

# FARMINGTON CITY COUNCIL MEETING

April 4, 2008

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## CITY COUNCIL WORK SESSION/REGULAR COUNCIL CHAMBERS

**PRESENT:** Mayor Scott Harbertson, Council Members Richard Dutson, David Hale, Paula A. Alder, Sidney C. Young, Cory Ritz, City Manager Max Forbush, City Planner David Petersen, Recording Secretary Kami Mahan, City Attorney Todd Godfrey, Rich Haws, and representatives of Shivas Partners.

**Mayor Harbertson** began discussion at 5:30 p.m. Sid Young offered the invocation. The following items were reviewed:

### **Agenda Item #5: ( Public Hearing): Consideration of Station Park Amended Development Agreement with CenterCal (Continued).**

**Mayor Harbertson** explained that Shivas Partners representatives were present to discuss the Station Park project.

**Rich Haws** showed an overhead presentation and reviewed the history of the Station Park development. He explained six key business points of the proposal, which included:

1. Urgency
2. Conceptual location of the road
3. The developer contributes land for the right-of-way
4. Design and conceptual improvements
5. Entitlement issue
6. Easement for unused portion of Burke Lane

There was an extended discussion of the Council and the Shivas associates regarding the project with respect to design, traffic management, potential tenants, parking, proposed improvements, and dealing with UDOT.

[**Cory Ritz** arrived at the meeting at 6:00 p.m.]

**Todd Godfrey** explained his concerns with issues of the right-of-way, impact fee credits, funding of utilities, and funding of the road to the north. He emphasized that site plans will be approved by City staff rather than the City Council or Planning Commission. He emphasized that consistency is important. Once the development agreement is approved, it will move forward.

The need to streamline the process was discussed. **Mr. Godfrey** clarified that approval does not exclude the ability to amend details of the road design. Issues of density and UDOT involvement

were discussed. The Council and Shivas representatives agreed to meet to work further on finalizing the development agreement.

[The Council moved into the east conference room at 6:30 p.m.]

**Max Forbush** spoke briefly about the Agenda for the April 15<sup>th</sup> Council meeting. He distributed a copy of the Farmington Ranches agreement and explained proposed changes.

**Cory Ritz** suggested using a detention area in the Miller Meadows subdivision for playing fields.

**Agenda Item #7: Resolution adopting the locally preferred UTA Alternative to extend transit options within the South Davis County Transit Corridor.**

A copy of the proposed South Davis Transit Resolution was distributed and reviewed by the Council.

**Agenda Item #17: Items of General Correspondence.**

**Max Forbush** mentioned the water rights letter contained in the “General Information” of the packet.

**REGULAR CITY COUNCIL/CITY CHAMBERS/CALL TO ORDER**

**PRESENT:** Mayor Scott C. Harbertson, Council Members Richard Dutson, David Hale, Paula A. Alder, Sidney C. Young, Cory Ritz, City Manager Max Forbush, Recording Secretary Kami Mahan, Rich Haws and representatives of Shivas Partners, and Greg Cummings (Attorney for Ron Martinez).

**Mayor Harbertson** called the meeting to order at 7:00 p.m. **Paula Alder** offered the invocation. The Pledge of Allegiance was led by **Evan Frampton**.

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

The Council reviewed the minutes of the City Council meeting held March 18, 2008, and the minutes of the Special City Council/Planning Commission meeting of March 13, 2008.

**Motion**

**Sid Young** moved to approve the minutes of the City Council meeting held March 18, 2008, with changes as noted. The motion was seconded by **Rick Dutson**, and unanimously approved.

**Motion**

**Rick Dutson** made a motion to approve the minutes of the Special City Council/Planning Commission meeting held March 13, 2008. **David Hale** seconded the motion, which was approved by a unanimous vote.

**Mayor Harbertson** stated that Planning Commission report would be delayed until later in the evening.

[**Kevin Poff** arrived at the meeting at 8:30 p.m.]

**PLANNING COMMISSION REPORT (Agenda Item #3)**

**Kevin Poff** reported proceedings of the Planning Commission meeting held March 13, 2008. He covered the following items:

- The Planning Commission approved the rezone request of Dwight Poulson. The decision on the flag lot was postponed until the City Council takes action on the issue .
- The Planning Commission reaffirmed their original actions of Conditional Use and Site Plan approval for BABB Investments. Mr. Poff explained that it was recommended that Challenger School representatives meet with area residents and City staff regarding plans for the area. Challenger School agreed to install a sidewalk on the south side of 1060 West. Mr. Poff said that there was much neighborhood concern over the extension of the road. The Council discussed this issue.
- A training session on the role of the Planning Commission in city government was held prior to the study session of the Commission meeting. A historical overview of the TMU area was presented following the meeting.
- A committee of three members of the Commission (John Bilton, Craig Kartchner, and Kevin Poff) was established to begin review of the zoning ordinance text.

**(PUBLIC HEARING): CONSIDERATION OF STATION PARK AMENDED DEVELOPMENT AGREEMENT WITH CENTERCAL (CONTINUED). (Agenda Item #4)**

**Mayor Harbertson** announced that the public hearing on this item would be continued due to the inability of the CenterCal attorney to be present.

**Motion**

**Dave Hale** moved to continue the public hearing to the April 15, 2008, City Council meeting. The motion was seconded by **Sid Young**, and approved unanimously.

It was pointed out that significant progress had been made on the development agreement.

**FRONT RUNNER “GRAND OPENING” EVENT DISCUSSION. (Agenda Item #5)**

**Mayor Harbertson** explained the April 26<sup>th</sup> “Grand Opening” event planned by UTA, and invited CenterCal representatives to be present at the event to display picture boards of their project. He said an individual is needed to take charge the Farmington leg of the event, and suggested using someone from Lagoon. UTA has offered to contribute funds for the celebration, to pay for items such as a tent, sound system, a podium, banner, and refreshments.

Details of the planned celebration were discussed. The Council agreed to keep the length of the event fairly short. **Sid Young** proposed providing a small memento of the occasion. Pins were suggested, as the City already has a large number in supply.

Names suggested for heading up the event included Pat Sorensen and Joey Hansen. The person in charge can select a band. **Paula Alder** said the UTA celebration will be worked into the Youth Retreat scheduled for that day. The Council agreed to ask Lagoon to be in charge of the event, and **The Mayor** said he would contact a Lagoon representative.

**MINUTE MOTION APPROVING SUMMARY ACTION LIST: (Agenda Item #6)**

- **Ratification of approvals of Construction Bond Agreements.**
- **Approval of Public Improvement Extension Agreement with Tyler & SueAnn Phillips.**
- **Assignment of Sid Young, Mayor Harbertson and Max Forbush to represent Farmington City on League of Cities & Towns Legislative Policy Committee.**

**Mayor Harbertson** briefly reviewed these items.

**Motion**

**David Hale** moved to approve the Summary Action List. **Paula Alder** seconded the motion, which passed by a unanimous vote.

**RESOLUTION ADOPTING THE LOCALLY-PREFERRED UTA ALTERNATIVE TO EXTEND TRANSIT OPTIONS WITHIN THE SOUTH DAVIS COUNTY TRANSIT CORRIDOR. (Agenda Item #7)**

**Mayor Harbertson** said that a presentation on this issue had been given previously, and he briefly reviewed the proposed UTA route. The project is years in the future. The possibility of fixed rail to Station Park was considered, but ridership did not merit taking the route the full distance. This may eventually change.

The Council discussed the wording of the sixth paragraph of the Resolution, and the necessity to include verbiage conveying the need for UTA to consider future alternative transportation options to Station Park.

**Motion**

**Sid Young** moved to add wording to the Resolution to include a new Section 4, stating: “UTA is strongly encouraged to consider alternative transit options along the frontage road to Station Park”, and renumbering the existing Section 4 to Section 5. **David Hale** seconded the motion. A roll call vote was taken, and **Rick Dutson, David Hale, Sid Young, Paula Alder,** and **Cory Ritz** all voted in favor.

**Sid Young** stated that the frontage road is being considered for future transit because Centerville and Farmington residents along Main Street and 200 East are concerned about a dedicated lane or rail along those roads. **Mayor Harbertson** added that the frontage road gives options of park-and-ride, which are not available on the other roads.

**REVIEW OF “DRAFT” DEVELOPMENT AGREEMENT WITH STATION PARK. (Agenda Item #8)**

**Mayor Harbertson** introduced this Agenda item and stated that the development agreement was discussed during the work session. He explained that this Agenda item involves approximately 80 acres being developed by Shivas Partners on the north side of Park Lane, west of I-15. A road is needed from Park Lane, through the Shivas property, down Burke Lane and toward Shepard Lane to accommodate the Station Park development. At **Mayor Harbertson**’s request, one of the Shivas associates displayed a picture board of the project, and **The Mayor** reviewed several details of the development area.

**The Mayor** said that significant issues had been resolved, and that another work session on the development agreement will be held. **The Mayor** invited **Rich Haws** to comment, and Mr. Haws said Shivas Partners and the Council will meet on May 6<sup>th</sup>, when the goal is to have the agreement approved.

**Max Forbush** suggested a work session earlier than May 6<sup>th</sup>, and the Council agreed to have a Special City Council meeting on April 22<sup>nd</sup>, 2008, at 6:00 p.m., where policy issues can be refined. **Mayor Harbertson** said that development committee members **Cory Ritz** and **Rick Dutson** can be contacted if their input on the agreement is needed.

**Sid Young** suggested that it would be helpful for the Council to have the revised agreement to study prior to the Special City Council meeting.

**WATER RIGHTS PURCHASE AGREEMENT BETWEEN CITY AND GENE WHEADON TRUST. (Agenda Item #9)**

**Mayor Harbertson** said this Agenda item pertains to the C-5 well. The City has shared water rights with the Gene Wheadon Trust, but the Trust has no way to access the water. In the event of legal problems, the shared rights could put the City in legal jeopardy. Based on advice from the City Engineer, the City has proposed purchasing the Wheadon water rights for \$10,000. Legal costs would be shared between the City and the Trust.

**Max Forbush** said that Dee Hansen, former State Engineer who has had long standing involvement with the situation, concurs with the City's Engineer's recommendation.

**Motion**

**Rick Dutson** moved to approve the water rights agreement between the City and the Wheadon Trust. **Paula Alder** seconded the motion, which passed by a unanimous vote.

**PURCHASE AND SALES AGREEMENT BETWEEN FARMINGTON CITY AND CENTERCAL REGARDING SALE OF CITY PROPERTY AT PUBLIC WORKS BUILDING SITE. (Agenda Item #10)**

**Mayor Harbertson** said this Agreement was drafted predominantly by CenterCal because of the due diligence needing to be done through Calsters (California Teachers), who are the investing partners in the project. City Attorney, Todd Godfrey reworked a number of paragraphs to best meet City needs. CenterCal attorney, Tom Ellison has reviewed the document with amendments made by Mr. Godfrey and suggests three changes:

1. The temporary easement affects only the old Clark Lane right-of-way.
2. The closing date should be the end of May to avoid conflict with the due diligence period.
3. Have a best of knowledge representation that the City has no knowledge of the existence of any Hazardous Substances on the property.

**Max Forbush** suggested approval be subject to review by the City attorney, and that authorization be given for the **Mayor** to sign the agreement. Clarifications were made on fencing and leasing issues addressed in the agreement. **Sid Young** raised a concern with indemnification. Mr. Forbush was to review Mr. Young's concerns with the City attorney.

**Motion**

**Rick Dutson** moved to approve the Purchase and Sales Agreement between Farmington City and Station Park/CenterCal LLC regarding the sale of City property at Public Works building, subject to (1) the City Attorney reviewing the indemnification clause, and (2) including the three changes proposed in the email dated March 28, 2008, from Tom Ellison which are stated above. **David Hale** seconded the motion, which passed unanimously.

**RESOLUTION ESTABLISHING UTILITY FEE WAIVER PROGRAM FOR ACTIVE DUTY MILITARY PERSONNEL. (Agenda Item #11)**

**Mayor Harbertson** said this proposal was discussed in the past, and he explained that qualifying families of active duty military personnel can have water and garbage fees waived. Sewer fees are not included. The fee waiver lasts for a period of twelve months, and families can re-apply.

**Motion**

**Cory Ritz** made a motion to approve the Resolution establishing a utility fee waiver program for active duty military personnel. The motion was seconded by **Paula Alder**, and passed by a unanimous vote.

**PARKS & RECREATION ISSUES: (Agenda Item #12)**

- **Cookbook fund raising requests**

- **Rugby at South Park**

**Mayor Harbertson** said that the Parks and Recreation Department has been compiling a City cookbook. **Paula Alder** said there are approximately 250 recipes. The Arts Council would like to order the cookbooks before May 15<sup>th</sup>, which will save 70 cents per book.

**The Mayor** expressed reluctance, because of past experience with similar efforts, to order the books without knowing how many will be sold. The Council discussed the issue. **The Mayor** suggested having a presale, which would predict sales before money is spent. **Paula Alder** stated that she would follow through on arranging a presale of the cookbooks.

**Mayor Harbertson** said that Parks and Recreation Director Neil Miller is in favor of allowing rugby at South Park on a trial basis. The removable rugby goals can be used for soccer, and rugby teams would be required to schedule the park and pay the rental fee.

Concerns were expressed about possible damage to the park and interference with the soccer season. **Rick Dutson** raised the issue of drafting an agreement for insurance or indemnification purposes.

The Council agreed to allow rugby for one year. **Max Forbush** said he would inform Neil Miller of the Council's decision and to ask Neil to obtain information on whether or not rugby would adversely affect soccer scheduling for next year.

**ORDERING OF CITY FLAGS. (Agenda Item #13)**

**Mayor Harbertson** said that in response to the City's inquiry, Colonial Flag had submitted a proposal for the City flag, which was included in the Council packet.

The Council discussed the design of the flag, possible background colors, and the manner of display. The Council agreed to order five flags with grommets at the top, and two with grommets on the side. **Holly Gadd** was asked to request additional background color options from Colonial Flag.

**Mayor Harbertson'S REPORT (Agenda Item # 14)**

**Mayor Harbertson** reported on a meeting with Ron Martinez and associates.

### **TOD Ordinance Consultation Discussion**

**Max Forbush** informed the Council that the Planning Commission will be revising the TOD ordinance, and have requested funds to hire Cooper-Roberts-Simonson as a consultant on the project. The firm is presently working on the downtown Master Plan. There is money in the budget for rewriting Chapter 18 of the zoning text. The request is to allow a change of budgetary intent to permit Cooper-Roberts-Simonson to help the Planning Commission.

Transportation consultants will also be utilized to work with Cooper-Roberts-Simonson with the project.

### **Motion**

**Rick Dutson** moved to approve funding to allow the Planning Commission to hire a consultant in revising the TOD Ordinance. **David Hale** seconded the motion, which passed unanimously.

**Max Forbush** stated that this action allows the TOD ordinance revision to be done before the conservation subdivision ordinance.

### **Report on Other Items**

There was further brief discussion on Agenda Item #13 regarding background colors for the flag.

**Mayor Harbertson** complimented **Paula Alder**, **Rick Dutson**, the Youth City Council and the Parks and Recreation Department for their work on the Easter Egg Hunt

Copies of maps showing four options for locating a new City Hall were handed out to the Council. There was an extensive discussion of the proposed alternatives. The Council expressed a general preference for Option #4, and agreed that it made sense to proceed with the sale of the current City Hall since there is already a willing buyer.

A concern was raised about the increased cost of Option #4. **Max Forbush** clarified that the increase would be covered by the sale of the current City Hall. There was a general consensus to proceed with investigation of studying the feasibility of acquiring the land illustrated in option 4.

The Council also discussed the building of the new City Hall.

**Mayor Harbertson** reported on a meeting with UDOT traffic engineers concerning the Lagoon Trail. He referred to the UODT map distributed earlier in the meeting and explained the proposed rerouted trail.

City Engineer **Paul Hirst** said it is hoped that a trail-pedestrian type grant can be used to pave the trail from the intersection up to the stream crossing. The trail was briefly discussed

**Max Forbush** reported on a meeting with Senators Killpack and Bell, Representatives Barrus and Fisher, Cory Pope; from UDOT and Transportation Chair Stuart Adams, and two members of the City Council. The City is promoting the westerly transportation corridor. **Mr. Forbush** said that the State Representatives were favorable to the proposal.

It was explained that although UDOT representatives appeared to be open to the proposal, they want to maintain a good working relationship with the Sierra Club and the Army Corps of Engineers and are being cautious. They are concerned about the feasibility of locating a highway within conservation easements. However, City attorney Lisa Romney gave a legal citation that is very favorable to the City's position.

**Mayor Harbertson** said **Cory Ritz** feels that UDOT needs to be encouraged to emphasize the merit of a westerly corridor to the Sierra Club. **Max Forbush** said that wetland data will be collected, and **Cory Ritz** said direction was given to City staff that would move the process along.

**Mayor Harbertson** informed the Council that a meeting with the Postal Service is scheduled for April 8<sup>th</sup>.

**The Mayor** brought up the Utah League of Cities and Towns convention to be held next week. The Council discussed some particulars of the trip.

[**Kevin Poff** presented the Planning Commission report at 9:05 p.m.]

### **CITY COUNCIL REPORTS (Agenda Item #15)**

**Paula Alder** said she did not attend the Woodland Park meeting because of a conflict with the Communications meeting. She also inquired about parking at the library, information regarding the Visioning committee, the Council Action List, Christmas decorations for City Hall, Youth Court, and the Maughn properties. **Ms. Alder** reported that a used car operation is being run on the Bailey (Brass Comb) property.

**Rick Dutson** said the Director of the Miss Farmington Pageant, SueAnn Phillips, has requested that Council members participate as judges in the community service portion of the pageant on April 19<sup>th</sup>. He handed out packets associated with the pageant to Council members. **Paula Alder**, and **Sid Young** agreed to participate, and **Cory Ritz** and **David Hale** said they would check their schedules.

**David Hale** commented on a 36" exposed irrigation water line that was installed at Gardner Village.

**Sid Young** inquired about the vote on revisions to the street budget, which was briefly discussed. He also suggested having a celebration memento during Farmington Festival Days to commemorate the anniversary of the Trails Committee. It was determined that the cost may be paid for out of Council contingency funds.

**Cory Ritz** reported that he is scheduled to testify at a subcommittee hearing regarding the State's ability to acquire land by condemnation. He will give input from Farmington's standpoint. He said the focus is to preserve local municipality input into the process.

**MISCELLANEOUS (Agenda Item #16)**

**Max Forbush** distributed a copy of issues/questions for the Council to consider for the April 15<sup>th</sup> City Council meeting.

**Mr. Forbush** said a meeting is scheduled for April 5<sup>th</sup> at 4:00 p.m. with the Farmington Ranches HOA regarding the draft agreement, and he requested that the Council review the document and contact him with feedback.

**ITEMS OF GENERAL CORRESPONDENCE (Agenda Item #17)**

**Cory Ritz** brought up the issue of monitoring street repairs completed by contractors for the petroleum pipeline project, and said that 500 South is in very poor condition. **Max Forbush** said he would have Public Works follow through on this issue.

In response to a comment by **Mayor Harbertson**, **Mr. Forbush** noted the importance of being careful about personnel issues, which are challenging.

**ADJOURNMENT**

**Dave Hale** moved to adjourn. **Sid Young** seconded the motion. The meeting adjourned at 9:25 p.m.

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Holly Gadd, Deputy City Recorder  
Farmington City