

## FARMINGTON CITY COUNCIL

Tuesday, January 3, 2012

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### WORK SESSION

*Present: Mayor Scott Harbertson, Council Members John Bilton, Rick Dutson, Cory Ritz, Jim Talbot, and Sid Young, Council Members Elect Nelsen Michaelson and Jim Young, City Manager Dave Millheim, Finance Director Keith Johnson, Community Development Director David Petersen, City Recorder Holly Gadd and Recording Secretary Cynthia DeCoursey*

### CLOSED SESSION

**Motion:** At 6:10 p.m. a motion was made by **John Bilton** for the Council to go into a closed meeting to discuss potential property acquisition and sale of property. The motion was seconded by **Cory Ritz** and approved by Council Members **Bilton, Dutson, Ritz, Talbot** and **Young**.

### 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

**Motion:** At 6:35 p.m. **Jim Talbot** made a motion to reconvene into an open meeting. The motion was seconded by **Rick Dutson** and approved by Council Members **Bilton, Dutson, Ritz, Talbot** and **Young**.

### Nepotism Issues and Suggestions

Following the closed session, Department Heads **Neil Miller, Walt Hokanson, Wayne Hansen,** and **Guido Smith** joined the work session. City Manager **Dave Millheim** referred to the staff report which included information regarding the City's Personnel Policies and Procedures, current nepotism issues within the City staff, and various suggestions for dealing with these issues. He said the City wrote some guidelines several years ago, but they have not been completely followed, and he would like to have clean standards. He outlined three options and discussed the pros and cons of each option:

- Option 1: Leave the current rules as they are and address all situations on a case by case basis;
- Option 2: Adopt a more restrictive and detailed policy that will not allow the City Manager, Department Heads, Supervisors, or City Council Members to have immediate relatives working within the same department or within the "supervisory chain";
- Option 3: Make minor tweaks to the existing rules with the following guiding principles:
  - a. No immediate family members of full-time employees shall work in the same department or supervisory chain;
  - b. This rule will not apply to seasonal and part-time employees;

- c. Current part-time employees affected by these changes will be grandfathered in until the end of the budget year (June 30, 2012). If there are any full-time or seasonal budgeted positions open that are not in the same department or supervisory chain, related employees can apply for these positions if qualified.

The Council discussed these three options and related issues—the strictness/leniency of the policy, whether or not to allow immediate family members to work in the same department, whether the practice of allowing part-time employees to exceed their allotted hours should continue, guidelines from the Fair Labor Standards Act, and advice from the City Attorney. The City Manager will bring back a rule change for consideration from the suggestions offered.

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## **REGULAR SESSION**

*Present: Mayor Scott Harbertson, Council Members John Bilton, Rick Dutson, Cory Ritz, Jim Talbot, and Sid Young, Council Members Elect Nelsen Michaelson and Jim Young, City Manager Dave Millheim, Community Development Director David Petersen, City Recorder Holly Gadd and Recording Secretary Cynthia DeCoursey. Youth City Council Members Emily Welch, Rebecca Smith, and Liz Ashby were also in attendance.*

### **CALL TO ORDER:**

#### **Roll Call (Opening Comments/Invocation/Pledge of Allegiance)**

**Mayor Harbertson** began the meeting at 7:10 p.m. and offered the opening prayer. The Pledge of Allegiance was led by **Cory Ritz**. Youth City Council Mayor **Emily Welch** and member **Rebecca Smith** presented **Rick Dutson** and **Sid Young** with a gift of appreciation for their years of service.

#### **Approval of Minutes**

#### **Motion:**

**Jim Talbot** made a motion to approve the minutes of the December 20, 2011 City Council Meeting. The motion was seconded by **Rick Dutson** and approved by Council Members **Bilton, Dutson, Talbot** and **Young**. **Cory Ritz** abstained because he did not attend the meeting.

### **REPORTS OF COMMITTEES/MUNICIPAL OFFICERS**

#### **Presentation for Years of Dedicated Service to City Council Members Rick Dutson and Sid Young**

**Mayor Harbertson** expressed his appreciation to Council Members **Rick Dutson** and **Sid Young** for their years of dedicated service. During the past eight years on the Council, **Sid Young's** attendance was 97%, and **Rick Dutson's** attendance was 96%. The **Mayor** presented their name plates, a plaque and a Farmington seal ring, and they were given a round of applause. Each of them thanked the **Mayor** and the City Council and made brief remarks regarding their service to Farmington City.

#### **Presentation for Years of Dedicated Service to Planning Commission Members Randy Hillier, Steven Andersen, Nelsen Michaelson, and Jim Young**

**Mayor Harbertson** also recognized several Planning Commission Members for their years of service. **Randy Hillier** and **Steven Andersen** have finished their terms of service, and **Nelsen Michaelson** and **Jim Young** became the new City Council Members. He thanked these four men for their service to Farmington City.

### **Introduction of new City Council Members/Administration of Oath of Office**

At 7:40 p.m. the Oath of Office was administered by **Mayor Harbertson** to the two new City Council Members, **Nelsen Michaelson** and **Jim Young** and to returning Member **Cory Ritz**.

**Recess:** There was a brief recess at 7:45 p.m. The meeting resumed at 8:00 p.m. with the new members taking their places on the stand.

### **SUMMARY ACTION:**

#### **Minute Motion Approving Summary Action List**

1. Approval of Disbursement Lists for October and November
2. Changes to Davis County Animal Control Ordinance
3. Resolution appointing the City Recorder and City Treasurer
4. Maintenance of Legacy Parkway Trail

### **CONSIDERATION OF ORDINANCES/RESOLUTIONS/AGREEMENTS:**

#### **Agreement for Maintenance of street Lights in Park Lane Commons**

There was a brief discussion regarding this Agreement.

#### **Motion:**

**Nelsen Michaelson** made a motion to direct staff to prepare a formal agreement between Farmington City and The Haws Companies (THC) regarding street lights in the Park Lane Commons development and to include the following conditions:

1. The developer shall install poles and fixtures and run/install the necessary underground electrical lines for their operation;
2. The adjacent property owner shall be responsible for the ongoing maintenance, upkeep and repair of the poles, fixtures, and electrical lines;
3. The City shall pay for and provide electric power to operate the fixtures on a perpetual basis;
4. The agreement shall run with the land;
5. An escrow/maintenance/replacement fund shall be created;
6. A cure period for damage and/or maintenance shall be determined;
7. The Agreement is subject to the exhibits (or similar lighting) attached to the staff report.

The motion was seconded by **Jim Talbot** and approved by Council Members **Bilton, Michaelson, Ritz, Talbot** and **Young**.

### **GOVERNING BODY REPORTS:**

#### **City Manager Report**

The City Manager had nothing to report.

**Mayor Harbertson & City Council Reports**

- The **Mayor** reported that a Mayor Pro Tempore should be elected by the City Council, and he asked for suggestions. **Jim Young** nominated **John Bilton**, and **Jim Talbot** nominated **Cory Ritz**.

**Motion:**

**Nelsen Michaelson** made a motion to close the nomination, and **Jim Young** seconded the motion which was approved by Council Members **Bilton**, **Michaelson**, **Ritz**, **Talbot** and **Young**. **Mayor Harbertson** called for votes:

- **Nelsen Michaelson** voted for **John Bilton**;
- **Jim Talbot** voted for **Cory Ritz**;
- **John Bilton** voted for himself;
- **Cory Ritz** voted for himself;
- **Jim Young** voted for **John Bilton**.

**John Bilton** was elected by a 3-2 vote and will serve as the Mayor Pro Tempore of Farmington City.

**Motion:**

**Jim Young** made a motion to adopt the Resolution providing for the appointment of City Council Members to various Council Committees and assignments and for the appointment of certain individuals to represent Farmington City on various Boards, Councils, and Commissions. The motion was seconded by **Nelsen Michaelson** and approved by Council Members **Bilton**, **Michaelson**, **Ritz**, **Talbot** and **Young**.

- Local Officials Day at the Legislature will be January 25, 2012—it is an opportunity to tour the Capitol building, attend a legislative session, associate with the Youth City Council and listen to speakers. He encouraged Council Members to attend and asked for assistance with rides for 8-10 Youth City Council Members.
- He asked the Council to sign up for two Town Hall meetings during 2012—these are held monthly and provide an opportunity for residents to meet with the **Mayor** and the Council.
- He would like to schedule a meeting with the Department Heads to discuss the City's 10-year financial plan, and a tentative date is Saturday, Feb. 11 from 8 to 11 a.m.

**John Bilton**

- He had nothing to report.

**Cory Ritz**

- He read a newspaper article regarding Farmington City's surplus funds and asked about the status of the funds. **Dave Millheim** said the City is allowed 2 years to determine the use of the funds.

**Jim Young**

- He asked for an update regarding the smoke shop, and **Dave Millheim** said he would provide a status update before the next Council meeting. **Cory Ritz** said he was shopping at Smith's several days ago, and a sign spinner was advertising for the smoke shop. Chief **Hansen** spoke with him and the manager to inform them that Farmington does not allow sign spinners.

**Jim Talbot**

- The new section of the Lagoon Trail installed by Rocky Mountain Power is fairly steep, and he asked if the slope could be improved. There is also graffiti on the wall near the trail. **Dave Millheim** said he would look at the trail as soon as possible and remove the graffiti.

**Nelsen Michaelson**

- He asked if any City officials were planning to attend a meeting with UDOT and **Bruce Bassett** regarding a West Davis Corridor update, and several Council Members said they may be able to attend.

**ADJOURNMENT**

**Motion:**

**John Bilton** made a motion to adjourn the meeting. The motion was seconded by **Jim Talbot** and approved by Council Members **Bilton, Michaelson, Ritz, Talbot** and **Young**. The meeting was adjourned at 8:40 p.m.

  
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**Holly Gadd**, City Recorder  
Farmington City Corporation

