

FARMINGTON CITY COUNCIL MEETING

Tuesday, June 17, 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, Assistant City Planner Glenn Symes, City Engineer Paul Hirst, Recording Secretary Kami Mahan, America West Developer Ron Martinez, AWD representatives Robert McConnell and Craig Cummings (legal counsel), Paralegal Kathy Izatt, and Traffic Engineer Ryan Hales.

Mayor Harbertson began discussion at 4:45 p.m.

Discussion with America West Developers

The Council met with representatives from America West Developers regarding the Project Master Plan and the development agreement for the proposed Park Lane project. Copies of the Staff report with background information and discussion points were distributed, as was America West Development's Project Master Plan.

David Petersen reviewed the history of the application and the Planning Commission's responses to issues regarding the approval process, land uses and placement, density, commercial areas and potential building sizes, uses on the southern "triangle" parcel, transition areas, form, the local street network, the potential realignment of Park/Clark Lane, and the extent of vertical, horizontal and integrated "mixed-uses." There was considerable discussion of these issues.

[**Max Forbush** arrived at the meeting at 5:02 p.m.]

Robert McConnell stated that America West Developers wants to identify the approval process they need to follow, and this was discussed at length. The time and expense of working out details of the development when the final zoning is unclear was emphasized. The developers explained their plans.

The issue of density was discussed. **Ron Martinez** pointed out that higher density enables more amenities. The Council expressed concern that **Mr. Martinez** will not be the builder. They want assurance of the quality of the development, and how the developer could go about giving this was discussed. The lack of class A office space (a business center) in the proposal, and the risk of such space, was also discussed.

David Petersen expressed concern about getting a true mixed use, and said the plan did not show this. Integrated uses are wanted. **Ron Martinez** said the plan has a horizontal mixed use. **Mr. Petersen** said a re-write of the zoning ordinance is underway because the Planning Commission wants to ensure a mixed use.

[**Robert McConnell** left the meeting at 6:00 p.m.]

Mr. Martinez expressed his frustration, and that of his investors, with the slowness of the approval process. He said that he may have lost control of the project, and if there is further delay the investors have an alternate plan to propose.

David Petersen reviewed the remaining concerns of the City. Possible visits to similar developments in other states were considered. UDOT has an interest in what is developed in the area and perhaps ought to be brought into the discussion.

The possibility of giving a faster approval to development in the triangle area was discussed. **Mr. Martinez** said this may keep the investors satisfied while other areas are being considered further. The developers submitted their proposal for the triangle parcel of the project.

[The America West representatives left the meeting at 6:25 p.m.]

(Agenda Item #3): (Public Hearing): Consideration of Resolution to:

- **Amend the FY 08 Municipal Budget**
- **Adopt the FY 09 Municipal Budget**
- **Adopt a Compensation Schedule for City Officials & Employees**
- **Adopt a proposed property tax levy for FY 09**

[**Keith Johnson** arrived at the meeting at 6:25 p.m.]

Mayor Harbertson invited Financial Director **Keith Johnson** to present highlights from the FY 2008 and 2009 Municipal budgets. **Mr. Johnson** distributed copies of the General Funds Budget Revenues FY 2009 and he reviewed details of this and the Redevelopment Agency budget. The Council discussed the possible repercussions if CenterCal withdrew its development from the City.

(Agenda Item #11): Property purchase from Howard Kent/Review of closing documents/ Use of Bonneville Title to clear some encumbrances such as blanket easements.

Max Forbush briefly explained the background information on this Agenda item, and said he would contact Gary Gurr of Bonneville Title to work on the process of removing the blanket easements from two of the three parcels of land. He said he believes this would be money well spent.

(Agenda Item #13): Proposed agreement with Davis School District.

The Davis School District is proposing a model agreement pertaining to the shared use of school and city facilities. Staff had two problems with the agreement.

Max Forbush reported that the proposed agreement partially includes provisions of the bus compound 2005 agreement and leaves out a 1996 agreement pertaining to the Kendall Building. He gave suggestions on how to make the proposed agreement better.

(Agenda Item #17): Miscellaneous

Inasmuch as the budget provides for the hiring of another full time firefighter, **Max Forbush** proposed advancing part-time fireman Rich Love to a full time position, which is being recommended by the Fire Chief. **Mr. Forbush** listed the alternatives for recruiting for the next opening, and the Council briefly discussed these options.

The meeting adjourned at 7:00 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, City Manager Max Forbush, Financial Director Keith Johnson, City Engineer Paul Hirst, 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**. **Mayor Harbertson** welcomed Youth City Council members **Michelle Tiem** and **Haley Harbertson**.

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

The Council reviewed the minutes of the June 3, 2008, meeting, and three corrections/additions were made.

Motion

Sid Young moved to approve the minutes of the meeting held June 3, 2008, with changes as noted. **Paula Alder** seconded the motion, which passed unanimously.

(PUBLIC HEARING): CONSIDERATION OF RESOLUTION TO: (Agenda Item #3)

- **Amend the FY 08 Municipal Budget**

- **Adopt the FY 09 Municipal Budget**
- **Adopt a Compensation Schedule for City Officials & Employees**
- **Adopt a proposed property tax levy for FY 09**

Mayor Harbertson invited Financial Director **Keith Johnson** to present an overview of the 2008 Amended Budget and the 2009 Municipal Budget.

Mr. Johnson displayed overhead graphics of the General Fund Budgeted Revenues and Expenditures for 2009, and he summarized the important parts of these budgets.

Public Hearing Opened

Mayor Harbertson opened the meeting to a public hearing at 7:33 p.m.

Bob Capron, 144 South Sunset Drive, asked how much additional revenue the certified tax rate of .001982 will generate.

Mayor Harbertson explained that the only additional revenue the City receives from property tax is that generated from new development. With the valuation of homes rising, the tax rate should decrease to offset the increase in value. **The Mayor** explained the apportionment of taxes to various entities of which only a small percent comes to the City.

Mr. Capron said that at the School District budget hearing he attended, the main speakers were older citizens on limited incomes who expressed concern with their ability to pay their taxes. **Mr. Capron** read sections 59-2-322 and 59-2-315 of the State Code.

David Hale commented that Mosquito Abatement and Benchland Water tax rates decreased.

Public Hearing Closed

Mayor Harbertson closed the public hearing at 7:40 p.m, and said that the budget had been reviewed in detail over numerous meetings.

Motion

Rick Dutson made a motion adopting the Resolution No. 2008-32 amending the FY 08 Municipal Budget, adopting the FY 2009 Municipal Budget, adopting a Compensation Schedule for City Officials and Employees, and adopting a proposed property tax levy for FY 2009 of the certified tax rate of .001982. The motion was seconded by **David Hale**, and passed by a unanimous vote.

(PUBLIC HEARING): CONSIDERATION OF RESOLUTIONS INCREASING THE MONTHLY GARBAGE COLLECTION AND SANITARY SEWER RATES. (Agenda Item #4)

Mayor Harbertson introduced this Agenda item, and said that garbage rates need to be increased by 50 cents per can, due to increased diesel fuel costs. Also, a part time worker will be increased to full time.

Residential sewer rates will be increased from \$17.75 to \$20.00, and commercial sewer rates from \$32.00 to \$36.00. All of the increase will go to the Sewer District, with the exception of 25 cents, which the City will retain for administrative and overhead costs.

Public Hearing Opened

Mayor Harbertson opened the public hearing at 7:45 p.m.

Public Hearing Closed

With no public comments, **Mayor Harbertson** closed the public hearing.

Motion

David Hale moved to approve the Resolution increasing the monthly garbage collection rate. **Rick Dutson** seconded the motion, which passed unanimously.

Motion

David Hale made a motion to approve the Resolution increasing the monthly sanitary sewer district rate. The motion was seconded by **Sid Young**, and passed by a unanimous vote.

PLANNING COMMISSION REPORT (Agenda Item #5)

Kevin Poff reported proceedings of the Planning Commission meeting held June 12, 2008. He covered the following items:

- Regarding the Chapter 19 Commercial Mixed-Use ordinance, the Planning Commission recommended maintaining a 55 foot maximum building height, but removing the zoning text language restricting the number of stories. This was in regard to a request by Greg Bell for a proposed Hampton Inn. **Mr. Poff** said that the definition of “flat roof” will need to be clarified.
- The Planning Commission received an update on the historic preservation ordinance.

LANDSCAPING REQUEST FOR MUSEUM - LARRY HAUGEN. (Agenda Item #6)

Larry Haugen had sent a letter proposing the placement of historic artifacts on the exterior of the Museum.

Mayor Harbertson reviewed this Agenda item, and the Council discussed the request. No approval was given.

REIMBURSEMENT REQUEST FOR SIDEWALK - DALLAN PACKARD. (Agenda Item #7)

Mayor Harbertson explained that **Dallan Packard's** sidewalk at 1299 North Main Street was installed to the grade of the property at the time, prior to its purchase by **Mr. Packard**. A portion of the sidewalk was set lower than the grade of the top back of the curb, creating water puddling. **Mr. Packard** fixed the sidewalk before contacting the City. He is requesting full reimbursement for his cost of repair, which was \$8.50 per square foot. **The Mayor** proposed adhering to the City's policy of reimbursement for 50 percent of the current rate of \$3.50 per square foot, but here approving half of **Mr. Packard's** actual cost (\$510.00).

Dallan Packard said that the portion of the sidewalk in question should have been brought up to grade when Main Street was redone several years ago. He explained the problems with mud and puddling water on the sidewalk. He said he appreciates the 50 percent, but was hoping the City would assume his full cost.

Mayor Harbertson said that policies can be changed when there are good reasons, but that in this case the City does not want to set a precedent of replacing everyone's sidewalk who requests it. **Mr. Packard** explained what was done by the contractor.

The Council discussed the request, and agreed to pay 50 percent of **Mr. Packard's** invoice.

Motion

David Hale moved to reimburse Dallan Packard for half of the invoice amount of \$1,020.00. **Rick Dutson** seconded the motion, which passed unanimously.

CONSIDERATION OF NOMINATIONS TO UTAH LEAGUE OF CITIES & TOWNS NOMINATIONS COMMITTEE. (Agenda Item #8)

The Council discussed appointing a Council member to the League of Cities and Towns Nominations Committee. The Council voted unanimously in favor of nominating **Paula Alder** to the committee.

RICH HAWS' REQUEST FOR TRAFFIC ENGINEERING SERVICES/TIM TAYLOR'S ALTERNATIVE APPROACHES FOR ADDRESSING TRANSPORTATION STUDY REQUESTS. (Agenda Item #9)

Mayor Harbertson reviewed this Agenda item, and said Engineer Tim Taylor has tried to be objective in his response to Rich Haws' request for the City to do the traffic impact study for his development which he would reimburse the City. **The Mayor** particularly referred to Mr. Taylor's point that doing work for developers would create a claim that the study wasn't done right, etc.

The Council reaffirmed its prior position believing conflicts of interest should be avoided.

Motion

Paula Alder made a motion to reaffirm the City's previous position that the City not be involved in developers' transportation study work because of the potential for a conflict of interest. The motion was seconded by **Rick Dutson**, and the Council voted unanimously in favor.

MINUTE MOTION APPROVING SUMMARY ACTION LIST: (Agenda Item #10)

- **Ratification of approvals of Construction Bond Agreements.**
- **Authorization to purchase scuba diving equipment for safer pool maintenance.**
- **Declaration of Surplus Property/Authorization for its sale.**
- **Approval of contract with ADT Security Services for providing security set up and access control for new Police Station.**

Mayor Harbertson briefly reviewed each item on the Summary Action List. **Rick Dutson** suggested contacting URMMA to determine if there are guidelines concerning scuba diving equipment. **Max Forbush** agreed to contact URMMA.

Motion

Paula Alder moved to approve the Summary Action List. **David Hale** seconded the motion, which passed unanimously.

PROPERTY PURCHASE FROM HOWARD KENT/REVIEW OF CLOSING DOCUMENTS/USE OF BONNEVILLE TITLE TO CLEAR SOME ENCUMBRANCES SUCH AS BLANKET EASEMENTS. (Agenda Item #11)

Mayor Harbertson reviewed this issue and said there were still questions on taxes and easements.

Motion

Dave Hale moved to (1) authorize the City Manager to move forward with the acquisitions of the three parcels of land previously approved by the Council subject to Howard Kent being able to remove the BOR easements from the 3.070 acre parcel and the 6.57 acre parcel, (2) approve the proposals in the closing documents including payment for rollback taxes dated from June 13 forward to the end of the year, and (3) authorize the City Manager to hire Bonneville Title to contact those utility companies with blanket easements that cover two of the three parcels of property asking them to vacate such easements or narrow them as recommended. **Rick Dutson** seconded the motion, which passed by a unanimous vote.

PROGRESS ON TRAILS AT THE GARBETT DEVELOPMENT/INTERPRETATION OF ALTERNATIVE ALIGNMENT LANGUAGE IN AMENDED DEVELOPMENT AGREEMENT. (Agenda Item #12)

Mayor Harbertson reviewed this Agenda item, and questioned Mr. Forbush on the rough condition of side slopes of the trail he noticed during a recent field trip. **Max Forbush** reported that the County is requiring a finished 3 to 1 slope and the seeding of those slopes.

Initially, in the approval process and in the Development agreement, Garbett Homes committed to construct a specific trail within the development. Later, the Agreement was amended to permit the trail location to be moved to public property around the perimeter of the development. Encroachment permits and/or easements must be obtained from UDOT and Davis County for the relocation to occur.

Mayor Harbertson said the City should hold firm to the Development Agreement. **Paul Hirst** said there was no mention of proximity problems by the developer in the approval process. **Max Forbush** said that the needed approvals for a change are still pending.

Randy Klein of the Trails Committee said the original route should be used, and taken by eminent domain if necessary.

PROPOSED AGREEMENT WITH DAVIS SCHOOL DISTRICT. (Agenda Item #13)

Mayor Harbertson said the City wants to leave the 2005 bus compound agreement with the School District unchanged with its 50 year term. Max Forbush is also suggesting that the 1996 agreement on the Kendall Building not be changed. The provisions of that agreement: (1) restricts the building of portables in the downtown area, (2) requires the District to work with the City on

parking, and (3) requires the District to pay for the installation of decorative lighting adjacent to their downtown campus. Max Forbush was directed by the Governing Body to have the City Attorney give notice to the District that their proposed agreement was acceptable other than for those agreements that were reviewed.

REVIEW OF CORRESPONDENCE WITH UDOT AND FARMINGTON CITIZENS.
(Agenda Item #14)

Mayor Harbertson referred to emails (contained in the packet) exchanged between UDOT representative Cory Pope and the City Manager regarding UDOT's request for the City to participate in the cost of repaving Lagoon Drive. **Max Forbush** said this was done to point out that existing Class C road funds are already inadequate and that the City couldn't afford any additional projects.

The Mayor also said, in regard to an email about the passing of former City employee Dona Scharp, that a future newsletter will contain a tribute about her service to the City.

MAYOR HARBERTSON'S REPORT (Agenda Item # 15)

Mayor Harbertson reported on a meeting with Scott Bass, who will present a proposal or counterproposal before the next City Council meeting. A meeting is scheduled for June 24th with the County, which **The Mayor**, **Max Forbush**, and **Rick Dutson** will attend.

CITY COUNCIL REPORTS (Agenda Item #16)

Paula Alder asked for volunteers for the Festival Days dunking booth. Police Chief Wayne Hansen and Officer Brett Winkleman were suggested. **Mayor Harbertson**, **Rick Dutson**, and **Sid Young** volunteered to participate, and Cory Ritz will be contacted.

Paula Alder also announced a youth Swim Night scheduled for July, and a parking lot dance on August 23rd. **David Hale** verified that he would arrange for a fire truck for Festival Days parade. The proceeds from these events will go to the Children's Justice Center.

Sid Young informed the Council of the details for the June 21st grand opening of the Buffalo Ranches Trail. Speakers will include **Max Forbush**, Trails Committee Chairman George Chipman, and Buffalo Ranches co-owner Nick Plummer. **Mr. Young** said he would contact Representative Roger Barrus. The Chamber of Commerce Lakesiders will be present.

Dave Hale inquired about Festival Days shirts, and **Paula Alder** reported that City Council members and their spouses were invited to help serve breakfast.

MISCELLANEOUS Agenda Item #17)

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

Max Forbush said that names need to be considered for next year's Festival Days Chair.

Mr. Forbush announced that the Legacy Highway tour is scheduled for June 24th at 4:00 p.m. There is also a meeting at 1:00 p.m. on June 24th with UDOT representatives, and **Mr. Forbush** reminded **Sid Young** of the meeting.

The Council expressed their approval to upgrade Rich Love to full time status in the Fire Department. **Mayor Harbertson** said he also agreed with the suggestion that next time an opening comes up job recruitment will be open to others in the department as well as being open to the general public.

Mayor Harbertson asked Council members to turn in job evaluations for the City Manager prior to the next City Council meeting, where they will be discussed during a closed session.

ITEMS OF GENERAL CORRESPONDENCE (Agenda Item #18)

Mr. Forbush reported on a phone call from Mark Jensen regarding the sound wall, and he reviewed the circumstances of the City's agreement with Oakridge Country Club to extend the trail. Two members of the governing body are needed to attend a meeting on July 14th or 15th. If UDOT does not agree to extend the sound wall south, it has been proposed that the City and Oakridge evaluate the feasibility of participation of an extension. Research indicates a cost of approximately \$175.00 per lineal foot. Mr. Forbush was to confirm the date, time, and place of the meeting.

ADJOURNMENT

Rick Dutson moved to adjourn. **Dave Hale** seconded the motion. The meeting adjourned at 8:42 p.m.

Holly Gadd, Deputy City Recorder
Farmington City