

FARMINGTON CITY COUNCIL MEETING

May 20, 2008

CITY COUNCIL WORK SESSION/EAST CONFERENCE ROOM

PRESENT: Mayor Scott Harbertson, Council Members Richard Dutson, Paula A. Alder, Sidney C. Young, City Manager Max Forbush, and Recording Secretary Kami Mahan.

Mayor Harbertson offered the invocation and began discussion at 6:00 p.m. The following items were reviewed:

(Agenda Item #11): Impact Fee/Station Park Development Agreement Amendment Considerations.

Max Forbush distributed a handout entitled “Recommended Impact Fee Adjustments for Station Park”, and said that the new proposal is a good compromise. He explained the amendment proposal in detail. It was discussed by the Council, who expressed approval of the amendment.

[**Cory Ritz** arrived at the meeting at 6:15 p.m.]

(Agenda Item #12): Resolutions Amending Building Permit Fee Process.

Max Forbush distributed a handout of a comparison of building fees, and explained the current process of determining fees, and the proposal to amend the procedure. **Mr. Forbush** explained that this change is being proposed due to incoming large scale developments. He said construction costs valuation should be evaluated and adjusted yearly for inflation. Adopting and adjusting the vacation schedule would put developers on notice that it would be implemented immediately on passage

The Council discussed the possibility of a modifier. The consensus of the Council was to adopt the Building Valuation Data for January - February 2008 as promulgated by the International Code Council as a basis for assessing building permit fees.

[**Kathy Izatt** of America West Developers arrived at the meeting at 6:50 p.m.]

The meeting adjourned at 7:00 p.m.

REGULAR CITY COUNCIL/CITY CHAMBERS/CALL TO ORDER

PRESENT: Mayor Scott C. Harbertson, Council Members Richard Dutson, Paula A. Alder, Sidney C. Young, Cory Ritz, City Manager Max Forbush, City Recorder Margy Lomax, Recording Secretary Kami Mahan, and Youth City Council Member Ty Toronto.

Mayor Harbertson called the meeting to order at 7:05 p.m. **Rick Dutson** offered the invocation. The Pledge of Allegiance was led by Scout **Britan Oliver**.

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

The Council reviewed the minutes of the City Council meeting held May 6, 2008, and the Special City Council minutes of May 13, 2008.

Motion

Sid Young moved to approve the minutes of the City Council meeting held May 6, 2008. **Paula Alder** seconded the motion, which passed unanimously.

Motion

Cory Ritz made a motion to approve the minutes of the May 13, 2008, Special City Council meeting. The motion was seconded by **Paula Alder**, with all voting in favor except **Rick Dutson**, who abstained due to his absence at that meeting.

PLANNING COMMISSION REPORT (Agenda Item #3)

No Planning Commission report was given.

TRAILS COMMITTEE REPORT - GEORGE CHIPMAN (Agenda Item #4)

Mayor Harbertson turned time over to Farmington Trails Committee Chairman **George Chipman**, who distributed the "Annual FTC Progress Report for 2007". He announced the Buffalo Ranches Trail ribbon cutting ceremony on June 21st, and requested that **Mayor Harbertson** deliver remarks at the event.

Mr. Chipman announced that it was the ten year anniversary of the Trails Committee, and he read the 2007 FTC report. He said that Farmington is becoming the premiere city for trails, with 17 current trails, and a goal of creating 34.

Mayor Harbertson thanked **Mr. Chipman** and complimented the Trails Committee for their work. He reported that a crash gate is broken on the bridge at Farmington Creek. He also suggested distributing pins with a footprint at the ribbon cutting ceremony.

It was pointed out that the name of "Jeffrey Godfrey" in the FTC report should be replaced with "Todd Godfrey".

200 WEST STREET (NORTH OF STATE STREET) PARKING LIMITATION CONSIDERATION - SCOTT AND CASIE OLDEWAGE. (Agenda Item #5)

Mayor Harbertson advised tabling this Agenda Item due to the hospitalization of the Oldewage's son.

Motion

Rick Dutson moved to table this item. **Paula Alder** seconded the motion, which passed unanimously.

Agenda Items #6 and #7 were postponed until later in the meeting.

CULINARY WATER CONNECTION REQUEST - DICK HATCH . (Agenda Item #6)

Mayor Harbertson said that **Dick Hatch** lived just outside the city limits, and he asked if **Mr. Hatch** had considered annexing into the city. **Mr. Hatch** replied that he would if it was convenient. He said the nearby Symphony Homes development was too distant in the future to connect with it. **Mr. Hatch's** property is presently not contiguous to any property already annexed into the City.

The Mayor explained that a 10" diameter water line was installed within the 1525 West Street right of way and is stubbed to the nearby property of Wayne Freckleton in exchange for water rights. That piping is also near **Mr. Hatch's** property and for that reason he wants to connect to the system. Generally the procedure has been to require those outside the city limits to install the water line at their expense through their property frontage. If property isn't annexed then that impact fee, connection fee and monthly user fee doubles from the normal rate. In this situation, **Mr. Hatch** is asking for a waiver of the current policies.

Max Forbush clarified that although the monthly fee would be doubled, he is recommending that the impact and connection fees would be at the regular rate as if the property were within the City.

In response to a question by the **Mayor**, as to whether he had ever been without culinary water, **Mr. Hatch** said there have been two ten-day periods where he had to haul in culinary water to make his home livable.

A motion was made, and after the Council refined several issues, an amended motion was made.

Motion

Cory Ritz moved that the City Council allow, as a variance from previous policy due to special circumstances, a connection to the existing water line on 1525 West to Dick Hatch, with payment of regular impact and connection fees, and double the monthly water rate; that when other properties contiguous to Mr. Hatch are annexed, the Hatch property can come into the City; and that this connection is conditioned upon his entering into a written agreement to this effect. **Rick Dutson** seconded the motion, which was unanimously approved.

Mr. Forbush was directed to have the agreement worded as to the reasons why Mr. Hatch would be allowed to connect to the City's water system without annexing and without paying the double water impact fee and connection fee. Those reasons include the following:

- 1) It is physically impossible at the present time for Mr. Hatch to annex without pulling other properties into the City with him.
- 2) The City is not anxious to encourage future development on its southern boundaries, because the City's preferred Legacy to Legacy Highway North connection is along its western boundary connecting to Glover's Lane.
- 3) There are not large areas (acreages) remaining within Farmington's proposed plan for future annexation. Therefore, allowing a single connection while remaining outside the City limits will not adversely create unwanted precedents.
- 4) Mr. Hatch, by entering into a written agreement, will annex into the City when other annexation occurs that makes his property contiguous to a City boundary. The connection is not to occur until the agreement is prepared and agreed upon.

PURCHASE AND SALES AGREEMENTS FOR PROPERTIES OWNED BY HEBER SOUTH TOWN, LLC (HOWARD KENT) FOR PARKS & OPEN SPACE. (Agenda Item #7)

Max Forbush distributed a handout entitled "Summary of Howard Kent Property/Other Negotiations." **Mayor Harbertson** reviewed the "Real Estate Purchase and Sales Agreement" and "Buyer Acknowledgment" documents from the Council packet. Those agreements pertained to two parcels of property; one adjacent to Burke Lane west of the D&RGW tracks (3.07) acres and one adjacent to 1875 West (2.7 acres).

Max Forbush explained the negotiations with **Mr. Howard**, and said he proposes a third agreement that would be advantageous to the City because it would allow the acquisition of affordable land (nearly seven acres) located adjacent to Burke Lane east of the D&RGW tracks. **Mr. Forbush** reviewed the "issues" and "City Manager proposal" contained in the "Summary" handout that would expedite the purchase of all three properties.

Mayor Harbertson expressed a concern with the loss of fencing that was originally proposed in previous discussions pertaining to the City’s purchase of the 2.1 acre parcel, but said this issue can be worked out with Destination Homes and the neighboring property owners who might be willing to share in the cost of a fence adjacent to the lots abutting the property. The City intends to use the nearly seven-acre parcel as trade for to acquire land at a suitable location for a new cemetery.

Howard Kent expressed his agreement to the proposal.

Motion

Rick Dutson moved to adopt the City Manager’s Proposal as follows:

1. Raise the selling price on the seven-acre parcel from \$30,000 to \$35,000 per acre.
2. The City reimburses Howard Kent for Storm Water System Improvements (\$22,425) in a lump sum reimbursement. (This pertains to Mr. Kent’s construction of a storm sewer line in Phase I of the Spring Creek Subdivision. The line was larger than required; therefore reimbursement was for “system” improvements that are reimbursable under the law.
3. The City immediately buys both the 3.07 acres and the 2.1 acre parcel and deletes the requirement of having to install the fence on the 2.1 acre parcel.
4. The 3.07 and 2.1 acre purchase would be paid for from the Park Improvement Impact Fees which are budgeted. The seven acres would be paid from the Cemetery Perpetual Care Fund as a loan to be paid back with future lot sales.

The motion was seconded by **Paula Alder**, and passed unanimously.

Max Forbush stated that he would move forward with the preparation of the Sales and Purchase Agreement on the seven-acre parcel.

CONSIDERATION OF BOUNDARY LINE ADJUSTMENT BETWEEN THE FARMINGTON CITY EQUESTRIAN/PEDESTRIAN TRAIL (PUBLIC USE) PARCEL AND LOT 48 OF THE SHEPARD HEIGHTS SUBDIVISION TO ACCOMMODATE ADJUSTMENT OF TRAIL LOCATION. (Agenda Item #7.b.)

Max Forbush explained a brief history of this proposal and said that a Quit Claim Deed was never recorded, which created a misunderstanding with Davis County Assessor’s office about property taxes. Jason Lindsey will be compensated two dollars per square foot for the land conveyed.

Mr. Forbush read the “Notice of Lot Line Adjustment Agreement between Jason Lindsey and Farmington City”, and recommended approval of this agreement. He said the compensation would be paid from Park Improvement Impact fees, and that the Quit Claim Deed was previously authorized in 2005.

Motion

Sid Young moved to authorize **The Mayor** to sign the Notice of Lot Line Adjustment, and to direct Staff to record the Quit Claim Deed and to compensate Jason Lindsey at the rate of two dollars per square foot for the land he is conveying to the City. The motion was seconded by **Paula Alder**, and passed unanimously.

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

1. Ratification of approvals of Construction Bond Agreements
2. Approval of miscellaneous Sidewalk Repair Agreements.
3. Approval of Certification of Payment method for Weber Basin water charges.
4. Approval of Change Order No. 1 for Police Station.
5. Approval of ValPak Advertising Contract for Parks & Recreation Department.
6. Approval of Select Health Contracts for Fiscal Year 2009.
7. Approval of Coverage Renewal Confirmation with Utah Local Governments Trust (Insurance Coverage).

Mayor Harbertson briefly reviewed each of the Summary Action List items.

Motion

Paula Alder moved to approve the Summary Action list. **Rick Dutson** seconded the motion, which was approved by a unanimous vote.

SHEPARD CREEK TRAIL AGREEMENT. (Agenda Item #9)

Mayor Harbertson briefly reviewed this Agenda Item.

Sid Young expressed concern with respect to the County's possible requirements for engineering evaluations for the trail. **Max Forbush** said the City will only submit a proposal involving two foot bridges with elevation information relevant to Davis County Flood Control. He estimated the expenses of the two bridges to be a maximum of \$3,000 to \$5,000. **Mr. Forbush** said the Shepard Creek Trail is used extensively by Somerset residents.

Motion

Sid Young moved to approve of the Shepard Creek Trail Agreement, and to authorize the **Mayor** to sign the same. **Rick Dutson** seconded the motion, which passed by a unanimous vote.

FIRE RESTRICTION IN WOODLAND PARK/FARMINGTON POND. (Agenda Item #10)

Mayor Harbertson explained Parks and Recreation Director Neil Miller's recommendations to maintain the current fire regulations at Farmington Pond, and to move the fire pits. **The Mayor** expressed his preference for barbeque stands rather than fire pits, and the Council discussed this issue, as well as potential fire pit locations at Farmington Pond and Woodland Park.

The Council agreed to have the Parks and Recreation Department determine possible locations for the fire pits.

IMPACT FEE/STATION PARK DEVELOPMENT AGREEMENT AMENDMENT CONSIDERATIONS. (Agenda Item #11)

Mayor Harbertson said that this matter was reviewed somewhat extensively in the work session. **Max Forbush** stated that the proposed amendment to the development agreement with CenterCal will clear up any discrepancies. There was a general approval by the Council of the agreement.

RESOLUTIONS AMENDING BUILDING PERMIT FEE PROCESS. (Agenda Item #12)

Mayor Harbertson stated that this Agenda item was discussed during the work session, and that the recommendation is to have City Staff use the Square Foot Construction Costs Valuation/Building Valuation Data handout in the packet as the basis for determining building permit fees in the future.

Motion

Rick Dutson moved to approve the Resolution adopting the use of Building Valuation Data for 2008 promulgated by the International Code Council as the basis for amending building

permit fee schedules, and that there will be an adjustment proposed by City Staff with respect to a declining scale for residential buildings which will be presented at the June 3rd City Council meeting. The motion was seconded by **Sid Young**, and passed unanimously.

LEGACY HIGHWAY TO LEGACY NORTH ALIGNMENT POSITION DISCUSSION.
(Agenda Item #13)

Mayor Harbertson reported that the Transportation Commission appears to be dubious about the land trade with CenterCal, and has the misconception that Farmington is unsupportive of any transportation corridor in the City. The **Mayor** told of his efforts to explain the City's position that Farmington recognizes that a Legacy to Legacy North connection in the City is necessary.

The **Mayor** explained that UDOT wants to move the Farmington corridor priority from Phase 3 to Phase 1 on the Wasatch Front Regional Council's list of plans, which would allow them to begin receiving funds for an Environmental Impact Statement (EIS). Farmington would like evidence that this will not cause the Park Lane interchange to fail. The City wants a westerly corridor studied, as well as ways to alleviate problems with the Shepard Lane interchange.

Mayor Harbertson also said that the City will be required by law to have potential developers to meet with UDOT to determine if UDOT wants to buy their property for corridor preservation where development is being proposed. **Max Forbush** said a dialog is needed with UDOT, the City, and major developers north of Park Lane to consider a solution because the carrying capacity of Park Lane will be a problem before the Legacy connection is needed.

Cory Ritz warned that if UDOT considers all of west Farmington as a possible corridor, this will upset the entire community on the west side. He said one or two routes should be considered, not the whole area. He said UDOT wants Farmington's cooperation, but it is UDOT that has been uncooperative.

Mayor Harbertson said UDOT had been unwilling to cooperate in the past because the EIS study had originally been far into the future. Now that major development is occurring, UDOT sees the need to more quickly determine a corridor, which is why they are now asking for cooperation. It is best for all involved to have a pre-determined corridor. **The Mayor** said he will strongly oppose the D&RG route because it will ruin the fabric of the community. He recently discovered that Horrocks Engineering found that there are only two or two-and-a-half acres of wetlands in the northwest quadrant of the City which is the beginning of the City's preferred alignment along the lake shore.

Max Forbush stated that Transportation Commission Chair Stuart Adams recently expressed that he was favorable toward a western corridor. The Council discussed whether UDOT would be

willing to narrow it down to one or two routes, as opposed to creating “broad strokes.” **Mayor Harbertson** said at the meeting he would strongly encourage UDOT to narrow it down.

Cory Ritz stated that he hoped that the City would remain strong in emphasizing the western corridor because of its minimal impact on the citizens. **Max Forbush** explained the process of a corridor alignment decision, which is ultimately decided by the EPA and FHWA when they issue what is called a “Record of Decision”.

The Council discussed the need to invite UDOT into the discussions, in order to have a more proactive approach to resolve problems with Park Lane due to its integral role in the alignments. The need to delineate the wetlands and emphasize the impact on western residents was also discussed. **Max Forbush** stated that the City leaders are stewards to protect the community, and that the City also has a track record of working with UDOT.

CONTINUED BUDGETARY ADJUSTMENTS DISCUSSION FOR FY 07-08 AMENDED AND FY 08-09 BUDGETS. (Agenda Item #14)

The Council discussed the difficulty cities have in meeting ever-rising expenses, and that there is distrust of local communities by the legislature with regard to how road funds are spent.

Mr. Forbush reported that there may be budget adjustments needed with regard to the F.J. Parker drainage situation. A proposal is expected soon from Mr. Parker.

Mr. Forbush also said that the City’s “force account labor, equipment and materials” cost for the Police Station is higher than anticipated and may require an additional \$100,000. He explained the reasons for the additional expense, and stated that it is still within the budget.

Motion

Paula Alder made a motion to authorize **The Mayor** to sign Change Order 001 with Ascent Construction, the contractor who is building the new Farmington Police Station. **Rick Dutson** seconded the motion, which passed unanimously.

The Woodland Park project and improvements were briefly discussed.

Mr. Forbush reported that a meeting is scheduled with one of the three willing sellers (Earl Wheeler) on the proposed City Hall site. **Paula Alder** volunteered to attend.

LEGACY HIGHWAY TRAIL MAINTENANCE REQUEST. (Agenda Item #15)

Max Forbush reported on a meeting with UDOT representatives Cory Pope and Todd Jensen regarding UDOT’s request for each abutting City to the Legacy Highway to pickup the costs associated

with the maintenance of the Legacy Highway Trail. There is also a meeting later in the week with the City Managers of the four other cities that abut the trail to estimate trail maintenance costs, which will include expenditures for water, weed control, replacement of asphalt, and plowing the trail.

In response to comments by Council members, **Mr. Forbush** said the trail and the area between the two fences, Legacy Highway and private property are proposed to be maintained by the cities. He proposed that the cities ought to meet with legislators to object to the proposal because of the hardship to each City as an unexpected and unfunded mandate. The maintenance costs of \$40,000 to \$50,000 per year (estimated by Centerville City) must come from the City's General Fund budget and not out of impact fees. **Mr. Forbush** said he would report to the Council following the meeting with the other city managers.

REVIEW OF STREET RESURFACING BIDS. (Agenda Item #16)

Mayor Harbertson stated that because bids were not yet open, this item would be postponed to the next Council meeting.

MAYOR HARBERTSON'S REPORT (Agenda Item # 17)

Mayor Harbertson reported on a meeting with F.J. Parker, and a meeting with the 1060 North residents near the Challenger School. **The Mayor** and **Rick Dutson** also reported on their ICSC trip.

The Mayor expressed the need for HOA's to be made to understand that the City is not a mediator between HOA's and residents.

CITY COUNCIL REPORTS (Agenda Item #18)

Paula Alder mentioned the meetings of the Trails committee and the Transportation committee.

Sid Young suggested that the Chamber of Commerce, State legislators, and neighboring city mayors be invited to the ribbon cutting ceremony of the Buffalo Ranches Trail opening, in order to make it a significant event.

MISCELLANEOUS (Agenda Item #16)

Max Forbush said that a request was received from Gordon Crabtree, who is in charge of a Days of '47 Stake float. The Stake would like to use the Public Works building for work on the float. **Mr. Forbush** said this has been allowed in the past. The general consensus of the Governing Body was to allow this to happen if it didn't interfere with normal City Public Works related functions.

ITEMS OF GENERAL CORRESPONDENCE (Agenda Item #17)

There was no discussion on this item.

ADJOURNMENT

Rick Dutson moved to adjourn. **Sid Young** seconded the motion and the meeting adjourned at 9:23 p.m.

Margy Lomax, City Recorder
Farmington City