

FARMINGTON CITY COUNCIL MEETING

November 20, 2007

CITY COUNCIL WORK SESSION/EAST CONFERENCE ROOM

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

Mayor Harbertson began discussion at 5:45 p.m. The following items were reviewed:

Agenda Item #2: Approval of Minutes of Previous Meetings

Mayor Harbertson and Council Members pointed out minor corrections that needed to be made to the minutes.

Agenda Item #5: Public Hearing: Consideration of Ordinance vacating a portion (north end) of Bella Vista Drive adjacent to the Fruit Heights City Boundary/ Discussion of related agreement terms - Brian Crockett

Mayor Harbertson and **Max Forbush** explained this item, and **The Mayor** said that City staff needs to be directed to put together the proper legal documents for this action.

Agenda Item #6: Public Hearing (Continued): Consideration of "Benefit Analysis" for a proposed property exchange and development agreement between Farmington City and North Park Development, LLC

It was reported that this will be a public hearing only.

Agenda Item #7: Public Hearing: Consideration of Ordinance Vacating a portion of Rock Mill Lane - North Park Development

Larry Haugen said this property was owned by his family for many years, and he is not happy with the agreement. **Max Forbush** gave a short history of the dedication of the street, and pointed out that the proposed agreement would fix drainage and other issues. He said this proposal would enhance whatever is done in the future. **Mayor Harbertson** said the City does not want to re-do the road unless absolutely necessary.

Max Forbush and **The Mayor** clarified for the Council what area would be affected by the vacation, the prospective improvements, and said that these changes would solve drainage and other issues. **Larry Haugen** expressed frustration about the long-standing drainage problems, and reiterated that he does not concur with the agreement as drawn. Changes in the wording of the agreement were discussed, and **Max Forbush** said the conservation issue still needs to be decided.

Agenda Item #8: Consideration of Real Estate Purchase and Sales Agreement with SLI Commercial Real Estate Company (Howard Kent)

The Council briefly reviewed the proposed land exchange between the City and Mr. Kent.

Agenda Item #9: Consideration of Property Exchange and Development Agreement for the Canyon Park Subdivision

One element of the agreement pertains to the eventual street vacation of a portion of 600 North near and including a portion of the Hansen property at the corner of 600 North and Rock Mill Lane. **Mayor Harbertson** said that if this item is approved, staff needs to be directed to post a public hearing notice on the street vacation sometime in January. **The Mayor** pointed out other possible wording changes on the development agreement.

Agenda Item #10: Waiver Request of Conservation Easement Requirements on Lots 4 and 5 of Farmington Manor Subdivision

Max Forbush passed out an attachment with photographs to the Council and gave a brief review of the action to be considered. Potential legalities were discussed.

Agenda Item #11: Update Report / Discussion on America West rezone request for 15 acre triangular parcel south of Clark Lane and adjacent to 1100 West - Ron Martinez & Team

Mayor Harbertson said this item would be passed on, but that Mark Johnson of Civitas needs to be contacted about procuring an analysis of the area.

Agenda Item #12: Final Plat approval request for Phase V of Miller Meadows Subdivision

Mayor Harbertson reviewed this item, and the Council discussed the conservation easement.

Agenda Item #13: Minute motion approving Summary Action list

Max Forbush informed the Council that Item 13-2 of the Summary Action list would contain the addition of an improvement escrow agreement for Palmer Estates

Mayor Harbertson said that on Item 13-4 of the list, the word “Chief” should be replaced with “Department. Referring to Items 13-10 and 13-11, **The Mayor** stated that he would like to bring **Kevin Poff** in to replace **Jim Talbot** on the Planning Commission Interview Committee.

The City Council discussed the refund of development application fees to Roger Eggett (Item 13-6).

The work session adjourned at 7:00 p.m.

REGULAR CITY COUNCIL/CITY CHAMBERS/CALL TO ORDER

PRESENT: Council Members Richard Dutson, Larry W. Haugen, Paula A. Alder, Sidney C. Young, City Manager Max Forbush, City Recorder Margy Lomax, Recording Secretary Kami Mahan, and Youth City Council members Katie Swanson, Sharisa Pergler, and Katherine Ashby.

Mayor Harbertson, called the meeting to order at 7:05 p.m. **Margy Lomax** offered the invocation. The Pledge of Allegiance was led by **Randy Lowe**, a Boy Scout visiting the meeting.

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

 Sid Young moved to approve the minutes of the October 16, 2007 City Council Meeting, with changes as noted in the work session. **Larry Haugen** seconded the motion. The voting was unanimous in the affirmative.

PRESENTATION OF FIREMAN RING TO JASON RENCHER - MAYOR HARBERTSON / CHIEF GREGORY (Agenda Item #3)

Mayor Harbertson invited **Fire Chief Larry Gregory** to introduce **Jason Rencher**, and **The Mayor** presented a Fireman Ring to **Mr. Rencher** for ten years of dedicated service.

PLANNING COMMISSION REPORT(Agenda Item #4)

Kevin Poff reported the proceedings of the Planning Commission meeting held November 15, 2007. He covered the following items:

The request for a zone change from A to AE by Richard Lindsley was approved. There was concern by neighbors concerning the placement of a home on Lindsley's property.

1. The SLI request to amend the Spring Creek Estates master plan was tabled to provide time to redraw the plat.
2. The Preliminary Plat for Spring Creek Subdivision Phases 4 and 5 was approved.
3. Richmond Homes withdrew its application for a temporary use approval for a model home.
4. Garbett Homes' request for temporary signs was granted a continuation of the original conditional use permit, with 1 additional directional sign 18 x 24".

5. With respect to Woodside Homes request for a zone text change, the Planning Commission recommended that a final sentence be added to existing text of the zoning ordinance, stating that the signage requirements may be adjusted by means of a conditional use process.
6. Regarding Rock Mill Lane, the Planning Commission determined that the City was not receiving anything of significant value in return for the vacation. The Commission was concerned about setting a precedent for the future, and that giving away too much of Rock Mill Lane would create a public street that did not meet the minimum size for a standard street. The Commission agreed to recommend the vacation if a 32 feet right-of-way on Rock Mill Lane can be maintained, and if there is adequate compensation to the City.
7. The Planning Commission recommended the vacation on Bella Vista Drive for an emergency turnaround.

Mr. Poff also reported on the proceedings of the Planning Commission meeting held October 25, 2007.

8. The Planning Commission approved the relocation of a T-mobile cellular phone tower by Knowlton Elementary school.
9. The Planning Commission recommended approval for a conditional use permit for the Farmington City Police Station facility.
10. The Planning Commission voted to recommend approval for a conditional use permit for the LDS Church request for new chapel.
11. **David Petersen** reported that the Quail Cove request was withdrawn.

PUBLIC HEARING: CONSIDERATION OF ORDINANCE VACATING A PORTION (NORTH END) OF BELLA VISTA DRIVE ADJACENT TO THE FRUIT HEIGHTS CITY BOUNDARY / DISCUSSION OF RELATED AGREEMENT TERMS. (Agenda Item #5)

Mayor Harbertson introduced this Agenda item. **David Petersen** showed an overhead map and explained the history of the area, and the details and reasons for the proposed vacation. The Fire and Public Works departments would like a turnaround, but this is very costly and would involve government red tape. **Mr. Petersen** said the best solution would be for the City to vacate the proposed portion, and the owner would dedicate an easement. **Mr. Peterson** emphasized that the Planning Commission wanted ample room for the City's needs.

The size of the vacation was clarified. **Max Forbush** said the City would pave the easement for utility vehicles. All 75 property owners in Shepard Heights paid via an S.I.D. assessment for their share of the street lights in the subdivision. No light was planned at the end of the street. **Mr. Forbush** said that **Brian Crockett**, the adjacent homeowner, wants the city to install that decorative street light, which benefits the residents, and would light the turnaround for utility vehicles as well.

Mr. Forbush said the City will give up the right-of-way by fee title. The public utility easement will still be reserved. In exchange the City will receive the easement from Crockett for a turnaround. He said the lights and easement issues will be presented to the Council in a future meeting. The purpose of this meeting is for the City Council to approve the street vacation and to determine “conceptually” if the other provisions regarding the turnaround easement and decorative light placement is acceptable to the City Council.

Mayor Harbertson explained that two actions shall be taken: 1) approval of the vacation of a portion of the street that fronts Mr. Crockett’s home, and 2) conceptually approve installing a decorative light in exchange for the turnaround easement. He said if this is approved, the legal work needs to be completed, and sign-off on the street vacation ordinance would be delayed until the easement agreement is signed.

Public Hearing Opened

Mayor Harbertson opened the meeting to a public hearing at 7:35 p.m.

Public Hearing Closed

There were no public comments. **Mayor Harbertson** closed the Public Hearing at 7: 35 p.m., and turned the issue over to the City Council for discussion.

Mayor Harbertson said he agrees with having a streetlight for safety and utility purposes.

David Petersen said the Planning Commission does not want to micro-manage the issue. The Council briefly discussed the size of the turnaround.

Motion

Rick Dutson moved to adopt the ordinance vacating a portion of Bella Vista Drive, fronting Brian Crockett’s property, pending the input of the Fire Department, City staff, and the Public Works Department. **Sid Young** seconded the motion, which passed by unanimous vote.

Motion

Rick Dutson moved to conceptually approve the installation of a decorative street light at the northeast corner of Bella Vista Drive, in exchange for a turnaround easement. Mr. Forbush is to have an agreement prepared setting forth the details. The motion was seconded by **Paula Alder**, and the Council voted unanimously in favor

PUBLIC HEARING: (CONTINUED) CONSIDERATION OF “BENEFIT ANALYSIS” ON A PROPOSED PROPERTY EXCHANGE AND DEVELOPMENT AGREEMENT BETWEEN FARMINGTON CITY AND NORTH PARK DEVELOPMENT (Agenda Item #6)

[**Larry Haugen** recused himself on this item.]

Mayor Harbertson introduced this item and said that the acreage shown on the description of the property is actually 3.17, rather than 4 acres. **David Petersen** and **Max Forbush** clarified the proposals, process and time line of Agenda Item Numbers 6,7,8, and 9, and explained to the Council how these items would be presented during the meeting.

David Petersen pointed out the North Park Development property on an overhead map, and explained the proposal and development agreement. He reviewed the Benefits Analysis in the City Council packet concerning value, safety, and fire protection, etc., and said that all of the benefits were substantial.

Max Forbush said this proposal is the culmination of much negotiation between members of the governing body and the other parties. He said this issue has been the subject of a lawsuit situation, and that this proposal is an attempt to settle the lawsuit. The proposal is now for single family homes with the preservation of adjacent open space.

Public Hearing Opened

Mayor Harbertson opened the meeting to a public hearing at 7:50 p.m.

Terry Deru (99 Cove Lane Layton, Utah) said he was blindsided by the recommendations of the Planning Commission. He explained his understanding of the intention of the agreement. **Mr. Deru** said the agreement mentions re-vegetation, cement curb and asphalt overlay, extensive work along the front regarding berming, vegetation, etc., which is not typically seen in developments.

Mr. Deru said that the improvements solve some problems for the neighbors, and give benefits to the City. He said the Planning Commission did not consider the history of the property or the additional improvements proposed.

Larry Haugen explained that his family owned much of this property for many years, has already given up much, and is upset at being asked to give up more. He said that on the north side

of the property there is a discrepancy on value lines. **Mr. Haugen** explained that there are major drainage problems, and that he wants to maintain the current open space.

Public Hearing Closed

Mayor Harbertson closed the public hearing at 7:55 p.m.

PUBLIC HEARING: CONSIDERATION OF ORDINANCE VACATING A PORTION OF ROCK MILL LANE - NORTH PARK DEVELOPMENT (Agenda Item #7)

Public Hearing Opened

Mayor Harbertson opened the meeting to a public hearing at 7:56 p.m.

Public Hearing Closed

With no forthcoming comments, **Mayor Harbertson** closed the public hearing at 7:56 p.m.

David Petersen pointed out the location of the property on the overhead map, and **Max Forbush** explained the history of the property and said it has involved much controversy. **Mr. Forbush** said the language in the agreement should be changed to 29 feet in width. He said the Planning Commission recommended it be changed to 32 feet because they were concerned about future development and felt it was too narrow. As an alternative staff suggested retaining a right-of-way no less than 29 feet in width to accommodate curb and gutter, travel lanes, and a four foot shoulder.

The Council discussed the length of the road, the specific area of the road to be vacated, and fire protection. **Max Forbush** pointed out that when the Planning Commission gave its recommendation, it did not know that the Haugen family had previously dedicated additional street width to the west by agreement or that (as **Larry Haugen** pointed out in work session), under paragraph 10 of the agreement it states that “if for any reason the City elects to vacate or abandon any portion of the old Heidelberg Road, such vacation shall revert back to the property lines and property owners that existed prior to this agreement.”

David Petersen cautioned the Council to be careful in what is vacated. **Max Forbush** stated that what is being proposed is meant to be a middle-ground solution, and that it is in the best interest of all parties to settle with a 29-foot compromise.

Public Hearing Opened

Mayor Harbertson opened the meeting to a public hearing at 8:10 p.m.

With no public comments, The Mayor closed the public hearing at 8:10 p.m.

Developer **Brady Hall** said they were not aware that the road is being improved. Mr. Hall said they are looking for a resolution. He said **Larry Haugen** had made it clear that Rock Mill Lane would not be the main entrance into the development, and that Larry's portion of the current width of Rock Mill Lane is 20 feet which would not solve anything.

Terry Deru said he would propose an acceptance and would like the Mayor and staff to work with them. **David Petersen** raised concerns about the developer fencing the westerly edge of the right of way at the top back of the curb and gutter. He suggested that the right of way be kept at 29' but that the curb and gutter be placed 3 to 4 feet to the east to allow for landscaping. The Council discussed at length how to re-word the development agreement to address this and other issues. **Terry Deru** suggested leaving flexibility in the wording of the agreement.

Max Forbush said it might be appropriate to deed all but 29 ft of the right of way. The condition of the asphalt was discussed. He said the developer needs to fully design the street, install curb and gutter and should install 2½ inches of asphalt on top of a regraded road surface to be installed by the City. The City should also be responsible for installing a drainage pipe beginning at an inlet box to be installed by developer near the Hansen property extending the same southerly to connect into an existing storm sewer in 600 North Street. Mr. Forbush pointed out that paragraphs 2(b) and 6 (g) of the development agreement need to be amended to reflect these improvements.

In response to questions from the Council, Attorney **Jody Burnett** suggested transferring Exhibit A to Exhibit F. **Paula Alder** raised the issue of the size of the proposed park strips.

David Petersen said authorization is needed to schedule a public hearing on the 600 North vacation. **Sid Young** said it would be helpful to have a survey sheet included in the Council packet to show the property more clearly.

Motion

Sid Young moved to adopt the ordinance vacating the westerly portion of Rock Mill Lane, giving staff the flexibility to negotiate the final width of the street to be a minimum of 29 feet, and with changes to be made in the development agreement, specifically sections 2(b) and 6 (g). **Rick Dutson** seconded the motion, which passed by unanimous vote.

CONSIDERATION OF REAL ESTATE PURCHASE AND SALES AGREEMENT WITH SLI COMMERCIAL REAL ESTATE COMPANY (HOWARD KENT) (Agenda Item #8)

David Peterson explained that the Planning Commission has recommended that this agreement be approved, and the City Engineer is recommending approval with the condition that there must actually be enough room for a detention basin to be constructed.

Howard Kent explained that the seller is not under the name of SLI, but in another name. He requested that Bonneville Title Company be used for the closing.

Motion

Paula Alder made a motion to approve the Purchase and Sales Agreement with changes to be made (1) that the identity of the owner be verified on the title report, (2) that Bonneville Title be used for the closing, and (3) to require that the area for the detention basin be of sufficient size, based on verification by the City Engineer. The motion was seconded by **Sid Young**, and passed unanimously.

[**Larry Haugen** resumed his seat on the Council.]

CONSIDERATION OF PROPERTY EXCHANGE AND DEVELOPMENT AGREEMENT FOR THE CANYON PARK SUBDIVISION (Agenda Item #9)

Mayor Harbertson said this item was discussed earlier, and clarified how to make the needed motions.

Motion

Rick Dutson moved to approve the Canyon Park Subdivision development agreement, based on City staff and the developer working through the two paragraphs to be changed (2 (b) and 6 (g) and the modification of Exhibit A (to be transferred to Exhibit F). **Paula Alder** seconded the motion, which passed unanimously.

WAIVER REQUEST OF CONSERVATION EASEMENT REQUIREMENTS ON LOTS 4 AND 5 OF FARMINGTON MANOR SUBDIVISION (Agenda Item #10)

Mayor Harbertson stated that this item was discussed in the work session. He said that the change in the conditions on these two lots leaves no conservation benefit whatsoever.

Motion

Rick Dutson made a motion to approve the waiver request. **Paula Alder** seconded the motion, which passed unanimously

UPDATE REPORT / DISCUSSION ON AMERICA WEST REZONE REQUEST FOR 15 ACRE TRIANGULAR PARCEL SOUTH OF CLARK LANE AND ADJACENT TO 1100 WEST - RON MARTINEZ & TEAM (Agenda Item #11)

Mayor Harbertson stated that this item has been removed from the Agenda. He said staff will be directed to contact commercial realtors, as well as Mark Johnson from Civitas, to evaluate the property to determine if there is any involved cost.

FINAL PLAT APPROVAL REQUEST FOR PHASE V OF MILLER MEADOWS SUBDIVISION (Agenda Item #12)

Mayor Harbertson introduced this Agenda item

Brock Johnson referred to the overhead map of the area and explained that the conservation easement requirements were met by distributing open space around the lots, which resulted in fingers of open space that have become weedy lots. In response to questions by the Council, **Mr. Johnson** said that the conservation space is not for public use, so this proposal would make those areas part of the adjacent lots with the restriction that they are not be built upon and will remain open.

David Peterson explained that the subdivision is required to have sixteen acres of open space. The waiver of the conservation easement requirement must be approved by a super majority of four Council members. **The Mayor** explained that the open space should be somewhat distributed around the subdivision but does not need to be around every lot.

Motion

Rick Dutson moved to grant final plat approval for the Miller Meadows Phase V Subdivision, subject to the conditions set forth by the Planning Commission. To enable this to occur the City Council also hereby grants a waiver creating three conservancy lots within the subdivision which are less in area than the minimum standard required ordinance. **Sid Young** seconded the motion, which passed by a vote of 4-0, which is a super majority.

MINUTE MOTION APPROVING SUMMARY ACTION LIST (Agenda Item # 13)

_____ **Mayor Harbertson** reviewed the items listed on the agenda individually, and invited comment from the Council members.

13-1 - Ratification of Approvals of Construction Bond Agreements.

13-2 - Approval of Improvement Bond Agreements for Challenger School and Phase V of Hidden Meadows Subdivision No. 3 and for Palmer Estates Subdivision.

13-3 - Approval of UDOT Agreement / Ratify Mayor's Signature thereon related to signage and landscaping on UDOT property near Kaysville City Boundary.

It was clarified that the location of the sign and landscaping on the UDOT property is across

the street from the mortuary, west of Highway 89 and south of Kaysville's Main Street.

13-4 Declaration of Fire Chief's 1996 Bronco as surplus/Authorize its sale.

13-5 Approval Custodial Service Agreement for Community Arts Center with Carlile Family

Max Forbush explained that the \$500 per month custodial service agreement is consistent with custodial rates paid for other buildings.

13-6 - Approve Staff Recommendation regarding Roger Eggett's request for refund of development application fees.

It was determined by the Council that the refund to Roger Eggett would be for the amount deposited less accrued engineering expenses expended for development review for this project. It is estimated that the refund will be approximately \$700.

13-7 - Authorize City staff to provide payroll deductions for employee charitable giving to "Community Shares of Utah".

13-8- Assign Centerville City's request for Bicycle Paths to Planning Commission for recommendation.

13-9 - Authorize expenditure of \$1,000 out of City Council contingency fund for Christmas decorations at Community Arts Center.

Paula Alder questioned why there is no art in the Arts Center. **David Petersen** said it was not designed as an area to display art.

13-10 - Appoint Planning Commission Interview Committee to be comprised of Mayor, Rick Dutson, Jim Talbot and David Petersen.

David Petersen said that **Jim Talbot** will be leaving the Planning Commission, and the Council discussed appointing one more member to the committee to interview applicants for the vacancy on the Commission. Two alternate members also need to be selected. A meeting was set for December 5th for this purpose, and **David Petersen** said **Jared Hall** could attend in his place if necessary.

13-11 - Appoint Conservation Subdivision Ordinance Amendment Committee to work with Jim Carter: Tom Owens, Cory Ritz, Randy Hillier, Kevin Poff, Frank McCullough and Mayor Harbertson.

13-12 - Approval of September and October disbursement lists.

Motion

_____ **Rick Dutson** moved to approve the Summary Action list as modified. **Paula Alder** seconded the motion, which passed unanimously.

WE FIVE AGREEMENT REGARDING TRADE OF WATER RIGHTS FOR INSTALLATION OF CULINARY WATER MAIN ON 1525 WEST WITH RELATED WATER SERVICE LATERAL (Agenda Item #14)

[**Rick Dutson** stepped out of the room momentarily.]

_____ **Max Forbush** explained that this proposed agreement would permit a canal in west Farmington to be filled in, thereby allowing two points of the public trail system to connect along the canal route. Moreover, filling of the ditch or canal would eliminate a safety hazard to those homes being constructed adjacent to the ditch or canal. Finally, filling the ditch would remove an eminent threat to flooding within Farmington Ranches, Phase 1 & 2 subdivisions. Currently water in the canal is artificially backed up in order to provide sufficient head to force water to flow southerly downstream to the Wayne Freckleton property, which has the right to .023 cubic feet per second, or ten gallons a minute. This is the only water right in the canal except for The Boyer Company who also wants the ditch filled.

Mr. Forbush said the problem is that in exchange for Freckleton giving up the water rights, Mr. Freckleton wants a ten inch water main extended southerly along 1525 West to his property. The Boyer Company is willing to front the money to pay for this line extension because it also wants the canal to be filled in. The main line will provide about 1,800 gallons per minute. A service line would be installed to Freckleton's with the aim of providing his right of 10 gallons per minute. Mr. Forbush said that Mr. Freckleton has been difficult to work with, and will not sell his water for anything less than has been proposed. He has signed the agreement, which is a third or fourth draft.

David Peterson said that he opposed the agreement because Mr. Freckleton is asking for too much in return for what he gives up. He also said that extending the water main that far south will encourage development too close to the flood plain and may become a reason for UDOT to refuse to put the Legacy North connector along the westernmost route.

City Engineer **Paul Hirst** explained that from a water system viewpoint, a large line along 1525 West will enable a large loop from Shepard Lane over to Glover Lane. The line should not be less than eight inches, and a ten inch line is not that much more expensive. Any further development in the area will need it. **Mr. Hirst** said it would be good to acquire Freckleton's water rights, close him out, and move ahead with filling in the canal.

Max Forbush explained that Freckleton does not have to sell his water rights, so he can name the price he wants, which is a service lateral that will deliver 10 gals per minute. **Paul Hirst** said that

the damming of the canal overwhelms the storm drain system there and if there is a large storm, houses may be flooded. It is critical that this problem be resolved.

The possibility of further negotiations with Mr. Freckleton was discussed. It is assumed that he wants the ten inch line so that he can develop his own property in the future.

Paul Hirst explained that there are four good things that result from a settlement. First, the City will get the water rights. Second, this will enable a loop of culinary water from Shepard Lane to Glover Lane. Third, the canal can be closed. Fourth, the \$50,000 price is a good one.

David Peterson suggested the possibility of condemning Freckleton's water rights and paying what they are really worth. **Sid Young** questioned whether eminent domain can be used on water rights. **Max Forbush** said it may be possible, "but is such action wise?"

Motion

Rick Dutson moved that Mr. Freckleton be approached one last time, and that if the agreement cannot be improved it will be deemed acceptable as written. **Larry Haugen** seconded the motion. The method of approaching Mr. Freckleton was discussed, and **David Petersen** volunteered. The motion was unanimously approved.

BOYER WHEELER FARM LC AGREEMENT REGARDING THE ADVANCEMENT OF CASH FOR INSTALLING THE MAIN WATER LINE AND RELATED SERVICE LATERAL TOWARD WE FIVE PROPERTY ON 1525 WEST (Agenda Item #15)

With no further discussion, **Rick Duston** moved to approve the Boyer Wheeler Farm Agreement. **Sid Young** seconded the motion, which passed by a unanimous vote.

THE VILLAGE AT OLD FARM DEVELOPMENT AGREEMENT REVISIONS (FINAL READING) (Agenda Item #16)

Mayor Harbertson suggested that this agreement would be made stronger by a change on page 4, section 6.2(i) stating that the developer shall "satisfy the above requirements before recording" or other approvals are granted. **Sid Young** suggested that the developer should be required to obtain from UDOT, and install the access before further approvals.

The Mayor and **Paula Alder** said that the access could be installed simultaneously in the course of construction, and **David Peterson** suggested that the developer could either install the access or bond for it.

Motion

Sid Young made a motion to approve the Village at Old Farm development agreement subject to the requirement that the developer shall “satisfy the above requirements before recording” or other approval are granted, and that the developer be required to obtain from UDOT and install, or bond for, the access. **Rick Dutson** seconded the motion, which was unanimously approved.

BETTERMENT AGREEMENT FOR UTA COMMUTER RAIL STATION PLATFORM WITH UTA & RELATED AGREEMENT BETWEEN CITY AND LAGOON (Agenda Item #17)

Mayor Harbertson introduced the item. **Steve Meyer** of UTA stated that this agreement was for enhancements to the UTA train station platform. There have been negotiations among Farmington City, UTA, and Lagoon. A new draft of the agreement was distributed to the Council.

Mr. Meyer explained that UTA requires that Lagoon must maintain the sign it is installing, which will require a right of entry permit to go onto the property. This will require Lagoon workers to go over the bridge and not over the tracks to maintain the sign. The UTA also wants an indemnification agreement from Lagoon for the design, installation, and maintenance of the sign.

Max Forbush said that Lagoon is agreeable with this except for the indemnification for the design because the sign is already made. **The Mayor** explained that this was required in case something happens later that is caused by a faulty design of the sign.

Motion

Sid Young made a motion to approve the Betterment Agreement, subject to Lagoon also signing both related agreements. **Larry Haugen** seconded the motion, which was unanimously passed.

The Mayor said that he would like to meet with **Max Forbush** and UTA about busing people from the train station to Lagoon. **Steve Meyer** reported on the parking lot configuration being improved as the result of an agreement with CenterCal. **Max Forbush** said the City is doing all that it can to get the road into the train station by April.

The agreement of the City with Lagoon was discussed. **Mayor Harbertson** explained that a change is proposed in Recital D to make the agreement for 40 instead of 20 years at the request of Lagoon. He said Lagoon is spending \$385,000 to put its sign at the train station as long as possible.

Max Forbush pointed out another change in paragraph 2 that states the City will consult with, and reasonably support, Lagoon on the issue of a theme change at the station, although this support will not include any requirement for the City to spend money, such as in a lawsuit. This agreement is to also be considered in an RDA meeting so that the RDA can participate in the Station Park tax increment money to re-pay Lagoon \$100,000 of its \$385,000 expenditure.

Motion

Rick Dutson moved to approve the agreement between Farmington City and Lagoon regarding the maintenance of the sign. The motion was seconded by **Sid Young**, and the voting was unanimous in the affirmative.

ORDINANCE SETTING FORTH CITY COUNCIL MEETING DATES FOR 2008 - 1ST READING (Agenda Item #18)

The proposed 2008 meeting schedule was discussed. Changes were made to hold meetings on June 3rd and 17th, and on November 11th and 18th.

Motion

Rick Dutson made a motion to adopt the ordinance. **Paula Alder** seconded the motion, which was unanimously approved.

FARMINGTON RANCHES HOA / CITY OFFICIALS NEGOTIATION SESSION REPORT REGARDING CONSERVATION EASEMENT PROPOSED TREATMENT OF OPEN SPACES (Agenda Item #19)

The Mayor explained that the City has been talking with the Farmington Ranches Homeowners Association about the encroachment on adjacent property owners into the conservation easement open space. He said the homeowners are planting grass and extending landscaping into these areas. Some significant boundary marker needs to be placed to show what areas are conservation easement so that they cannot be claimed later by the neighboring owners.

Max Forbush said that an agreement needs to be reached and made known to all in the area, so everyone knows what to expect of each other and to avoid disputes. **David Peterson** said that the HOA wants the City to do the initial enforcement of an agreement, which would be a substantial effort, and then the HOA would enforce it.

The Mayor stated that another meeting with the HOA is needed to resolve these issues.

POLICE STATION PROGRESS REPORT / FINANCING PROPOSAL TO COVER INCREASED COSTS (Agenda Item #20)

Max Forbush explained that rising construction costs have created a shortfall in the construction of the new police station. The building will cost \$3.1 million instead of \$2.6. He suggested borrowing an additional \$500,000 to be paid back from impact fees to cover this shortfall, to be paid back annually over five years. Mr. Forbush said some of the shortfall can be made up by

the public works department doing some of the site work. This can save approximately \$165,000. It is estimated that the building is costing \$256 per square foot, which is very high.

Max Forbush said the building size has been reduced as much as possible. If this financing plan is acceptable, Mr. Forbush said he will pre-qualify bidders, get the information out in December, and open bids in January.

Police Chief **Wayne Hansen** suggested obtaining alternative designs for the police station. The appearance of the building was generally discussed. **The Mayor** said he would like to see photographs of a similar building or visit an actual site of one. **Sid Young** asked about a basement for the new station, but it was stated that one cannot be made because of cost and because of the rock subsurface at the location.

SHEPARD LANE BRIDGE REPORT FROM UDOT (Agenda Item # 21)

Max Forbush reported that UDOT has suggested that a pedestrian path be on only one side of the bridge, with fencing on that side. It is suggested that vegetation be removed and the lanes be narrowed by one foot each, which will result in a pedestrian and bicycle path of about eight feet. **Mr. Forbush** said reducing speed, narrowing the lanes, and installing a fence will all help.

Mr. Forbush also said he would like to see a bid on the fence, which he estimated could be done for under \$20,000. The Council discussed what type of fencing should be used.

1075 WEST/SHEPARD LANE IMPROVEMENT REPORT (Agenda Item #22)

Max Forbush explained that the funds allocated to this project cannot be used for a traffic signal because the traffic does not meet the warrant requirements for a light. He explained what surface improvements can be made at the intersection, and suggested that everything short of a signal be installed. **Mr. Forbush** said that later, when the warrant is met, a light can be installed. The City Council was in agreement that the project should continue.

STREET MAINTENANCE STUDY REPORT - CRS ENGINEERS (Agenda Item #23)

City Engineer **Paul Hirst** submitted his report for maintaining the City streets. He said that it is cheaper to keep the good streets in good condition rather than let them deteriorate while the worst ones are repaired. **Mr. Hirst** proposed a five year maintenance cycle, which is likely more than the City can sustain. He suggested that the City find a way to increase funding allocation to street maintenance.

Sid Young said that the quarter cent sales tax for street funding is entirely inadequate to meet maintenance needs. **Max Forbush** said he wants to send a letter to local state legislators with this report requesting an increase in the gasoline tax.

Paul Hirst also reported on the Woodland Park well. He said the bacteria killing procedures seem to have worked, and testing of the results is now underway. There is a problem of the pump pulling sand into the well, and next week it will be known whether the well can go back online. **Mr. Hirst** said he would send an e-mail with results to the City.

CONSIDERATION OF PARKS, RECREATION AND ARTS MATTERS INCLUDING ORGANIZATIONAL STRUCTURE OF ARTS COUNCIL, APPOINTMENT OF DIRECTOR FOR SUMMER PLAY, APPOINTMENT OF MGB+A. THE GRASSLI GROUP AS CONSULTANTS TO UPDATE THE CITY'S PARKS, RECREATION & ARTS MASTER PLAN WITH RELATED SCOPE OF WORK. (Agenda Item #24)

Max Forbush reviewed the organizational structure of the Arts Council, proposed that **Mike Nielsen** be appointed as play director, and that the Grassli Group be retained as consultants to update the City's Parks, Recreation and Arts Master Plan. These items were discussed in detail.

Mr. Forbush explained that a contract is needed with Stephanie Padgett, and **Mayor Harbertson** said it needs to be known that her position reports to Neal Miller. Sid Young clarified that the Grassli scope of work includes everything in the parks, recreation and arts area, and Max Forbush said that it does.

It was reported that **Max Forbush** and **Keith Johnson** investigated doing five online citizen surveys a year for \$2500. The City Council discussed the benefits of doing this, and **Rick Dutson** pointed out that Farmington is maturing as a city.

Motion

Paula Alder made a motion to approve the proposed organizational structure, that Mike Nielsen be appointed as play director, and that the Grassli Group be retained according to their scope of work proposal. **Sid Young** seconded the motion, which passed unanimously.

CONSIDERATION OF COMMITTEE TO STRATEGIZE APPROACH OF CITY AMENDING ITS CURRENT TRANSPORTATION MASTER PLAN (Agenda Item #25)

Mayor Harbertson referred to the letter from Tim Taylor contained in the City Council packet suggesting a meeting with the Mayor, a City Council member, **David Petersen, Max Forbush,** Tim Taylor, Ron Mortimer and Russell Youd.

Motion

Larry Haugen moved to appoint the proposed Committee to strategize the approach of the City amending its current transportation master plan. **Sid Young** seconded the motion, with the Council voting unanimously in favor. It was suggested that Cory Ritz be added to the list.

CANVASS OF NOVEMBER 2007 MUNICIPAL ELECTION RESULTS - MARGY LOMAX (Agenda Item #26)

A report on the final municipal election results was distributed by City Recorder **Margy Lomax**. The final results are as follows:

Joel G. Cook	1,583
Rick Dutson	2,596
Cory Ritz	2,139
Carmen Samuelson	1,668
Jim Taylor	1,645
Sid Young	2,424

The canvass included the initial vote count, plus provisional ballots and absentee ballots. Voter turnout was 48.95%.

Motion

Larry Haugen moved to approve the canvass totals, and the motion was seconded by **Paula Alder**. The Council voted unanimously in favor.

MAYOR HARBERTSON'S REPORT (Agenda Item #27)

Mayor Habertson reported that he saw furniture and other items for sale displayed in front of the Brass Comb. He asked **Max Forbush** to have someone remind the owner of his commitment to refrain from this practice.

The Mayor said that Committee assignments need to be made, and asked the Council members to review the list and email him with their thoughts.

The Mayor asked the Council to email him their opinions concerning the Susan Holmes email.

Mayor Harbertson asked **Margy Lomax** to draw up the schedule for town meetings. It was suggested that Cory Ritz be contacted to see if he would like a copy of the next Council packet.

The Mayor stated that January 23rd, 2008 is local Legislator's Day.

The Mayor reported on his meetings with Qwest, Rich Haws, Destination Homes, and Horrocks Engineering, and on the Fairgrounds.

CITY COUNCIL REPORTS (Agenda Item #28)

Sid Young reported on the convention of the League of Cities and Towns. The League is concerned about funding for class B and C roads.

With respect to Shepard Creek Trail, **Max Forbush** said that an agreement was drafted by County Attorney Gerald Hess. Todd Godfrey, City Attorney, has proposed a few changes to the agreement. Recently, Mr. Hess said the changes weren't acceptable. Max reported that he had asked **Todd Godfrey** to follow up on this issue.

Rick Dutson reported the Relay for Life would again like to hold its annual event at the Shepard Lane Park, but the participation has grown so much the Park will not accommodate it now that may be it should be held at Davis High. He requested this be put on a future City Council agenda for further discussion.

Paula Alder reported Kari Dutson had volunteered to help with the Youth City Council. Applications for new Youth City Council Members are due by January 3, 2008. The Youth City Council has been hosting a Senior Citizen entertainment night at the Community Arts Center monthly.

MISCELLANEOUS

 Roosevelt City Letter - Max Forbush reported the Utah League of Cities & Towns is working on the issue referred to in the letter from Roosevelt City regarding the State Water Engineer's authority to evaluate non use of municipal water rights in a change application proceeding. Roosevelt City's letter requested a donation from Farmington City to help them preserve their water rights. Mr. Forbush did not feel the City should contribute any funds.

Report on Charles Evans' Claim - Max Forbush reported that CRS had given him an evaluation report on the Charles Evans' claim of the City "taking" his property because the City allegedly directed him to cut down a portion of the stream bank on his property at Lot 216, Farmington Ranches Subdivision (1951 East Ranch Road). The report indicates the City is not liable. The water coming down the channel is slow moving and not erodable. The sloping of the bank is not on Mr. Evans' property, and he could put up a fence if he wants to. The Farmington Ranches Homeowners Association is responsible to maintain the waterway. The CRS report, a and a recent correspondence from Mr. Evans were also reviewed by URMMA and the City Attorney.

Mr. Forbush reported URMMA, the City's insurance carrier, as well as Todd Godfrey, City Attorney, did not see how the City could be at fault.

Motion

 Rick Dutson made a motion to authorize URMMA to send a letter to Mr. Evans denying his claim. The motion was seconded by **Paula Alder** and passed with a unanimous vote.

Motion

_____ At 12:55 a.m. a motion was made by **Rick Dutson** to go into closed session to discuss strategy as it pertains to pending litigation and acquisition of real property. **Sid Young** seconded the motion which passed with all Council Members voting in favor.

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 convened in a closed meeting.

Scott C. Harbertson, Mayor

At 1:10 a.m. a motion was made by **Larry Haugen** with a second by **Rick Dutson** to reconvene into an open meeting. The motion was voted unanimously in favor and the meeting was reconvened into an open meeting.

ADJOURNMENT

There being no further business to discuss and upon motion by **Sid Young** with a second by **Paula Alder** the meeting was adjourned at 1:11 a.m.

Margy Lomax, City Recorder
Farmington City