

FARMINGTON CITY COUNCIL MEETING

Wednesday, November 5, 2008

CITY COUNCIL WORK SESSION/EAST CONFERENCE ROOM

PRESENT: Mayor Scott Harbertson, Council Members Richard Dutson, David Hale, Paula A. Alder, Sid C. Young, Cory Ritz, City Manager Max Forbush, Finance Director Keith Johnson, and Recording Secretary Kami Mahan. Members of CenterCal were also present.

The City Council convened a work session at 6:35 p.m. following a site visit at the temporary offices of CenterCal and a regular RDA meeting at City Hall.

The following items were reviewed:

REVIEW OF SWIMMING POOL OPERATIONS AND FINANCIAL REPORT. (Agenda Item #4)

The Council reviewed details of the Swimming Pool Revenues and Expenditures report and the 2008 Concessions Sales report as contained in the packet. **Paula Alder** questioned whether concessions is making a profit, and the Council discussed this issue at some length.

Max Forbush noted the success of the additional swim lessons, and **Cory Ritz** felt that even more lessons could be held. **Mr. Forbush** said the Recreation Department has agreed to start a new bank of swim lessons, to find means of reducing expenses and increasing the profit margin on concessions, to propose an increase in the cost for pool reservations, and to encourage greater pool use. **Keith Johnson** added that a way has been found to cut wages by \$6,000, and that Rec Trac software has been beneficial.

CONSIDERATION OF FEE INCREASES IN PARK BOWERY RENTAL, SWIMMING POOL RENTAL AND RELATED MATTERS. (Agenda Item #5)

Mayor Harbertson stated that the proposed fee increases in park bowery rentals puts Farmington in line with other cities. The Council discussed the fees in some detail. **Paula Alder** pointed out that because the park boweries are more sparsely used on weekdays, citizens often show up and take their chances rather than paying the \$25.00 reservation fee. It was suggested that weekend fees be increased and the weekday rates remain the same.

FUTURE CAPITAL PARK IMPROVEMENT DISCUSSIONS/REVIEW OF FINANCING ALTERNATIVES. (Agenda Item #6)

Mayor Harbertson said the funds available for proposed future capital parks & recreation projects are insufficient, even with a RAP tax. Copies of a "Spending and Funding" priorities proposal

for parks was distributed, which the Council reviewed. The list of projects and proposed funding sources were included for years 2001 through 2031. The cost of the project far exceeded available resources even if the City were to levy a RAP tax. The **Mayor** explained the options of either consulting with the steering committee to determine priorities, or to have the City Council choose priorities with citizen survey input. The alternative options for a gymnasium (one of the projects listed,) and the funding of each, were discussed.

The meeting adjourned at 7:05 p.m.

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, Finance Director Keith Johnson, City Recorder Margy Lomax, and Recording Secretary Kami Mahan.

Mayor Harbertson called the meeting to order at 7:10 p.m. and offered the invocation. The Pledge of Allegiance was led by **Paula Alder**.

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

The Council reviewed the minutes of the City Council meeting held October 21, 2008, and made corrections.

Motion

David Hale moved to approve the minutes of the meeting held October 21, 2008, with changes as noted. **Rick Dutson** seconded the motion, which passed unanimously.

PLANNING COMMISSION REPORT (Agenda Item #3)

Chairman Kevin Poff reported proceedings of the Planning Commission meeting held October 28, 2008. He covered the following items:

- The Planning Commission recommended that the City Council approve lot line adjustments requested by the Farmington Ranches HOA.
- Farmington City's application for subdivision zone changes was withdrawn. **Chairman Poff** suggested that more specific information be included when notice is sent to affected residents on similar matters. **Max Forbush** stated that he would ask one of the City Planning staff to contact **Mr. Poff** to discuss his suggestion in greater detail.
- The request by Garbett Homes for a Conditional Use permit was withdrawn.

- Farmington City's request for a zone text change to amend Chapter 11 of the General Plan was continued.
- City staff will evaluate what is best for the City concerning the Scenic Byway regulations, and will return to the Planning Commission.
- The Planning Commission discussed the zoning definition of "family", and would like City staff to clarify what is not working.
- City Staff will return with more information concerning Provo's model ordinance regarding elderly persons and extra living space.
- The Planning Commission instructed Dwight Poulson to work with staff on receiving feedback for his rezone request for higher density.
- The scheduled closed session was cancelled.

REVIEW OF SWIMMING POOL OPERATIONS AND FINANCIAL REPORT. (Agenda Item #4)

Mayor Harbertson invited Parks and Recreation Director **Neil Miller** and Aquatic Manager **Sylvia Clark** to discuss the pool operations and concessions financial reports. The costs of some concession items were discussed. **Neil Miller** stated that under **Ms. Clark's** direction profits have increased.

The Council discussed waiting lists for swim lessons, and how to accommodate as many patrons as possible. **Sylvia Clark** said that end-of-season evaluation makes it is easier to plan. She said the number of sessions for swim lessons will be increased from four to five.

Rental costs for the pool were discussed. The **Mayor** pointed out that the current fees barely cover expenses. **Neil Miller** said the proposed increase will bring in an additional \$3,600. **Paula Alder** suggested that citizens who rent the pool be required prove City residency and to stay with the group renting the pool. **Mr. Miller** said this would be difficult to police.

Mayor Harbertson questioned whether there is enough advertising, and **Mr. Miller** said this would be evaluated. He also said very positive feedback has been received about the changes in pool fees for City employees.

Paula Alder said she has received concern from citizens about the shortened open swim time, and asked if there might have been a loss of customers. **Neil Miller** replied that feedback about the

change has been much more positive than negative. **Ms. Alder** commented that the shortened time also prevents church groups from renting the pool at night.

Sid Young raised a question about what the City is paying for labor at the concession stand. **Ms. Clark** said the stand is being manned from approximately 11:30 a.m. to 7:30 p.m. at \$6.55 per hour, Monday through Saturday. In response to a question regarding wages, **Keith Johnson** replied that pay depended partly on how the time card was filled out. **Sid Young** suggested that employees specify on their time cards where they are spending their time. **Mayor Harbertson** said one of the goals of the department is to specify these figures. **Max Forbush** said the department is trying to improve the profit margin on concessions with Rec Trac, and that customer relations are more positive.

Sylvia Clark was complimented by the Council on her great work.

CONSIDERATION OF FEE INCREASES IN PARK BOWERY RENTAL, SWIMMING POOL RENTAL AND RELATED MATTERS. (Agenda Item #5)

Mayor Harbertson introduced this item, and **Dave Hale** explained that it had been suggested during the work session to increase the park bowery reservation rate during the weekend, but keep it the same on weekdays. The **Mayor** relayed **Paula Alder**'s concern raised during work session about people taking their chances during the week and not paying the \$25.00 fee to reserve a picnic bowery. **Neil Miller** responded that they will study other cities' policies and re-evaluate this issue.

Motion

David Hale moved to keep the weekday rental fee for the picnic boweries the same, but to increase the rates on weekends as recommended by Parks & Recreation; that the weekend bowery rental fee be \$25.00 for residents plus \$5.00 for each additional hour up to a maximum daily rental fee of \$65.00. For non-residents the fee shall be \$50 plus \$10.00 for each additional hour up to a maximum daily rental fee of \$130.00. The pool rental fee shall be raised from \$250 to \$300 for residents and \$400 for non-residents.

There was a brief discussion between the Council and **Mr. Miller** concerning how to verify the proof of residency. The City Manager was directed to have a resolution prepared to formalize the action at a future Council meeting.

Sid Young then seconded the motion, which passed by a unanimous vote.

FUTURE CAPITAL PARK IMPROVEMENT DISCUSSIONS/REVIEW OF FINANCING ALTERNATIVES. (Agenda Item #6)

Mayor Harbertson explained that capital park improvement projects to be funded can be prioritized either by consulting with the steering committee or by the City Council with citizen input obtained by survey. He said he understood the need for a gymnasium, but that the west side park is also a priority.

Sid Young said some citizens have requested indoor basketball courts since city-sponsored teams can no longer practice in church gyms. **Neil Miller** said the Jr. High gym is used as much as possible and the school district is very good to work with.

Max Forbush suggested that Jonathan Ward of Zions Bank Public Finance be invited to meet with he and Finance Director **Keith Johnson** to evaluate whether there is a way to fund both the gymnasium and the park projects.

Neil Miller was asked by the Council for his input regarding priorities, and he replied that the need for both gym space and playing fields is equally great, and added that the football program will cause a need as well. He said his personal preference is for a gymnasium. **Sid Young** said it would be beneficial to have **Mr. Miller's** financial numbers and the staff's input, which would save time.

Mayor Harbertson said that perhaps as sales tax revenue increases from CenterCal and other developments, and that with the RAP tax and bonding funds, money can be taken from the general fund and put into capital improvements. **Neil Miller** pointed out that if land is purchased, the option to build a gymnasium later will still be available. **Paula Alder** noted that if the City builds its own gym it has to pay for land, but not if it goes with the Jr. High option.

It was the general consensus of the Council to have the City Manager contact Jonathan Ward and the school district to determine if there is a way to fund both a west side park and a gymnasium.

CONSIDERATION OF COMPENSATION ADJUSTMENTS FOR PART-TIME FIRE-FIGHTERS/EMT'S. (Agenda Item #7)

Mayor Harbertson referred to the Memorandum from Fire Chief Larry Gregory in the packet, and explained that because of the current variations in pay rate categories for firefighters and EMT's, that the payroll process is very complicated and needs to be simplified. It is being proposed by the Finance Director and City Manager that:

1. All base rates be the same as the person's regular rate, regardless of the time of day.
2. There would be a straight \$18.00 per hour on contractual events, such as rodeo standby coverage.

3. A part time firefighter or EMT who goes full time is no longer paid annually, and full time employees should not work standby service events.

Max Forbush stated that this proposal moves in the direction of paying these employees every two weeks. **Sid Young** questioned whether the City was required to do a shift differential, and **Keith Johnson** replied that it was not.

Motion

Rick Dutson moved to approve the recommendations of the City Manager and the Financial Director regarding compensation adjustment of part time firefighters and EMT's, as outlined above by the Mayor. **Cory Ritz** seconded the motion, which was approved unanimously.

EXECUTIVE STAFF PROPOSED REPORTING SESSION SCHEDULE AT CITY COUNCIL MEETINGS. (Agenda Item #8)

Mayor Harbertson said it is being proposed that department heads report to the City Council regularly on activity in their departments, scheduled as follows:

November

Walt Hokanson

- 1) Snow removal;
- 2) Tree debris maintenance;
- 3) Street projects
- 4) Christmas tree pickup;
- 5) Spring cleanup

Keith Johnson - Audit Report

December

Keith Johnson - City financial trends/considerations

Max Forbush/George Chipman - Take Pride in Utah Event

January

Neil Miller

- 1) Scheduling/use of Community Center
- 2) Special Events for 2009

February

Wayne Hansen - Polic Issues/Law enforcement trends

March

David Petersen - Code enforcement - Level of service questions

April

Larry Gregory - Fire Access Needs/Fire Prevention/Fireworks

May

Neil Miller

- 1) Park Maintenance vs. Park Construction
- 2) Cemetery strategy
- 3) Recreation Programming

Max Forbush stated that department heads signed up for the time of their choice. **Paula Alder** requested that the Youth City Council report during the first City Council meeting of the month in March, June, September, and December. **Mayor Harbertson** noted that the annual Trails Committee report would be sufficient, and he indicated that the Historic Preservation Committee and the Museum Committee should be invited to provide reports as well. **Sid Young** suggested that a financial report be done quarterly, and **Keith Johnson** agreed.

MINUTE MOTION APPROVING SUMMARY ACTION LIST (Agenda Item #9)

- **Ratification of Approvals of Construction Bond Agreement**
- **Ratification of proposed Change Order for City Creek Construction for Public Works Storage Shed.**
- **Approval of contract with Americom, Inc., for telephone system at the new Police Station.**
- **Approval of letter of support for designation of the Legacy Parkway as a National Scenic By-Way.**

Mayor Harbertson briefly reviewed each of these items.

Motion

Sid Young moved to approve the Summary Action List. The motion was seconded by **Rick Dutson**, and passed with a unanimous vote.

CREEKSIDE ESTATES HOA/FARMINGTON CITY DISCUSSION REGARDING MAINTENANCE OF PUBLIC PROPERTY. (Agenda Item #9a)

Mayor Harbertson introduced this agenda item and invited Creekside Estates HOA President Scott Weiler and other HOA members present to comment.

Doug Allen, a Creekside Estates resident, said the City's latest proposal seems reasonable for both sides. He said the importance of avoiding liability for the HOA has become apparent. He said the intention was for the subdivision to be enclosed and to allow lot owners to take responsibility. The City then created fences and added street frontage, and the fences have precluded owners from maintaining these areas easily. He wants this issue to be resolved in a harmonious way. He said it is very difficult to maintain the right-of-ways without hiring a third party, and that it is reasonable for the City do snow

removal since it is already doing this on adjacent property. **Mr. Allen** said this problem was not the doing of the HOA or the City Council's, and that there was good intention. He would like a binding agreement for the future.

In response to a question from **Mayor Harbertson**, it was clarified that nine homes back onto Glover Lane and to 200 East, and several of those owners were present. The **Mayor** said he was aware from previous meetings with homeowners that they did not want to be held liable for the sidewalk, and now liability is still an issue. It is his personal opinion that he is not opposed to having sidewalk maintenance and snow removal done by the City, but he struggles with requests in excess of this. He indicated that those moving into an HOA are generally aware of, and agree to, their obligation for certain duties of maintenance.

Concerns were raised by HOA members regarding the trail. **Mayor Harbertson** suggested closing off the cul de sac and eliminating the trail, and this was discussed. **Max Forbush** said it would be better to vacate and remove that liability, and that he would verify the specifics of a trail vacation with the City Planner.

Snow removal on the sidewalk along Glover Lane and 200 East was discussed, and **Max Forbush** said that in consulting with Walt Hokanson of Public Works, it was determined that snow removal in this area could be done.

There was an extended general discussion between the City Council and HOA members regarding insurance coverage of the open space, liability and indemnification for the HOA, the HOA Board's authority, and the responsibility for open space maintenance and snow removal on the sidewalk. It was pointed out that this situation evolved because an agreement providing for perpetual HOA maintenance was unsigned by the developer. The development agreement binding the HOA for maintenance for five years was signed.

Max Forbush said that if the Council conceptually approve the proposals presented by the HOA, it can be reviewed by the City attorneys and brought back for full Council approval. It was clarified that the City is agreeing to maintenance and repair of the sidewalks and open space, closing the trail, and to indemnifying the HOA against liability. The City Council did not agree to share in the cost of turf maintenance as suggested in the proposal letter.

It was agreed by all parties that a resolution to the matter is wanted. **Mayor Harbertson** and **Max Forbush** said the issues would be reviewed. **Mr. Forbush** said he would contact Public Works about clearing the sidewalks, and in the meantime the HOA needs to determine the authority it has, and then the City can draft an agreement.

HOA members raised concern with the condition of the trail, and **Mr. Forbush** suggested that the two abutting property owners can send a letter to the City requesting that the trail be vacated back

to them, and this will facilitate the process. Some members of the HOA said issues had been clarified and things are being resolved for the future.

Motion

Rick Dutson made a motion that:

1. The City will maintain the Glover Lane and 200 East sidewalks, including replacement of defective concrete and removal of snow from the sidewalks;
2. The City will vacate the trail when petitioned by abutting property owners.
3. The City will indemnify the Creekside HOA and its 28 lot owners against liability associated with the public way on Glover Lane and 200 East;
4. These proposals will be presented to the Creekside HOA for a vote; and
5. The City attorney will review the questions raised by the HOA on the authority of the Board to bind all 28 lot owners and regarding indemnification. Once that issued is resolved, the City Attorney will be directed to prepare an agreement between the parties which will be reviewed after its preparation by the City Council.

David Hale seconded the motion, which was unanimously approved.

MAYOR HARBERTSON'S REPORT (Agenda Item #10)

Mayor Harbertson reported on a meeting held with a concerned resident about the soccer program, and said that issues were resolved.

The **Mayor** also reported on a meeting with Bob Hasenyager of the Department of Wildlife Resources, and said a grant was received to install trails in the area. Public Works Director Walt Hokanson will meet with Mr. Hasenyager with regard to the installation of boardwalks. Mr. Hasenyager is asking the City to provide labor and equipment at no cost to meet matching requirements of the grant. The City is making no commitments until Mr. Hokanson can review a scope of work to determine whether or not a donation is feasible.

CITY COUNCIL REPORTS (Agenda Item #11)

Paula Alder reported that an adult volunteer for Youth City Council is still being sought.

Cory Ritz volunteered to attend the town hall meeting tomorrow night since he has a conflict with the next scheduled meeting. **Rick Dutson** said he will attend the next town hall meeting.

The possibility of having pictures of the Youth City Council and the Trails committee was briefly discussed.

MISCELLANEOUS Agenda Item #12)

Closed Session

At 9:15 p.m. a motion to go into closed session to discuss strategy as it pertains to acquisition of real property and pending litigation was made by **David Hale** and seconded by **Paula Alder**. The motion passed with a unanimous vote.

SWORN STATEMENT

I, Scott Harbertson, **Mayor** of Farmington City, do hereby affirm that the items discussed in the closed meeting were as stated in the motion to go into closed session and that no other business was conducted while the Council was so convened in a closed meeting.

Scott C. Harbertson, Mayor

At 10:15 p.m. a motion to go back into open session was made by **David Hale** and seconded by **Cory Ritz**. The motion passed unanimously and the meeting was reconvened in an open session.

Appraisal of City Hall/Purchase of Real Property

Motion

David Hale moved to authorize the City Manager to obtain an appraisal of the City Hall Building in order to help determine its value in preparation for a future sale. The motion was seconded by **Rick Dutson**. All Council Members voted in favor and the motion passed.

Motion

David Hale made a motion to enter into an open discussion with the Davis County School District relative to the purchase of the City Hall building. Authorization was given to the Mayor to have discussions with Scott Bass and Teresa Chandler to discuss the purchase of their properties by the City. It was further moved to authorize Mayor Harbertson to negotiate a purchase price with the property owners with a limit of \$300,000 and \$175,000, respectively. The negotiations between the property owners and the City are to be kept confidential. **Rick Dutson** seconded the motion. All Council Members voted in favor and the motion passed.

Purchase of Water Rights from Wheadon Trust

Motion

A motion was made by **David Hale** to not expend any City funds until the purchase of water rights from the Wheadons is finalized. Authorization was given to staff to allow placement of the money in an escrow account if the parties representing the Wheadon Trust would feel more secure that way. **Cory Ritz** seconded the motion which passed unanimously with all Council Members voting yes.

Adjourn

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

Margy L. Lomax
City Recorder