FARMINGTON CITY COUNCIL MEETING
Tuesday, September 7, 2010

CITY COUNCIL WORK SESSION/EAST CONFERENCE ROOM

PRESENT: *Mayor Scott Harbertson, Council Members John Bilton, Cory Ritz, and Sid Young, City Manager Max Forbush, City Planner David Petersen, Assistant City Planner Glenn Symes, City Engineer Paul Hirst, and Recording Secretary Cynthia DeCoursey. Council Member Jim Talbot was excused.*

Mayor Harbertson began the work session at 6:00 p.m., and the opening prayer was offered by Council Member **John Bilton**.

APPROVAL OF MINUTES (Agenda Item #2)

There was one minor amendment to the minutes of the August 11, 2010 Council meeting.

(PUBLIC HEARING): CONSIDERATION OF ORDINANCE ADDING HAIGHT-HINMAN HOUSE LOCATED AT 121 WEST 600 NORTH TO THE CITY'S HISTORIC LANDMARK REGISTER (Agenda Item #5)

A representative from the Historic Preservation Commission will speak concerning this item during the regular session.

(PUBLIC HEARING): CONSIDERATION OF MERRILL LAW FLAG LOT AND ASSOCIATED WAIVER PROPOSAL (Agenda Item #6)

The **Mayor** asked the Council to determine what type of compensation the City should require from **Merrill and Cheri Law** upon approval of their flag lot.

JOHN AND SUSAN OPENSHAW REQUEST/WATER LINE REIMBURSEMENT REQUEST (Agenda Item #7)

The **Mayor** said the **Openshaws** would like to build a home on Shirley Rae Drive, and he gave some background regarding the water lines in the area. He explained that **Lynn Stoddard** installed an 8-inch water main within the subdivision and would like to be reimbursed. City Manager **Max Forbush** met with **Mr. Stoddard** to discuss the terms of the agreement. **Mr. Forbush** made the following recommendations:

1. All property owners, when connecting to the water line or obtaining a building permit, will pay their pro-rata share (lineal front foot) at the time of signing up. The amount assessed to each property owner not abutting the street but any who install service laterals coming off of Shirley Rae Drive will be $3,000. The reimbursement period is recommended to be 15 years.

2. When the City receives money for the water line, it will reimburse **David Tolman**, The reimbursable amount is $36,500. **Mr. Stoddard** has previously been invoiced approximately $4,000 and is still responsible to pay the cost of a meter at the end line. The first reimbursement amount received will be kept by the City until the $4,000 meter impact fee has been paid.

REVIEW OF PROPOSED CHANGE TO THE STREET REGULATORY PLAN IN PARK LANE COMMONS AREA/PROPOSED CHANGES TO TITLE 11, CHAPTER 18 (TEXT AMENDMENT) (Agenda Item #9)

Glenn Symes said he would present information regarding this proposal in the regular session. He said it is currently being noticed and will require a motion at the next Council meeting.

AGREEMENT WITH BLAKE MATTHEWS AND WILDING ENGINEERING PERTAINING TO COLLECTION OF FEES FOR LOMR STUDY IN FARMINGTON CREEK ESTATES SUBDIVISION (Agenda Item #11)

Max Forbush reviewed several details regarding this proposal and said the agreement is ready for approval. Wilding Engineering has agreed on a compromise amount of $24,000. The developer, **Blake Matthews**, will pay $4,000 per lot to the City as partial payment for a FEMA study and map amendment application. Upon receipt of the third $4,000 payment, Wilding Engineering will send the map amendment request to FEMA. The final $4,000 to be paid to Wilding Engineering by the City will be withheld until the map amendment request has been approved by FEMA. **Mr. Forbush** encouraged approval of the agreement and stated that without it, there is nothing the City can do to recover these fees in order to complete the LOMR study.

BUILDING INSPECTION/PLAN CHECK SERVICES AGREEMENT WITH SUNRISE ENGINEERING PERTAINING TO STATION PARK DEVELOPMENT (Agenda Item #12)

Mr. Forbush explained that the Building Department was at one time concerned about being able to handle the extra workload of the CenterCal and Station Park developments. A few years ago the City negotiated a contract with Sunrise Engineering to assist with the workload at the time, but when the economy changed, the need for these services were diminished. Under the proposed agreement, the City will pay Sunrise on a percentage basis for plan check reviews and

on an hourly basis for building inspections. He said building permit revenues and development fees help pay for the Community Development Department operational costs.

Council Member **Rick Dutson** joined the work session at 6:50 p.m.

LETTER AGREEMENT WITH CENTER CAL REGARDING MISCELLANEOUS POLICIES REGARDING STATION PARK DEVELOPMENT (Agenda Item #13)

Mr. Forbush said this agreement addresses several issues which need to be resolved—the resurfacing of Clark Lane, striping and signage, timing on building permits, payment of impact fees, and street lighting for the road into the station. Paragraph #5 deals with an additional storm water and sewer line on west Clark Lane and needs to be reworked. **Mr. Forbush** recommended that the Council approve the agreement pending the reworking of paragraph 5 and an amendment to paragraph 3 which raises the reimbursement obligation from $2,000 to $4,000.

REGULAR CITY COUNCIL/CITY CHAMBERS/CALL TO ORDER

PRESENT: *Mayor Scott Harbertson, Council members John Bilton, Rick Dutson, Cory Ritz, and Sid Young, City Manager Max Forbush, City Planner David Petersen, Assistant City Planner Glenn Symes, City Recorder Margy Lomax and Recording Secretary Cynthia DeCoursey. Council Member Jim Talbot was excused.*

Mayor Harbertson opened the meeting at 7:05 p.m. and welcomed two members of the Farmington Youth Council—**Jessica Harris** and **Zach Schofield**. City Manager **Max Forbush** offered the invocation, and the Pledge of Allegiance was led by **Mayor Harbertson**.

APPROVAL OF MINUTES (Agenda Item #2)

Motion

Sid Young made a motion to approve the minutes of the August 11, 2010 City Council Meeting. The motion was seconded by **Rick Dutson**, and it was approved by Council Members **Dutson**, **Ritz**, and **Young**. **John Bilton** abstained because he did not attend the meeting.

INTRODUCTION OF ARIELLE SIMPSON, MISS FARMINGTON (Agenda Item #3)

The new Miss Farmington, **Arielle Simpson**, shared information regarding a "Hallows Eve" event which will be held on October 29 from 7-9 p.m. at the Community Center for children 12 years of age and younger. She plans to include a pumpkin carving demonstration, tips for safe trick or treating, twelve activity booths, and a costume parade. She asked the Youth Council to set up a kid-friendly haunted house and told the Council that she would appreciate any assistance they could offer.

EDC UTAH ECONOMIC DEVELOPMENT OF UTAH

Jeff Edwards explained that EDC UTAH, a non-profit organization, was established 25 years ago, and one of their main purposes is to draw new business to the state. They are funded by 200 private members and 50 public entities and currently are working on 300 various developments in the state. **Dennis J. Norfeldt**, former Mayor of West Valley City, commended Farmington City for its efforts regarding quality developments. **Arthur Franks** spoke briefly and said EDC UTAH raises money for grants and economic development in Utah, and in 2010 $850,000 will be paid to communities in Utah.

PLANNING COMMISSION REPORT (Agenda Item #4)

Glenn Symes reported that there were two agenda items at the last meeting. The Commission approved the **Merrill Law** flag lot and requested that the City Council make a decision regarding an appropriate conservation subdivision waiver. The Commission also reviewed a text amendment change to Title 11, Chapter 18 of the Street Regulatory Plan in the Park Lane Commons Area.

(PUBLIC HEARING): CONSIDERATION OF ORDINANCE ADDING HAIGHT-HINMAN HOUSE LOCATED AT 121 WEST 600 NORTH TO THE CITY'S HISTORIC LANDMARK REGISTER (Agenda Item #5)
Public Hearing

The public hearing was opened at 7:30 p.m.

Dave Bernhisel, member of the Farmington City Historic Preservation Commission (FCHPC), said the **Haight-Hinman** pioneer home is located on the west side of the entrance to the Grove development. It was built in 1867 by **Hector Haight**, the founder of Farmington, and is one of the oldest structures in the City. The FCHPC met with **Chad Biesinger**, owner of the Grove, who was supportive of the proposal to include this home on the Historic Landmarks Register. **Mr. Bernhisel** urged the Council not to forget about the oldest structures in Farmington City.

The public hearing was closed at 7:35 p.m.

Motion

John Bilton made a motion to adopt the ordinance designating the **Haight-Hinman** home as a historic resource on the Farmington Historic Landmarks Register. The motion was seconded by **Sid Young** and approved by Council Members **Bilton**, **Dutson**, **Ritz**, and **Young**.

(PUBLIC HEARING): CONSIDERATION OF MERRILL LAW FLAG LOT AND ASSOCIATED WAIVER PROPOSAL (Agenda Item #6)

Background Information

David Petersen said the Planning Commission visited this site and felt that the proposed trail would be located too close to the home. He explained that the conservation subdivision waiver applies to this property because the front lot is less than 20,000 square feet. The Commission approved the request and agreed that the City Council should decide on a just and fair compensation.

The **Mayor** said that neither of the two options included in a letter from the **Laws** would be considered just compensation, and he asked about the possibility of acquiring Farmington rock. **Mr. Law** said he would sell Farmington rock to the City for the cemetery memorial for $150 per ton which is half of the market price.

Public Hearing

The public hearing was opened at 7:45 p.m.

George Chipman, Chairman of the Farmington Trails Committee, referred to the trails master plan for the City and asked the Council to honor the ordinances related to flag lots. He said the trail could be located at the base of the hill which would not require a retaining wall. The proposed trail would be a narrow foot trail and would provide access to the Hidden Meadows Subdivision. He said residents are much more likely to use a trail if it is convenient, and there are 19 trails in Farmington which are located next to private homes.

The public hearing was closed at 7:50 p.m., and the Council discussed various issues related to this decision, including the heavy use of Main Street by cyclists, runners, and walkers, the proximity of the trail to the home, and a possible lot-line adjustment. If the lot lines were adjusted slightly so that the front lot became 20,000 square feet, a waiver would not be necessary. **Mr. Petersen** reviewed details regarding the intent of the waiver and said the total acreage of the subject property is 1.6 acres.

Motion

Rick Dutson made a motion to approve the flag lot on property located at 661 West 1400 North and to authorize staff to appropriately rework the lot lines to create a 20,000 square foot lot. The motion was seconded by **Cory Ritz** and was approved by Council Members **Bilton**, **Dutson**, **Ritz**, and **Young**.

JOHN AND SUSAN OPENSHAW REQUEST/WATER LINE REIMBURSEMENT REQUEST (Agenda Item #7)

Motion

Rick Dutson made a motion to authorize the City Manager and the City Attorney to develop an agreement between **David Tolman**, the City, and others for the reimbursement of $36,500 for a previous installation of an 8-inch water main within the Shirley Rae Drive Subdivision. The Agreement will specify that there will be a $3,000 flat fee assessment for any service laterals connecting from off of Shirley Rae Drive for services to lots not abutting Shirley Rae Drive. Any person making a connection to the water line whose property abuts Shirley Rae Drive and the water line would pay the lineal front foot cost. The reimbursement period is for 15 years.

CONSIDERATION OF COUNCIL MEMBER CORY RITZ'S REQUEST TO APPROVE RECONVEYANCE OF A 20-FOOT RIGHT-OF-WAY ON THE EAST SIDE OF PROPERTY AND TERMINATION OF THE AGREEMENT WITH THE CITY (Agenda Item #8)

Council Member **Cory Ritz** recused himself from voting on this item.

Background Information

Mayor Harbertson explained that several years ago the City built a storm water detention basin east of the D&RG railway tracks and the **Ritz** property. There was seepage from the basin onto the **Ritz** property, and the two parties entered into an agreement in December of 1999 to remedy the situation. The City agreed to install piping on the **Ritz** side of the dike to prevent additional seepage and to purchase a 20-foot right of way for a trail and a storm drain easement. **Mr. Ritz** agreed to construct a fence along the western boundary of the easement with the City reimbursing **Ritz** $7.50 per linear foot. However, conditions have changed, and the City no longer needs the trail right-of-way because of the Rail to Trails project along the D&RGW right of way. **Mr. Forbush's** recommendations were listed in the staff report, and he said approval of the request will enhance the City's right to empty storm water in that location and ensure that the City will not have to share in the cost of the fence.

Motion

John Bilton made a motion to approve the reconveyance of a 20-foot trail right-of-way on the east side of the subject property, and to install a new manhole. **Ritz** will convey drainage easements to the City at 60% of the market value of the land as determined when **Ritz** conveyed a 20-foot trail to the City, and he will release the City from the obligation to reimburse a fencing

fee of $7.50 per linear foot. The motion was seconded by **Sid Young** and approved by Council Members **Bilton**, **Dutson**, and **Young**.

REVIEW OF PROPOSED CHANGE TO THE STREET REGULATORY PLAN IN PARK LANE COMMONS AREA/PROPOSED CHANGES TO TITLE 11, CHAPTER 18 (TEXT AMENDMENT) (Agenda Item #9)

Mr. Symes said the Planning Commission approved a site plan for this Central Davis Sewer District pump station earlier this year. The original plan was to locate the station on a corner that would align with Richards Way on the east side of Station Parkway; however, this proposal would leave no room for the required sidewalk and park strip treatments. Staff's proposal is to realign what would be Richards Way on the west side of Station Parkway and leave Richards Way on the east side as a "T" intersection which would eliminate the side treatment problems and also eliminate the pump station as a corner lot. The proposal will be ready for approval at the next Council meeting.

MINUTE MOTION APPROVING SUMMARY ACTION LIST (Agenda Item #10)

10-1 Approval of June's Disbursement List
10-2 Ratification of Approvals of Construction & Storm Water Bond Agreements.
10-3 Ratification of Deferral Agreement with First Utah Bank previously signed by **Mayor Harbertson.**
10-4 Approval of Resolution amending Chapter 17 of City's Personnel Policies pertaining to the use of City equipment and supplies.
10-5 Authorization of additional Sergeant Position in the Police Department.
10-6 Declaring old police vehicles as surplus property and authorization for Staff to sell them at the TNT Auction.
10-7 Conceptual approval of Parks & Recreation Director's recommendation regarding cancellation of fees for use of Community Center.

Motion

Cory Ritz made a motion to approve the items on Summary Action List. The motion was seconded by **Rick Dutson** and approved by Council Members **Bilton**, **Dutson**, **Ritz**, and **Young**.

AGREEMENT WITH BLAKE MATTHEWS AND WILDING ENGINEERING PERTAINING TO COLLECTION OF FEES FOR LOMR STUDY IN FARMINGTON CREEK ESTATES SUBDIVISION (Agenda Item #11)

Motion

Sid Young made a motion to approve the Agreement with **Blake Matthews** and Wilding Engineering pertaining to the collection of fees for a LOMR Study in the Farmington Creek Estates Subdivision. The motion was seconded by **Cory Ritz**, and it was approved by Council Members **Bilton**, **Dutson**, **Ritz**, and **Young**.

BUILDING INSPECTION/PLAN CHECK SERVICES AGREEMENT WITH SUNRISE ENGINEERING PERTAINING TO STATION PARK DEVELOPMENT (Agenda Item #12)

Motion

John Bilton moved to approve the Agreement with Sunrise Engineering pertaining to the Station Park Development. The motion was seconded by **Cory Ritz** and approved by Council Members **Bilton**, **Dutson**, **Ritz**, and **Young**.

LETTER AGREEMENT WITH CENTER CAL REGARDING MISCELLANEOUS POLICIES REGARDING STATION PARK DEVELOPMENT (Agenda Item #13)

Motion

Cory Ritz moved to conceptually approve the Letter Agreement with CenterCal regarding miscellaneous policies involved with the Station Park Development with an amendment to paragraph 3 specifying $4,000 as the reimbursement amount and with the understanding that paragraph 5 requires additional work. The motion was seconded by **Rick Dutson** and was approved by Council Members **Bilton**, **Dutson**, **Ritz**, and **Young**.

LETTER OF UNDERSTANDING – CRS ENGINEERS (Agenda Item #14)

Mr. Forbush checked the market values as suggested by Council Member **Rick Dutson**, and the market value of this building is $16; therefore, the $18 per square foot proposed by CRS Engineers is a fair and reasonable rate.

Motion

Rick Dutson made a motion to approve the Letter of Understanding with CRS Engineers. The motion was seconded by **John Bilton** and approved by Council Members **Bilton**, **Dutson**, **Ritz**, and **Young**.

CITY MANAGER'S REPORT (Agenda Item #15)

- **Cemetery report/review**

Mr. Forbush reported that several months ago the City reclaimed 106 burial sites. He said the City received two letters requesting that the Council consider an exception to the cemetery policies and procedures. One was received from Mrs. June Vowles requesting to purchase two additional burial sites beyond the limit. The second was from Mr. Leonard Rustad, a non-resident, who wanted to buy a Right to Burial on two lots. Sale of such is restricted to residents only.

Motion

Rick Dutson made a motion to deny both requests for burial sites. The motion was seconded by **Cory Ritz**, and it was approved by Council Members **Bilton**, **Dutson**, **Ritz**, and **Young**.

- **900 North/1000 North water line replacement project and curb & gutter considerations**

Mr. Forbush has scheduled a meeting on September 22 at 6:00 p.m. with the Public Works Director, the Water Superintendent and the abutting property owners to determine if they would be willing to assist with the cost (estimated at $5 per lineal foot) of installing curb and gutter. He suggested a possible incentive--the City could pay for design engineering and the cost of preparing the roadway for the curb and gutter and also for backfilling the backside of the curb with topsoil. The City is paying for the cost of running the water lines, new service laterals and the restoration and replacement of the road asphalt and base material. The property owners would pay half of the cost of the curb and gutter up front, and the other half would be paid at the time the project is completed. The Council agreed that this would be a good approach, and **John Bilton** agreed to attend the meeting.

- **Reservoir site negotiations**

Mr. Forbush said he received a letter from an attorney who represents **Doug Allen**, the owner of the property on which Farmington City plans to construct a 1.5 million gallon water holding tank. He requested a meeting with City representatives.

- **Update of new City building**

Mr. Forbush said the cost of the new City building will be close to the budgeted amount. He referred to the change order list and said a decision needed to be made regarding HGC-80.

- **Tax revenues**

Mr. Forbush said City Finance Director **Keith Johnson** provided a City sales tax revenue report indicating sales tax revenues were $52,476 more than anticipated but $114,223 less than the previous fiscal year.

DISCUSSION OF NEED FOR LOMR ASSOCIATED WITH DAVIS COUNTY IMPROVE-MENTS TO STEED CREEK ADJACENT TO I-15 FRONTAGE ROAD (Agenda Item #16)

The **Mayor** referred to correspondence from City Storm Water Official **Ken Klinker** and explained that Davis County will spend $1 million to enclose Steed Creek in a 5'x3' box culvert. The area around this section of the creek is in the floodplain, and the City must monitor and document changes in the floodplain in order to keep flood insurance. When changes are made, a Letter of Map Revision (LOMR) application showing the new floodplain lines must be submitted. The County will not pay for the LOMR which could be up to $20,000. Following a brief discussion, the Council agreed the LOMR would benefit the City and property owners in the area.

MAYOR AND CITY COUNCIL REPORTS – (Agenda Item #17)

Mayor Harbertson's Report

- The Davis School District has asked for a $5/participant/season fee for the use of school district facilities beginning November 1, 2010.

- There was discussion concerning the process for hiring a new City Manager and possible selection models that may be useful. A selection committee to review the applications will include the **Mayor**, two members of the Council, the City Manager, Public Works Director, Police Chief, and the Parks & Recreation Director.

- **Rick Dutson** was assigned to head a committee including four women who have agreed to assist with displaying artwork in the new City building.

- He asked staff if the sunset clause expired on the Woodside Development.

- He attended a meeting regarding various swoop options, a meeting with UDOT concerning the next phase of the West Davis Corridor, a meeting with the Utah Waterfowl Association and a meeting with **David Petersen** and **Craig Carter** to discuss the possibility of using Davis School District students to provide the labor to restore a home in Farmington that Lagoon plans to demolish. He asked **Mr. Symes** obtain information from the DSD superintendent.

- He thanked the Council and City staff for their attendance at the groundbreaking ceremony for the new Harmons Grocery Store.

City Council Reports

Sid Young

- He reminded the Council that **Sherm Hoskins** is willing to raise money for the cemetery memorial. The **Mayor** said the initial design is complete, but the plans require additional work by the architect and the City Engineer **Paul Hirst** prior to the bidding process.

Rick Dutson

- There has been an increase in gang activity in the neighborhood where he lives. City policemen have also seen tagging and more activity on the west side of Farmington.

Cory Ritz

- No report

John Bilton

- He commended **David Petersen's** efforts concerning the Alley Rose home which is currently owned by UDOT.

Closed Session

Motion

A motion was made by **John Bilton** for the Council to go into a closed session to discuss the professional competency and character of an individual and to discuss strategy as it pertains to potential litigation. The motion was seconded by **Rick Dutson**, and it passed with Council Members **Bilton**, **Dutson**, **Ritz**, and **Young** voting in favor.

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 10:25 p.m. a motion to go back into open session was made by **Sid Young** and seconded by **Cory Ritz.** The motion was approved unanimously by all four Council Members present voting in favor.

Motion:

Cory Ritz moved to direct staff to send a letter as had been suggested to the Evanses stating that the City Attorney has recommended the City proceed with other processes regarding property for the "Park Lane Swoop" as had been agreed upon in a previous meeting with the City Attorney.

The motion was seconded by **Rick Dutson** and passed unanimously with all four Council Members present voting in favor.

ADJOURNMENT

There being no further business and upon a motion to adjourn the meeting was made by **Rick Dutson** with a second by **Sid Young**, the meeting was adjourned at 10:25 p.m.

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Margy Lomax, City Recorder
Farmington City Corporation