

SPECIAL FARMINGTON CITY COUNCIL MEETING

Tuesday, September 22, 2009 - 8:00 a.m.
Farmington City Hall, 130 North Main

PRESENT: Mayor Scott Harbertson, Council Members Richard Dutson, Paula Alder, Sid Young, and Cory Ritz, City Manager Max Forbush, and City Recorder Margy Lomax

Mayor Harbertson called the meeting to order at 8:05 a.m. and offered an invocation.

PUBLIC HEARING: Consideration of appropriation of funds to provide incentives for the development and construction of property located at 491 West Bourne Circle in Farmington.

Max Forbush gave background information regarding this agenda item. The City is considering sharing the Transit Room Tax for a two-year period to reimburse the developer for construction of a hotel on this property. It is required by law to do an analysis of the cost/benefit of the proposal. A summary sheet of the benefits for the hotel appropriation of Transit Room Tax was given to the Mayor and Council for their review. The analysis shows over a 10-year period there would be \$112,639.77 in sales tax revenue; \$65,600 in property tax revenue, and \$225,282.53 in Transient Room Tax for total anticipated revenues of \$403,522.30. The proposed appropriation for two years of Transient Room Tax to the Hampton Inn developers would be \$38,522.30. Mr. Forbush pointed out that building permit fees were not included in the summary.

Mayor Harbertson opened the meeting to a public hearing at 8:15 a.m. There was no public comment so the public hearing was closed.

Motion

Rick Dutson moved to approve the appropriation of funds providing for the incentives for development and construction of property located at 491 West Bourne Circle with the caveat that the Finance Director clarify the methodology used in arriving at the numbers so they can be easily understood. Mr. Dutson feels it is a significant benefit to the City. The motion was seconded by **Sid Young**. The motion passed with Council Members Alder, Dutson, Ritz and Young voting in favor.

Canvass of Primary Election Results

____Margy Lomax, City Recorder, presented the official election results for the Farmington City Primary Election held on September 15, 2009, to the Council. She pointed out the numbers had changed slightly from election night due to the receipt of absentee

ballots and counting of 29 provisional ballots. The overall voter turnout was only 14% representing 1,512 voters out of 10,213. The final official results are:

<u>City Council Candidates</u>	<u>Total Votes Received</u>
_____ John S. Bilton	796
Preston Child	124
David Eric Hale	82
Carson Howell	191
Justin Lecheminant	44
Nelsen Michaelson	190
Kevin Poff	220
Jim Talbot	825
Anita Todd	430

John S. Bilton, Kevin Poff, Jim Talbot and Anita Todd are the four candidates who will go on to the General Election to be held November 3rd. Two of the four candidates will be elected to City Council to serve a four-year term beginning January 1, 2010.

Motion

A motion to accept the canvass of the Primary Election was made by **Sid Young** and seconded by **Paula Alder**. The motion passed with all members voting affirmatively.

Discussion/Approval and related matters regarding Conoco Pipeline Relocation Agreement

_____Max Forbush reported he has been in negotiations with officials from Conoco regarding the Relocation Agreement for their pipeline in the vicinity of where the “Road to the North” will be constructed. The pipeline needs to be moved in order to accommodate the construction of the intersection for the road. The agreement needs to be approved and signed in order to move forward with the construction.

Mr. Forbush stated one point of issue in the agreement has been the indemnification clause as stated in paragraph 10. It basically indemnifies Conoco for everything except for negligence in installing their line. He said pipelines should last 50 years. He said this is their standard agreement. It is a one-sided agreement, and he doesn’t think the City will get any further on it. The City has been able to make a few changes, but that’s all. He believes the risk is relatively small. The pipe will be totally buried, but not encased, in the easement.

Sid Young pointed out that casing is actually a liability rather than a help, because it is an opportunity for increased corrosion since it is a steel pipeline. It is better just to be buried.

The Council asked if staff would contact URMMA, the City's insurance carrier, to get their opinion whether or not additional insurance should be obtained.

Cory Ritz stated that Conoco has the City "over a barrel" on this agreement, because the City has an obligation to move forward in building the Road to the North.

Max Forbush said that once the agreement is approved and signed the City will also have to send Conoco a check for \$200,000 in accordance with paragraph 15 of the Agreement. He said the funds will be taken out of Transportation Impact Fees.

Motion

Rick Dutson made a motion to approve the "Encroachment & Reimbursement Agreement" and authorizing the Mayor to sign it, and if there are any other changes, authorizing the Mayor to sign it upon review of the City Attorney. The motion was seconded by **Cory Ritz** and the motion passed being voted in favor by Council Members Alder, Dutson, Ritz and Young.____

Discussion on Format for "Meet Your Candidates" Night

Mayor Harbertson reported the "Meet the Candidates Night" will be held on Wednesday, October 21, from 7:00 p.m. - 8:30 p.m. at the City Hall. He said a different format from previous years had been proposed wherein the chairs would be moved from the City Hall and round tables would be set up for each candidate to meet with the public on a one-on-one basis.

Discussion was held among the Council and it was decided that the first half hour should be in the traditional setting wherein the candidates are asked to respond to questions presented by a moderator. Then, for the last hour they could meet with the public on a one-on-one basis. Antone Clark, a reporter for the Ogden Standard Examiner, agreed to moderate the event.

Miscellaneous

____Max Forbush reported there will be a meeting with Benchland Water District at the City Hall on Wednesday, September 23, at 4:00 p.m. He asked for another Council Member to come to the meeting with him, the Mayor and David Hale. Paula Alder said she would be able to attend.

Adjourn

_____ At 8:40 a.m. upon motion by **Sid Young** with a second by **Rick Dutson**, the meeting was adjourned.

Margy L. Lomax