

FARMINGTON CITY COUNCIL MEETING
Tuesday, June 21, 2011

WORK SESSION

Present: Mayor Scott Harbertson, Council Members John Bilton, Rick Dutson, Jim Talbot and Sid Young, City Manager Dave Millheim, City Finance Director Keith Johnson, City Recorder Holly Gadd and Recording Secretary Cynthia DeCoursey. Council Member Cory Ritz was excused.

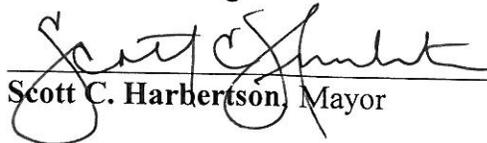
Mayor Harbertson began the work session at 6:15 p.m. and welcomed those in attendance.

Motion

At 6:15 p.m. **Sid Young** made a motion for the Council to go into a closed meeting to discuss strategy as it pertains to potential litigation and to discuss the acquisition of real property. The motion was seconded by **Rick Dutson** and approved by Council Members **Bilton, Dutson, 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 7:00 p.m. **Rick Dutson** made a motion that the Council reconvene into an open meeting. The motion was seconded by **John Bilton** and approved by Council Members **Bilton, Dutson, Talbot** and **Young**.

REGULAR SESSION

Present: Mayor Scott Harbertson, Council Members John Bilton, Rick Dutson, Jim Talbot and Sid Young, City Manager Dave Millheim, City Fire Chief Guido Smith, City Recorder Holly Gadd and Recording Secretary Cynthia DeCoursey. Council Member Cory Ritz joined the meeting via telephone.

CALL TO ORDER:

Roll Call (Opening Comments/Invocation) Pledge of Allegiance

Mayor Harbertson opened the meeting at 7:00 p.m. and welcomed those in attendance, including Youth City Council members **Maren Lee** and **Sydney Pace**. An opening prayer was offered by **John Bilton**, and the Pledge of Allegiance was led by local Boy Scout **Jade Barton** of local Boy Scout Troop 283.

Approval of Minutes

Motion: **Rick Dutson** made a motion to approve the minutes of the June 7, 2011 City Council meeting as modified. **Sid Young** seconded the motion which was approved by Council Members **Bilton, Dutson, Ritz, Talbot** and **Young**.

CONSIDERATION OF ORDINANCES/RESOLUTIONS/AGREEMENTS

Proposed amendments to the City's Fire Code: Section 7-5-124.5 banning unauthorized fires and 7-6-105 regarding discharge restrictions for fireworks

City Fire Chief **Guido Smith** explained that subsections A and B of Section 7-5-124.5 ban the discharge of fireworks and unauthorized fires from June 1 through October 15. This amendment would remove fireworks from the ban and change State Road 106 to 200 East to clarify the boundary line. Utah State Code now allows a new class of fireworks—Class C—to be discharged in Utah during a longer period of time. The amendments to Section 7-6-105 address tighter restrictions—no discharge within 150 feet (previously 100 feet) of a sales location (Subsection A) or 30 feet (previously 20 feet) from a house (Subsection C). Subsection F restricts the discharge period as stated in the Utah Code, and Subsection G bans fireworks east of 200 East and Main Street. **Chief Smith** said this information will be included in the City's July newsletter.

Jim Talbot remarked that he does not agree with the ban of fireworks east of Main Street in fully developed neighborhoods similar to his own cul de sac. Most of those areas have very few vacant lots, and he and other residents would like to continue having a fireworks show each year. **Dave Millheim** asked if this has been the boundary line in the past, and **Mayor Harbertson** said it has been since 2008, but it has not been actively enforced. **Mr. Millheim** said it would be difficult to educate the public if the boundary line is changed, but if the amendment is approved, it becomes a law, and it will be enforced. **Chief Smith** said the penalty would be a Class B Misdemeanor, the fireworks would be confiscated, and the violator could face a \$200 fine. If a fire was caused as a result of illegal fireworks, there would be additional penalties. The Council discussed the issue further and determined that enforcement would be difficult.

Motion: **Jim Talbot** made a motion to approve Ordinance No. 2011-14 amending Section 7-5-124.5 of the Farmington City Code regarding a seasonal ban on unauthorized outdoor fires and amending Section 7-6-105 regarding discharge restrictions for fireworks within the City with the exception of subsection G. **Rick Dutson** seconded the motion which was approved by Council Members **Dutson, Ritz, Talbot** and **Young**. Council Member **Bilton** voted against the motion, but it passed by a four to one vote.

John Bilton offered a brief explanation for his vote against the motion--additional time is necessary to discuss the boundary issue and come to an agreement. The Council agreed that it is too late for the 2011 fireworks season, and the issue should be readdressed for the 2012 fireworks season.

Resolution amending the Annual Budget for Fiscal Year ending June 30, 2011 and adopting the Annual Budget for Fiscal Year ending June 30, 2012

City Finance Director **Keith Johnson** referred to his 2012 budget message and other information included in the staff report. He said the certified tax rate from Davis County will be .002283 because of a \$72 million reduction in assessed values for Farmington. The state tax rate has not yet been approved by the state. Farmington also had \$22 million in new growth—most cities in Davis County did not have any new growth.

Motion: **John Bilton** made a motion to approve the Resolution amending the Annual Budget for Fiscal Year ending June 30, 2011 and adopting the Annual Budget for Fiscal Year ending June 30, 2012. The motion was seconded by **Sid Young** and approved by Council Members **Bilton, Dutson, Ritz, Talbot** and **Young**.

Mayor Harbertson expressed appreciation to **Keith Johnson** for his hard work during the past year. The City has accomplished a great deal during the last few years, and **Mr. Johnson** has helped keep the City in a positive financial situation.

SUMMARY ACTION:

Minute Motion Approving Summary Action List

- **Approval of Disbursement Lists for April 2011**

Motion: **Jim Talbot** made a motion to approve the item on the Summary Action List. **Rick Dutson** seconded the motion which was approved by Council Members **Bilton, Dutson, Ritz, Talbot** and **Young**.

GOVERNING BODY REPORTS:

City Manager Report

- He said the Council needs to deal with several large issues concerning Rainey Homes and Garbett Homes in the near future. He asked if the Council wanted to have a meeting on July 5th, have a separate special meeting on another day in July, or hold a long meeting on July 19th. They decided to stay with the current schedule and meet on July 19th.
- The City has always conducted its own municipal elections, but at the next Council meeting, staff will present a proposal to have Davis County conduct the elections. The County will provide one location at the Fairpark. The public will need to be educated, and notices will be printed in the newspaper and posted at the previous locations. **Mayor Harbertson** asked if staff could check on having at least two polling locations.
- There will be a meeting with Davis County on Friday, June 24th at 9:00 a.m. in an effort to educate the County regarding cooperation on storm drainage jurisdiction and LOMR permits. The City would like to make sure the County follows federal rules.
- There is an LDS Church on 1525 West which was issued a building permit and a temporary certificate of occupancy prior to the resolution of some storm drain issues. This has been problematic for both the Church and the City. An Indemnification Agreement has been prepared by the City Attorney which will assist staff as they work toward a resolution.

Mayor Harbertson

- The City is getting closer to a resolution with **Don Hokanson** regarding the trail easement issue on 100 East and State Street—it will likely be a land trade, and staff is working on a proposal.

- He attended a League of Cities and Towns meeting. Nominations for the Policy Committee are being solicited and he wants himself and the City Manager to serve in that capacity.
- He attended a Western Davis Corridor meeting—a group of residents provided some interesting information and plan to meet quarterly.
- There will be a Town Hall meeting on Wed., June 22. **Jim Talbot** has a conflict, and **Rick Dutson** agreed to attend.
- He referred to Farmington's annual Festival Days celebration and asked that the Council Members attend as many activities as possible. **Sid Young** has made arrangements for the fire truck to be used in the parade, **Jim Talbot** will arrange for the candy, and the Council will assist with a booth to obtain donations for the Veterans' Memorial.

John Bilton

- He expressed appreciation to Public Works Director **Walt Hokanson** for repairing the fountain and replacing the lights on the baseball field.
- He reported that the 900-1000 North project looks great, and the transitions onto Compton Road were well done. **Nadine Gibbons** sent a note of appreciation. The **Mayor** asked **Dave Millheim** to check **Cal Ferrin's** water line and determine if it is coming from Bayview rather than 900 North.
- He left the meeting at 8:45 p.m.

Cory Ritz

- Council Member **Ritz** had nothing to report.

Rick Dutson

- He pointed out several things in the City Hall which need to be fixed by the contractor, and **Dave Millheim** said staff will prepare a new punch list and submit it to Hughes Contractors and to the architect.
- He asked about a flood update, and **Mr. Millheim** reported that if there is no flooding this week, the threat will be over.

Sid Young

- He asked about a personnel meeting, and **Mr. Millheim** said the City's personnel committee has typically held a meeting when there are items to discuss. He does not want it to become a grievance committee, but it is a good idea to meet periodically to discuss miscellaneous issues. Council Members **Sid Young** and **Cory Ritz** will be contacted regarding a meeting next week.

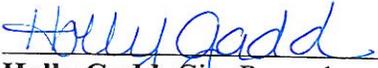
- The filing deadline for City Council applications is July 15, 2011, and the notice is included in the City newsletter and is on the City's web site. **Mr. Millheim** said that date is firm and suggested that the Council contact anyone who may be interested in applying.

Jim Talbot

- He showed two paintings which will be displayed during Festival Days and gave an update of the other paintings.

ADJOURNMENT

Motion: **Jim Talbot** made a motion to adjourn the meeting. The motion was seconded by **Sid Young** and approved by Council Members **Dutson, Ritz, Talbot** and **Young**. The meeting was adjourned at 8:45 p.m.



Holly Gadd, City Recorder
Farmington City Corporation

