FARMINGTON CITY COUNCIL MEETING
Tuesday, March 16, 2010

CITY COUNCIL WORK SESSION/EAST CONFERENCE ROOM

PRESENT: *Mayor Scott Harbertson, Council members John Bilton, Rick Dutson, Cory Ritz, Jim Talbot and Sid Young, City Manager Max Forbush, City Planner David Petersen, Assistant City Planner Glenn Symes and Recording Secretary Cynthia DeCoursey*

Council member **Rick Dutson** began the work session at 6:15 p.m. **Mayor Harbertson** arrived at the meeting at approximately 6:45 p.m.

(Agenda Item #6) – CONCEPTUAL REVIEW OF CODE ENFORCEMENT PROPOSAL – SPENCER GLISSMEYER/MAX FORBUSH

Max Forbush said staff hosted a meeting with representatives from several other local jurisdictions in Utah, including West Valley City, Salt Lake County, Ogden, and the Davis County attorney to discuss possible options for code enforcement. Their advice was to obtain input from elected officials regarding code enforcement. He pointed out that code enforcement has not been a high priority in Farmington for many years because of several factors—two of which are growth and lack of man power. The Council discussed violations in the City: junk cars, weeds, debris, on-street parking, signs, zoning, animals, and debris in the street right of way. **Mr. Forbush** proposed several possible ideas/concepts as the City attempts to implement stricter code enforcement:

1. Establish priority violations—may include weed abatement, junk cars, debris in streets, junk and debris on private property, on-street parking, signs and zoning;
2. Lesser violations—may include animals, noise, trees and snow removal;
3. Focus on one or two items per year;
4. Avoid selective enforcement;
5. Shift some of the duties of the current staff;
6. Educate residents regarding the City's policies;
7. Enact civil penalties and hire an administrative hearing officer.

Mr. Forbush informed the Council that **Ken Klinker**, the City's current Zoning Administrator, is an effective regulator because he is fair and consistent. He suggested the possibility of allowing employees in the Public Works Department to issue citations. He also said the penalties would need to be tough enough to get residents to comply. In the past the City's level of service regarding compliance has been based mostly upon complaints. There was discussion regarding the benefits and/or drawbacks of adding a legislative component. The

Council decided that it would be helpful to conduct a survey to determine the views of Farmington's residents.

(Agenda Item #9) – MINUTE MOTION APPROVING SUMMARY ACTION LIST

1. Ratification of Construction & Storm Water Bond Agreements previously signed by **Mayor Harbertson**.

2. Approval of City Manager's recommendation to settle "Road to the North" Engineering Costs' Dispute. See enclosed letter to **Paul Hirst** from **Max Forbush**.

3. Approval of 2010 UTA-City-Lagoon Shuttle Service Agreement.

There was a brief discussion of #3 on the summary action list, and **Mr. Forbush** said the Lagoon Shuttle Service has been in existence for many years. UTA determines the cost, and Farmington City assists in the payment of approximately $4,000-$5,000 per year for the bus which is free to the public and helps alleviate traffic on both Main and State Streets.

(Agenda Item #10) – AGREEMENT WITH IVIE CODE GROUP (PAUL HAYWARD) TO PROVIDE PROFESSIONAL INSPECTION SERVICES RELATED TO FIRE SPRINKLER AND ALARM SYSTEMS

Max Forbush explained that **Paul Hayward** has been providing professional inspection services related to fire alarm systems and automatic fire sprinklers to the City for many years. This agreement identifies his duties and responsibilities which will help prevent conflicts between the fire chief and the building officials. The City will contract for a limited amount of work and will have the authority to make decisions, and **Mr. Hayward** will report to **Eric Miller**, the City's Building Official.

(Agenda Item #11) – RESOLUTION AMENDING CONSOLIDATED FEE SCHEDULE ENACTING PLAN CHECK AND INSPECTION FEES RELATED TO AUTOMATIC FIRE SPRINKLER AND ALARM SYSTEMS

Mayor Harbertson explained that this resolution is a companion to the Agreement in Item #10, and these fees will be paid for by whoever needs the fire service.

(Agenda Item #14) – ADDENDUM #2 TO STATION PARKWAY/ROAD AGREEMENTS

Following a brief discussion, the Council decided not to approve the request from Rich Haws for an insurance coverage reduction from $2 million to $1 million pertaining to the naming of Farmington City, its elected and appointed officials, employees, representatives and volunteers as "additional insureds". This requirement from the City is a condition of the City for The Haws

Companies to obtain a $20,000 credit against (The Haws Companies) obligated to repay City for a culinary water line. The Haws Company is assuming an obligation of the City to build a livestock fence to keep (THC) animals safe during construction of the Station Parkway Road.

REGULAR CITY COUNCIL/CITYCHAMBERS/CALL TO ORDER

PRESENT: *Mayor Scott Harbertson, Council members John Bilton, Rick Dutson, Cory Ritz, Jim Talbot and Sid Young, City Manager Max Forbush, City Planner David Petersen, City Recorder Margy Lomax and Recording Secretary Cynthia DeCoursey*

Mayor Harbertson opened the meeting at 7:05 p.m. and welcomed those in attendance. **John Bilton** offered the invocation, and the Pledge of Allegiance was led by **Levi Wesche**.

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

Motion

Sid Young made a motion to approve the minutes of the March 2, 2010 City Council meeting with the amendment which was discussed in the work session. The motion was seconded by **Rick Dutson**, and it was approved by all Council members.

SERVICE AWARD PRESENTATION TO FIREFIGHTER RICK WESCHE/INTRODUCTION AND SWEARING IN OF NEW FIREFIGHTERS (Agenda Item #3)

Fire Chief **Larry Gregory** presented a service award to Firefighter **Rick Wesche** and thanked him for his ten years of dedicated service. He said **Mr. Wesche** is highly respected in the medical community for his excellent skills. He has earned his EMT, Firefighter 1, Firefighter 2, and Hazmat certifications. **Chief Gregory** presented him with the Farmington Fire Department ring because of his loyal and dedicated service to the community. He also expressed gratitude, respect and admiration for all of **Mr. Wesche's** efforts.

Mayor Harbertson introduced three firefighters and administered the swearing in of **Chad Higley**, **Carson Niderhauser**, and **Taylor Jenkins**.

TRAILS COMMITTEE REPORT – GEORGE CHIPMAN (Agenda Item #4)

George Chipman reviewed the annual progress report of the Farmington Trails Committee (FTC). He said each year he is amazed at the accomplishments of the FTC and listed the significant milestones reached in 2009:

1. Six new trails were added, making a total of 35 identified trails within the City limits;

2. The Farmington Bay Nature Center Trail was the largest addition and is different from any of the other trails—it includes water trails for canoes and kayaks and a 1300-foot boardwalk which will be completed by the first part of May;
3. Sixteen boy scouts participated in the building of this Trail, and the FTC recorded the most service hours in their history;
4. Each resident in Farmington is within ten minutes of a trail which is an important asset as people strive to live a healthier life.

He reported that the FTC was under budget for 2009, a donation from an anonymous donor was made, and **Randy Klein** retired after seven years of service. On December 1, 2009, the City Council accepted 100 miles of trails, a 20-year trails master plan, and a guidebook of trails. He expressed gratitude to the Council representatives in 2009, **Sid Young** and **Paula Alder**, and he welcomed **Jim Talbot** as the new representative for 2010. He thanked the Council for the volunteer of the year recognition presented to him in 2009. **Mayor Harbertson** said this is one of the reasons why Farmington was listed in the top 20 of cities to live in. **Jim Talbot** said he has been impressed with the FTC meetings and their preparation and diligence.

RECONSIDERATION OF FINAL PLAT FOR VAN ZWEDEN SUBDIVISION (Agenda Item #5)

Mayor Harbertson said **Nate** and **Julie Van Zweden** have asked the Council to approve a request to identify Lots 1 and 3 as Parcels A and B "to be developed in the future" which will eliminate the need to pay the impact fees on the two Parcels until a later time. They plan to build their home on Lot 2 and pay the impact fees of $6,761.00.

Motion

Rick Dutson made a motion to approve the final plat for the Van Zweden Subdivision, subject to all conditions of previous approvals, and that Parcels A and B on the final plat may only be re-identified as building lots if the plat is amended, and impact fees due at that time must be paid prior to the recordation of any amended plats. **Cory Ritz** seconded the motion, and it was approved by all Council members.

CONCEPTUAL REVIEW OF CODE ENFORCEMENT PROPOSAL – SPENCER GLISSMEYER/MAX FORBUSH (Agenda Item #6)

Background Information

Mayor Harbertson said this is an important issue. He said 85% of Farmington residents remedy a problem within the time period of the first notification, but there are others who continue the violation for years. He believes the opportunity to have an administrative hearing officer would be beneficial as the City attempts to implement stronger code enforcement.

Mr. Forbush referred to a handout prepared by intern **Spencer Glissmeyer** which recommends ways to strengthen the City's code enforcement.

Priority Violations:

- Weed abatement
- Junk cars
- Debris in City streets (including oversized quantity for spring cleanup and debris in gutters)
- Junk and debris on private property
- On-street parking, sign and zoning violations

Lesser Priority Violations:

- Animals
- Clear-view violations
- Noise
- Snow removal from sidewalks
- Trees

Mr. Forbush suggested an organizational structure which would utilize current City employees and said a key factor in the success of such a structure would be to have good communication. It was suggested that **Ralph Gibbons** handle violations specifically assigned in addition to weed abatement and that **Abe Wangsgard** of the Public Works Department may be the most likely person to deal with violations such as debris in the streets and spring cleanup. **Ken Klinker** would be the lead code enforcement officer. Staff and the Council agreed one of the first priorities is to measure the support of Farmington residents by conducting a survey. However, because code enforcement in the past has been based on complaints, there was concern that implementing additional resources may add more complaints. The Council urged staff to move forward with these plans and continue to refine the process until it is ready for implementation.

REVIEW OF NEW CEMETERY FEASIBILITY/CONSIDERATION OF EXCAVATION ALTERNATIVES/SITE DEVELOPMENT (Agenda Item #7)

Max Forbush said there are only a few plots remaining in the Farmington City Cemetery. He asked if the Council would be in favor of constructing another cemetery. He said there has been discussion of using a site near Farmington Pond for this purpose. Some of the negatives for a cemetery in that location include:

- Limited access
- Traffic concerns
- Long distance from parking area
- Rocky area

- 12% grade
- Location near Firebreak Road not ideal because of additional noise and traffic

There is also a possibility of locating a subdivision on this parcel, but **Tammy North** of CRS Engineers said many of the same issues would apply to a subdivision. The streets would be very narrow (20 feet wide), and there would not be more than ten lots. **Mr. Forbush** said staff has another location in mind for a cemetery, but the current owners will not sell or trade. He would like all of the City's alternatives to be reviewed but noted that the studies will be expensive. **David Petersen** proposed that the City excavate and sell excess material and then use the property as a trade parcel. The Council discussed the possibility of using property (23 acres) near Oakridge or property west of I-15. **Mr. Forbush** pointed out that most areas west Farmington was not a viable option because of the high water table. This issue will be reviewed again at the next City Council meeting.

DISCUSSION – USE OF THE RECENTLY SOLD LDS CHURCH RECREATION FACILITY (Agenda Item #8)

Mr. Forbush stated that the Davis School District does not have the manpower to care for this facility. **Joe Wilcox**, the caretaker for the LDS Stake recreational facility, attended the meeting. When asked if the bowery would still be in service, he replied that it would not and that all of the picnic tables and bleachers were removed.

Motion

Jim Talbot made a motion to authorize staff to investigate an agreement with the Davis School District to permit use of the former Farmington LDS Stake recreational facility at 650 West Glover Lane for a soccer field and/or other activities until such time as the high school is constructed. **Rick Dutson** seconded the motion, and it was approved by all Council members.

MINUTE MOTION APPROVING SUMMARY ACTION LIST (Agenda Item #9)

1. Ratification of Construction & Storm Water Bond Agreements previously signed by **Mayor Harbertson**.

2. Approval of City Manager's recommendation to settle "Road to the North" Engineering Costs Dispute. See enclosed letter to **Paul Hirst** from **Max Forbush**.

3. Approval of 2010 UTA-City-Lagoon Shuttle Service Agreement.

Motion

Cory Ritz made a motion to approve the items on the Summary Action List. **Jim Talbot** seconded the motion, and it was unanimously approved.

AGREEMENT WITH IVIE CODE GROUP (PAUL HAYWARD) TO PROVIDE PROFESSIONAL INSPECTION SERVICES RELATED TO FIRE SPRINKLER AND ALARM SYSTEMS (Agenda Item #10)

Motion

Jim Talbot made a motion to approve the agreement with Ivie Code Group **(Paul Hayward)** to provide professional inspection services related to fire sprinkler and alarm systems. **Rick Dutson** seconded the motion, and it was unanimously approved.

RESOLUTION AMENDING CONSOLIDATED FEE SCHEDULE ENACTING PLAN CHECKS AND INSPECTION FEES RELATED TO AUTOMATIC FIRE SPRINKLER AND ALARM SYSTEMS (Agenda Item #11)

The **Mayor** said the fee schedule was not correct, and **Mr. Forbush** requested additional time to make the changes.

Motion

Rick Dutson made a motion to withhold this item from the agenda pending further review by staff. **Cory Ritz** seconded the motion, and it was approved by all Council members.

REVIEW OF PROPOSED ADDITIONS TO PARKS & RECREATION IMPACT FEES CAPITAL FACILITIES LIST AND RELATED PROJECTS/DISCUSSIONS (Agenda Item #12)

Mr. Forbush reviewed the following items:

1. Approval of additional items on the Capital Facilities List for parks.
2. Funds for Spring Creek Park
3. Conveyance of 500-1000 square feet of the Park property to **Stephen Bretzing**
4. Expansion (from $30,000 to $50,000) of participation in a basketball court at Farmington Elementary basketball court

Mayor Harbertson said the Spring Creek Subdivision is located in the northwest part of Farmington and is close to being built out. The residents in the area would like to see construction begin on the proposed two-acre pocket park finished. He referred to an email from **Stephen Bretzing** requesting that the City sell him approximately 500-1000 square feet of the open space

area. The **Mayor** said he was not in favor of granting the request because of open space issues and the possibility of setting a precedent, and the Council agreed; however, they all agreed to add the park to the Capital Facilities Plan. The area is unsightly and is not a safe place for residents in the area. After some discussion, the Council asked staff to construct a plan for the Spring Creek Park, obtain neighbor input, and bring it back to the Council to review the timing and the costs. The costs would be fairly minimal at first with the installation of sprinkler and lawn, but eventually the park would require playground equipment, a bowery, a basketball court, etc. which could greatly increase the cost.

Mr. Forbush said he sent a letter regarding the 21½-acre parcel proposal for an additional park in west Farmington but has not had a response. The Council authorized **Mr. Forbush** to work out the details with the DSD regarding the basketball court at Farmington Elementary. **Mr. Forbush** explained that the approved items would be added to the Capital Facilities Plan, but the projects would not be completed until the money was available.

PROPOSED AMENDMENTS TO BUSINESS LICENSING ORDINANCE RELATING TO LATE FEES (Agenda Item #13)

Mayor Harbertson said the City has received a number of complaints related to business licenses; several business owners are upset with the imposition of current late fees. The City Manager had provided recommended changes in the ordinance. Following a brief discussion, **Mr. Forbush** agreed to draft recommendations in ordinance form for the City Council to review at a future City Council meeting. The Council agreed that it would be in the City's best interest to work with business owners on this issue.

ADDENDUM #2 TO STATION PARKWAY/ROAD AGREEMENTS (Agenda Item #14)

Mr. Forbush told the Council that two more changes were proposed by **Rich Haws** and **Scott Harwood** He is concerned about one of the changes--a coverage reduction from $2 million to $1 million. The Utah Risk Management Mutual Association recommends $2 million in coverage. He said the City Attorney is fine with the changes from a legal point of view. The amendment regarding the fencing during construction was fine.

Motion

Rick Dutson made a motion to authorize **Mayor Harbertson** to sign Addendum #2 to the Station Parkway/Road Agreements with the coverage amount of $2 million to remain. **Cory Ritz** seconded the motion, and it was approved by all Council members.

CHANGE ORDER #1 WITH ASSOCIATED BRIGHAM CONTRACTORS (Agenda Item #15)

This item relates to Phase 1 work of Station Parkway and includes placing excavated material from the Benchland Reservoir for the road between Park Lane and the future Promenade for settlement purposes. Phase 1 also includes the stockpiling of excess material excavated from the reservoir site for use in future phases of the road.

Motion

Cory Ritz made a motion to approve Change Order #1 of the City's contract with Associated Brigham Contractors to Station Parkway Phase 1. **John Bilton** seconded the motion, and it was approved by all Council members.

CONSIDERATION OF NEW POLICY PERTAINING TO PROPERTY OWNERS PAYING FOR EXCESSIVE USE OF COUNTY'S EUTHANIZING OF RACCOONS AND SKUNKS (Agenda Item #16)

Mr. Forbush proposed the implementation of an ordinance which would require property owners who call for Davis County Animal Control services to euthanize raccoons, skunks, and other animals to pay for such services beginning with the third call. The County currently charges the City $25 per call, and there are several residents who have used the service many times in the past year. He estimated that adopting such a policy would save the City approximately $2,000-$4,000 per year in its contract with the County. The **Mayor** asked **Mr. Forbush** to find out if the $5,000 was an additional charge. One negative to implementing such an ordinance would be the difficulty of administration. The Council agreed that it would be beneficial to educate the public on this issue and inform them of the extra costs and possible problems, and **Mr. Forbush** agreed to send a letter to residents.

LEGACY HIGHWAY TRAIL – ISSUES REGARDING ASSUMPTION OF MAINTENANCE (Agenda Item #17)

Mr. Forbush said he and the **Mayor** will attend a meeting on March 29, 2010 with the City Managers from North Salt Lake, Woods Cross, West Bountiful, and Centerville and the Planning Director of Davis County to assess the pros and cons of assuming maintenance responsibility for the Legacy Parkway trail. He reminded the Council that UDOT originally agreed to maintain the trail, but after it was built, they said it was the responsibility of the six entities involved. **Mr. Forbush** referred to a handout he prepared listing the various options available to Farmington and the other five entities. He posed several questions for each local government to review with their Governing Bodies:

1. Is your jurisdiction willing to assume maintenance responsibility for the Legacy Parkway Trail assuming all other abutting local government jurisdictions will agree to do the same under a mutually acceptable plan?

2. Is your jurisdiction in favor of requiring a mutually acceptable agreement with UDOT regarding terms of trail maintenance as a condition of accepting maintenance responsibility?

3. If the answers to questions 1 and 2 are yes, does your jurisdiction favor (a) maintaining the entire 14-mile trail jointly with all six entities under terms of a mutually acceptable agreement or (b) maintaining just that portion of the trail falling within your jurisdiction by your own forces or under your own service contracts; or (c) maintaining the trail by a combination of 1 and 2 governed by a mutually acceptable agreement?

When the City Managers and **Barry Burton** of Davis County met previously, they agreed the best solution would be to have an interlocal agreement with an estimate of $15,000-20,000 per year to maintain the trail. Liability insurance coverage for the entire trail would need to be included in that amount. If an interlocal agreement is approved, the six entities must decide how the costs will be divided. Maintenance will be a major undertaking and will include things such as:

- Weed control
- Removal of graffiti
- Signage, kiosks, benches and lighting
- Parking zones
- Garbage pickup
- Culverts and overpasses
- Long-term costs--including sealant and asphalt repair

Mr. Forbush said UDOT's intent is to do nothing. The Council asked why UDOT will not agree to pay at least a certain percentage of the maintenance cost, and **Mr. Forbush** replied that all efforts to reach any type of agreement with UDOT have failed. When asked which option **Walt Hokanson** of the Public Works Department and **Neil Miller** of the Parks & Recreation Department would prefer, **Mr. Forbush** said they are in favor of maintaining only Farmington's 2 ½-mile portion of the trail. The negatives of having each entity maintain the section within their jurisdiction is that there may not be uniformity of maintenance, and Farmington could possibly be criticized by the other cities as not being a team player. Following further discussion, the Council agreed that they should answer yes to the first two questions and yes to "a" on question 3; however, that would be contingent upon UDOT's agreement to correct deficiencies which have arisen since the trail was built, including an overhaul of the sprinkler system and correction of the seeping water in the pedestrian tunnel in Centerville.

CITY MANAGER REPORT (Agenda Item #18)

Mr. Forbush said the City's intern, **Spencer Glissmeyer**, completed an inventory of all the items in the current City building and prioritized the disposition of the items as follows:

- **Priority 1** – Items needed for transfer to the new building
- **Priority 2** – Items available for other City departments
- **Priority 3** – Items remaining after 1 and 2 will be displayed for a public sale.
- **Priority 4** – Items that are unusable or broken will be taken to the landfill or Deseret Industries.

Mr. Forbush received quotes on furnishings from six different vendors. He said most of the options offer Grade A warranties, and after a brief discussion, the Council advised staff to purchase less expensive but high quality chairs for the conference room. He said some of the furniture will be purchased in phases which will allow the amount to be listed in another budget year. Possible uses for the Community Room at the City Hall were also discussed. The Council decided that because the Community Center is available for public use, the Community Room at the City Hall should be used only for City business and some non-profit organizations as determined by the City Council.

MAYOR AND CITY COUNCIL REPORTS - (Agenda Item #19)

Mayor Harbertson's Report

1. The **Mayor** asked **John Bilton** if he had contacted **Jim Smith** of the Chamber of Commerce. He said he did, and they discussed legislative issues.

2. The **Mayor** said **Brandon Wood** from NAI is trying to market the former Bukoos building. He is having a difficult time convincing retailers that it could be a viable location because of the difficult access, but **Mr. Wood** asked about the possibility of a telemarketing company. The **Mayor** was not impressed with that type of business and wondered if an indoor car lot with a showroom or a fitness center might be options. He said he would appreciate any suggestions the Council Members could offer. **Rick Dutson** suggested some type of gym or restaurant.

3. The **Mayor** said the town hall meeting tomorrow night (March 17, 2010) has been noticed and will be held at the Center Cal Properties offices at 42 North 650 West from 7-8:30 p.m. He invited all Council members to attend.

4. The **Mayor** explained that **Marty Neilsen** owns some property in west Farmington which he purchased from **Roger Eggett**. It surrounds some property that the City owns, and he would like to trade a small piece of his property for some of the City's property. His proposal is to trade 20 feet--4000 square feet--on one side which will give him the extra space for a garage and an RV pad. The City would receive in exchange 6,000+ square feet to the south of the existing property. He will pay the engineering cost of $814 and any other associated costs, provide the City with title insurance, and fence the new property line.

Motion

Rick Dutson made a motion to approve the land swap with **Marty Neilsen**. **Jim Talbot** seconded the motion, and it was approved by all Council members.

City Council Reports

- City Council members **Jim Talbot**, **Rick Dutson**, and **John Bilton** had no additional comments.

- **Cory Ritz** gave a brief update regarding the mosquito abatement board and the requirement to include a majority of elected officials.

- **Sid Young** told the Council he had a copy of the economic indicators report from the previous week and the status of legislative bills. He also mentioned that Farmington has achieved the Tree City USA status, and it was determined that **David Petersen** and **Neil Miller** should attend the luncheon on Tuesday, April 13, 2010 to receive the award for the City.

ADJOURNMENT

Motion

Rick Dutson made a motion to adjourn the meeting. The motion was seconded by **Sid Young**, and it was approved by all Council members. The meeting was adjourned at 9:36 p.m.

Margy Lomax

Margy Lomax, City Recorder
Farmington City Corporation