

FARMINGTON CITY COUNCIL MEETING

November 1, 2011

WORK 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 Recorder Holly Gadd and Recording Secretary Cynthia DeCoursey*

The work session began at 6:30 p.m., and the Council discussed several of the agenda items.

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 Recorder Holly Gadd and Recording Secretary Cynthia DeCoursey*

CALL TO ORDER:

Opening Comments/Invocation/Pledge of Allegiance

Mayor Harbertson opened the meeting at 7:00 p.m. and welcomed those in attendance, including three City Council candidates: **Jim Young**, **Nelsen Michaelson**, and **Dustin Siler**. A fourth candidate is current City Councilman **Cory Ritz**. The invocation was offered by **Jim Talbot**, and the Pledge of Allegiance was led by Boy Scout **Meko Willey** of Troop 981.

Approval of Minutes

Motion:

Jim Talbot made a motion to approve the minutes of the October 4, 2011 City Council meeting as amended during the work session. The motion was seconded by **Cory Ritz** and approved by Council Members **Bilton**, **Dutson**, **Ritz**, **Talbot** and **Young**.

Motion:

Sid Young made a motion to approve the minutes of the October 4, 2011 City Council meeting as amended during the work session. The motion was seconded by **Jim Talbot** and approved by Council Members **Bilton**, **Dutson**, **Ritz**, **Talbot** and **Young**.

REPORTS OF COMMITTEES/MUNICIPAL OFFICERS:

Executive Summary for Planning Commission Meetings held October 13, 2011 and October 27, 2011

David Petersen reported that the Commission unanimously recommended approval of a conditional use permit for the Spring Creek Park located at approximately 840 North 1875 West in an AE zone. They also asked staff to pursue a Demolitions Ordinance which would help protect the Historic District. The

Commission suggested that the term “any structure” be further defined as anything larger than 200 square feet. They also reviewed the Planning Commission Policies and Procedures which will be reviewed by the City Attorney and brought back for a final review.

PRESENTATION OF PETITIONS AND REQUESTS:

Recognition of Sid Young as the Trail Advocate of the Year

George Chipman informed the Council that each year the Farmington Trails Committee (FTC) names an individual as the Trail Advocate of the Year—someone who has shown consistent support for the trail system of Farmington City. He announced that the FTC selected **Sid Young** as the Trail Advocate of the Year. He has been an advisor and City Council representative for the FTC for the past six years and has served faithfully. He has a vision for what Farmington can be and played a major role in making it happen. He presented a certificate to **Mr. Young** who thanked the FTC for the honor.

SUMMARY ACTION:

Minute Motion Approving Summary Action List

- 1. Amendment to Title 8, Chapter 5, regarding Excavation Permits**
- 2. Approval of Plat Amendment for Farmington Hills East Plat B**
- 3. Volunteer Chaplain Position for Fire Department**
- 4. Approval of Disbursements Lists for September**

Motion:

Cory Ritz made a motion to table Item #1 on the Summary Action List to allow additional time for review with the Ordinance coming back to the City Council showing redlines of proposed changes. The motion was seconded by **Rick Dutson** and approved by Council Members **Bilton, Dutson, Ritz, Talbot** and **Young**.

Motion:

John Bilton made a motion to approve Items #2, #3 and #4 on the Summary Action List. The motion was seconded by **Rick Dutson** and approved by Council Members **Bilton, Dutson, Ritz, Talbot** and **Young**.

NEW BUSINESS:

Spring Creek Park

Mayor Harbertson explained that the City was not successful in obtaining a grant to build this park but have decided to move forward with Phase 1 using \$50,000 from the general improvements budget. Work will begin this fall as weather permits.

Motion:

Cory Ritz made a motion to authorize staff to move forward with the first phase of construction on the Spring Creek Park using funds from GL 42-982-410 (general improvements) with a budget of \$50,000

and GL 42-982-370 (professional and technical) with a budget of \$5,000. The motion was seconded by **Sid Young** and approved by Council Members **Bilton, Dutson, Ritz, Talbot** and **Young**.

GOVERNING BODY REPORTS:

The **Mayor** explained that the City Manager has added items to his report which may be considered “New Business” to provide background and preparation for formal discussion at the next Council meeting.

City Manager Report

Part Time Employees/Benefit Rule Loophole

Each year the Council approves an annual budget which includes a line item for part-time salaries. Most of these jobs are for seasonal workers—life guards, crossing guards, and landscaping crews, but the City currently has four employees who are paid part-time salaries but are laid off for several weeks each year so that they do not exceed 2,080 hours in one year (Fair Labor Standards Act). These are valued employees who have worked for the City for several years. **Mr. Millheim** stressed that this practice is wrong for two reasons: (1) the City is circumventing the budget process through a technical loop hole; and (2) it is misleading. These employees do not receive benefits, but they are allowed to earn overtime pay if they work more than 40 hours per week. He has informed the department heads that this issue will be addressed during the next budget session.

I-15 HOV Expansion Plan

He and the **Mayor** attended a meeting with Destination Homes CEO **Brad Wilson** who is also a state representative. **Mr. Wilson** was unaware of UDOT’s plan to expand the HOV lane, and the City Manager wanted to make the Council aware of the project. Concurrent with the WDC project and with an almost identical time line, UDOT has an I-15 HOV Expansion Plan which will connect all of the sections of HOV lanes along the I-15 corridor. It will be the longest HOV lane (80 miles) in the United States. UDOT plans to complete the HOV lane within the footprint of the existing I-15 corridor so that no additional right of way is taken—the far left lane through Farmington will likely be converted into an HOV lane. Farmington is supportive of this Plan if it is kept separate from the WDC, and information has been placed on the City’s website so that residents can be aware of the project.

Rich Haws: Trail Easement and Paving Issues

The City Manager reported that staff has had several productive meetings with **Rich Haws**, and things are moving forward in a positive manner. The developer realizes that he must comply with the City’s requirements. In the Road to the North agreement, the City agreed to vacate the public right of way on Burke Lane and provide an easement to Haws. The easement is a fairly broad, unrestrictive use easement which allows the developer latitude within that right of way. The City must complete a statutory vacation process and City Attorney, **Todd Godfrey**, has recommended that the City complete that process concurrent with the easement recording. The valuation is \$59,400, and the easement will not be surrendered until the money is in escrow and all necessary steps have been completed. Any existing or historical easements will allow other property owners to function as they have done in the past. An additional concern is the zoning and use of the red barn and whether or not it is in compliance with the City Code. **Mr. Haws** would like to obtain a TMU application for an additional phase of apartments just north of Park Lane Village (this proposal was actually being discussed at the time the City placed a moratorium in the area). In order to do this, the original development agreement—which allows the addition of other contiguous pieces could be amended. The barns could possibly be used as community centers and/or recreation buildings as part of that new project. **Mr.**

Millheim said it is not the perfect solution, but the developer is making an effort to comply. One problem with the proposal is that the City recently adopted the OMU zone in the area, and Burke Lane was used as a clean demarcation line between the TMU and OMU zones. **Jim Talbot** said he would like to review this issue in more detail during a study session, and if a vote was requested tonight, he would say no because of numerous difficulties in the past. The **Mayor** said he is concerned because this area was recently designated as an OMU zone, and the developer is asking for a TMU zone. **John Bilton** said he would struggle to grant approval for **Mr. Haws'** proposal because he has represented to the City and the Council on several occasions that this area is his legacy or way to give back to Farmington City. He is asking to create an incongruent use—from a zoning map perspective—with a problem that he created. He would like **Mr. Haws** to make a formal presentation to the Council, to include more than one option, and to make sure that it would be a good solution for the City. **Cory Ritz** and **Rick Dutson** agreed with Councilman **Bilton's** comments and directed that these items be scheduled for a work session.

Farmington Pond Ice Fishing/Pond Road Closure

Neil Miller spoke with Public Works Director **Walt Hokanson** and Police Chief **Wayne Hansen** who recommended that the City continue to close the gate to avoid problems and/or accidents. They do not recommend ice fishing on the Pond, and those who choose to ice fish in the Pond will be doing so at their own risk. It is also difficult for City vehicles to get up and down the road when it snows and so the gate is kept closed when conditions warrant.

Spring Creek Estates Phase 3C Bonding Policy/Survey

The City Manager referred to a letter from **Howard Kent** who asked the City for permission to install the improvements at his own cost and delay payment of the required bond--other cities have apparently allowed him to do this. A survey in the staff report asked two questions of other cities in the area: (1) Do you allow developers to install improvements without a bond? If so, do you inspect the improvements? (2) Do you allow developers to install improvements before the plat is recorded? Most of the cities do not install improvements without a bond or prior to the recording of the plat. Following a brief discussion of various risks that would be involved, the **Mayor** and Council agreed that the bond should be required and the City should not allow improvements to be made in advance of recording and bonds in place.

1100 West Culvert

The City budgeted \$500,000 in its Capital Improvement Plan for a major system improvement on a culvert across 1100 West. The project must be completed within six years from the starting date which was about two years ago. Davis County is doing a storm drainage improvement in the same area and offered to install the culvert for an estimated \$78,400. The road improvements would be completed by the City at a later date, but this would be a much less expensive route, and the City Engineer and City Attorney advised the City to move forward with the project. The County will also maintain the culvert.

Bountiful Community Food Pantry

The Pantry has requested space in the City newsletter to encourage food donations. The City has a strict policy to allow for-profit business to purchase advertising space, and nonprofit organizations have been included from time to time. The **Mayor** pointed out that the Family Connection Food Bank in Layton would likely request similar advertising, and he suggested that advertising for both of these agencies be included in the unused space on the back of the newsletter. The Council agreed with the proposal.

Mayor Harbertson

- He asked if the Christmas lights for the City buildings are ready, and the City Manager replied that the Parks and Public Works Departments will be checking the current lights on the buildings soon, and they are planning to string lights on the large tree on the east side of the City Hall.
- He received an email from **Gordon Crabtree** of the Farmington Ranches HOA concerning an issue regarding their shed. They would like to obtain a key for the trail gate so they do not have to move their equipment across the sidewalk or private property. **Dave Millheim** told **Neil Miller** about the issue several months ago and thought it was solved, but he will follow up on the request. The **Mayor** suggested moving the gate beyond the shed and said he would look at the situation.
- He thanked **David Petersen** for his follow-up letter and resolution of issues with **Kyle McMullin** and said a home on Bayview Drive has a similar issue with “rooms for rent.” **Mr. Petersen** is also working on this situation. **Rick Dutson** commented that such a well written letter creates good will.
- He received an email from resident **Kyle Stowell** regarding an article in the Standard Examiner about the Burton Lane overpass and efforts to make it safer for pedestrians. The total cost for fencing the overpass was \$21,000, and UDOT absorbed almost \$11,000 of that amount. The fencing cost of \$9,000 will be paid by Farmington City. The **Mayor** asked if the City should do the same thing on the Shepard Lane overpass. **Rick Dutson** said he has often felt uncomfortable with the safety of the overpass, and **Dave Millheim** said he would contact **Kris Peterson** and follow up on the issue. He also told the Council that a State Transportation Commission meeting will be held in the Farmington City building on November 10, 2011 at 8:30 a.m., and he urged them to attend. **John Bilton** pointed out that the Burton Lane overpass is wider than the Shepard Lane overpass, but he thinks it may be possible to have one fenced pedestrian lane on the north side of the bridge and tie it into the frontage trail. It is not a pedestrian friendly corner at all, and this would be much safer.
- He received an email regarding a small piece of property (2 ½ acres for \$415,000) for an additional cemetery, but Parks Director **Neil Miller** is not interested in a small pocket cemetery. The Council agreed that the City needs to keep all options open.
- He informed the Council that there are issues in the fire department—there are fewer firemen, and some of them are doing 80% of the workload. Two things are happening: (1) those who want more hours are getting fewer hours; (2) those who were not responding enough now need to respond more often, there is the risk of having too many firemen on duty or not having a sufficient number on duty. **Rick Dutson** said he was approached by a local fireman who expressed a great deal of frustration. He thinks the City may lose some firefighters, and he may be one of them. It is the Fire Chief’s responsibility to manage the fire department, and he needs to feel supported by the Council. **Dave Millheim** suggested inviting the Fire Chief to further discuss these and other issues with the Council. **Cory Ritz** commented that these types of issues with the fire department are ongoing, and **John Bilton** said the right guy was hired as the Fire Chief for Farmington City.
- A meeting was held with **Brad Wilson** of Destination Homes who complained about storm water fines. There was a misunderstanding regarding the City’s warning and fine process, but he realizes that the construction sites need to be cleaned up. Following the meeting the **Mayor** told **Mr. Wilson** that he did not appreciate the fact that he was not made aware of an email **Mr. Wilson** wrote in support of the western alignment of the WDC prior to it being sent to UDOT. He informed **Mr. Wilson** that the western alignment does nothing for Farmington, and he was apologetic and said he would contact the **Mayor** prior to any future correspondence.

Jim Talbot

- He reported that the Interior Design Committee plans to finish Phase 1 in the near future. A title and the artist's name will be added to each painting in the Council chambers, and two large photographs of Main and State Streets will be placed on the front walls near the Farmington seal. The Committee will meet with various artists on November 15th to discuss five paintings for the entry area, and they are pleased with the new frames and matting of past mayors which will be placed in the hallway near the **Mayor** and City Council offices.

Sid Young

- He appreciated the memorandum regarding ice fishing on the Farmington Pond.
- He asked how much money has been raised for the Cemetery Memorial, and the **Mayor** replied that \$5,429.11 has been raised. **Dave Millheim** reminded the Council that the dedication will be held November 11, 2011 at 11:00 a.m. **Greg Bell** and **Jim Hansen** will both speak, and **Mr. Bell** will offer the dedicatory prayer.
- He spoke with **Craig Trottier** of CenterCal who said four restaurants will open in February/March. He mentioned that several \$500 garbage cans and 400-lb. pots were stolen from the Harmons store. They have their own security, but he suggested that the problem be reported to the police department.
- Several residents have commented on cars traveling at high speed rates on 500 South, and he asked that the Police Department be made aware of the complaints.

Rick Dutson

- He attended a meeting at the Oracle Corp. in Sandy with **Jim Talbot**, **Dave Millheim**, and **David Petersen**. Adobe gave an impressive presentation, and there was also a presentation on the City Creek development. They met people who are in the know for Class A office development. He stressed that it is a huge issue, and the City must represent itself well and stay connected to organizations such as GOED, EDCUtah, NAIOP (Commercial Real Estate Development Association), and the brokerage community. Obtaining Class A companies is an effort—it does not happen by accident.

Cory Ritz

- He is concerned about pedestrian issues near Park Lane. A group of young people were walking from the Frontrunner Station to Lagoon and were almost hit by a car. He suggested installing a pedestrian bridge from the Frontrunner Station across the freeway to the east side. There are also pedestrian issues from the Farmington Crossing area to the movie theatres.
- On 300 South and 1100 West in front of the Symphony Homes development, there is a dead end street, and there are three dead cottonwood trees which could be dangerous. Residents in the area would like the trees to be removed. The City Manager said he would follow through on the request.

John Bilton

- He asked how the new fire marshal is working out, and the **Mayor** reported that he is enjoying what he is doing and is beginning to understand what his role needs to be.
- He proposed that the Council revisit the issues of political signage. The **Mayor** said this was done several years ago, and the City Attorney said the standards are about as tight as they can be.
- The Historic Preservation Commission received a designation for the Sycamore District. He requested updates on the **Alley Rose** and **Hector Haight** homes and the home owned by Lagoon. He asked if Lagoon plans to purchase additional homes, and the **Mayor** said in the past the owners of Lagoon received constant complaints about the noise, but since the purchase of ten homes in the area (which they rent to their full-time managers), there have been no complaints.

CLOSED SESSION

Motion:

At 9:05 p.m. **Rick Dutson** made a motion that the City Council adjourn to a closed session to discuss the professional competency and character of an individual and potential property acquisition and/or other reasons permitted by law. The motion was seconded **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.



Scott C. Harbertson, Mayor

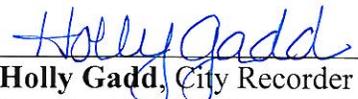
Motion:

At 10:15 p.m. **Cory Ritz** 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**.

ADJOURNMENT

Motion:

Cory Ritz 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 10:15 p.m.



Holly Gadd, City Recorder
Farmington City Corporation

]

]

]