **Young**.

(MINUTE MOTION APPROVING SUMMARY ACTION LIST (Agenda Item #11)

11-1. Ratification of Construction & Storm Water Bond Agreements
11-2. Approval of May's disbursement list
11-3. Approval of Public Improvements Extension Agreement with Martin & Judith Nielsen
11-4. Authorization for Mayor to sign uninsured/underinsured coverage waiver as requested by URMMA
11-5. Declaration for 2006 Ford Wheeled coach (ambulance) as surplus property/ authorization of its sale to Sunset City Fire Department for $18,000
11-6. Approval of Flatrock Amended Easement Agreement

11-7. Approval of amended Haul Route Permit for Benchland Irrigation
11-8. Approval of request to be exempted from curbside recycling – Jack Lierman

Motion

John Bilton made a motion to approve the items on the summary action list with the exception of **11-5** regarding the sale of the ambulance to Sunset City Fire Department. **Cory Ritz** seconded the motion, and it was approved by Council Members **Talbot** and **Young**.

ORDINANCE AMENDING 14-5-105 OF THE CITY CODE REGARDING STORING VEHICLES ON PUBLIC STREETS – FIRST READING (Agenda Item #12)

Mr. Forbush said staff is considering an ordinance to amend Section 14-5-105 of the City Code regarding the storing of vehicles on public streets. There are numerous complaints from residents each year regarding this issue, and it is even more critical in the higher density developments where the streets are narrow and there is less room for extra vehicles. The proposal is that residents may not park or store a boat, trailer, dumpster, or other similar conveyance or an inoperable, unlicensed or unregistered motor vehicle upon any public street within the City for more than a continuous 24-hour period. Also, an operable motor vehicle cannot be left on any public street within the City for more than a continuous 72-hour period. The Council discussed whether or not dumpsters should be included because residents may not have the facilities to handle debris during remodeling/construction. They asked **Mr. Forbush** to obtain additional information and consult with the City Attorney regarding his views on this issue.

RESOLUTION AMENDING CONSOLIDATED FEE SCHEDULE REGARDING SPECIAL USE FEES FOR BANDS IN PUBLIC PARKS AND SWIMMING POOL PUNCH PASS FOR CITY EMPLOYEES (Agenda Item #13)

Motion

Sid Young made a motion to amend the Consolidated Fee Schedule regarding special use fees for bands in City parks with an increase from $25 to $100 and to decrease the cost of a 20-punch pass for full-time and part-time City employees from $54 to $30. **Cory Ritz** seconded the motion, and it was approved by Council Members **Bilton** and **Talbot**.

CITY MANAGER'S REPORT (Agenda Item #14)

City Manager **Max Forbush** reported on the following items:

- He reminded the Council Members to attend the open house for the new building on Saturday, July 10th from 12:00 to 4:00 p.m. and encouraged staff members to attend as well.

- He gave an update of the proposed south Main Street well and said the renters have moved out of the old **Mary Myers** home north of the community center. Most of the home will be demolished (except for the historic portion), and the City will submit a plan to the state

and meet with adjacent property owners to discuss the process. City Engineer **Paul Hirst** explained that the rotary method will be used for drilling, and they hope to begin as soon as possible—the drilling may last a couple of weeks.

AWARD OF SLURRY SEAL BID (Agenda Item #15)

Motion

Cory Ritz made a motion to award the bid for the yearly Class "C" road sealing project in the amount of $179,996.99—which includes a 5-year warranty—to Holbrook Asphalt Company. **John Bilton** seconded the motion, and it was approved by Council Members **Talbot** and **Young**.

MAYOR HARBERTSON & CITY COUNCIL REPORTS (Agenda Item #16)

Mayor Harbertson's Report

He asked the Council Members and their wives to help with the Festival Days breakfast at 7:00 a.m. and to wear their white shirts for the parade at 10:00 a.m.

Another open house will be held at the new City Hall on Wednesday, July 21, 2010 from 7:00 p.m. until 9:00 p.m. He asked if the City would like to have a ribbon cutting ceremony, and the Council decided to have one just prior to the City Council meeting on Tues., July 20, 2010.

There will be a silent auction for any surplus items from the City on Tuesday, July 27th from 5:00 to 7:00 p.m. He asked that the City Council members and their wives attend.

The new park in west Farmington will be open soon, and **Mr. Forbush** suggested a possible ribbon cutting. He will check with **Neil Miller** regarding a date and include information in the newsletter.

The state has a difficult time keeping up with all the maintenance on state roads--Class C road funds are limited. Options for additional funds are gas and sales tax (of food or all goods). The City would receive some funds from a gas tax, but all proceeds from a sales tax would go to the state. The final option would be a local sales tax.

There are currently no restaurant liquor licenses left in the state; however, there are 40 tavern licenses, and it is possible that the state may be agreeable to changing the tavern licenses to restaurant licenses.

He received an email from **Neil Miller** regarding an old bridge in north Farmington which is part of the trail system. He suggested that staff and the Council look at the bridge and possibly install a fence around it until it can be improved.

He suggested that it may be wise for the City to hire an independent computer firm to conduct audits on the computers. He said he has approximately 30 computers in his

business, and about ten computers are randomly checked each month. **Mr. Forbush** suggested that it could be added to the City's personnel policies.

City Council Reports

- **Jim Talbot** mentioned that there are several screws protruding out of the concrete at the gated locations on the Lagoon Trail which may contribute to an accident. **Mr. Forbush** agreed to contact Lagoon regarding the matter.

- **Cory Ritz** said he did not approve of the ambulance sale, and he questioned why Farmington City would subsidize Sunset City. **Mr. Forbush** said he would contact Fire Chief **Larry Gregory** and request further details regarding the matter. **Mr. Ritz** also asked if parking a tanker truck (carrying hazmat materials) in a neighborhood overnight was within the City Code, and **Mr. Forbush** said he thought they were prohibited, but he was not sure.

- **Sid Young** gave a report of the League of Cities and Towns meeting and said there is an effort to include property tax redemptions (delinquent property taxes) in the certified tax rate. There is also a coalition considering the increase of development fees, and there may be a bill to change the various forms of government. He asked if an Agreement with **Jerry Stevenson** had been drafted and if an offer had been submitted to **Doug Allen**. **Mr. Forbush** replied that neither one had been done, but he would pursue the agreements.

- **John Bilton** said the Historical Preservation Commission would like to add Shepard Lane and Main Street to the new historic district. He said the **Alley Rose** home on north Main Street is owned by UDOT, and their plan was to demolish it. However, they may be willing to sell it for a reduced price. The City convinced UDOT to allow an additional 6 months to find a buyer. It could be a nice office for a professional, but significant issues include the lack of parking, a location which is too close to Main Street, and extensive renovation to the home. **Mr. Bilton** also suggested including a person from the HPC to assist with the wall arrangements in the new building. He asked if the Blomquist Hale Consulting report was legitimate, and **Mr. Forbush** said they provide occasional counseling and will conduct seminars upon request.

- **MISCELLANEOUS (Agenda Item #17)**

- **Mr. Forbush** requested feedback from the Council regarding personnel policies related to the use of City equipment by City employees. A Committee including **Mayor Harbertson**, **John Bilton**, and **Sid Young** has met with staff to determine the best route to take and how to handle the use of City resources. City Attorney **Todd Godfrey** said it is a difficult issue, and he suggested adopting some type of policy and having a liability waiver in place. The Council agreed that there are many different angles to this issue, and they advised further research and discussion concerning the issue.

ADJOURNMENT

Motion

Cory Ritz made a motion to adjourn the meeting. The motion was seconded by **John Bilton**, and it was 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