

# FARMINGTON CITY COUNCIL MEETING

Tuesday, June 19, 2007

Farmington City Hall, 130 North Main Street

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## CITY COUNCIL WORK SESSION/EAST CONFERENCE ROOM

**PRESENT:** Mayor Scott C. Harbertson, Council Members David Hale, Larry W. Haugen, and Paula Alder; City Manager Max Forbush, Keith Johnson, City Finance Director and City Recorder Margy Lomax. Rick Dutson and Sid Young were excused.

**Mayor Harbertson** called the meeting to order at 6:00 p.m. Paula Alder offered an invocation to the meeting.

### **Budget Review**

Keith Johnson, Finance Director, presented an overview of the budget for fiscal year ending June 30, 2008, and final figures for the Amended Budget for fiscal year ending 6-30-07. The projected Amended Budget General Fund Balance for FY 07 is \$802,633. Revenues from FY 07 came in \$750,000 higher than were projected.

Changes made to the budget since the last budget meeting held with the Mayor and City Council were discussed. A few more expenditures had been added plus more revenues. An additional \$25,000 from sales tax had been added. Packets were distributed containing the complete budget and also a “pie” chart showing General Fund Budget Revenues and Expenditures for FY 08. He pointed out that 70% of the budget will come from taxes. Changes that had been made since the last budget meeting included changes in Capital Projects; the Enterprise Funds; the addition of \$35,000 for police service to Lagoon; changes to the Retirement Health Savings Plan; staffing; the addition of a shelter for a bowery at Moon Park; a mini excavator for Public Works; the addition of two more road projects due to increased revenues from Class “C” road funds; and doubling the amount from \$40,000 to \$80,000 for professional services to allow the City to hire a traffic engineer to evaluate plans for the North Legacy to Legacy Connection.

The Council felt the City needed to hire a traffic engineer to review the work done by Horrocks Engineers (hired by UDOT) to determine if there are any other options for the placement of the North Legacy to Legacy Connection other than Alternative #3. Alternatives #1 and #2 have been eliminated by UDOT and the State Legislature. The Council felt it incumbent upon them to use due diligence to make sure there is not a conflict of interest with Horrocks Engineers and to see what is best for the City as a whole. (Horrocks has done work for the City in the past.) The independent traffic consultant will evaluate Horrocks’ work. It was felt this evaluation should be accomplished quickly.

### **Garbage Collection Contract**

Steve Robinson, owner of Robinson Waste, was present and addressed the Council. He has provided garbage collection service for the City for the last three years. His contract is now up for renewal. Mr. Robinson and the City Manager have negotiated over the phone new terms for the renewal of the contract. He is requesting a 20¢ per can increase. In addition, he is requesting a fuel surcharge for diesel fuel. If the cost of fuel is above \$3.00 per gallon, then a surcharge

of 2 ½¢ per 10¢ increase will be charged. He stated that his company is in the hole last year due to fuel costs, equipment, wages, insurance and maintenance costs. He determines the cost of fuel from a monthly average of Department of Energy Regional Index.

Mayor Harbertson pointed out the City would be able to pay the increased fee this year without raising garbage rates charged to residents. Paula Alder and David Hale complimented Mr. Robinson on the quality of his garbage collection service.

The terms of the contract will be the same as in the past with the Christmas tree pickup and extra garbage-container-pickup day in April and October.

### **Danville Street Reimbursement Agreement**

Max Forbush stated he, the City Attorney, Todd Godfrey and staff had met with developers regarding transportation issues in the Danville development which is located in the northwest corner of the City. An agreement had been reached on Monday. The developer will be paying most of the road to the north. It was felt the lots backing onto the road should not have to pay the full price – there should be a compromise of 50/50. Mr. Forbush reviewed some of the elements of the agreement stating it is strictly a reimbursement agreement. The Development Agreement which will follow this one will address open spaces issues. The development is not a conservation subdivision; it is a PUD, but open space is involved in both. There are two railroad crossings in the development. It is proposed the developer improve the crossing at the intersection of Burke Lane. The City will fix the crossing on 1525 West Street. It is also proposed the developer build the road to the north with an 80' right of way and, the City will reimburse them at 50% through impact fees. The developer is anxious to receive preliminary plat approval, but the City will not grant it until the transportation issues are resolved.

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

**PRESENT:** Mayor Scott C. Harbertson, Council Members David Hale, Larry W. Haugen, and Paula Alder; City Manager Max Forbush, City Planner David Petersen, Youth City Council Member Kefron Bernishel, and City Recorder Margy Lomax. Sid Young and Rick Dutson were excused.

**Mayor Harbertson** called the meeting to order at 7:05 P.M. and Margy Lomax offered the invocation. The Pledge of Allegiance was led by David Hale.

### **APPROVAL OF MINUTES OF PREVIOUS MEETINGS**

**David Hale** moved to approve the minutes of the June 5, 2007, City Council Meeting. **Larry Haugen** seconded the motion. The voting was unanimous in the affirmative.

The minutes of the Special City Council meeting held June 6, 2007, were approved upon motion by **David Hale** and seconded by **Larry Haugen** with changes as noted. The voting was unanimous in the affirmative.

### **Planning Commission Report**

Jim Talbot, Planning Commission Chair, gave the Planning Commission report for their meeting held June 14, 2007.

A public hearing was held regarding a subdivision application for Trophy Land Development. They requested a recommendation for schematic plan approval for a 32 lot subdivision on approximately 21.43 acres located on property at the southwest corner State Street and 650 West in an AE zone. This development is located between the Jail and Station Park. There was a lot of discussion on this item with 4 or 5 people making public comments. The developer has agreed to 1/2 acre lots. This development abuts property owned by the City for a future park. A triangle piece of developer's property goes up into the park property. The Planning Commission suggested the developer sell it to the City to increase the size of the park which they agreed to do. The Planning Commission recommended approval with a 7-0 vote.

Another public hearing was held on the zone change application for America West Developers. They requested a recommendation for change of zoning from A (Agriculture) to TOD (Transit-Oriented Development). The subject property is 64 acres located at approximately 1180 West Clark Lane. This area is master planned for a TOD Zone. The Planning Commission felt like at some point in time it would go to a TOD zone so they voted in favor by a vote of 5-2.

Kevin Poff addressed the Council explaining why he voted against the recommendation. He felt zone changes should be tied to approval of subdivision plans. He is concerned about what might happen if this development doesn't occur.

An email had been sent by Rich Haws asking that the Planning Commission motion be rescinded due to noticing problems. The Planning Commission is not willing to do this and would like to send the issue to the City Council. The only issue the Planning Commission looked at was the zoning.

David Petersen said the questions to be answered are: Is this consistent with the General Plan? What about wetlands and a secondary access?

Garbett Homes (Farmington Crossing) came before the Planning Commission for a modification of their final Master Plan and for consideration of a proposal by the developer to modify building elevations and trail alignment. The development is located at 850 N. Shepard Creek Parkway in a C zone. This item was approved by the Planning Commission. The Planning Commission liked the re-location of the trail. There will be rock or brick on the buildings. The Council would like a message sent to the developer that they would like the pond dealt with; that they would like it improved and "spruced" up.

**Public Hearing: Consideration of a Resolution to: Amend FY 07 Budget; Approve FY 08 Budget; Establish Compensation Schedule for Public Officials and Employees; and Establish proposed Certified Tax Rate for FY 08**

Mayor Harbertson reported the budget had been reviewed in detail in the work session held prior to the City Council meeting. Some of the items included in the budget are: a new ambulance;

construction of a new Police Station; work on the Downtown Master Plan; hiring a new Police Officer; increased employee benefits; acquisition of additional park land; and street repair with Class "C" road funds. Also, \$500,000 has been set aside in the Capital Facilities Plan to go towards a new City Hall. Forty thousand dollars has been added to professional services in order for the City to hire an engineering firm to give a second opinion on the North Legacy connection to make sure the option being proposed is the best option and to ensure all options have been reviewed. There is no property tax increase for the budget year ending June 30, 2008. However, the storm water utility fee will be increased \$1 per month.

At 7:40 p.m. Mayor Harbertson opened the meeting up to a public hearing. There were no public comments so the public hearing was closed.

The Council and Mayor expressed thanks and appreciation to the City Manager, Max Forbush, and the Finance Director, Keith Johnson, for the excellent work they had done in preparing the budget.

The City Manager stated the budget reflects the wishes of the Governing Body. A number of meetings had been held regarding strategic planning and with the Visioning Committee. The budget is a spending plan that follows those values and ideas.

**Motion:**

**David Hale** moved to approve the Resolution as included in the packet amending the Municipal Budget for fiscal year ending 6-30-07; adopting a Municipal Budget for fiscal year ending 6-30-08; adopting a compensation schedule for City officials and employees and adopting a proposed property tax levy for fiscal year ending 6-30-08 and authorizing the Mayor to sign the same after receiving the rate from Davis County. The intent is that there will be no increase in the tax rate. The motion was seconded by **Larry Haugen** with Council Members Alder, Hale, and Haugen voting in favor.

**Request for Final Plat Approval for Farmington Meadows, Phases I, II/Consideration of related Development Agreement**

Dave Petersen reported a change in the Development Agreement of the addition of the requirement for planting trees. He said it was his recommendation the City Council require the developer to comply with the conditions outlined by the Planning Commission in their letter. It was felt the developer should post a bond to ensure the trees are planted.

The City Manager pointed out that the planting of trees was one of the action items on the Strategic Plan and it was first implemented with the Jerry Preston development. The Development Agreement does not call for the size of the trees to be planted. Council Member Hale felt they should be at least 1 ½" caliper.

Paula Alder asked about the Conservation Easement and the open space. David Petersen responded there are three areas of open space – one primarily wetlands, an area proposed to be developed into a small mini-park, and the bulk of the conservation land is between the Lake and the

subdivision. A trail will be provided on the back of the lots. The easement is fee title. A reimbursement agreement will still need to be signed.

**Motion:**

**David Hale** moved to approve the Development Agreement with the following conditions: first, that park strip trees be planted with a minimum caliper of 1 ½"; that there be a reciprocal access easement for each abutting landowner over the trail so that they might have access to the other one; and that the entire Agreement be reviewed and approved by the City Attorney and after which the Mayor is authorized to sign it. The motion was seconded by **Paula Alder**. The motion passed with all three Council Members voting affirmatively.

**David Hale** moved to approve Farmington Meadows Phases I & II as outlined and as had been recommended by the Planning Commission with the conditions as listed. A second was made by **Larry Haugen** and the motion passed with all Council Members voting affirmatively.

**Request for Final Plat Approval for Tuscany Village Subdivision/Consideration of related Development Agreement**

Mayor Harbertson stated this development is located between the frontage road and 200 East.

There is an older home located on the development site known as the "old Glover Home". JMR Land & Development, the developer had written a letter to the City discussing the different options they looked at in trying to preserve the home and the results of a study they had done on it. They discovered the home is partially on their property and partially on the landowner to the north. There have been several additions to the home over the years which would make moving it impossible. Also, the foundation of the home compared to the elevation of the road it would front would put the home in a hole that would collect water runoff. Renovation would not be feasible as the home would need to be completely stripped down defeating the purpose of having it in the subdivision. The Planning Commission feels okay with having the home demolished. The developer reported that the former property owner felt very strongly about having it demolished to the point of having it spelled out in the sales agreement with them. Alys Revell of the City Historic Preservation Commission had visited the site. Larry Haugen stated he loves old house, but feels this one should be demolished. Mayor Harbertson asked the developer if they will be able to save the big tree located on the site. He said he would hate to see it cut down.

David Petersen stated that in the Development Agreement the storm drain will pass along the frontage road. The City Engineer, Paul Hirst, wants a larger drain than what is needed for the development so it will be necessary to offset those costs. A temporary detention basin is being put in by the developer. The City has plans for constructing a regional detention basin in the future somewhere between 1470 South and Lund Lane. If a permanent detention basin is built and the temporary detention basin is no longer needed, the property owner cannot divide this property.

The Development Agreement also asks for a parcel, a skinny rectangular parcel, to be dedicated to the City so it can landscape and maintain the area to match what has been done to the north and south to Centerville.

There is no provision in the Agreement for tree planting. It was felt all developers should be treated the same and that Rainey Homes should be required to plant trees as part of the development. That provision will need to be added to the Development Agreement.

**Motion:**

**Paula Alder** moved to approve the Development Agreement upon the condition the City Attorney reviews it and with the addition of language requiring the developer to plant street trees with a minimum of 1½" caliper and to authorize the Mayor to sign it once these conditions are met. The motion was seconded by **Larry Haugen** and passed with a unanimous affirmative vote.

**Consideration of Kevin Malaska Request to adjust Conservation Easement on Lot 202 of Miller Meadows Subdivision**

At the request of Mr. Malaska, this item was pulled from the agenda.

**Consideration of Reimbursement Agreement with Danville Land Investments, Inc. (Woodside Homes)**

Mayor Harbertson said this agreement had been discussed in work session to help the City Council understand all that is involved with the Agreement. There will be a 50/50 split on the road costs. There are two railroad crossings that have to be dealt with on a temporary basis.

Thane addressed the Council stating that they made a verbal commitment to the City to build the two-lane road, along the 950 North corridor west of 1875 West, and they are willing to go ahead and include that commitment as part of the reimbursement agreement.

A discussion ensued with regards to building City streets across the 7.58 acre parcel recently acquired by exchanging land parcels with Danville. The land now owned by the City is a future UDOT transportation corridor. The City Manager explained that the City does not buy or build roads, it just maintains them. He said it is unsure what UDOT is going to do in the area of this development. If UDOT reimburses the City for the road, then the developer should be paid back for his pro-rated land costs of building the road across City property..

**Motion:**

**Paula Alder** moved to approve the Reimbursement Agreement with Danville Land Investments subject to it being reviewed by the City Attorney and developer's attorney adding provisions for the crossing areas and also regarding reimbursement through the right-of-way area. The motion is also subject to approval by staff and authorizes the Mayor to sign the agreement once it is finalized. **David Hale** seconded the motion. The motion passed unanimously.

**Minute motion approving Summary Action list**

A motion was made by **David Hale** and seconded by **Larry Haugen** to approve the items listed on the Summary Action List as follows:

- Ratification of Approvals of Construction Bond Agreements.
- Approval of I.T. Service Agreement for FY 08 with 3c Business Solutions.
- Authorize additional \$5,000 expenditure on Dewey Petersen Contract for Woodland Park Well rehabilitation.
- Approval of Health Insurance Agreement with Select Health.
- Approval of 1875 West Curb & Gutter Agreements with area residents and M.C. Green.
- Authorize change of intent for Budget expenditures in Fire Department in amount of \$3,000.
- Approval of Sidewalk Repair Agreement with Debbie Bernhisel.

### **Resolution Establishing Fees for Solicitor's License**

The City Manager reported the City Attorney had looked at the process of what it would cost the City to issue a solicitor's license to determine the amount the City should charge for a license fee.

The City Attorney had also checked with other cities to see what fees they are charging. The City Attorney feels fees set forth in the resolution enclosed in the packet are fair and equitable.

**David Hale** moved to approve the Resolution adopting a licensing fee for residential solicitation as outlined in the packet. The motion was seconded by **Paula Alder**. The motion passed with all Council Members voting in favor.

### **Agreement Extending Garbage Collection Services Contract with Robinson Waste Services, Inc., for an additional three years**

Mayor Harbertson stated there have been good comments regarding the garbage collection service. The Agreement extension includes an increase of 20¢ per container. It also provides for an additional 2 ½¢ increase per every 10¢ increase in fuel costs over \$3.00 per gallon. If the cost of fuel goes below \$2.50 per gallon, the cost will be reduced at the same rate.

**Larry Haugen** made a motion to extend the garbage collection agreement with Robinson Waste for an additional three years beginning July 2007. **Paula Alder** seconded the motion. The motion passed unanimously.

### **Consideration of Rocky Mountain Pipeline Easement Agreements**

Mayor Harbertson stated back in the 1930's or 1940's blanket easements were placed across entire properties. Rocky Mountain Pipeline is willing to reduce the easement to 50 feet on the City's property in exchange for approval of a work area agreement and approval of a temporary easement.

The temporary easement would be upon the City's park land in west Farmington and the triangular piece adjacent to 1075 West Street north of Shepard Lane. Boring machines will be placed at both sites to enable Rocky Mountain to bore underneath Farmington Creek and U.S. 89 to replace a 4" pipe with a 16" pipe in which to carry petroleum products. The easements will go away as soon as the pipelines are installed.

**Motion:**

**David Hale** moved to approve the Work Area Agreement with Rocky Mountain Pipeline System, LLC, subject to the reduction of the easement over the City's property being reduced to 50 feet and to approve the temporary construction easement on the two sites – one at the City's park land in west Farmington and the other on the City's triangular piece of property adjacent to 1075 West Street north of Shepard Lane. The motion was seconded by **Larry Haugen**. The motion passed with a unanimous vote.

**Clarification on July City Council Meeting Schedule**

After review of the City Council meeting schedule for July, it was determined to keep the schedule the same as had been previously established, holding meetings on July 10 and July 17.

**Davis County Transportation Expo Event June 27/Request for City Booth**

Horrocks Engineers will set up the Farmington booth. Mayor Harbertson, Paula Alder and the City Manager, Max Forbush will be there to answer any questions by the public. It will be held from 3:00 p.m. until 9:00 p.m.

**Benchland Irrigation Company Request to Meet with City Officials**

David Hale, who also serves on the Benchland Irrigation Company Board, reported they want to meet with City officials to have a dialog regarding reciprocal use of water rights. It was felt there is a need to open up communications between Benchland and the City. Mayor Harbertson and David Hale will meet with Vince Hess and Steve Moon along with Paul Hirst, City Engineer, and the City Manager. Suggested meeting times were June 26<sup>th</sup> or 28<sup>th</sup> at 4:30 p.m.

**Request for Interest to Serve on Utah League Nomination Committee**

Because Council Members Dutson and Young were absent from the meeting, it was decided to place this item on the next City Council agenda.

**Award of Bids - 2007 Street Resurfacing and Street Maintenance Project**

The City Manager stated he was pleased with the Morgan Asphalt bid as the lowest bidder, and it is staff's recommendation to award the contract to them.

**Motion:**

A motion was made by **David Hale** to award the contract for street resurfacing and maintenance to Morgan Asphalt and to authorize the City Manager to sign the "Notice of Award" and the "Notice to Proceed". **Paula Alder** seconded the motion which passed unanimously.

## Mayor Harbertson's Report

Mayor Harbertson reported regarding a letter from Roger Black of UTOPIA. Mayor Harbertson felt there is no advantage to the City to join UTOPIA at this time. There is a huge liability for them right now with bonding obligations for 30 years. He feels the City should wait and see what happens.

He also reported on a meeting with Lagoon and UTA. Lagoon has committed to pay one-half million for betterments to the commuter rail station at Station Park. They are planning on putting historic pictures of Farmington between the panels.

Another issue discussed with Lagoon was Farmington City police service for their Park. Parish Snyder and Dave Quinley of the City Police Department also met with them. An agreement was reached between the City and Lagoon which will come before the Council for approval.

Mayor Harbertson said he had met with Randy and Ron Rigby regarding the Legacy North to Legacy Highway connection Alternative #3 which would go through part of their Miller Meadow Subdivision located in west Farmington. He stated they were somewhat relieved to learn of the City's plans to hire an engineer to evaluate the options that have been presented by UDOT for the connection.

## City Council Reports

**David Hale** reported on the Mosquito Abatement District. He said there are three different areas where West Nile Virus have been detected. The District is actively testing for it and is doing spraying Countywide. They have been cleared to do aerial spraying. He reported there are a lot of things the District does to help alleviate mosquitos.

**Larry Haugen** stated people having approached the Leisure Services Department about taking back the baseball league. There are complaints the records are "messed up" and teams are being stacked that out of the 30 teams, 3 -5 teams win all the time. Residents want the City to run the program. It was stated that a letter needs to be written by the residents to the City making the request.

**Paula Alder** reported she and Viola Kinney had interviewed Bruce Strehlow for a position on the Arts Council and they are recommended he be appointed.

### Motion:

A motion was made by **Paula Alder** to appoint Bruce Stehlow to the Farmington City Arts Council for a term beginning June 1, 2007, and ending December 31, 2009. The motion was seconded by **Larry Haugen** and passed with a unanimous vote.

## Miscellaneous Items

**Jim Talbot**, Planning Commission Chair, addressed the Council expressing his concern with the Station Park development. He stated the plans for the site are not even looking like what the City thought was going to be coming in. He is extremely concerned with what he saw. CenterCal's

website shows the face of the development is changing.

He also asked for more feedback from the City Council to the Planning Commission on the disposition of issues so they know the final outcome on different items.

**Mayor Harbertson** said he is not happy with what he is seeing either. It is looking more like a strip mall rather than the world-class development that was proposed; even the theater looks like it has been downsized. The City made concessions to allow CenterCal to come in and go through the process to help them facilitate their desires. Special meetings were held along with other things to help them. He expressed disappointment in them.

**Max Forbush** reported CenterCal has kept everyone in the dark that they have been very secretive. A meeting is scheduled for June 28 with UTA and CenterCal. He said CenterCal has an obligation as a partnership to the City to keep them informed as to what they are doing.

### **Adjourn**

There being no further business, upon motion of **Larry Haugen** with a second by **Paula Alder**, the meeting was adjourned at 9:35 p.m.

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Margy Lomax, City Recorder