

## FARMINGTON CITY COUNCIL MEETING

Tuesday, February 15, 2011

### WORK SESSION

***Present:** Mayor Scott Harbertson, Council Members John Bilton, Rick Dutson, Cory Ritz, Jim Talbot and Sid Young, City Manager Dave Millheim, City Planner David Petersen, Associate City Planner Christy Alexander, Finance Director Keith Johnson, Public Works Director Walt Hokanson, Recreation Supervisor Rich Taylor, Police Chief Wayne Hansen, Fire Chief Guido Smith, Planning Commission Chairman Randy Hillier, Vice Chairman Jim Young, Commission Members Steven Andersen, Rick Draper, Nelsen Michaelson, and Michael Nilson, Alternate Commission Member Kris Kaufman, City Recorder Holly Gadd, Assistant and Recording Secretary Cynthia DeCoursey*

City Planner **David Petersen** began the work session at 5:45 p.m. He introduced **James Wood** and **Marci Milligan**, consultants from the Lotus Community Development Institute, Inc., and they gave a presentation which included information regarding Farmington City's housing needs. Issues such as demographic and economic trends, construction trends, affordability, and housing prices of both owner-occupied homes and rental homes were discussed, and the key findings were reviewed.

### REGULAR SESSION

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

### CALL TO ORDER

### Roll Call/Opening Comments/Invocation/Pledge of Allegiance

**Mayor Harbertson** opened the meeting at 7:05 p.m. and welcomed those in attendance, including Youth Council Members **Layne McKenna** and **Caitlyn Costley**. Council Member **Rick Dutson** offered the invocation, and the Pledge of Allegiance was led by **Dave Millheim**.

### Minutes of previous City Council Meeting

### Motion

**Sid Young** made a motion to approve the minutes of the January 18, 2011 City Council meeting. The motion was seconded by **Jim Talbot** and approved by Council Members **Bilton, Dutson, Ritz, Talbot** and **Young**.

### REPORTS OF COMMITTEES/MUNICIPAL OFFICERS

### Introduction of new Associate City Planner

**Mayor Harbertson** introduced the new Associate City Planner **Christy Alexander**. She lived in Utah for 30 years, worked in Seattle for several years, and is excited to be back in Utah working for Farmington City.

### Introduction of new Police Officer

**Mayor Harbertson** introduced new Police Officer **Brian Cooper**. He grew up in Fresno, California and earned a bachelor's degree in Business Management. He introduced his wife and their two children and his parents.

### Administration of Oath of Office

City Recorder **Holly Gadd** administered the Oath of Office to Fire Chief **Guido Smith** and Police Officer **Brian Cooper**.

### Planning Commission Report

- A request from **Alice Miller/Jon Neese** for a two-lot subdivision by metes and bounds (lot split) consisting of 1.109 acres located at 251 East State Street in the OTR zone was approved.
- A request from Destination Homes for a conditional use permit for the operation of a sales office in a model home located at 712 North 1875 West on Lot 202 of the Spring Creek Subdivision, Phase II, was approved.
- The Commission reviewed a request from CenterCal Properties for three pylon signs in the Station Park Development and approved it subject to review and approval of the coordinated project sign program. The Commission will review the sign program in greater detail at a meeting on Tuesday, February 15, 2011 at 7:00 p.m.

## **PRESENTATION OF PETITIONS AND REQUESTS:**

### Approval of Eagle Project for Taylor Haws – Aaron F. Richards Memorial on Park Lane Trail

**Taylor Haws**, 1869 North Bella Vista Drive, Farmington, said his family moved to Farmington 35 years ago, and **Aaron F. Richards** was their bishop and family friend. **Taylor** met with **George Chipman** of the Farmington Trails Committee in 2009 and received approval to construct a memorial for **Aaron F. Richards** for his Eagle Scout Project. He displayed a chart including pictures and information about the **Richards** family and said the actual memorial will be larger and will be placed under plexiglass and mounted on a gazebo at the trail head on Park Lane. He said it has been a privilege to learn more about and work with the **Richards** family. **Mayor Harbertson** commended **Taylor** for choosing such a wonderful project to honor one of Farmington City's citizens.

### Motion

**Cory Ritz** made a motion to approve **Taylor Haws'** Eagle Project to create an **Aaron F. Richards Memorial** on Farmington City's Park Lane Trail. The motion was seconded by **Sid Young** and approved by Council Members **Bilton, Dutson, Ritz, Talbot** and **Young**.

**Rick Dutson** left the meeting at 7:20 p.m.

### Consideration of Jody Brown and Ed & Carole McLaughlin's requests to opt out of the Recycling Program

The City received letters from residents **Ed & Carole McLaughlin** and **Jody Brown** who would like to opt out of the City's recycling service. Following a brief discussion, the City Manager realized that he did not provide adequate information, and he asked the Council to table the item to allow time for additional research.

#### Motion

**Jim Talbot** made a motion to table this item to allow staff to obtain additional information. **Sid Young** seconded the motion which was approved by Council Members **Bilton, Ritz, Talbot** and **Young**.

#### SUMMARY ACTION:

##### Summary Action List

- Approval of Resolution amending the Storm Water Enforcement Policy
- Approval of Amendment to the Consolidated Fee Schedule – Storm Water Permit Fees
- Approval of Resolution designating **Todd Godfrey** as Trustee for enforcing delinquent liens in Special Improvement District
- Approval of Agreement with **Shellie Christensen** for janitorial services for City Hall
- Approval of CLG Grant for the Historic Preservation Commission
- Approval of Resolution authorizing electronic meetings
- Approval of "Little Miss" Pageant and Drawing
- Ratification of approvals of Construction & Storm Water Bond Logs
- Consideration of re-approval for the final plat of Rice Farms Estates, Phase 5
- Inter-local Agreement with Davis County regarding the County Complex

#### Motion

**Jim Talbot** made a motion to approve the items on the Summary Action List. The motion was seconded by **Cory Ritz** and approved by Council Members **Bilton, Ritz, Talbot** and **Young**.

##### Little Miss Pageant and Drawing

Miss Farmington **Arielle Simpson**, and Farmington Pageant coordinators **SueAnn Phillips** and **Stephanie Gallacher** attended the meeting to assist **Mayor Harbertson** with a drawing to choose a “Little Miss” for Farmington City.

**Rick Dutson** returned to the meeting at 7:30 p.m.

## **NEW BUSINESS:**

### **Discussion and approval of City Right-of-Way License Agreement (Form)**

**Dave Millheim** recommended that the Council approve this (Form) and direct him to begin negotiations with the various utility companies operating within Farmington City’s Rights of Way by sending a copy of the Agreement and a cover letter for their review. As each Agreement is negotiated and approved by the various utility companies, it will be reviewed by the City Council for formal ratification. Following a brief discussion, the Council agreed that fees should remain in place, and any request for fee waivers would be handled on a case-by-case basis.

### **Motion**

**Sid Young** made a motion to approve the Farmington City Rights-of-Way License Agreement and the accompanying draft letter with an adjustment in the letter that the application fee for excavation permits is \$65 and to direct staff to obtain approval from prospective users. The motion was seconded by **Cory Ritz** and approved by Council Members **Bilton, Dutson, Ritz, Talbot** and **Young**.

### **Discussion and approval of a part-time Fire Marshal**

Fire Chief **Guido Smith** presented a proposal to hire a part-time Fire Marshal. As he reviewed Department records, he realized that Farmington City has never established a fire inspection/code enforcement program. In the past these services have been contracted with outside vendors, but the services are not adequate or cost effective to the community. He stressed that a critical component of fire protection is the enforcement of fire codes. Duties for the Fire Marshal position would include:

- Plan reviews and field inspections (both existing and new)
- Fire investigations
- Customer service relations
- Other duties as assigned

He pointed out that if the City continues to outsource the services, the cost would be \$43,680, whereas the cost of an in-house Fire Marshal would be \$17,120. The Council discussed issues such as whether or not existing employees could add these duties to their current responsibilities, if a well-qualified person would accept this job since it is only part time, whether or not Farmington has a large enough population to require a Fire Marshal, and if sufficient funds are available to hire an additional employee. The Fire Chief said Farmington has approximately 17,000 residents, and many other cities of that size employ Fire Marshals. He believes the City can find a person who desires a part-time job, is professional, and has a good background and training.

### Motion

**Cory Ritz** made a motion to approve Fire Chief **Guido Smith's** request for the hiring of a part-time Fire Marshal, to authorize staff to recruit applicants for this position in the Fire Department, and to include a specific line item change in the budget with the funds being transferred from the Building Department to the Fire Department. **Rick Dutson** seconded the motion which was then approved by Council Members **Bilton, Dutson, Ritz, Talbot** and **Young**.

### Discussion and approval of street lights in Farmington Creek Estates III

**Dave Millheim** said that when this subdivision was constructed, the City was in the process of modifying its lighting standards, and no street lights were required. Residents in the subdivision, the original developer, and the City have created a proposal to install six lights in the Subdivision.

### Motion

**John Bilton** made a motion to authorize City Manager **Dave Millheim** to:

1. Install six (6) 100W HPS Granville fixture street lights in Farmington Creek Estates once the City receives \$2,725 from residents of the Subdivision (represented by **Ben Barrus**);
2. Receive \$1,700 from **Blake Matthews** via a cash bond and/or cash contribution placed on Lot 306 and a signed release stating that he has no future rights to the return of said cash bond;
3. Use no more than \$10,000 from Account 38-400-349 Decorative Lighting to make up the difference for the attached quote from Black & McDonald.

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

### Discussion to authorize purchase of security cameras for City Hall

**Mayor Harbertson** said there is concern about the security of the City Hall, and the City has obtained several bids for a security camera system. **Dave Millheim** explained that this is not a full-blown security system but a deterrent, and a way to see what happened if there was a problem. The new building was not wired for a full security system because of prohibitive costs.

### Motion

**Jim Talbot** made a motion to approve the bid from 3C Business Solutions to install a security camera system for the City Hall which includes cameras, parts, labor and training. **Sid Young** seconded the motion, and it was approved by Council Members **Bilton, Dutson, Ritz, Talbot** and **Young**.

### Discussion and approval of Legacy Trail Maintenance Agreement with UDOT

**Dave Millheim** said there is no easy solution for this issue, but he urged the Council to approve this Agreement and assume the responsibility to maintain the Farmington portion of the trail. Several issues discussed by the Council included:

- The current watering system which crosses UDOT rights of way, multiple jurisdictions and utility easements;
- The water line apparently works but was not maintained at all by UDOT.
- Vegetation and trees were planted but were not watered appropriately.
- The possibility of a greater financial liability for Farmington if West Bountiful or other cities do not approve the Agreement.
- If the City chooses not to approve the Agreement, the trail will become a weed patch and safety concern.

**George Chipman**, 433 South 10 West, said there are many issues associated with the Trail, but the most critical one is providing water to the shrubbery and trees. Many of the plants have died, but there are still well over 100 trees, and if they are not watered from May through October, many more will be lost. He agreed to meet with the City Manager for additional discussion of the issue.

### Motion

**Sid Young** made a motion to approve the Legacy Trail Maintenance Agreement with the Utah Department of Transportation (UDOT). The motion was seconded by **Rick Dutson** and approved by Council Members **Bilton, Dutson, Ritz, Talbot** and **Young**.

### Discussion and approval of Interlocal Agreement with UDOT regarding Segment One of the Park Lane Village Trail

### Motion

**John Bilton** made a motion to approve the Interlocal Cooperation Agreement between UDOT and Farmington City for Segment One of the Park Lane Village Trail. The motion was seconded by **Cory Ritz** and approved by Council Members **Bilton, Dutson, Ritz, Talbot** and **Young**.

### Waiver of open space request for Humphrey's Subdivision

### Motion

**John Bilton** made a motion to approve the open space waiver request for the **Humphrey's** two-lot subdivision subject to the property owner providing comparable compensation in lieu of the mandatory conservation easement normally required to encompass 10% of the gross area of subdivisions in the R zone (or in this case, 2,849 square feet). Compensation received must be set aside by the City in an account earmarked for open space acquisition, park development, or some other related use/activity. **Jim Talbot** seconded the motion which was approved by Council Members **Bilton, Dutson, Ritz, Talbot** and **Young**.

## GOVERNING BODY REPORTS

## City Manager Report

### **Dave Millheim**

- He referred to the list of upcoming Agenda items for the March 1, 2011 Council Meeting and said there will likely be changes and/or additions.
- He asked City Attorney **Todd Godfrey** to advise the City regarding the installation and construction of public improvements prior to bonding, and he presented several of the most important points included in the memo.
- The Building Activity Report for January 2011 was included in the packet.
- He asked if the Council would like to continue receiving a copy of the Planning Commission Reports in their packets, and the reply was that a summary of the report would be sufficient.
- There are several key issues regarding the UDOT signal light and jurisdictional transfer/trade issues for Park Lane: (1) the realignment of the new Park Lane from the old Park Lane was pulled from UDOT's agenda this week to allow them extra time to ensure that all of the property issues are resolved; (2) the signal light cost-sharing agreement is no longer viable; (3) The City is moving forward with the design of the signal light and has received three bids ranging from \$12,500 to \$40,000 which are being reviewed by Traffic Engineer **Tim Taylor**; (4) The City has money to fund the design, but there are no funds in place for the signal light.

## Mayor's Report

### **Mayor Harbertson**

- He and the City Manager and Council Members attended the NIMS (National Incident Management System) Training in Fruit Heights last week.
- Farmington will join with Fruit Heights to host an Emergency Preparedness Fair in April or May of 2011, and it will be held in Farmington in 2012.
- The May-June issue of the Zions Bank Community newsletter will have a feature article on Farmington City.
- A land trade and conservation easement agreement with the **Haugen** family regarding a 2-acre piece of property has been finalized and recorded.
- He met with **Dave Dixon** and a developer to determine a suitable use for property in west Farmington.

- He and **Dave Millheim** attended a meeting with **Frank McCullough** and **Andy Barfuss** concerning the purchase of **Susie Maughan's** property.
- A meeting was held with the Parks and Recreation Department to discuss issues concerning the Davis County Fairgrounds.
- He attended the West Davis Corridor Open House last Wednesday night and said there is an important meeting on February 23<sup>rd</sup> at 7:00 p.m. in the Community Center to explain the history of the WDC and to hear comments from the residents. He urged the **Mayor** and the Council to attend, and he reminded them that the closing period for public comments is March 8, 2011.

### City Council Reports

#### **John Bilton**

- City Attorney **Todd Godfrey** is developing a draft agreement between the City and the residents in the Compton Bench area (900-1000 North) for the installation of curb, gutter and sidewalk.
- He requested a copy of the City's contract with historian **Glen Leonard** who is writing the history of Farmington and agreed to check on the progress that has been made on the history.
- He reported that the Preservation Commission will soon make a recommendation on the Sycamore District, and they also discussed the historical nature of the buildings at Lagoon which are original buildings that were moved from their original foundations.

#### **Rick Dutson**

- He expressed appreciation to staff for their efforts in hosting the City Council retreat which helped him focus on the City's most important issues.

#### **Cory Ritz**

- He requested that a closed session be held following the regular meeting to discuss the acquisition of real property.

#### **Jim Talbot**

- The Interior Design Committee will make a presentation at the March 1, 2011 Council Meeting.
- He said that during his campaign for the City Council, residents wanted the West Davis Corridor as far west as possible, and he is still in favor of that option.

#### **Sid Young**

- He was unable to attend the Policy Committee Meeting, but the Immigration Bill sponsored by **Representative Sandstrom** continues to be an important issue in the legislature and has undergone several updates.

## MISCELLANEOUS

### City Engineer Report

**Paul Hirst** gave an update of the City's well-drilling project on 100 North Main Street and said the drilling is finished. The rig drilled a pilot hole to a depth of 800 feet, but the material at that depth contained too much sand and silt. The exact amount of water the well will produce is not yet known, but the estimation is that it will be greater than 1000 gallons per minute and less than 2000. He explained that the seal or first 200 feet of the 18-inch hole is solid steel casing to prevent water from entering the well formation, and concrete was placed all around the casing. In the next few days, the rig will be dismantled, and another well driller will come in with a turbine well. He will develop the well and pump it continuously for 40 hours which will allow us to see what the well can produce.

## **CLOSED SESSION**

### Motion

At 9:50 p.m. **Cory Ritz** made a motion to go into a closed session to discuss strategy as it pertains to the acquisition of real property. The motion was seconded by **Rick Dutson** 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 9:55 p.m. **Cory Ritz** made a motion to reconvene into an open session. It was seconded by **Rick Dutson** and approved by Council Members **Bilton, Dutson, Ritz, Talbot** and **Young**.

## **ADJOURNMENT**

### Motion

**Cory Ritz** made a motion to adjourn the meeting. The motion was seconded by **Rick Dutson**, and it was approved by Council Members **Bilton, Dutson, Ritz, Talbot** and **Young**. The meeting was adjourned at 9:50 p.m.

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