

# FARMINGTON CITY COUNCIL MEETING

Tuesday, January 6, 2009

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## CITY COUNCIL WORK SESSION/CLOSED SESSION/EAST CONFERENCE ROOM

**PRESENT:** Mayor Scott Harbertson, Council Members Richard Dutson, David Hale, Paula Alder, Sidney Young, City Manager Max Forbush, and City Recorder Margy Lomax.

**Mayor Harbertson** conducted the work session, calling it to order at 6:05 p.m. **Sid Young** offered the invocation.

### Closed Session

#### Motion

A motion to go into closed session to discuss the competency of individuals and to discuss strategy as it relates to the acquisition of real property and pending litigation was made by **David Hale** and seconded by **Rick Dutson**. A roll call vote was taken of the Council Members with each member voting "aye". The meeting was then convened into a closed session.

Council Member **Cory Ritz** arrived at 6:10 p.m.

At 7:00 p.m. a motion was made by **Paula Alder** to go out of closed session. The motion was seconded by **Rick Dutson** and passed with each Council Member voting in favor.

### SWORN STATEMENT

I, Scott C. 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.

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Scott C. Harbertson, Mayor

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

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## REGULAR CITY COUNCIL/CITY CHAMBERS/CALL TO ORDER

**PRESENT:** Mayor Scott C. Harbertson, Council Members Richard Dutson, David Hale, Paula Alder, Sid 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 7:06 p.m. **Margy Lomax** offered the invocation, and the Pledge of Allegiance was led by **David Hale**.

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

The Council reviewed the minutes of the meeting held December 9, 2008, and the special meeting held December 16, 2008. A few corrections were made.

### **Motions**

**David Hale** moved to approve the minutes of the meeting held December 9, 2008, with changes as noted. **Sid Young** seconded the motion, which passed unanimously.

A motion was made by **Sid Young** to approve the minutes of the December 16, 2008, Special City Council meeting. The motion was seconded by **Cory Ritz** and was unanimously approved.

### **PARKS AND RECREATION DIRECTOR REPORT/DISCUSSION OF POLICY ISSUES REGARDING USE OF CITY BUILDING BY CITY EMPLOYEES/CITY OFFICIALS. (Agenda Item #3)**

**Mayor Harbertson** invited Parks and Recreation Director **Neil Miller** to update the Council on activities in the department. **Mr. Miller** noted the heavy use of the Community Arts Center, and he reviewed the upcoming 2009 schedule of events. He raised the issue of whether City employees and City officials should be exempted from having to hire a site supervisor when they rent the building. This was discussed by the Council and **Mr. Miller** at length. Concern was raised about whether this would cause a perceived inequity by the public.

The Council also considered allowing the Center to be rented out on Sundays and/or holidays, which would expand the use of the building. **Neil Miller** said he would speak with the site supervisors about their willingness to work on Sundays or holidays. **Rick Dutson** expressed concern that exempting City officials and employees from the site supervisor requirement would exacerbate an already-existing negative public perception of favoritism to the City concerning the Arts Center. **Max Forbush** pointed out that the perception could be improved by making the Center available to the public more often.

After further discussion, most Council Members agreed that a site supervisor is not necessary for City employees and officials, and it was noted that there is a list of responsibilities for them to follow.

### **Motion**

**David Hale** moved to allow City employees and City officials to act as site supervisors during their use of the Community Arts Center. **Paula Alder** seconded the motion, which passed by a vote

of four to one. **Paula Alder, David Hale, Sid Young, and Cory Ritz** voted in favor of the motion, and **Councilman Dutson** voted “nay”.

The Council further discussed opening the Community Center on Sundays. The matter was deferred to allow **Neil Miller** time to discuss the issue with the site supervisors.

**Neil Miller** then reviewed the 2008 events held by the Parks and Recreation department. He reported that money was lost on the Breakfast with Santa and the Sweetheart Serenade, and that the Sing-a-long was not well attended. He recommended eliminating these events as well as the May Dinner Theater. The timing of the spring play was discussed.

**Max Forbush** said the City is trying to increase the availability of the Community Center to more citizens and to make it more user friendly. He said the need for an increase of this type of space should be considered as the new City Hall is built. **Mr. Miller** said he would consult with his department and return with recommendations and a final decision of what events will be held in 2009.

**Neil Miller** reviewed the registration numbers for sports activities and after school programs. He reported that the Woodland Park area is ready for use.

### **Motion**

**Rick Dutson** moved to handle Agenda item #5 prior to #4 to accommodate those who came for this item. **Paula Alder** seconded the motion, which passed unanimously.

The Council handled Agenda items in the following order: #5, #12, #11, #4, #10, #6, #7, #8, #9, #13, and the remaining items in order.

### **PUBLIC HEARING: CONSIDERATION OF ORDINANCE AMENDING THE 2008-09 FARMINGTON CITY BUDGET. (Agenda Item #4)**

**Mayor Harbertson** said that delays in the CenterCal project have necessitated the revision of the budget, and he invited Financial Director **Keith Johnson** to present the updated budget.

**Keith Johnson** referred to the updated Sales Tax report distributed earlier and reviewed the statistics. He pointed out that the City sales tax revenue has increased 1 ½ % over last year. **Dave Hale** asked why Farmington was more stable, and it was explained that most sales taxes come from large commercial developments and retail stores. Cities who have large commercial retail centers probably suffer more during times of recession because of their direct loss of the “point-of- sales” portion of the sales tax revenue.

**Mr. Johnson** also reviewed the updated statistics in the General Fund and the Park Improvement Fund and explained the budget changes. **Max Forbush** explained some details of the proposed financing of the new City Hall. **Margy Lomax** distributed copies of the Resolution.

### **Public Hearing**

**Mayor Harbertson** opened the meeting to a public hearing at 8:54 p.m. There were no public comments and the hearing was closed.

### **Motion**

**Sid Young** moved to approve the Resolution amending the Municipal Budget for the fiscal year ending 6-30-09. **Paula Alder** seconded the motion, which was unanimously approved.

**Mayor Harbertson** mentioned that some contract employees may be eliminated.

The Council then considered Agenda item #10.

### **REQUEST FOR PICNIC SHELTER AT POINTE OF VIEW NEIGHBORHOOD PARK - TIM AND SUZANNA ADAIR/OTHERS. (Agenda Item #5)**

**Mayor Harbertson** introduced this matter, and explained that residents near the Pointe of View Park have requested a bowery because there is no shade or seating. He stated that this item is not on the capital facilities plan for parks. The estimated cost of a bowery and concrete pad with tables is \$16,000. One option is to include this on the capital facilities plan, but the needed amount is not currently available. Another option is to bond for this item in several years. A third option would be to fund the park through an Eagle Scout project or other fund-raising effort, and the City would then assist in funding. **The Mayor** said he lives in the neighborhood and would be willing to make a donation.

**Sid Young** felt that shared responsibility is a good solution. **Dave Hale** commented that it is good incentive for other areas, and could be done as an Eagle Scout project combined with donations. **Suzanna Adair** asked if the City could maintain the park, and The Mayor replied that it would. She also asked whether a garbage can might be provided, and **Neil Miller** responded that smaller parks require users to pack out their own garbage. He said garbage cans often cause a problem.

**Mayor Harbertson** said the Council would be favorable to helping, and he encouraged the Adairs to return after consulting with other residents about a plan. It was clarified that donations are tax-deductible. **Tim Adair** said the issues of shade and seating will continue to be of concern at other parks, and suggested that boweries be installed as parks are constructed in the west part of the City.

**Motion**

**Sid Young** moved to address Agenda item #12. The motion was seconded by **Cory Ritz** and passed unanimously.

**CONSIDERATION OF BOUNTIFUL ELKS CLUB TO REQUEST POLICE OFFICER, FIREFIGHTER AND CITIZEN OF THE YEAR NOMINATIONS. (Agenda Item #6)**

**Mayor Harbertson** said the Police Chief and Fire Chief will handle the recommendations for Police Officer and Firefighter of the Year. He asked if the Council had recommendations for Citizen or Family of the Year. The Council considered the matter and agreed to recommend Frank and Barbara Frodsham. **The Mayor** asked **Margy Lomax** to inquire whether the Frodshams have already been recommended.

**MINUTE MOTION APPROVING SUMMARY ACTION LIST (Agenda Item #7)**

- **Ratification of Approvals of Construction Bond Agreement .**
- **Approval of the October and November Disbursement List.**
- **Ratification of City Manager’s signature on Letter of Intent between Farmington City and Davis School District.**
- **Authorization for Mayor to sign Water Application Agreement with Benchland Irrigation.**
- **Authorization to Fund Betterments near Commuter Rail Station out of City Council Contingency Account in the amount of \$3,597.**
- **Authorization for the Mayor to Sign Letter Agreement with Kirt Petersen.**

**Motion**

**Paula Alder** moved to approve the Summary Action List, and to eliminate the contracts for (1) the cleanup of the Community Center and (2) the Performing Arts Coordinator. The motion was seconded by **Rick Dutson** and was approved unanimously.

**RESOLUTION APPOINTING REPRESENTATIVE TO THE GREAT SALT LAKE LEGACY PARKWAY SCENIC BYWAY COMMITTEE. (Agenda Item #8)**

**Mayor Harbertson** reported that City Planner David Petersen would like to stay on the Legacy Parkway Scenic Byway Committee, and it is also staff’s recommendation that he do so.

**Motion**

A motion was made by **Paula Alder** to appoint David Petersen as Farmington’s representative to the Great Salt Lake Legacy Parkway Scenic Byway Committee. **Sid Young** seconded the motion, which passed by a unanimous vote.

**NEW CITY HALL SITE REVIEW COMMITTEE REPORT/DISCUSSION ABOUT BUDGET FOR PROJECT. (Agenda Item #9)**

**Max Forbush** referred to his letter (included in the packet) to Gary Flood responding to Mr. Flood's opposition to the City's timing in building a new City Hall. **Mr. Forbush** said this letter was sent before he discovered that impact fees from CenterCal would be delayed.

**Mr. Forbush** said that there are enough surplus funds to build the new City Hall, but there is a shortfall of approximately \$650,000 in buying back the old Public Works building. The options for covering the shortfall are (1) to determine whether UDOT will allow a balloon payment in approximately three years, (2) to trim the costs of City Hall by this amount and finish only part of the building, or (3) to make lease payments through a finance company which funds public projects. **Mr. Forbush** noted that the latter includes financing the shortfall, and that this is not indebtedness because the building does not belong to the City until the end of the lease.

**Mayor Harbertson** said the lease payments can be drawn out over a few or many years so payments can be as small or as large as wanted. The finance company has the resources to underwrite within a month.

**Max Forbush** said that he, **The Mayor, Rick Dutson,** and **Paula Alder** will meet with the architect tomorrow, and he asked the Council whether they want to consider building the new City Hall as designed but to finish in phases. The Council discussed this issue. **Mr. Forbush** noted that the City has been criticized in the past for under-building, which may be true. When the Community Center was built, it had an unfinished basement which they were able to finish soon afterward.

**Rick Dutson** said that care should be taken to spend public dollars wisely, and he liked the idea of having part of the building unfinished. **Sid Young** felt that this solution addressed future expansion. **Mr. Dutson** added that the building should be utilitarian but still have nice features. **Max Forbush** raised the possibility that part of the building could be used as an overflow for the Community Center.

**SOMERSET FARM STREET LIGHTING ISSUES - ADDITIONAL POLICY CLARIFICATION REQUEST. (Agenda Item #10)**

**Mayor Harbertson** introduced this item, and the original understanding was clarified that the City would maintain the lights and the HOA would pay power charges. **Keith Johnson** explained his efforts to contact Rocky Mountain Power, which has not yet responded. **Max Forbush** explained that the maintenance and power charges for decorative lights are separate charges. The City pays only for maintenance for decorative lights. HOA President **Jim Hefner** also explained his unsuccessful efforts to communicate with RMP to finalize the payment arrangement for the lights.

**Mr. Forbush** said this item was included on the Agenda in order to have the issue clarified before the 2009 amendment was drafted. **Cory Ritz** said that the Public Relations representative for Rocky Mountain Power lives in Farmington, which may enhance the possibility of making contact with the company. **Max Forbush** said they would follow up on this matter and have an amendment drafted.

The Council moved to Agenda item #6.

### **REQUEST TO REMOVE SILVER LEAF MAPLE TREES ON 200 WEST. (Agenda Item #11)**

**Mayor Harbertson** introduced this Agenda item and explained that developer **Rodney Griffen** needs to install a storm sewer line to the south from his subdivision on the west side of 200 West along the boundary line between the White and Meacham properties. **The Mayor** said that there are problems with all of the options so far proposed. Either trees would have to be removed or the sidewalk destroyed, and one property owner does not want manholes on his property.

The Council discussed these difficulties with **Mr. Griffen** and **Dave White**, whose property fronts some of the trees in question. **Mr. Griffen** said that UDOT was opposed to having a jog in the road to allow for the sewer line. It was also explained that the other affected property owner does not want to give an easement on his front property line.

The age and life span of the trees was discussed. **Mr. Griffen** said he did not want to remove the trees, yet his project has already been delayed for six months and he would like the issue resolved. There was further discussion on the various options.

**Max Forbush** then explained a possible solution which was proposed by **Dave White** to run the proposed pipe along the easement on **Mr. White's** frontage, and angle the pipe from that point into a manhole on the park strip, and remove one tree on Marsing's frontage. It was clarified that Mr. Marsing is aware and accepting of the possibility of losing one of the trees, and that he prefers this to allowing an easement. **Sid Young** encouraged the developer to contact the Salt Lake City arborist because of his expertise. **Cory Ritz** expressed concern about the removal of any trees, and the Council further discussed the matter.

**Max Forbush** explained the proposal in detail and noted that it was the least damaging of all options. **Mr. Griffen** mentioned other options which he could use, but said the project is getting out of control. He said **Mr. White** had offered a good solution to the problem to go along the front of his property without an easement, which is generous.

The Council was agreeable to the proposed solution and **Mr. Forbush** said he will review it with the City engineer. **Dave White** said he thinks this is the best solution for him and the neighbors to the north.

The Council went to Agenda item #4.

**GENERAL DISCUSSION - BOUNDARY LINE ADJUSTMENT OPTIONS FOR LOT 465 OF FARMINGTON RANCHES NEXT TO THE PROPOSED FARMINGTON RANCHES NEIGHBORHOOD PARK ENTRANCE. (Agenda Item #12)**

**Mayor Harbertson** explained this request by Jerrin and Sharidee Wood. They would like to expand their home on the south side, which would reduce the setback from 10 feet to 7 ½ feet. He said City staff recommends a possible land swap with the City park property which is adjacent to the Woods. The City attorney has indicated that because of a conservation easement, the swap may be difficult because it benefits the property owner.

**Mayor Harbertson** said the City would like to accommodate the property owner and that perhaps the City should grant a variance on the setback line adjustment rather than do a land exchange. He explained that the proposal could possibly affect the route of a stream channel in the area, which is not visible on the packet map.

The Council discussed the issue. **Max Forbush** said the City Planner as zoning administrator is reluctant to grant a variance because he believes it is beyond his authority and the request does not show a hardship on the owner. He recommended the matter should go to the Board of Adjustment for consideration of a variance. The Board decides according to state law, which requires the owner to show a hardship created by the current lot. The Board of Adjustment is a quasi-judicial board and not legislative. Therefore action would be a judgment not a policy shift that would create a precedent.

**Sharidee Wood** questioned why granting the variance would be setting a negative precedent because their lot situation is very unique, their addition would beautify the neighborhood, and the proposal would increase the entrance area of the Farmington Ranches Park. **David Hale** explained the Board of Adjustment process and requirements to **Mrs. Wood**. **Mayor Harbertson** explained that the decision is out of the Council's hands, and the request would be considered after it had gone through the Board of Adjustment process.

**Motion**

**David Hale** made a motion to recommend to the zoning administrator that the Board of Adjustment fees be waived for the Woods. The motion was seconded by **Rick Dutson** and passed with a unanimous vote.

**Max Forbush** stated that he would meet with David Petersen tomorrow morning to discuss the matter.

**Motion**

**David Hale** moved to handle Agenda item #11. **Cory Ritz** seconded the motion, and the Council voted unanimously in favor.

**MAYOR HARBERTSON'S REPORT (Agenda Item #13 )**

**Mayor Harbertson** mentioned the December 30, 2008, letter in the packet from City attorney Todd Godfrey regarding subdivision improvements, and **Max Forbush** said this issue would be addressed in staff meeting.

**CITY COUNCIL REPORTS (Agenda Item #14)**

**Cory Ritz** said he had a matter that would be more appropriately discussed in a closed session.

**Sid Young** reported on upcoming issues of the next legislative session which were addressed during a meeting of the League of Cities and Towns. **Mr. Young** also reported on concerns raised by a citizen concerning radon gas and rock retaining walls.

**David Hale** inquired about downed lights. **Max Forbush** responded that Rocky Mountain Power is no longer in the street light maintenance business and that a new solution is needed. **Mr. Hale** also commented on the letter in the packet from Glen M. Leonard regarding the Farmington History Status Report.

**Paula Alder** mentioned the need to ensure that the back door to the Council chambers was locked after hours. She also updated the Council on the Youth City Council's plans to remove Christmas decorations, and to hold a dance to raise money for the Children's Justice Center. **Ms. Alder** also asked about the location of a stop sign recently installed on the road going through the Hidden Meadows Subdivision. **Mr. Forbush** said he would look into this matter.

**MISCELLANEOUS (Agenda Item #15)**

- a. **Miscellaneous items.**
  - **Governing Body/Executive Staff Meeting January 20<sup>th</sup> -  
Discuss Strategic Plan**

**Max Forbush** reminded the Council of the Governing Body/Executive Staff meeting on January 20<sup>th</sup> , 2009. Council members said they would like dinner at 6:00 p.m. at meetings from now on rather than at 6:30.

**ITEMS OF GENERAL CORRESPONDENCE (Agenda Item #16)**

No items were discussed at this time.

**Closed Session**

**Motion**

At 9:40 p.m., **Cory Ritz** moved to go into closed session to discuss the competency of individuals. **Paula Alder** seconded the motion. A roll call vote was taken, and Council Members **Alder, Dutson, Hale, Young, and Ritz** all voted in favor.

**SWORN STATEMENT**

I, Scott C. 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.

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Scott C. Harbertson, Mayor

At 9:50 p.m. a motion was made by **Cory Ritz** and seconded by **Paula Alder** to go out of closed session. The motion passed with all Council Members voting affirmatively.

**ADJOURNMENT**

There being no further business to be brought before the Council, upon motion by **Cory Ritz** to adjourn the meeting, the meeting was so adjourned.

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Margy Lomax, City Recorder  
Farmington City