

FARMINGTON CITY COUNCIL MEETING

September 16, 2008

CITY COUNCIL WORK SESSION/EAST CONFERENCE ROOM

PRESENT: Mayor Scott Harbertson, Council Members Richard Dutson, David Hale, Paula A. Alder, Sidney C. Young, City Manager Max Forbush, City Planner David Petersen, Recording Secretary Kami Mahan, and Attorney Mike Hayes of Mazuran and Hayes.

Mayor Harbertson began discussion at 5:33 p.m. **Dave Hale** offered the invocation.

Closed Session

Rick Dutson moved to go into a closed session at 5:33 p.m. to discuss strategy as it pertains to pending litigation and the acquisition of real property. **David Hale** seconded the motion, and all those present voted unanimously in favor.

[**Cory Ritz** and Planning Commissioner **John Bilton** arrived at the meeting at 5:35 p.m. City Engineer **Paul Hirst** arrived at 5:55 p.m., and **David Petersen** left at 6:05 p.m.]

A motion was made by **Paula Alder** to reconvene to a regular work session, and **David Hale** seconded the motion. The Council voted unanimously in favor, and reconvened at 6:45 p.m.

(Agenda Item #2): Reading and Approval of Minutes

The Council reviewed the minutes of the September 2, 2008, City Council meeting, and the Special City Council meeting held in Denver, Colorado on September 3 & 4, 2008. Several corrections were made to the September 3rd minutes.

There was no significant discussion of other Agenda items.

REGULAR CITY COUNCIL/CITY CHAMBERS/CALL TO ORDER

PRESENT: Mayor Pro Tem Richard Dutson, Council members David Hale, Paula A. Alder, Sidney C. Young, Cory Ritz, City Engineer Tammy North, City Recorder Margy Lomax, and Recording Secretary Kami Mahan.

Mayor Harbertson and City Manager **Max Forbush** were detained until later in the meeting.

Mayor Pro Temp Rick Dutson called the meeting to order at 7:05 p.m. **Margy Lomax** offered the invocation, and the Pledge of Allegiance was led by **Josh Brown** of Scout Troop 1418.

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

The minutes of the September 2, 2008 meeting, and the Special City Council meeting held September 3 & 4, 2008, were reviewed during the work session.

Motion

Dave Hale moved to approve the minutes of the meeting held September 2, 2008, with changes as noted, and to approve the minutes of the Special City Council meeting held September 3 and 4, 2008. **Sid Young** seconded the motion, which passed unanimously.

PLANNING COMMISSION REPORT (Agenda Item #3)

No one was present from the Planning Commission to give a report.

MINUTE MOTION APPROVING SUMMARY ACTION LIST. (Agenda Item #4)

- **Approval of Change Order #2 for Police Station Project**
- **Approval of June and July Disbursement lists**
- **Conceptual approval of Parks & Recreation Scholarship Project**
- **Approval of Resolution Authorizing Retirement Program for Full time Firefighters**

These items were briefly reviewed by the Council.

Motion

David Hale moved to approve the Summary Action list, and **Paula Alder** seconded the motion. A roll call vote was taken, and Council members **Alder, Dutson, Hale, Ritz,** and **Young** all voted in favor of the motion.

Due to the delay of the Mayor and Mr. Forbush, the Council passed over Agenda items #5, #7, #8, and #9.

RESOLUTION DESIGNATING TODD J. GODFREY AS TRUSTEE PURSUANT TO UTAH CODE 11-42-502 FOR PURPOSES OF ENFORCING DELINQUENT ASSESSMENT LIENS. (Agenda Item #6)

Mayor Pro Tem Rick Dutson introduced this item, and **Sid Young** questioned why a collection agency was not used. **Mr. Dutson** suggested moving forward with a motion, and then addressing this question with the City Manager when he arrived.

Motion

Sid Young moved to approve the Resolution Designating Todd Godfrey as Trustee pursuant to Utah Code Section 11-42-502. **Cory Ritz** seconded the motion, which passed unanimously.

Later in the meeting, **Sid Young** asked **Max Forbush** about the use of a collection agency, and **Mr. Forbush** replied that the Special Improvement District Act sets forth a clear process for collection, which is being followed.

FARMINGTON RANCHES NEIGHBORHOOD PARK - CONSIDERATION OF PUBLIC HEARING DATE. (Agenda Item #10)

Rick Dutson reviewed this item, and the Council questioned the date for the public hearing. **Margy Lomax** explained that this hearing would probably be too lengthy to be included during a regular meeting. **Cory Ritz** commented that according to the City Manager, the initial site plan was not well received by the residents, but a second meeting had more favorable results.

Motion

David Hale moved to hold a public hearing regarding the Farmington Ranches Neighborhood Park, on October 14, 2008. The motion was seconded by **Paula Alder** and was approved unanimously.

Cory Ritz said he may be unable to attend the meeting on this date. The location and potential attendance of the meeting was discussed.

Later in the meeting, it was clarified that the date for the public hearing would be October 21, 2008.

BID AWARDS. (Agenda Item #11)

- **Public Works Storage Building**
- **Bond Deficiency Corrections - Curb, gutter, sidewalk**

Rick Dutson introduced this Agenda item, and said that one bid is in excess of the budget. He invited City Engineer **Tammy North** to update the Council on this matter.

Ms. North said that work needs to be done on curb, gutter, and sidewalks for individual homes where bonds are still being held by the City. Areas have been prioritized for sidewalk replacement and trip hazard removal.

Rick Dutson suggested delaying action until the City Manager was available for comment.

Paula Alder informed the Council that the location for Youth City Council meetings will be in the pool lobby, and that this item on the Action list could be removed.

Mayor Harbertson and **Max Forbush** arrived in the meeting at 7:20 p.m.

Mr. Forbush distributed copies of the bid breakdown for the Farmington Public Works building, and said bids are for a 5,000 square foot storage building plus a wall-less salt storage area. The City bid the project for either masonry block or metal. He reviewed the bid summary and noted the approximate \$25,000 difference (higher cost) between a masonry or metal building. **Mr. Forbush** said the issues to be decided are whether to go with masonry or metal, and that structural design and performance of the buildings need to be researched.

Rick Dutson expressed concern about the flimsiness of metal, and its patchwork appearance when repaired. **Max Forbush** noted that there would be a four-foot foundation wall on the metal building. **David Hale** commented that for the \$25,000 difference, masonry provides a higher quality building which is better in the long run. Other Council members agreed.

Sid Young asked if the contractors pre-qualified, and **Max Forbush** said they had not, which is why more research is needed.

Motion

David Hale moved to approve a masonry building, and to authorize the City Manager and the Mayor to do research on contractor qualifications. **Rick Dutson** seconded the motion, which was unanimously approved.

CONSIDERATION OF "OLD FARM" REIMBURSEMENT AGREEMENT PERTAINING TO STORM SEWERS AND SIGNALIZATION. (Agenda Item #5)

Mayor Harbertson stated that the City Attorneys have given a general approval of the agreement. **The Mayor** expressed concern with the traffic signal, and how to ensure that the Phase 2 area is expeditiously done once it warrants the signal. When this occurs, the developers need to bond for the entire amount.

Mr. Forbush noted the risk involved if the developers finish their work and the warrants have not yet been met.

Motion

Rick Dutson moved to approve having the Mayor sign the “Old Farm” Reimbursement Agreement after the developers have given their approval. **David Hale** seconded the motion, which was unanimously approved.

RECAP OF DENVER FIELD TRIP/FUTURE DIRECTIONS DISCUSSION. (Agenda #7)

Mayor Harbertson stated that the Denver field trip was very informative with regard to the TOD Ordinance, lightening up restrictions, and about development requirements and percentages. Council members agreed that the trip was valuable and money well spent.

The Mayor said that Robert McConnell of America West, a representative from Rich Haws’ company, and Craig Trottier from CenterCal have all been invited to attend a committee meeting tomorrow, and that he hopes everyone’s input is considered. He stated that design standards and the grid system need to be examined, but heavy restrictions need to be loosened to allow developers appropriate latitude. An architectural review team also needs to be created. **The Mayor** said Robert McConnell has ideas that are worth considering.

Rick Dutson said he was enlightened as to the different types of residential uses, particularly in the Stapleton area. He also complimented the Daybreak development in Salt Lake which was toured recently by the Utah League of Cities and Towns.

Mayor Harbertson said that various development concepts from Denver and proposed ideas from Robert McConnell and Ron Martinez could be incorporated into the Station Park development.

Paula Alder stated that what the Council wants in the development needs to be specified.

1075 WEST/SHEPARD LANE INTERSECTION DISCUSSIONS. (Agenda Item #8)

Mayor Harbertson said that since the completion of the intersection, the City has received public concerns about removal of the stop signs. He said because of the need to warrant the area for a signal, the City had to be in compliance with state law. Prior to the stop sign removal it was not.

The Mayor said whether to have CRS Engineering do a traffic study in the near future needs to be decided, and the Council discussed the issue. **Max Forbush** pointed out that a crosswalk gives a false sense of security. Safety for children attending Knowlton Elementary School was discussed.

Sid Young said that an assessment is needed in order to determine if they are close to meeting warrant requirements. **David Hale** said that budgeting may be needed. **Paula Alder** felt that money should not be spent on this right now.

Rick Dutson asked Engineer **Tammy North** about the process. She said a traffic count can easily be done. Accidents are also part of a warrant, and the history of accidents can be checked.

Paula Alder pointed out that the opening of Kinder Care and Challenger School will increase traffic.

Tammy North reported that Garbett Homes has applied for a right-in right-out access onto Highway 89, so the count should be done prior to this occurring. The Council discussed the timing of a traffic count.

Motion

David Hale moved to authorize staff to do a traffic count after November 1, 2008, in anticipation of satisfying the warrants for the stop sign. The motion was seconded by **Rick Dutson**, and passed by a unanimous vote.

Max Forbush requested that CRS Engineering submit a “Scope of Work” proposal.

Mayor Harbertson referred to the packet map on this Agenda item and said **Max Forbush** visited with the Herreras, who live at this intersection. He pointed out that the removal of the stop signs creates a problem with site distances.

Mr. Forbush said that the park strip is not maintained and the owner does not want to spend money on improving it. He said if the park strip were improved the owner would probably maintain the cutoff area.

Motion

Rick Dutson moved to allow the City to make and pay for the proposed intersection changes which include improving the site distance on the Herrera lot. **David Hale** seconded the motion, which passed unanimously.

TRAIL - FARMINGTON PRESERVE REPORT AND DISCUSSIONS. (Agenda Item #9)

Mayor Harbertson explained that part of the trail alignment area was previously owned by the County, which was sold the land as additional right-of-way to UDOT. Currently there is a limited access designation on that portion. Garbett Homes has applied to have that trail put along the limited access line in that area on the north end of their project from the Pond area to Shepard Lane along U.S. Highway 89.

Max Forbush explained that three permits applications have been filed by Garbett Homes under Farmington City’s name.

1. Garbett Homes and the City have previously agreed to use Burke Lane and the access road south and east of the Garbett Homes Development as the preferred alignment instead of a trail adjacent to and south and east of the Development. Hence one application has been filed to extend the perimeter trail along the access road.
2. They filed an application for an access to connect a future City street from Shepard Creek Parkway eastern to the southbound U.S. 89 off ramp to Park Lane
3. The third application is for permission to cross the UDOT limited access line with a trail in UDOT property beginning at the Pond area extending northerly to Shepard Lane.

Mr. Forbush said the City is filing to obtain the bond money for trail improvements.

Mayor Harbertson acknowledged the presence of Youth City Council Mayor Natalie Selin, and YCC member Laura Barfuss.

DISCUSSION REGARDING ENHANCEMENT OF OPEN SPACE NEAR ROSE COVE APARTMENTS. (Agenda Item #12)

Mayor Harbertson referred to the open space area shown on the packet map, and said it was sold at the county auction. The property is under conservation easement and the owner cannot develop it because it must remain open space. **The Mayor** then pointed out on the map a triangle parcel next to the park and said the City bought this property at auction and plans to expand and maintain the park.

Max Forbush said the open space was supposed to be developed by the developer of Shepard Creek and Rose Cove, but this was not done. Ultimately the property (open space) was sold at a tax sale for \$55,000. The County is holding a portion of that money. He said a meeting was held with representatives of the Homeowners Associations of the area, who were originally told by the developer to create a master association to collect money and maintain the Shepard Creek Parkway. There is confusion on maintenance responsibility among the several HOA's who constitute a Master Association on collection of duties and maintenance issues. Assessment collection, and how to maintain Shepard Creek Parkway is a real problem. The area is an eyesore, which raises policy issues.

Mr. Forbush suggested contacting the owner of the property, who has been getting weed abatement notices, to verify whether he would be willing to convey the property to the City or the HOA with property taxes being paid and/or reimbursed.

Mr. Forbush also questioned whether it was the City's obligation to correct the problem. He said one alternative is to buy the property and build a 2 ½ acre park, but this presents a precedence problem of parkway maintenance responsibility. He said if the City Council should

want to continue to avoid the “taking over of HOA responsibilities” because of the precedent it would set, it would be more advantageous if the HOA’s master association could acquire and maintain the park.

Mr. Fobush said the property would remain unsightly if it stays a no man’s land. He proposed solving the problem by checking with the property owner and the different associations to evaluate whether the City can create a special assessment district. This would require a 50% approval of the people voting to determine their willingness to purchase and develop the green space. The downside of a special assessment district is that it has a sunset clause. Sometime the City would be required to assume the role of the Master Association.

Paula Alder expressed concern about having the HOA’s speak for all the residents.

Mr. Forbush said one of the benefits of this proposal would be that the area could be landscaped, and a bowery installed near the Garbett site which could be used by all residents.

Mayor Harbertson asked **Nadine Simon**, HOA President of the Homes at Shepard Creek, to comment. **Ms. Simon** said that she believed most people would vote in favor since it is agreed the area is an eyesore. She said her HOA has attempted to contact the property owner through an attorney because of damage being caused by trees on the property. The owner has not responded. **Ms. Simon** thinks the HOA would agree to acquire and maintain the area. **Max Forbush** said that the HOA assessment would probably have to increase if it did. **Ms. Simon** responded that if they could work through each association, she thinks they would be successful.

Rick Dutson commented on the large number of residents present at the last meeting with the HOA, and wondered if two or three options could be presented to them to get their response.

Max Forbush estimated that a special assessment district would cost approximately \$7,500, and the payment of the taxes to reacquire the land would be another \$10,000. Two and a half acres, landscaping and improvements could add \$100,000, and a bowery is \$60,000 or \$70,000. The Council discussed these possibilities.

David Hale suggested beginning with contacting the owner, then moving forward in small steps. **Rick Dutson** said that the HOA’s input is required to determine its needs, and that the budget is tight. **Max Forbush** added that although there is an impact fee for parks, this site is not on the capital facilities list and Park Impact Fee revenue is dropping.

The Council discussed the sunset clause on a special assessment district, and the condition of the property.

Nadine Simon said she did not believe the owner would work with the HOA, but that he may be interested in returning the property to the City in order to have the issue resolved.

The Council was favorable to having City staff check into this matter. The City Manager is to meet with the owner to see if he will sell.

MAYOR HARBERTSON 'S REPORT (Agenda Item # 13)

At **The Mayor's** request, **Max Forbush** updated the Council on the drainage situation on the Duane Farley property.

Mayor Harbertson said that Randy Jeffries of UDOT has been very good to work with, and that he will be the project manager on the EIS Study. He also reported that the western alignment so far appears to be a first choice by UDOT for the Legacy North Highway.

The Mayor reported on a meeting with Fruit Heights concerning the mountain trail adjacent to the Crockett property at the north end of Bella Vista Road.

Mayor Harbertson informed the Council that the County Commission voted to approve the sale of the surplus property the City wants for a new City Hall. **Max Forbush** added that further negotiations are still needed, but the County is willing to sell. The City Manager is to set up review and mitigation meeting.

CITY COUNCIL REPORTS (Agenda Item #14)

Cory Ritz reported that a concerned citizen has contacted him about the danger for those who live on the south side of Glover Lane, and requested that the road be striped up the middle. **Max Forbush** said a striping plan would be done. **Mr. Ritz** also asked for an update on the Kent Whitehead warehouse complex. **Mr. Forbush** said the Planning Commission was favorable to the project, and that there would be additional storage and several buildings with an office in each. **Tammy North** added that the plan was given conditional use approval and now only needs staff approval.

Sid Young said a meeting was scheduled concerning an easement for the fire break road. **Mr. Young** said he would report on the policy committee meeting at the next City Council meeting.

Rick Dutson thanked the Council and staff for supporting the Utah League of Cities and Towns.

Paula Alder reported that the Mayor was elected to the Board of Directors of the Utah League of Cities and Towns. She also asked about the procedure for noticing and recording minutes at committee meetings. **Max Forbush** said that training sessions are needed for all committees.

Ms. Alder also said she was unaware of the September 11th meeting on the Farmington Ranches Park. **Mr. Forbush** informed her that conceptual ideas of a master plan were reviewed, and that there was a general discussion about soccer fields. He said they are considering clustering activities in the southwest corner of the park, and that priorities include landscaping, a sprinkler system, trails, a picnic bowery, a restroom, and tennis and basketball courts, although funds may not allow all of these improvements. **Mr. Forbush** said that when the plans are prepared, the Council will receive information and a public hearing will be noticed in the newspaper.

Ms. Alder also reported on the Relay for Life.

MISCELLANEOUS Agenda Item #15)

- a. **Miscellaneous items.**
- b. **Minute motion adjourning to closed session, if necessary, for reasons permitted by law.**

Max Forbush introduced Baseball League Director **John Wendt**, who explained that for his Eagle Scout project **Steven Goddard** would like to improve the Main Street Park facility area by installing a flagpole near the first base dugout of the Farmington Bronco Baseball Field.

Steven Goddard explained that the baseball league had a good profit last year and wanted a flagpole installed. He displayed pictures of the area showing the proposed location of the pole, and explained a diagram showing distances from the trees, light post and sidewalk. He said the approximate \$600.00 would be paid by **Mr. Wendt**, and he gave a breakdown of estimated costs as follows: (1) \$522 - light pole; (2) \$40 - flag and (3) \$50 - cement backs.

Steven said that all of the work would be done by the varsity scout troop, which may include as many as fifteen Scouts. He said a flag raising ceremony would be held after the flagpole is installed. **David Hale** suggested that the Mayor be included in the ceremony.

Motion

David Hale moved to approve the use of this property for this improvement. **Rick Dutson** seconded the motion, which was unanimously approved.

Mr. Dutson suggested that the City Council be invited to the flag raising ceremony. He also advised that the area be blue staked prior to the work.

ITEMS OF GENERAL CORRESPONDENCE (Agenda Item #17)

No items were discussed. _____

ADJOURNMENT

David Hale moved to adjourn. **Rick Dutson** seconded the motion, and the meeting adjourned at 8:40 p.m.

Margy Lomax, City Recorder
Farmington City