

## FARMINGTON CITY COUNCIL MEETING

October 20, 2015

### WORK SESSION

*Present: Mayor Jim Talbot, Council Members Doug Anderson, John Bilton, Brigham Mellor, and Jim Young, City Manager Dave Millheim, City Development Director David Petersen, Associate City Planner Eric Anderson, Fire Chief Guido Smith, City Recorder Holly Gadd and Recording Secretary Melanie Monson.*

*Cory Ritz is out of town and is excused from the meeting.*

### Purchase of New Gurney/Cot with New Ambulance Safety Requirements

**Fire Chief Guido Smith** gave an update regarding the new ambulance and gurney. The FY 2016 Budget included approval to replace an existing ambulance; however the safety requirements and industry standards have since been updated and will impact the cost of acquiring a new ambulance and gurney. The updated cost, factoring in the new requirements, will be \$191,155 instead of the initially approved amount of \$168,000. **Chief Smith** recommended approval.

### Summary Action- Item 5

Item 5 on the Summary Action List, *Assisted Living Deferral Agreement*, was included in the packet and was posted online, but it was not included on the cover agenda. It will need to be included in the motion.

### Plummer Conservation Easement Amendment Request

**Dave Millheim** said the Plummer's requested this item to be tabled. UDOT, the City, and the property owners are currently completing appraisals for the property. This is just a discussion item. He encouraged the Council to look closely at the packet materials for when this item comes back.

### Amendment to the FY2015/16 Budget regarding the Justice Court

**Mayor Talbot** said he thought the County wanted to get out of the Justice Court system. When the City was approached to take it over, staff considered it and had good intentions to move forward with it. **Mayor Talbot** summarized the City's interactions with the County and the AOC in trying to make the proposed arrangement work. The most recent development was that the City sent a letter requesting permission to go to Clearfield or the District Court in Farmington. **Brigham Mellor** asked why the City made that request. **Dave Millheim** said it is because the budget margin was very thin; the County planned to keep the Layton and Bountiful Highway Patrol and Sherriff cases; and the City would have to fund the Court with General Fund dollars. The County would be keeping those revenues, and it is anticipated that the City would see budget deficits within 5-6 years. **Dave** said after opening the public hearing, by not adopting the budget, the Council would effectively kill the interlocal

agreements with other cities awaiting budget approval. **John Bilton** asked about the lease agreement the City had signed, and **Dave Millheim** said the City could get out of it. He stated that the City has an open door with Clearfield, but are unsure which way it will go at this point. **Mayor Talbot** said he would rather focus on the good things coming to the City rather than taking man power to figure out how to run the Court. **Brigham Mellor** asked about what will happen now with the culvert or with Animal Control since those things were related to the Court decision. **Dave Millheim** said if those items have to be readdressed, they will come back before the Council. **Brigham Mellor** opined that in the long run, the City is in a better place than had it accepted the County's original proposal.

**Mayor Talbot** expressed appreciation for the Council and their work.

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## **REGULAR SESSION**

*Present: Mayor Jim Talbot, Council Members Doug Anderson, John Bilton, Brigham Mellor, and Jim Young, City Manager Dave Millheim, City Development Director David Petersen, City Recorder Holly Gadd and Recording Secretary Melanie Monson.*

### **CALL TO ORDER:**

#### **Roll Call (Opening Comments/Invocation/Pledge of Allegiance)**

The invocation was offered by Councilmember **Jim Young** and the Pledge of Allegiance was led by Councilmember **Brigham Mellor**.

### **PUBLIC HEARINGS:**

#### **Amendment to the FY2015/16 Budget regarding the Justice Court**

**Mayor Talbot** said this item has been discussed at length during the work session.

*Mayor Jim Talbot opened the public hearing at 7:03 p.m.*

*Mayor Jim Talbot closed the public hearing at 7:03 p.m.*

#### ***Motion:***

**John Bilton** made a motion that the City Council not approve the amendment to the FY2015/16 budget regarding the Justice Court.

**Jim Young** seconded the motion which was unanimously approved.

## SUMMARY ACTION

### Minute Motion Approving Summary Action List

1. Poll Workers for Upcoming Elections
2. Approval of City Council Minutes from October 6, 2015
3. Residences at Station Parkway Subdivision Minor (Final) Plat
4. Purchase of New Gurney/Cot with New Ambulance Safety Requirements
5. Assisted Living Deferral Agreement

#### *Motion:*

**Jim Young** made a motion to approve the items on the Summary Action List 1-5.

**John Bilton** seconded the motion which was unanimously approved.

## GOVERNING BODY REPORTS:

### City Manager – Dave Millheim

1. Executive Summary for the Planning Commission meeting held on October 8, 2015,
2. Fire Monthly Activity Report for September
3. Request from Ascent Academy for Bridge Project: The City plans to build several bridges that cross over from the new park and gym complex to the Legacy Events Center. Ascent Academy approached the City wanting to take on the design and construction of the bridge, subject to City approval, as a science project. The City would likely provide some of the materials. **Dave Millheim** said he thinks it is a great opportunity for a public/private partnership. **Doug Anderson** asked if they would be able to build something over the waterway. **Dave Millheim** said yes, but they would have to obtain all the permits, etc. He also said they would provide three renderings for the City to choose from.
4. Water System/Sewer System Problems with U of U Building, Vista and CenterCal outbuildings: **Dave Millheim** said the University of Utah is working diligently to get their building up. According to State law, they do not have to go through the normal review processes for their design, etc. **Dave** said he contacted CenterCal regarding a major sewer outfall line that the University of Utah building needs to connect to, which will also connect to the new Vista building. In a normal City review process, the City would not issue a building permit without all the water/sewer permits and outflows, etc. The University of Utah and CenterCal are aware of it, and are working to resolve it. The architect sent an updated memo, but **Dave** did not feel he addressed the issue. Staff is concerned that the City will be the “bad guy” if it does not issue a CO due to easements that have not been recorded, etc.

**Dwayne Palmer**, 516 South 1025 West, Farmington, Utah. He works for the University of Utah, and this is a major project he is overseeing. He said they are within a week of getting all permits filed. He said they are about a week away from having all the easements platted. They have been working with all the utility companies to find out

where all the utilities need to come in. He said it is a matter of getting it all on one plat and recorded. **Dave Millheim** emphasized the importance of this issue and said he does not want to have to withhold a CO due to a water pipe that cannot connect, etc. **Dwayne** said he will send a copy of the easement to Dave Millheim, and **Dave** said he needs to send it to the City engineer. **Mayor Talbot** thanked him and said the City appreciates having them in the community. **Dwayne** said they are not usually this closely aligned with a partner site.

**John Bilton** asked if there was an update on the traffic circle. **Mayor Talbot** said it is moving forward they are looking to start construction on it in the spring. Once the drawings are finalized, they will bring it before the Council.

5. Federal Disaster Preparedness Training: **Dave Millheim** said a division of FEMA will come in and provide a 6 hour long tailored disaster training specifically for elected officials and staff. He encouraged the Council and Mayor to participate when it takes place. He suggested holding the training in February and said he will look at the calendar and bring several dates before the Council.
6. Historic Preservation issue: **Dave Petersen** said there are over 400 Historic structures in downtown Farmington, 180 resources on the Historic List, as well as 5 Historic landmarks. Additionally, there are over 5000 dwellings and other structures. He said the Historic landmarks are a legislative designation. He said in the Bungalow subdivision, there is a home currently under construction that faces State Street. He showed several design documents that were presented to the City by the developer of this new subdivision. While the character is fitting for the area, this new home is much larger than the one it replaced. The design was sent to the Historic Preservation Committee and to the Historic architect. Both Alyssa Revell and the architect expressed approval in May and June. Later, Alyssa Revell expressed concern that the faux rock the builder was planning to use was contemporary and not historic/traditional. He said the permit was issued because the Historic architect and the chair of the Historic Preservation Committee expressed that they liked the design, and because staff treated it as a Historic resource and not a Historic landmark. There is a disconnect in the language of the ordinance (it does not specify new construction). It was not brought to the Historic Commission until late in the process and it was so much better than what was there before. He spoke with the builder about using brick, or about sending the faux rock back (it is on site now). The builder said the restocking fee is \$14,000. The cost of board and batten or some other material will be similar in cost to the rock. He asked if the City Council would be willing to pay the restocking fee, since the City did not bring it to the Historic Commission in June, and treated it as a resource.

**Alyssa Revell**, Chair of the Preservation Commission. She had emailed the developer with a concern about the windows, and subsequently he sent her pictures of the other finishes. That is when she realized there was a problem with the design. She said they would prefer board and batten, which is less expensive than brick or rock.

**Dave Millheim** said he does not want to convey a flippant decision about Historic Preservation, and wants to hear from Dave Petersen what staff's recommendation is. He said the City has never issued a certificate of historic appropriateness, as stated in the ordinance. He also said the developer has a permit, and because there was a delay of several months between when it was issued and when the concerns were raised, he cannot

in good conscience ask the builder to pay the restocking fee. He said there are things in the process that need to be cleaned up. **Mayor Talbot** said the building permit was issued after the chair of the Historic Commission and the architect had looked at the proposed design. He thinks it is not appropriate to renege after having issued the permit. **Dave Petersen** said they are trying to follow the spirit of the law and not just the letter of the law. He said the builder has been gracious. He asked the builder if he would be willing to not put the rock on the upper gable and put board and batten instead, and the builder said yes. He said his recommendation is to go with what the builder is willing to do, and to negotiate for less rock to be used on the home. **Dave Millheim** said he is willing to try to get cooperation from the builder, with the intent of making the best of the situation. What got this approved was the fact that the home being built is better than what was there before, and at some point the City has to accept what it approved. He expressed concern over the process, and the need for better communication between staff and the Historic Preservation Committee. He asked for the Council's direction based on the situation and the recommendations. He said he does not want to create ill will. **Mayor Talbot** asked if the Council is willing to pay a restocking fee, and the vote was 1 for, and 3 against. **Doug Anderson** said he is comfortable paying the restocking fee because he feels there is one chance to get this Historic landmark right. **John Bilton** said he is against it because he feels there are other options. **Mayor Talbot** said he thinks it is a slippery slope situation. He said he is fine with them sitting down with the builder to see what he is willing to do, but he thinks the builder has the right to move forward since he has a permit. **Dave Petersen** said the builder has not had a lot of interest in the home. **Dave Millheim** said he is willing to sit down with the builder and Dave Petersen and Mayor Talbot. He also said they need to sit with the Historic Committee to look at the ordinance process steps.

### **City Council Reports**

**Doug Anderson** said on November 17<sup>th</sup> there will be a Farmington Junior High basketball game against Centennial. The coach, Vance Downs, is retiring, and has been a positive influence to a lot of youth in the community. He wants to recognize him, and asked the Mayor to present him with a key to the City. Doug said he will take charge of coordinating this.

### **Mayor Jim Talbot**

1. December 17<sup>th</sup> is the Christmas Party for City employees. It is from 1:00 pm to 3:00 pm. He encouraged the Council members to attend with their spouses.
2. He plans to host a Christmas party at his home and invited the Council to attend that as well.
3. He holds a "Lunch with the Mayor" with one student from each elementary class on the first Wednesday of the month. He invited the Council members to attend.
4. He wished the incumbents luck in the upcoming election.
5. There are still problems with parking at the Legacy Events Center. **Dave Millheim** said he would put it on the agenda for their meeting with the County on Monday.
6. He requested that the Council select dates for a planning meeting in January.

7. A culvert is necessary for the new elementary school that will go in next fall along 1100 West. The City needs to get that road finished, and the County is responsible for the culvert. However, they have indicated they do not have the funds for it. There will be a meeting with the CCSS group on Monday and this will be put on the agenda. The cost is about \$316,000 for the entire road and culvert. Without the culvert, many students will have to take a long way around to access the school.

Council members **Brigham Mellor, John Bilton, and Jim Young** did not have anything to report at this time.

### **CLOSED SESSION**

#### ***Motion:***

At 8:14 p.m., **Brigham Mellor** made a motion to go into a closed meeting for purpose of discussing potential litigation. **Jim Young** seconded the motion which was unanimously approved.

#### **Sworn Statement**

I, **Jim Talbot**, 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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**Jim Talbot**, Mayor

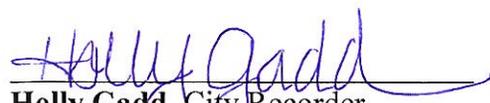
#### ***Motion:***

At 8:20 p.m., a motion to reconvene into an open meeting was made by **Brigham Mellor**. The motion was seconded by **Doug Anderson** which was unanimously approved.

### **ADJOURNMENT**

#### ***Motion:***

At 8:21 p.m., **Jim Young** made a motion to adjourn the meeting. **John Bilton** seconded the motion which was unanimously approved.



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