

FARMINGTON CITY COUNCIL MEETING

Tuesday, April 19, 2011

WORK SESSION

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

Mayor Harbertson began the work session at 6:10 p.m., and the Council discussed the following items:

Minutes of the City Council meeting held on March 29, 2011

There were several amendments to the Minutes.

Minute Motion Approving Summary Action List

Dave Millheim pointed out that Item #5 on this list, the Revocation and Abandonment of Easement for Jason Bruse, needs to be covered separately with its own motion.

Local Consent for Harmons Special Use Permit

Representatives from Harmons will be in attendance during the regular session to comment on this request.

Park Lane Commons Final Plat Approval

Dave Millheim explained that the final plat for this Subdivision was approved by the Council on May 18, 2010. The plat was not recorded within 6 months of the approval, so it became null and void as of November 18, 2010. This new final plat has been reviewed and accepted by both parties.

Curb and Gutter on 900 North and 1000 North

The Council discussed various issues concerning this project.

REGULAR SESSION

Present: Mayor Scott Harbertson, Council Members John Bilton, Rick Dutson, Cory Ritz, Jim Talbot and Sid Young, City Manager Dave Millheim, City Planner David Petersen, City Engineer Paul Hirst, City Recorder Holly Gadd and Recording Secretary Cynthia DeCoursey

CALL TO ORDER

Opening Comments/Invocation/Pledge of Allegiance

Mayor Harbertson opened the meeting at 7:10 p.m. and welcomed those in attendance, including Porter Sykes of the Youth City Council. Sid Young offered the invocation, and the Pledge of Allegiance was led by Jim Talbot.

Approval of Minutes

Motion: Rick Dutson made a motion to approve the minutes of the March 29, 2011 City Council meeting with the modifications which were made during the work session. The motion was approved by **Sid Young** and approved by Council Members **Bilton, Dutson, Ritz, Talbot** and **Young**.

REPORTS OF COMMITTEES/MUNICIPAL OFFICERS

Executive Summary of Planning Commission meeting held on March 24, 2011

Associate City Planner **Christy Alexander** submitted a letter indicating that the Planning Commission approved a conditional use permit for Lodder Homes to open a sales office in a model home located at 553 North Spring Creek Drive.

Presentation by Paul White regarding the new Emergency Preparedness Plan

Mayor Harbertson congratulated **Paul White** for receiving a national award from the National Association of County and City Health Officials for his efforts on the integration of the Medical Reserve Corps and the CERT program.

Mr. White said the original Emergency Preparedness Plan was written by Davis County in 1983 and upgraded in 2003. Since that time, the State has requested that each City become compliant with the format of the **National Incident Management System (NIMS)** which is used in the United States to coordinate emergency preparedness and incident management among various federal, state, and local agencies. Each City has adapted the Davis County plan, and several new items are included: EFS (Emergency Function System); a transportation plan which will be administered by each City's Police Department; and phone lists. It is a living document which will require updating on a continual basis. He mentioned several events which will be occurring in 2011 and 2012 and reminded the Council of the Emergency Preparedness Fair which will be held on April 30, 2011 in Fruit Heights. He also reported that Davis County is more prepared for flooding than they were in 1983, and 4,000 sand bags are available to the public.

Council Member **Cory Ritz** arrived at the meeting at 7:20 p.m.

Motion: Rick Dutson made a motion to adopt the plan with the condition that the updated contact information will be submitted prior to the next City Council meeting. The motion was seconded by **John Bilton** and approved by Council Members **Bilton, Dutson, Ritz, Talbot** and **Young**.

PUBLIC HEARINGS

Local Consent for Harmons Special Use Permit

Bob Harman introduced **Reagan Puffer**, store director for the new Harmons store in Farmington, and **Lori McFarland**—she explained that Harmons has applied to the Utah Department of Alcohol Beverage Control Licensing and Compliance for a Scientific and Educational Special Use Permit to allow them to serve beer and wine in the classes they will hold in their new store. She said Harmons is required to submit a Local Consent form signed by Farmington City. Harmons has installed a cabinet for storage of the alcohol, and the cooking school director and store manager will each have keys to the cabinet. The store opening will be held on May 2, 2011 at 10:00 a.m.

Mayor Harbertson opened the public hearing at 7:30 p.m. There was no one from the public to speak regarding this permit, and the public hearing was closed.

Motion: Jim Talbot made a motion to approve the special use permit for Harmons with the understanding that this permit is for the Harmons Grocery Store only and does not accompany the building and/or any successors. **Sid Young** seconded the motion which was approved by Council Members **Bilton, Dutson, Ritz, Talbot and Young**.

SUMMARY ACTION

Minute Motion Approving Summary Action List

1. **Ratification of Approvals of Construction & Storm Water Bond Logs**
2. **UTA Agreement for Lagoon Shuttle**
3. **Second Amendment of Development Agreement with CenterCal**
4. **Rice Farms Estates Phase 5 PUD Improvements Agreement**
5. **Revocation and Abandonment of Easement for Jason Bruse**
6. **Affordable Housing Plan – Contract Modification**
7. **Youth Week Proclamation**

Motion: Sid Young made a motion to approve the items on the Summary Action List except for Item 5 – the Revocation and Abandonment of Easement for **Jason Bruse**. The motion was seconded by **Cory Ritz** and approved by Council Members **Bilton, Dutson, Ritz, Talbot and Young**.

Mayor Harbertson referred to the staff report which includes a recommendation from staff that the Council approve the abandonment of the southerly side-yard easement less the easterly 10 feet.

Motion: Rick Dutson made a motion to approve the Revocation and Abandonment of Easement for **Jason Bruse** on property located at 1927 Summerwood Drive and to include the exhibit which details the location of said Easement. The motion was seconded by **John Bilton** and approved by Council Members **Bilton, Dutson, Ritz, Talbot and Young**.

NEW BUSINESS:

Park Lane Commons Final Plat Approval

Scott Harward, Haws Companies, said there are several easements which were enlarged and added to the plat map to show the area more clearly.

Ernie Willmore, Willmore Development, said they are thrilled to finally have the plat finished and the funding in place. He said they do not have a firm date for the groundbreaking ceremony, but he will notify the City as soon as the date is known.

Motion: Sid Young made a motion to reapprove the final plat as corrected and attached with the revised drawings for the Park lane commons subdivision because the previous plat was not recorded by the 6-month deadline. The motion was seconded by **Cory Ritz** and approved by Council Members **Bilton, Dutson, Ritz, Talbot and Young**.

Curb and Gutter on 900 North and 1000 North

Dave Millheim reported that staff was unable to get a unanimous consent from the neighbors, and he asked for direction on how to proceed. There was a lengthy discussion of issues related to the project, including the installation of a cul de sac or a hammerhead turn at the end of 1000 North, the possibility of trading property for curb and gutter on both sides of the street, the costs per square foot, and the financial impact to each of the property owners.

Motion: **John Bilton** made a motion to authorize and approve the expenditure of \$10,688.40 paid from General Ledger Account #38-400-441 for the curb and gutter project on 900 North and 1000 North conditional upon the property owners signing an agreement to pay a portion (equal to one third) before the project is started and to make monthly payments until their balance is paid (not to exceed 48 months). The motion was seconded by **Rick Dutson** and approved by Council Members **Bilton**, **Dutson**, and **Ritz**. Council Members **Jim Talbot** and **Sid Young** voted against the motion.

Lease of House on North Main

Mayor Harbertson explained that the City has rented the house on North Main for \$500 per month since March 2010. The rate was low because the house was in disarray and the renters agreed to make the necessary repairs and provide upkeep to the house. Following a brief discussion, the Council agreed that the rate should be raised to \$750 per month.

Motion: **Rick Dutson** made a motion to increase the rent to \$750 per month and to continue renting the house on a month-to-month basis. The motion was seconded by **Jim Talbot** and approved by Council Members **Bilton**, **Dutson**, **Ritz**, **Talbot** and **Young**.

Consideration of hiring a new auditing firm

Dave Millheim complimented **Keith Johnson** for his efforts in providing information from several auditing firms and said his recommendations are: (1) continue with the auditing firm of Ulrich & Associates whose prices are higher but they are familiar with the City's system; or (2) change to Jensen & Keddington who have lower prices and have been recommended by other cities. The Council discussed several pertinent issues and criteria included in the staff report regarding this item.

Motion: **John Bilton** made a motion to employ the auditing firm Jensen & Keddington for a period of one year. **Rick Dutson** seconded the motion which was approved by **Bilton** and **Dutson**. Council Members **Ritz**, **Talbot**, and **Young** voted against the motion which did not pass.

Motion: **Cory Ritz** made a motion to continue with the auditing firm of Ulrich & Associates for a period of one year at which time the subject will be re-evaluated. The motion was seconded by **Sid Young**, and Council Members **Bilton** and **Dutson** voted against the motion. Council Members **Ritz**, **Talbot**, and **Young** voted in favor of the motion which passed.

Report on the new City Well

Mayor Harbertson asked City Engineer **Paul Hirst** to report on the new City well:

Mr. Hirst reported that when the well was being developed, a sulphur smell was detected. The first step is to determine the concentration of sulphur in the water and decide on a treatment plan. **Dewey**

Petersen, of Petersen Brothers Drilling Co., will obtain samples of the water. It was also found that over-pumping the new well will cause the Woodland Park Well to draw down. The Woodland Park Well has an iron bacteria problem which is being treated with chlorine about every six months. These issues must be dealt with before the design of the well can be completed.

GOVERNING BODY REPORTS

City Manager Report

- He referred to the list of Upcoming Agenda Items for the May 3, 2011 Council Meeting.
- **Neil Miller** submitted a timeline proposal for the Veterans Memorial, and the City is waiting for a list of the proposed costs from **Jim Heffner** and **Mike Neilsen**.
- He received a letter from UDOT asking if there are any historic buildings or archeological sites along the proposed WDC routes. The Council said they do not know of any such sites.
- Hughes Contractors has requested that they be released from the warranty on the City building. Approximately \$27,000 has not been released, and they would like to pay off some of their subcontractors. The Council determined that it would not be a wise thing to do.

Mayor Harbertson

- The Davis County Clipper Mother of the Year Banquet will be held on May 5, 2011.
- Garbett Homes is struggling with their subdivision—they have 100 units left and are selling only one unit per month. They are considering the possibility of leasing the last 100 units (residents are opposed to this idea). **Dave Millheim** pointed out that several owners have moved and are renting their units, and he predicted that the City will need legal assistance on this issue.
- A stakeholders meeting was held to consider a future business park in Farmington. It was well attended, and the response was positive.
- Davis County is conducting a wetlands study of the proposed West Davis Corridor area.
- He met with Century Link (recently merged with Quest) to discuss the poor quality of internet service in Farmington and a commitment to upgrade services in the area. The new company is progressive and plans to make positive changes.
- He attended a meeting with UDOT to discuss projects in Farmington. The connection between Park Lane and Clark Lane was discussed, and a new idea concerning the WDC was presented.
- He enjoyed the Utah League of Cities and Towns Conference which included an inspiring talk by the former quarterback of the Pittsburgh Steelers, **Terry Bradshaw**.
- He reported that the ground in Farmington is saturated, and there are flooding concerns.

- The City received another Tree City USA award, and **Matt McCullough** received a growth award for his inventory of the trees in Farmington City.
- A Town Hall Meeting will be held on April 15, 2011 at 7:00 p.m.
- He reminded the Council of the budget meeting at 6:00 p.m. on April 26, 2011.

Jim Talbot

- He asked City Recorder **Holly Gadd** to send email reminders regarding the April 26, 2011 budget meeting, and the meeting on April 28, 2011.
- He expressed concern regarding emails received from residents in the Garbett Homes area.
- He asked for an update of the selection of a site for a new cemetery, and the City Manager said he would pursue the request.

Sid Young

- He enjoyed attending his 8th and final League of Cities and Towns Conference.
- He suggested the possibility of scheduling an organ concert during Festival Days. One of the organists for the Tabernacle Choir is a Farmington resident, and the Farmington South Stake Building has a fabulous organ. The City Manager advised him to contact **Neil Miller** or **Stephanie Gallagher** to suggest the proposal.

Rick Dutson

- He attended the Youth City Council Meeting, and eggs with candy were prepared for the annual Easter Egg Hunt at 9:00 a.m. on Sat., April 23rd at Forbush Park. He said Lagoon provided many of the treats for that event.

Cory Ritz

- He received a call from **Matt Gore** who is concerned about his name being used in connection with UDOT and the WDC. UDOT is also concerned, and both parties have requested that the City refrain from mentioning his name.
- He noticed debris on the streets in Centerville, and he asked the City Manager to inquire about the methods and success of their clean-up program.

John Bilton

- He suggested that **Dave Millheim** contact the Historic Preservation Commission regarding historic buildings and/or archeological sites along the proposed WDC route.
- He referred to a letter sent to the U.S. Army Corps of Engineers from **David Petersen** regarding the County's proposed Farmington Creek Flood Management/Channel Reconfiguration Project.

He said it appears that the County makes decisions without input and/or feedback from the City. **Dave Millheim** said the plans are not finalized, and the County has been informed that there may be better options.

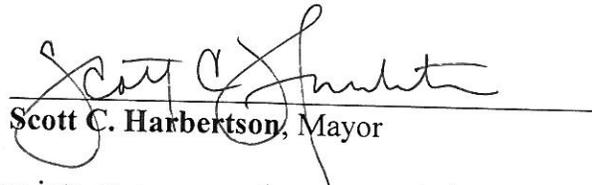
- He asked for an update on the Alley Rose home, and **David Petersen** said the City is planning to hire someone who will be able to see it through to completion.
- He asked City staff to contact Henry Walker Homes regarding the historic home located in the development east of Lagoon. He is concerned with extra water that is running through the front yard and may be inside the home.

CLOSED SESSION

Motion: At 9:40 p.m. a motion was made by **John Bilton** moving to a closed session to discuss strategy as it pertains to potential litigation. It was seconded by **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 10:35 p.m. a motion to reconvene into an open meeting was made by **Rick Dutson** and seconded by **Cory Ritz**. The motion passed with Council Members **Bilton, Dutson, Ritz, Talbot** and **Young** all voting in favor.

ADJOURNMENT

Motion: **John Bilton** made a motion to adjourn the meeting. The motion was seconded by **Jim Talbot** and approved by Council Members **Bilton, Dutson, Ritz, Talbot** and **Young**. The meeting was adjourned at 10:40 p.m.



Holly Gadd, City Recorder
Farmington City Corporation

