

FARMINGTON CITY COUNCIL MEETING

Tuesday, December 2, 2008

CITY COUNCIL WORK SESSION/EAST CONFERENCE ROOM

PRESENT: Mayor Scott Harbertson, Council Members Richard Dutson, David Hale, Paula Alder, Sid Young, City Manager Max Forbush, City Planner David Petersen, and Recording Secretary Kami Mahan.

Mayor Harbertson began discussion at 6:05 p.m. **Paula Alder** offered the invocation. The following items were reviewed:

Mayor Harbertson announced that a closed session would be held pertaining to pending litigation and to discuss the competency and character of an individual.

Public Hearing: Consideration of Farmington Ranches Phase IV Plat Amendment vacating Parcel 4D and amending lots 430 through 439. (Agenda Item #4)

The Council briefly reviewed this Agenda item.

Consideration, approval, and ratification of action taken with respect to preliminary construction activities near the Oakridge Country Club on a storm water detention basin by removing fill material at the site and depositing the same at the south end of the golf course. (Agenda Item #5)

Max Forbush reviewed the background of this proposal. He distributed copies of the “Storm Sewer Fund” and the “Oakridge Storm Water Detention Basin Project”, which he reviewed in detail. He explained that a contractor for the Oakridge Golf Course was removing fill dirt material from an adjacent City property and placing it at the south end of the golf course to build a landscape berm that would separate the Golf Course from the Farmington Preserve area. The project is beneficial to the City in that 31,000 cubic yards needs to be removed from the City property to create a storm water detention basin. The City had entered into a previous agreement with Garbett Homes which committed the developer to remove 11,300 cubic yards or pay the City for the cost of removal.

Mayor Harbertson stated that Garbett Homes already has a check made out to the City in the amount of \$33,900. **Mr. Forbush** said that right now the City’s budget anticipated the City will end the fiscal year with a \$300,000 storm sewer fund balance. He is recommending that the City should defer one of the budgeted projects, which would raise the balance to \$310,000. He said there is also a planned \$93,400 balance remaining in the east side storm sewer impact fees fund. The City Manager is recommending the City Council authorize spending \$40,000 for Oakridge contractor to remove and place an additional 13,000 cubic yards. The Garbett contribution would pay for all but \$6,100. The remaining \$6,100 being suggested is part of a storm sewer project which is already

budgeted so it would not affect the balance. He recommended a minute motion accepting Garbett Homes’ offer to pay \$3.00 per cubic yard for their commitment to remove 11,300 cubic yards of fill material.

Mayor Harbertson noted that the City’s proposal to Garbett is generous, and will positively affect the City’s future relationship with Garbett.

Rick Dutson commented that the President of Oakridge Country Club highly commended the City Manager recently for this proposal that would benefit both the City and Oakridge.

Minute Motion approving Summary Action List. (Agenda Item #6)

- **Ratification of Approvals of Construction Bond Agreement**
- **Approval of Resolution adopting Risk Management Procedures for incentivising safe driving practices among City employees**
- **Approval of Qwest Agreement pertaining to service for the new Police Station**
- **Resolution Adopting “Natural Hazards Pre-Disaster Mitigation Plan”**

A copy of the “Participating Addendum between City of Farmington and Qwest Communications Corporation” was distributed to Council members. **Mayor Harbertson** said the City would like this agreement changed from three years to one, is possible. He reported that the City Manager is negotiating this issue and will probably be successful.

The Council briefly discussed the Resolution adopting the “Natural Hazards Pre-Disaster Mitigation Plan” and the possible repetition of disaster plan training.

Resolution Adopting Corridor Management Plan for Legacy Highway. (Agenda Item #8)

This Resolution was briefly reviewed, and **Mayor Harbertson** said his only concern was how projects listed in the Plan would be funded.

Max Forbush reported on the latest meeting with south Davis city officials regarding the maintenance of the trail on the Legacy project. He said that many ideas were being developed, such as possible weed control by the County, graffiti removal by UDOT, and not doing snow removal in certain areas. **Mr. Forbush** added that there was still a question on how green space maintenance would be accomplished without keeping the irrigation system operative beyond two years.

[At this point in the meeting, **David Petersen** distributed an information packet of a final draft of the proposed TMU zone text changes and other issues reviewed by the Planning Commission. It was decided that the Council will meet for a work session at 5:30 p.m. on December 9th to discuss these issues.]

Property at 74 South Main Street to accommodate property trade. (Agenda Item #11)

Max Forbush said that a lot line adjustment approval was needed. He referred to the packet map of this Agenda item and explained how the parcels would be realigned. He explained that Parcel 2 on the map will be traded to Scott Bass, with the balance of the lot being incorporated into Parcel 1, which is City-owned land.

Mr. Forbush also updated the Council on negotiations with the Davis School District regarding the District’s intent to purchase the City Hall building after the new building is completed.

The Council briefly discussed the City’s debt rating.

The City’s Christmas lights and banners were discussed, and **Mayor Harbertson** noted that the City may purchase larger banners in the future, and move the smaller banners since they are difficult to read.

The work session ended at 6:58 p.m.

REGULAR CITY COUNCIL/CITY CHAMBERS/CALL TO ORDER

PRESENT: Mayor Scott C. Harbertson, Council Members Richard Dutson, David Hale, Paula Alder, Sid Young, City Manager Max Forbush, City Planner David Petersen, City Recorder Margy Lomax, and Recording Secretary Kami Mahan.

Mayor Harbertson called the meeting to order at 7:04 p.m. **Max Forbush** offered the invocation. The Pledge of Allegiance was led by **Rick Dutson**. **The Mayor** welcomed Youth City Council member **Makenzie Madsen**.

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

The City Council reviewed the minutes of the meeting held November 18, 2008.

Motion

Rick Dutson moved to approve the minutes of the City Council meeting held November 18, 2008. **Sid Young** seconded the motion, which passed unanimously.

PLANNING COMMISSION REPORT (Agenda Item #3)

No report was given since the Planning Commission has not held a meeting since the last City Council meeting.

PUBLIC HEARING: CONSIDERATION OF FARMINGTON RANCHES PHASE IV PLAT AMENDMENT VACATING PARCEL 4D AND AMENDING LOTS 430 THROUGH 439.

Mayor Harbertson stated that this Agenda item was discussed during the study session. City Planner **David Petersen** pointed out the property on an overhead aerial map, and both **The Mayor** and **Mr. Petersen** expressed their agreement with the proposed vacation.

In response to a question by a Council member, **Mr. Petersen** said that the City had not received any protests.

Public Hearing

Mayor Harbertson opened the meeting to a public hearing at 7:10 p.m.

Gordon Crabtree, President of the Farmington Ranches Homeowners’ Association, said that all ten adjacent property owners had signed off on the proposal, and that the HOA was very favorable.

Rainon Burton, one of the adjacent property owners, stated that incorporating the area into the lots would make it a nicer neighborhood.

Mayor Harbertson asked about power lines in the area, and it was explained that there were two poles on either side of the fence.

Public Hearing Closed

With no further comments, **Mayor Harbertson** closed the public hearing at 7:13 p.m.

Motion

Rick Dutson moved to authorize the Mayor to sign the vacation order and the amended plat. **Paula Alder** seconded the motion, which passed by a unanimous vote.

CONSIDERATION, APPROVAL AND RATIFICATION OF ACTION TAKEN WITH RESPECT TO PRELIMINARY CONSTRUCTION ACTIVITIES NEAR THE OAKRIDGE COUNTRY CLUB ON A STORM WATER DETENTION BASIN BY REMOVING FILL MATERIAL AT THE SITE AND DEPOSITING THE SAME AT THE SOUTH END OF THE GOLF COURSE. (Agenda Item #5)

Mayor Harbertson reviewed this Agenda item, and an aerial map of the area was displayed. **Max Forbush** reviewed the motion to be made, and noted that this situation developed quickly. He said that Garbett Homes’ payment of \$33,900 will pay most of the cost of moving the fill material.

Motion

Sid Young made a motion to ratify and authorize the City Manager to provide a purchase order and to enter into a contract with the contractor of Oakridge Country Club and their landscape architect to expand the golf course berming area as proposed. The motion was seconded by **Dave Hale** and passed by a unanimous vote.

Motion

Sid Young moved to authorize acceptance of the proposal from Garbett Homes for \$33,900 for the cost of removing fill material. **Paula Alder** seconded the motion, which was unanimously approved.

MINUTE MOTION APPROVING SUMMARY ACTION LIST (Agenda Item #6)

- **Ratification of Approvals of Construction Bond Agreement**
- **Approval of Resolution adopting Risk Management Procedures for incentivising safe driving practices among City employees**
- **Approval of Qwest Agreement pertaining to service for the new Police Station**
- **Resolution Adopting “Natural Hazards Pre-Disaster Mitigation Plan”**

Mayor Harbertson briefly reviewed each item on the Summary Action List. He pointed out that the Resolution regarding the “Natural Hazards Pre-Disaster Mitigation Plan” was required by FEMA to be adopted every five years.

In response to a question raised by **Paula Alder** concerning Risk Management procedures for safe driving by City employees, **Max Forbush** clarified the purpose and the requirements of the driving exercises, which are required for city employees who do not drive city vehicles daily. **Mr. Forbush** said films are available for Council members to borrow if they are interested.

Motion

Rick Dutson moved to approve the Summary Action List, and to modify the Qwest Agreement from three years to one year, if feasible. **David Hale** seconded the motion, which was unanimously approved.

RESOLUTION ACCEPTING FOR STUDY PETITION TO ANNEX APPROXIMATELY 20 ACRES OF PROPERTY LOCATED ADJACENT TO 1525 WEST STREET IN WEST FARMINGTON NORTH OF GLOVER’S LANE NEAR THE SEWER PUMP STATION - SYMPHONY HOMES. (Agenda Item #7)

Mayor Harbertson stated that this Resolution is only to approve a study. The area in question was pointed out on an overhead aerial map by **David Petersen**.

Motion

David Hale moved to approve the Resolution to study the proposed annexation. The motion was seconded by **Paula Alder**, and the Council voted unanimously in favor.

RESOLUTION ADOPTING CORRIDOR MANAGEMENT PLAN FOR LEGACY HIGHWAY. (Agenda Item #8)

The Mayor introduced this Agenda item, and **David Petersen** stated that the application is due to the federal government on December 17th. **Mayor Harbertson** pointed out that the City can receive federal grants by adopting the Resolution.

David Hale raised a concern about any possible financial obligations of the City if the Resolution was approved. **Max Forbush** explained that the Resolution is adopting only a plan, and was not a contractual agreement.

Motion

Rick Dutson made a motion to adopt the Corridor Management Plan for Legacy Highway. **Paula Alder** seconded the motion, which was unanimously approved.

EASEMENT AGREEMENT BETWEEN CITY AND STAN AND DORENE POULSEN PERTAINING TO SIGNALIZATION ON NORTH MAIN STREET. (Agenda Item #9)

Mayor Harbertson said that the City agreed to fix storm water drainage problems on the Poulsen’s property. He explained that there is currently a small detention basin above their home, and that water typically flows to the south. However, flooding occurs on their property during storms. He said this agreement states that the City would correct the problem.

Max Forbush illustrated the drainage situation on the whiteboard and explained that during storms, spring water mixes with storm water and causes the flooding on the Poulsen’s property, which they have been complaining about for years. **Mr. Forbush** explained that the Gardner Development’s installation of signalization requires needs an easement from the Poulsens to place the signal post. The Poulsens agreed to the easement in exchange for having the drainage fixed. **Mr. Forbush** said the solution will involve installing a pipe which will separate the storm water from spring water, and he added that this should have been done years ago.

Motion

Sid Young moved to approve the Easement Agreement. **David Hale** seconded the motion, which passed unanimously.

ORDINANCE ADOPTING CITY COUNCIL MEETING SCHEDULE FOR 2009. (Agenda Item #10)

The Council reviewed the proposed City Council meeting schedule:

January	6 th	&	20 th
February	3 rd	&	17 th
March	3 rd	&	17 th
April	7 th	&	21 st
May	5 th	&	19 th
June	2 nd	&	16 th
July	7 th	&	21 st
August	4 th	&	18 th
September	1 st	&	15 th
October	6 th	&	20 th
November	4 th	&	17 th
December	1 st	&	8 th

Mayor Harbertson suggested changing the December 8, 2009 meeting to December 15th.

Motion

Paula Alder made a motion to approve the City Council meeting schedule as outlined, and to change the December 8, 2009 meeting to December 15th. **Rick Dutson** seconded the motion, which passed by a unanimous vote.

REVIEW OF PURCHASE SALES AGREEMENT FOR SCOTT & KRISTA BASS AND TERESA CHANDLER/APPROVAL OF LOT LINE ADJUSTMENT ON CITY’S PROPERTY AT 74 SOUTH MAIN STREET TO ACCOMMODATE PROPERTY TRADE. (Item #11)

Mayor Harbertson said that the lot line adjustment and its purpose was reviewed during the work session. He explained that the lot line behind the City property formerly owned by Maxine Schulties would be squared off, which would keep it consistent with the other adjacent properties. The City property, formerly owned by Mary Myers, would be tied in with the property next to the community center.

The Mayor clarified that the Sales Agreement on the Scott Bass property is unchanged, (valued at \$308,000 to be traded for City property valued at \$200,000) and that the Teresa Chandler Agreement purchase amount is changed from \$150,000 to \$156,500.

Motion

David Hale moved to approve the lot line adjustment from City-owned property formally owned by Maxine Schulties, increasing the lot size to 11,000 square feet, and increasing City property adjacent to that lot by combining the remnant parcel formerly owned by Mary Meyers, for a combined size of 0.736 acres. **Sid Young** seconded the motion, which passed unanimously.

Motion

A motion was made by **David Hale** to approve the Sales Agreements of the Bass property and the Chandler property, but changing the purchase price of the Chandler property to \$156,500. **Rick Dutson** seconded the motion, which was unanimously approved.

APPOINTMENT OF NEW PLANNING COMMISSION MEMBERS TO BEGIN TERMS OF OFFICE IN JANUARY 2009. (Agenda Item #12)

Mayor Harbertson said that Planning Commission Chairman Kevin Poff and Paul Barker were finished with their terms and replacements are needed. He stated that appointments could not be made until after the closed session was held. **The Mayor** listed the name, occupation, and area of residence of each applicant.

MAYOR HARBERTSON'S REPORT (Agenda Item #13)

Mayor Harbertson reported that due to citizen inquiries and the involvement of nearby cities with curbside recycling, a preliminary meeting will be held with Robinson Waste to discuss options. **The Mayor** raised concerns with recycling costs and mandatory implementation. He said that culinary water needs may not have sufficient funding in the future, and recycling costs could cut into that. A study will be done to evaluate the water situation. **The Mayor** stated that the January newsletter will discuss internet surveys, one of the first of which will deal with recycling.

Sid Young suggested providing recycling options on the survey, and possibly having the City provide recycling sites. He feels that this option is important, particularly in view of financial resources.

David Hale asked what percentage of waste goes to the burn plant, and expressed concern about the capacity of the Davis County landfill. He noted there would be additional future transfer costs to the Box Elder County landfill, and said that long term needs have to be addressed.

Mayor Harbertson agreed that recycling extends the life of the landfill. He said there was a sunset clause on the Davis County landfill that said the district loses flow control in five years. He suggested the possibility of eliminating flow control now and letting the landfill be used for the municipalities, and said that commercial entities can have their garbage bid out, which would also extend the life of the landfill.

David Hale liked the idea of using Robinson Waste Management for recycling. **Sid Young** pointed out that there are large recycling bins at the entrance of the landfill, which are frequently emptied. **Paula Alder** stated that she would prefer to pay for recycling pick-up.

Mayor Harbertson reported that he contacted local LDS Stake Presidents concerning the “Neighbor to Neighbor” United Way program, and said there had been a very positive response. He said that people can donate to the program in lieu of giving neighborhood gifts. He also suggested that the City Council follow suit by not exchanging gifts, and to instead give to the program. **The Mayor** said the donation proposal will be addressed in the next newsletter, and that cash and donations are expected to increase.

The Council agreed to continue with the tradition of exchanging gifts, but to support the program by donating as well.

CITY COUNCIL REPORTS (Agenda Item #14)

Sid Young reported that citizens have approached him concerning the enforcement of dog leash laws. It was pointed out that this is the County’s responsibility. **Mr. Young** suggested that perhaps a reminder should be included in the newsletter. **Mayor Harbertson** said that Animal Control should be contacted, and they will patrol the area.

David Hale reported on an incident in his neighborhood, and commended the police department for doing a good job.

Rick Dutson reported on a downed street lamp on the west side of Oakridge and 1500 West.

Sid Young inquired about a January planning session, and about resolving the tree ordinance. It was decided that the planning session issue would be put on the Agenda for next week. **The Mayor** said that an updated budget would also be reviewed at that meeting.

Paula Alder noted the upcoming Trails Committee and Historic Commission activities. She also reported on concerns with buses using 650 West, and on an area of Shepard Creek Parkway that remains unrepaired. **Ms. Alder** asked about the Youth City Council report, and it was decided that this would be presented on December 9th.

Closed Session

At 8:10 p.m., a motion to go into closed session to discuss the competency of an individual and pending litigation was made by **David Hale**, and seconded by **Rick Dutson**. 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 8:35 p.m. **Rick Dutson** moved to go back into open session. **David Hale** seconded the motion which passed with all Council Members voting in favor.

Sid Young made a motion to appoint Mike Wagstaff and Jeff Butler as members of the Farmington City Planning Commission with terms of office to begin January 1, 2009, and ending December 31, 2012. It was further moved that Rick Draper be appointed as an alternate member to serve a one-year term. The motion was seconded by **Rick Dutson**. The motion passed with all Council Members voting affirmatively.

Rick Dutson moved to place on the December 9, 2008, City Council Meeting Agenda reconsideration of America West Development’s application for property located in the west Farmington area which was filed in June 2008 and was approved by the Planning Commission and then denied by the City Council. **Sid Young** seconded the motion, and it was approved with all Council Members voting in favor.

ADJOURNMENT

There being no further business to conduct and upon a motion by **Paula Alder** to adjourn with a second by **Rick Dutson**, the meeting was adjourned at 8:40 p.m.

Margy Lomax, City Recorder
Farmington City