

# FARMINGTON CITY COUNCIL MEETING

Tuesday, June 5, 2007

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## CITY COUNCIL WORK SESSION/EAST CONFERENCE ROOM

**PRESENT:** Mayor Scott C. Harbertson, Council Members Richard Dutson, David Hale, Larry W. Haugen, Sidney C. Young, City Manager Max Forbush, City Planner David Petersen, and Recording Secretary Jill Hedberg. Paula A. Alder was excused.

**Mayor Harbertson** called the meeting to order at 5:40 P.M.

### CLOSED MEETING

At 5:42 p.m., a motion was made by **David Hale** for the Council to go into a closed meeting to discuss property acquisition and strategy as it pertains to potential litigation. The motion was seconded by **Larry Haugen**. The motion passed with Council Members Hale, Haugen, Young and Dutson all 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.

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Scott C. Harbertson, Mayor

At 6:05 p.m. a motion to reconvene into an open meeting was made by Rick Dutson and seconded by Sid Young. The motion passed with Council Members Dutson, Young, Hale and Haugen all voting in favor.

**Mayor Harbertson** informed the Council members that **Mark Foster** will present the City with a flag that was flown in Iraq.

### Agenda Item #2: Reading and Approval of Minutes of Previous Meetings

The City Council reviewed the minutes from the City Council meetings that were held on May 8, 10, 25 and 29, 2007, and recommended corrections to the minutes.

### Agenda Item #7: Review of Personnel Committee's recommendation pertaining to the City's Retirement Health Savings Policies

**Personnel Committee's Recommendations for Amending the RHS Plan**

**Keith Johnson** reviewed the current RHS plan, as well as the proposed changes which were recommended by City employees who participate in the plan. If the City Council chooses approve the changes, the new plan will take effect January 1, 2008.

After discussing the issue, **Mayor Harbertson** and the members of the Council agreed that the proposed changes will be a benefit to the City's employees who currently participate in the plan and those who will be eligible in the future.

**Sick-leave Buyout at Retirement**

**Keith Johnson** passed out a table outlining how Farmington City's sick-leave policy compares to that of other municipalities along the Wasatch Front. He reviewed the City's current sick-leave policy and pointed out that compared to other municipalities along the Wasatch Front, it is one of the lowest ranking policies. The Personnel Committee recommends that the City continue to limit the number of allowed sick hours to 320 hours but increase the pay out at retirement to 75 or 100 percent from the current 33%. It was also recommended that the accrued sick leave compensation be automatically transferred to the RHS plan at the time the employee retires for non-police employees. Police employees who retire would be free to receive a direct cash payment.

**Mayor Harbertson** and the members of the Council agreed to follow the recommendation of the Personnel Committee since it will increase the City's ability to keep their good employees.

**Supplemental Retirement Contribution for Non-Police, Full-time Employees**

**Keith Johnson** explained that in 2006, all non-police employees were given a 1% supplement over the retirement rate that is required by the State. The Personnel Committee recommends that the City offer an additional 2% match for all interested full-time, non-police employees to meet comparable benefits of most other cities. At the time of the employee qualifies for mandatory RHS participation, the 2% match will automatically be applied to the RHS plan. After the ten years participation required the RHS plan, the City will continue to provide the 2% match.

The members of the Council agreed that this proposal will allow the City to be fair to their employees and will also make it so the City's policy is more consistent with what is offered by other cities.

**CLOSED MEETING**

At 6:33 p.m., a motion was made by **David Hale** for the Council to go into a closed meeting to discuss strategy as it pertains to potential litigation. The motion was seconded by **Rick Dutson**. The motion passed with Council Members Hale, Dutson, Haugen and Young all voting in favor.

**Larry Haugen** excused himself from the room to avoid a possible conflict of interest.

**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.

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Scott C. Harbertson, Mayor

At 7:03 p.m. a motion to reconvene into an open meeting was made by **Rick Dutson** and seconded by **Sid Young**. The motion passed with Council Members Dutson, Young and Hale all voting in favor.

The meeting adjourned at 6:55 p.m.

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

**PRESENT:** Mayor Scott C. Harbertson, Council Members Richard Dutson, David Hale, Larry W. Haugen, Sidney C. Young, City Manager Max Forbush, City Planner David Petersen, Youth City Council Member Ray Jewett, City Recorder Margy Lomax, and Recording Secretary Jill Hedberg. Paula A. Alder was excused.

**Mayor Harbertson** called the meeting to order at 7:00 P.M. and offered the invocation. The Pledge of Allegiance was led by **Sid Young**.

**APPROVAL OF MINUTES OF PREVIOUS MEETING**

**Rick Dutson** moved to approve the minutes of the May 15, 2007, City Council Meeting. **Larry Haugen** seconded the motion with changes as noted. The voting was unanimous in the affirmative.

**Sid Young** moved to approve the minutes of the May 8, 2007, Special City Council Meeting. **Larry Haugen** seconded the motion with changes as noted. The voting was unanimous in the affirmative.

**David Hale** moved to approve the minutes of the May 10, 2007, Special City Council Meeting. **Rick Dutson** seconded the motion. The voting was unanimous in the affirmative. **Sid Young** and **Larry Haugen** abstained from voting since they were not presented at the May 10<sup>th</sup> meeting.

**Sid Young** moved to approve the minutes of the May 29, 2007, Special City Council Meeting. **David Hale** seconded the motion. The voting was unanimous in the affirmative. **Larry Haugen** abstained from the vote since he was not presented at the May 29<sup>th</sup> meeting.

**ACKNOWLEDGMENT OF MICHAEL CREAGER AS FARMINGTON’S “OUTSTANDING YOUTH OF THE YEAR” (Agenda Item #3)**

**Mayor Harbertson** recognized **Michael Creager** for being Farmington City’s “Outstanding Youth of the Year” and for his service on the Youth City Council.

**REPORT OF PLANNING COMMISSION (Agenda Item #4)**

**David Petersen** reported proceedings of the Planning Commission meeting held May 24, 2007. He covered the following items:

- The Planning Commission recommended Final Plat approval for Boyer Wheeler Farm’s for Phases 1 & 2 of the Farmington Meadows Subdivision.
- The Planning Commission recommended Final Plat approval for Rainey Homes’ Tuscany Village Subdivision.

**PUBLIC HEARING: CONSIDERATION OF ORDINANCE AMENDING CHAPTER 31 OF ZONING ORDINANCE, TITLED “FLOOD DAMAGE PREVENTION ORDINANCE” (Agenda Item #5)**

According to packet information, this ordinance is required by FEMA in order to provide the City with flood insurance. The Planning Commission has given their recommendation for adoption. City staff is also recommending it be adopted.

**Mayor Harbertson** reviewed the information that was provided in the City Council packet. According to the letter he received from FEMA’s Assistant Mitigation Administrator, if the City does not approve the Flood Damage Prevention Ordinance by June 18, 2007, the City will be ineligible for flood insurance through the NFIP. It would also prohibit mortgage loans from being guaranteed by the Department of Veterans Affairs, insured by the Federal Housing Administration, or secured by the Rural Economic and Community Development Services.

**Public Hearing**

**Mayor Harbertson** opened the meeting to a public hearing.

**Public Hearing Closed**

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

**Motion**

**David Hale** moved that the City Council adopt ORDINANCE NO. 2007-27 , AN ORDINANCE AMENDING CHAPTER 31 OF THE FARMINGTON CITY ZONING ORDINANCE TITLED “FLOOD DAMAGE PREVENTION ORDINANCE”. **Sid Young** seconded the motion, which passed by unanimous vote.

**GARDNER DEVELOPMENT’S REQUEST TO USE HORROCKS ENGINEERS TO DESIGN ROAD IMPROVEMENTS ON MAIN STREET (Agenda Item #6)**

According to packet information, Gardner Development is requesting approval from the City to use Horrocks Engineers to for the design improvements associated with The Old Farm development as they abut north Main Street. In the past, the City has tried to avoid a conflict of interest with City engineers doing work for others in the City. Although the City did allow Horrocks to give them schematics of the cross section, the work being requested by Gardner would be ultimate design. The City Manager is recommending the Council not approve their request.

After reviewing the request of Gardner Development, the City Council agreed it is not in the City’s best interest to allow the City’s engineering firm to work with developers who have projects in Farmington.

**Motion**

**Rick Dutson** moved that the City Council direct City staff to deny the request based on a conflict of interest. **David Hale** seconded the motion, which passed by unanimous vote.

**REVIEW OF PERSONNEL COMMITTEE’S RECOMMENDATION PERTAINING TO THE CITY’S RETIREMENT HEALTH SAVINGS PLAN POLICIES (Agenda Item #7)**

**RSH Plan**

**Mayor Harbertson** reviewed the proposed changes to the City’s Retirement Health Savings Plan (RSH Plan), as they were presented by **Keith Johnson** during the City Council work session.

The City Council agreed that the proposed changes will make it so the City is more competitive while recruiting employees in the market place.

**Motion**

**Sid Young** moved that the City Council approve the Personnel Committee’s recommendations for amending the RHS Plan. The plan will be offered to those employees who are 40 years of age and have served the City for 11 years. **David Hale** seconded the motion which

passed by unanimous vote. City staff will prepare agreements for more formal approval at a later date.

**Sick Leave Buy-Out Program**

**Mayor Harbertson** explained the difference between how the program is currently set up and the changes that are being proposed. It has been proposed that the City consider either increasing the percentage of the pay from 33% to 75% or 100% in order for the City to be more competitive with other municipalities.

**David Hale** recommended that the pay out be 100% since the money will be transferred to the employee's RHS plan which will reduce the amount of taxes that have to be paid by the City, as well as the employee.

**Motion**

**David Hale** moved that the City Council amend the Sick-leave Buyout program by increasing the pay out to 100%. The sick leave cap will remain 320 hours. The buyout funds will be placed in the RHS account for non-police employees. **Rick Dutson** seconded the motion, which passed by unanimous vote. (City staff will prepare amendments to the Personnel Policies for more formal action.)

**Consideration of Raising Supplemental Retirement Contribution for Non-Police, Full-Time Employees from 1% to 3% Conditional upon Employee Paying a 2% Match**

**Mayor Harbertson** explained that the Personnel Committee recommends that the City provide an additional 2% match to all non-police, full-time employees until they are eligible to participate in the RHS plan.

**Motion**

**Larry Haugen** moved that the City Council authorize an additional 2% match to all non-police, full-time employees. **Sid Young** seconded the motion, which passed by unanimous vote. City staff will prepare amendments to the Personnel Policies & Procedures manual for more formal approval at a later date.

**MINUTE MOTION APPROVING SUMMARY ACTION LIST (Agenda Item #8)**

**Sid Young** moved that the City Council approve the following items by consent as follows:

- 8-1. Ratification of approvals of Construction Bond Agreements previously signed by Mayor Harbertson.

- 8-2. Appointment of Jill Hedberg as Deputy City Recorder.
- 8-3. Approval of April's Disbursement List.
- 8-4. Approval of numerous sidewalk repair agreements.
- 8-5. Approval of Surety Bond Agreement with MC Green & Company pertaining to Phase 2C of Farmington Greens Subdivision.
- 8-6. Approval of Resolution with Intermountain Financial Benefits for health reimbursement agreement.

**Larry Haugen** seconded the motion, which passed by unanimous vote.

**RESOLUTION ESTABLISHING LICENSE AND PROCESSING FEE FOR SOLICITOR'S LICENSE (Agenda Item #9)**

**Max Forbush** informed the City Council members that this agenda item will be considered at a future City Council meeting.

**ORDINANCE AMENDING & RECODIFYING TITLE 7, CHAPTER 5 BY ADOPTING THE 2006 INTERNATIONAL FIRE CODE (Agenda Item #10)**

**Max Forbush** explained that it is mandatory that the State of Utah and all of the municipalities adopt the International Fire Code but it is not mandatory that they adopt the Appendixes. City staff recommends that the City Council adopt the Code and the Appendixes so long as Appendix D103.4 is amended so it is consistent with the City's development standard.

**Motion**

**Rick Dutson** moved that the City Council adopt ORDINANCE 2007-28, AN ORDINANCE AMENDING SECTION 7-5-101 OF THE FARMINGTON MUNICIPAL CODE ADOPTING THE INTERNATIONAL FIRE CODE AS THE OFFICIAL FIRE CODE OF FARMINGTON CITY including the following text which shall be added to Table D103.4, Turnarounds Required: "120-foot hammerhead, 60-foot "Y" or *cul-de-sac as per* City Development Standards. **David Hale** seconded the motion. Council Members Hale, Young, Haugen and Dutson voted in favor of the Ordinance.

**FLAG PRESENTATION BY MARK AND DANNY FOSTER**

**Mark Foster** informed the members of the Council that he is a Farmington resident who has served in Iraq for the past five months reconstructing public infrastructure. He presented the City

with a flag that had been presented to him by a General serving in Iraq. The flag was flown during “Iraqi Freedom” over Camp Fallujah.

**RECONSIDERATION OF AGREEMENT FOR EXCHANGE OF TITLE WITH DANVILLE LAND INVESTMENT PERTAINING TO 7.58 ACRES IN NORTHWEST FARMINGTON (Agenda Item #11)**

**Mayor Harbertson** said the City Attorney recommended that the City Council reconsider the Agreement for Exchange of Title with Danville Land Investment since the wrong document was signed. After reconsidering the agreement, the City Council agreed to proceed with their previous obligation even though the incorrect document was signed.

**FIRE DEPARTMENT REPORT - CHIEF LARRY GREGORY (Agenda Item #12)**

**Chief Larry Gregory** reported that the Fire Department celebrated their 100 year anniversary. During the past year, the Fire Department experienced a record call volume. Staffing continues to be a struggle since most of the individuals who are qualified for the job are interested in full-time employment. He requested that the City consider providing additional personal protective gear for the firemen. The fire potential is at a “red flag” since the conditions are 30 to 45 days ahead of previous years.

**REVIEW OF BOARD OF HEALTH PROPOSED REGULATIONS PERTAINING TO NO SMOKING AT PUBLIC VENUES (OUTDOORS) (Agenda Item #13)**

**Mayor Harbertson** reviewed the County’s proposal to create a uniform “No-Smoking Ordinance” for the entire County. If the City approves the Resolution, they will also be agreeing to posting signage within the City designating which areas are non-smoking.

**Motion**

**David Hale** moved that the City Council direct City staff to send a letter to the County Commission and the Davis County Board of Health offering support of the proposed regulations pertaining to smoking at public venues. **Rick Dutson** seconded the motion, which passed by unanimous vote.

**APPOINTMENTS TO CITY COMMITTEES (Agenda Item #14)**

**Mayor Harbertson** recommended that **Steve Aguirre** be re-appointed to the Farmington City Historic Preservation Commission retroactively from January 2007 through December 2009.

The City Council considered **Bruce Strehlow’s** request to serve on the Arts Council. It was agreed that **Mr. Strehlow** should be interviewed by **Viola Kinney** and a member of the City Council prior to the Council taking action.

**Motion**

**David Hale** moved that the City Council consent to Mayor Harbertson's re-appointment of Steve Aguirre to Farmington City Historic Preservation Commission from January 2007 through December 2009. **Larry Haugen** seconded the motion, which passed by unanimous vote.

**MAYOR SCOTT C . HARBERTSON REPORT (Agenda Item #15)**

**Mayor Harbertson** reported that he met with a member of the Moon Park Committee regarding their request for boweries. He recommended that the City Council include funding in the budget to provide one bowery at the Moon Park.

The City council discussed the issue and agreed that the City should provide an oversized bowery so it will provide shade for a longer period during the day.

**Mayor Harbertson** reported that he attended the ICSC Convention with Council Member Dutson. They met with CenterCal several times to discuss issues relating to Station Park. He expressed concern that CenterCal's website is not portraying Station Park to be the "world class" development that they indicated it would be. He reported that CenterCal has agreed to sponsor the City's first fire works display at Farmington Festival Days.

**CITY COUNCIL REPORTS (Agenda Item #16)**

**Council Member Rick Dutson Report**

**Rick Dutson** reviewed the agenda for the American Cancer Society's Relay for Life event that will be held on June 8th.

**Council Member Larry Haugen Report**

**Larry Haugen** reported that there is an exhibit at the City Museum which includes pictures of all of the City's queens and tenants from 1948 until the present.

**Council Member Sid Young Report**

**Sid Young** reported that a meeting will be held at the Davis Central Library regarding the Rocky Mountain Pipeline. He recommended that the City Council and staff continue to be informed regarding the pipeline issues.

**MISCELLANEOUS**

**City Engineer Options for Repairing or Replacing 500,000 Gallon Reservoir**

**Max Forbush** reviewed the letter that the City received from the City Engineer regarding the City's options to repair/replace the 500,000 gallon reservoir.

### **Scheduling of Training for Open Meetings Law**

**Mayor Harbertson** reported that the City has obtained a video copy of a training session that was presented by **David Church**. He recommended that this video be used to train the Council and the other City committees and commissions.

### **City Manager Report**

**Max Forbush** reported on the following:

- The Public Works Department will host a social for the City Council and the City employees on a Friday afternoon at 1:00 p.m. He asked that the members of the Council decide which date works best for them.
- The City Council will meet with the Farmington Ranches Homeowner Association on June 6<sup>th</sup> at 6:30 p.m.
- The Downtown Master Plan Revision meeting will be held on June 7<sup>th</sup> at 4:00 p.m.
- Local legislatures, UDOT, and Horrocks Engineers will meet on June 14<sup>th</sup> to discuss Legacy North connection. **David Hale** agreed to attend the meeting with Rick Dutson who is filling in for Mayor Harbertson who will be out of town.

**Mr. Forbush** reported that he received an e-mail from **Bill Gooch** regarding the Farmington Creek Trail Underpass. He said in order to stay within the City budget, the Council may wish to consider an alternative in which the trail is built above ground. The City Council authorizes the City Manager to have the scope of work changed from a sub-surface crossing to an at-grade crossing. Authorization included extra engineering costs to redesign an at-grade crossing.

### **ADJOURNMENT**

**David Hale** moved that the meeting adjourn at 9:05 P.M.

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Margy Lomax, City Recorder  
Farmington City