

FARMINGTON CITY COUNCIL MEETING
Tuesday, June 7, 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 Finance Director Keith Johnson, City Intern Erin Vogeler, City Recorder Holly Gadd and Recording Secretary Cynthia DeCoursey

Mayor Harbertson called the meeting to order at 6:05 p.m.

Minutes

There were several minor amendments to the minutes of the May 10, 2011 and May 17, 2011 City Council meetings.

Summary Action List

- **Spring Cleanup Policies**—One change: “The maximum diameter of the trees is 8 inches.”
- **Amendment to the Code Enforcement Resolution**—The City currently has one part-time code enforcement officer, **Ralph Gibbons**. This Resolution allows the City to appoint **Abe Wangsgard**, the Public Works Inspector, to assist with code enforcement issues. **Rick Dutson** read an email from a resident regarding overgrown weeds on a vacant lot in her circle. She said the weeds are a major safety and health issue, and every year for ten years, she has called **Ralph Gibbons** to ask him to deal with this issue. Several years ago, he told her that the property owner is employed by the City as a part-time weed enforcement officer. The City Manager said he will find out who the owner is and address this issue.

City Manager’s Report

- The work is moving forward on the 900/1000 North Project, and the tentative plan is to have it asphalted within two weeks.
- Verizon sent an email regarding the Council’s denial of their Lease Agreement, and **Mr. Millheim** asked for feedback on whether or not the Council would consider discussion of the Agreement once again. They discussed the possibility of using other locations in Farmington and decided that they would consider the proposal again if the following information was provided: height of the tower, a co-location, and specifics regarding the proposed design.
- **Dave Millheim** explained that **Rich Haws** came to the City offices to record the final plat on his development, and when **David Petersen** informed him that he needed to pay fees of more than \$21,000 prior to the recording, he was very angry. The City granted him permission to record the plat, but he has 30 days to work out an arrangement to pay the fees. There was a lengthy discussion regarding issues such as possible ordinance amendments, how to prevent this type of scenario in the future, the role of the Community Development Director, and the retraining of staff. **Paul Hirst** will address this item during the regular session.

REGULAR SESSION

Present: Mayor Scott Harbertson, Council Members John Bilton, Rick Dutson, Cory Ritz, Jim Talbot and Sid Young, City Manager Dave Millheim, City Finance Director Keith Johnson, City Recorder Holly Gadd, Youth Council Members Alyssa Uteley and Coleman Barnson, and Recording Secretary Cynthia DeCoursey

CALL TO ORDER:

Opening Comments/Invocation/Pledge of Allegiance

Mayor Harbertson opened the meeting at 7:18 p.m. and welcomed those in attendance. The invocation was offered by **Rick Dutson**, and the Pledge of Allegiance was led by Boy Scout **Ryan Pace** of Troop 1418.

Approval of Minutes

Motion – Jim Talbot made a motion to approve the minutes of the May 10, 2011 City Council Meeting as amended during the work session. **Rick Dutson** seconded the motion which was approved by Council Members **Bilton, Dutson, Ritz, Talbot** and **Young**.

Motion – John Bilton made a motion to approve the minutes of the May 17, 2011 City Council Meeting as amended during the work session. The motion was seconded by **Sid Young** and approved by Council Members **Bilton, Dutson, Ritz, Talbot** and **Young**.

REPORTS OF COMMITTEES/MUNICIPAL OFFICERS:

Executive Summary of the Planning Commission Meeting held May 26, 2011

The summary was included in the staff report.

PUBLIC HEARINGS:

Consideration to Amend the Fiscal Year 2011 Budget and to Adopt the Fiscal Year 2012 proposed Budget

Mayor Harbertson said Farmington has continued to prosper—even with the downturn in the economy. This year the City will have its largest reserve ever; additional fire fighting services will be implemented, and road repairs will continue at the same price as last year.

Public Hearing

Mayor Harbertson opened the public hearing at 7:20 p.m. There was no one from the public to speak regarding this item, and the hearing was closed at 7:20 p.m. The budget will be officially adopted at the City Council Meeting on June 21, 2011.

SUMMARY ACTION:

Summary Action List

- **Fruit Heights Boundary Adjustment**
- **Audit Engagement Letter with Ulrich and Associates**
- **Spring Cleanup Policies**
- **2011 Animal Control Contract Approval**
- **Amendment to the Code Enforcement Resolution**
- **Ratification of Approvals of Construction & Storm Water Bond Logs**

Motion: **Rick Dutson** made a motion to approve the items on the Summary Action List with one amendment to the Spring Cleanup Policies. The motion was seconded by **John Bilton** and approved by Council Members **Bilton, Dutson, Ritz, Talbot** and **Young**.

GOVERNING BODY REPORTS:

City Manager Report

- **Mr. Millheim** said Davis County is very grateful for the use of the City's parking lot, and they plan to use the elementary school parking lot during the summer months to alleviate parking at the pool. In return, the County is checking with UTA to see if they might be able to obtain additional passes for the City to use. He encouraged the City to work together with Davis County on issues such as parks, storm drainage, and flood control.
- The Legacy Trail maintenance agreement is ready for approval. The next step is to determine the type of maintenance and who will provide it—each City is currently doing the best they can with their own crews to keep it clean. Several of the trees along the Trail are dead and need to be removed, and there are no plans to replace them.
- Following each Council Meeting, he sends a list of items which need to be addressed to each of the City's department heads. Updates will be provided to the Council once a month.
- He gave a brief update of potential flooding and said there is still concern about Farmington Canyon. **Neil Miller** reported that west Farmington has the highest water table in anyone's memory, and there have been reports of flooded basements on the west side.
- The items on the punch list for the new building are nearly completed, and staff has asked for Council approval to release the contractor.

Mayor Harbertson

- There was a nice article about Farmington in the most recent Zion's Bank Magazine.
- He thanked **Sid Young** and **Cory Ritz** for their attendance at the Ribbon Cutting Ceremony for the D&RG Rails to Trails which now continues from Farmington Creek to Clinton. This trail will eventually connect with other trails and will extend to Utah Lake.
- He attended a meeting with the U.S. Forest Service regarding the water tank on the hillside. It is a slow process, but they have given permission to begin excavation.

- He and **David Petersen** spoke to a group of realtors in Davis County who had a lot of questions and requested further information about Farmington City.
- **Jessica Francis** is the new Miss Farmington.
- One of the large sycamore trees on 350 N. Main Street is infected with a bug and will have to be removed. There is a tree on State Street that may also be dead. The City is responsible for the removal of the tree and will provide a replacement.
- There was discussion regarding dates for the annual City Council Shoot, and there may be several open dates at the end of August.
- He referred to the Residential Waste Fees within the Wasatch Integrated Waste Management District included in the packet and said more cities are considering recycling.
- He asked Parks & Recreation Director **Neil Miller** to have a booth during Festival Days to assist with fundraising for the Veteran's Memorial to be located in the City Cemetery.

John Bilton

- He referred to a packet of information from Utah Local Government Trust. The **Mayor** said they carry a portion of the City's insurance, and URMMA carries a portion. The City Manager said he is meeting with them sometime in June.
- He received an email from a resident regarding animal control. The **Mayor** said he informed the resident Farmington City adopted the Davis County Ordinance regarding animal control.
- He received a call from a resident who lives adjacent to a trail in the Buffalo Ranches area. They do not have a fenced yard, and she is frustrated that unleashed dogs are attacking her chickens. She is concerned that her small children may get hurt while playing in the area. **Dave Millheim** said enforcement is difficult, but he will check to see if there are signs.

Rick Dutson

- He commented about the improved signage in the Station Park area.
- He was impressed with the Miss Farmington pageant. He also attended the Miss Davis County pageant—**Ciera Pekarcik** should do well in the Miss Utah Pageant.
- He asked for an update on Harmon's and Smith's and was told they are doing well.
- He spoke with **Craig Trottier** recently who said leasing is going well.

Cory Ritz

- He received a call from **Lynn Gee** who lives in one of the homes in the City's Special Improvement District (SID). **Mr. Gee** admits he made mistakes, but he also believes the lender and the City made mistakes, and he is now approaching foreclosure. **Dave Millheim** explained that several months ago the Council gave approval to start the foreclosure process

on several delinquent SIDs. There was a good response, and many of the situations have been remedied. The City did everything correctly; however, the title company may not have kept him properly informed. **Mr. Gee** has not been able to make the payments and still owes \$22,000. The City Attorney advised staff not to enter into a selective payment schedule because when the statutory deadlines are passed, there are no remedies for collection other than the resident's word.

- He will be out of town for the next Town Hall Meeting and asked if a Council member could trade with him. **Jim Talbot** said he would be able to attend.

Jim Talbot

- A resident expressed concern that there is no crosswalk near the LDS Church Building on 200 East. A young boy was recently hit by a car when crossing the street. The **Mayor** said that because 200 East is a state road, it is difficult to obtain approval for a crosswalk; however, **Dave Millheim** offered to contact UDOT and inform them of the incident. Youth Council member **Coleman Barnson** said he was with **Alex Pace** when he was hit by the car. He said they cross the street often, and it is always busy—the closest crosswalk is on 200 South.
- The Interior Design Committee has chosen several artists who plan to have their paintings finished sometime in June. The Committee would like to display the paintings during Festival Days—possibly in the foyer area of the City Hall, after which they will be displayed in the Council Chambers. The Committee will then focus on the entry ways and murals.

Sid Young

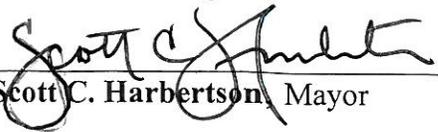
- He appreciated the meeting with the U.S. Forest Service and is anxious to move forward with agreements concerning the **Jerry Stevenson** and **Doug Allen** properties.
- He attended a meeting with representatives from the Clear the Air Challenge, and each public official was asked to comment. He informed those in attendance that Farmington is appreciative of the commuter rail stop, which is being well used, and gave a brief update of the transit-oriented development.
- He attended an IHC lunch—**Dave Merritt**, project director for the Gingrich Center for Health Reform gave an interesting speech. There was discussion concerning Medicaid and the decisions the state will need to make regarding both Medicaid and insurance.

CLOSED SESSION

Motion: At 8:20 p.m. **Jim Talbot** made a motion to adjourn to a closed session to discuss the acquisition of real property and the professional competency and character of an individual. The motion was seconded by **Sid Young** 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.



Scott C. Harbertson, Mayor

Motion: At 9:05 p.m. **John Bilton** made a motion to reconvene into an open meeting. The motion was seconded by **Cory Ritz** and approved by Council Members **Bilton, Dutson, Ritz, Talbot** and **Young**.

City Engineer **Paul Hirst** said he was asked to compile a list of services performed by CRS Engineers for the Farmington Station Project from the fall of 2009 to the spring of 2011 (a copy is attached to these minutes). The fees are subdivided into categories, and ten percent (\$2100) of the charges that were mistakenly assigned to this account and are shown in red ink. He also has copies of all the emails sent by **Rich Haws** and **Scott Harwood** to CRS.

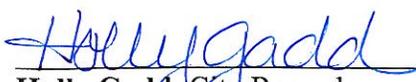
Dave Millheim thanked him for his efforts, agreed that the City needs to do a better job of tracking the fees, and predicted changes in the City's ordinances to assist in the process. **Mr. Hirst** listed the following arguments in his behalf:

1. CRS sends their billings to the City once each month;
2. CRS has no direct contact with the developers;
3. The Planning Department administers the development fees—CRS does not;
4. CRS had no knowledge that **Rich Haws** was unaware of the fees;
5. There were no vehicle charges;
6. CRS did not know that the Willmore Development fees should have been billed separately from the Haws Companies Development.

Dave Millheim said **Rich Haws** is arguing that (1) the City charged him for things beyond the scope of its ordinances, and (2) the City did work which did not need to be done. **Rich Haws** is an intelligent developer who knew these things were not being done for free. All three parties involved must share the responsibility of payment of these fees, and **Rich Haws** must not be given a free pass. City Attorney **Todd Godfrey** advised City staff—particularly **David Petersen**—to do a better job of communicating and keeping developers aware of the fees. Following further discussion, **Dave Millheim** said this will require extensive retraining, and he requested the support of the Council as staff moves forward with a resolution. He will inform **Mr. Haws** that he is welcome to talk to the City Council and explain why the taxpayers should bear these costs.

ADJOURNMENT

Motion: **John Bilton** made a motion to adjourn the meeting. The motion was seconded by **Rick Dutson** and approved by Council Members **Bilton, Dutson, Ritz, Talbot** and **Young**. The meeting was adjourned at 9:25 p.m.



Holly Gadd, City Recorder
Farmington City Corporation