

**WORK SESSION:** A work session will be held at 6:00 p.m. in Conference Room #3, Second Floor, of the Farmington City Hall, 160 South Main Street. The work session will be to discuss the form based code and to answer any questions the City Council may have on agenda items. The public is welcome to attend.

## **FARMINGTON CITY COUNCIL MEETING NOTICE AND AGENDA**

Notice is hereby given that the City Council of **Farmington City** will hold a regular City Council meeting on **Tuesday, March 19, 2013, at 7:00 p.m.** The meeting will be held at the Farmington City Hall, 160 South Main Street, Farmington, Utah.

*Meetings of the City Council of Farmington City may be conducted via electronic means pursuant to Utah Code Ann. § 52-4-207, as amended. In such circumstances, contact will be established and maintained via electronic means and the meeting will be conducted pursuant to the Electronic Meetings Policy established by the City Council for electronic meetings.*

The agenda for the meeting shall be as follows:

### **CALL TO ORDER:**

7:00 Roll Call (Opening Comments/Invocation) Pledge of Allegiance

### **PRESENTATION OF PETITIONS AND REQUESTS:**

7:05 Executive Summary for Planning Commission held February 28, 2013

7:10 Report by Festival Days Committee

### **SUMMARY ACTION:**

7:20 Minute Motion Approving Summary Action List

1. Approval of Minutes from March 5, 2013
2. UTA Agreement for Lagoon Shuttle
3. Interlocal Agreement with Davis County regarding Elections
4. Purchase of Three Soccer Goal Sets for Bus Park
5. Surplus Vehicles

### **NEW BUSINESS:**

7:25 ISO Rating Report Discussion

7:40 Demolition Ordinance Discussion

### **GOVERNING BODY REPORTS:**

8:00 City Manager Report

1. Upcoming Agenda Items
2. Police Monthly Activity Report for February
3. NIMS Training

8:05 Mayor Harbertson and City Council Reports

**CLOSED SESSION**

Minute motion adjourning to closed session, if necessary, for reasons permitted by law.

DATED this 12th day of March, 2013.

**FARMINGTON CITY CORPORATION**

By: Holly Gadd  
Holly Gadd, City Recorder

**\*PLEASE NOTE:** Times listed for each agenda item are estimates only and should not be construed to be binding on the City Council.

*In compliance with the Americans with Disabilities Act, individuals needing special accommodations (including auxiliary communicative aids and services) during this meeting, should notify Holly Gadd, City Recorder, 451-2383 x 205, at least 24 hours prior to the meeting.*

CITY COUNCIL AGENDA

For Council Meeting:  
March 19, 2013

**S U B J E C T: Roll Call (Opening Comments/Invocation) Pledge of Allegiance**

It is requested that Council Member Jim Talbot give the invocation/opening comments to the meeting and it is requested that City Manager Dave Millheim lead the audience in the Pledge of Allegiance.

NOTE: Appointments must be scheduled 14 days prior to Council Meetings; discussion items should be submitted 7 days prior to Council meeting.

CITY COUNCIL AGENDA

For Council Meeting:  
March 19, 2013

**S U B J E C T:** Executive Summary for Planning Commission held February 28, 2013

**ACTION TO BE CONSIDERED:**

None

**GENERAL INFORMATION:**

See enclosed staff report prepared by Christy Alexander.

NOTE: Appointments must be scheduled 14 days prior to Council Meetings; discussion items should be submitted 7 days prior to Council meeting.

CITY COUNCIL AGENDA

For Council Meeting:  
March 19, 2013

**S U B J E C T: Report by Festival Days Committee**

**ACTION TO BE CONSIDERED:**

None

**GENERAL INFORMATION:**

Rick Dutson and Sid Young will be giving this report.

NOTE: Appointments must be scheduled 14 days prior to Council Meetings; discussion items should be submitted 7 days prior to Council meeting.

## CITY COUNCIL AGENDA

For Council Meeting:  
March 19, 2013

### **SUBJECT: Minute Motion Approving Summary Action List**

1. Approval of Minutes from March 5, 2013
2. UTA Agreement for Lagoon Shuttle
3. Interlocal Agreement with Davis County regarding Elections
4. Purchase of Three Soccer Goal Sets for Bus Park
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NOTE: Appointments must be scheduled 14 days prior to Council Meetings; discussion items should be submitted 7 days prior to Council meeting.

## FARMINGTON CITY COUNCIL MEETING

March 5, 2013

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### **WORK SESSION**

*Present: Mayor Scott Harbertson, Council Members John Bilton, Cory Ritz, Cindy Roybal, Jim Talbot and Jim Young, City Manager Dave Millheim, City Finance Director Keith Johnson, City Development Director David Petersen, City Recorder Holly Gadd and Recording Secretary Cynthia DeCoursey*

The Council briefly discussed several of the items on the agenda.

### **Financial Report**

Finance Director **Keith Johnson** reviewed various financial charts, including General Fund Revenues and Expenses, the Ten-year General Fund Forecast, and Sales Tax Forecasts. He informed the Council that budget meetings have been scheduled for Tuesday, April 30, 2013 at 5:00 p.m. and May 14, 2013 at 5:00 p.m.

### **THC Applications**

**Dave Millheim** said the City received three applications from The Haws Companies (THC). The first two applications are rezoning requests for 36 acres west and 72 acres north of Station Parkway. The third application is for a zoning text amendment which would be necessary if the first two are approved. **Cory Ritz** and **John Bilton** agreed to serve on a subcommittee with two members of the Planning Commission, staff members, and the City Attorney to discuss various related issues and to meet with the developer.

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### **REGULAR SESSION**

*Present: Mayor Scott Harbertson, Council Members John Bilton, Cory Ritz, Cindy Roybal, Jim Talbot and Jim Young, City Manager Dave Millheim, City Recorder Holly Gadd and Recording Secretary Cynthia DeCoursey. Youth City Council members Shelby Morrow and Cami Paget were also in attendance.*

### **CALL TO ORDER:**

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

The **Mayor** began the meeting at 7:05 p.m. and welcomed those in attendance. The invocation was offered by **Cory Ritz**, and the Pledge of Allegiance was led by local Boy Scout Theodore Housinger of Troop 773.

### **REPORTS OF COMMITTEES/MUNICIPAL OFFICERS:**

### **Recognition of Dillon Jones for Life Saving Service**

**Captain Rich Love** reported that on January 24, 2013, resident **Dillon Jones** assisted an elderly woman, **Barbara Peel**, who had fallen on the ice and needed immediate medical attention. He reported the emergency, rendered aid and comfort, and shoveled a path in the snow to help rescuers reach her easily. His actions exemplify the core values of the Fire Department: (1) the desire to serve; (2) the courage to act; and (3) the ability to perform. **Chief Smith**, the Fire Department, and City officials thanked him for making a difference in the community.

**Introduction of new Youth City Council members/Administration of Oath of Office**

**Mayor Harbertson** introduced the new officers, returning members and new members of the Youth City Council and administered the Oath of Office.

<i>Mayor:</i>	Sydney Pace
<i>Director of Youth Citizenship:</i>	Lizzy Welch
<i>Chair of Publicity:</i>	Austin Lemon
<i>Director of Volunteerism:</i>	Katherine Smith
<i>Historian:</i>	Cami Paget
<i>Secretary:</i>	Haley VanOverbeck
<i>Treasurer:</i>	Daniel Montgomery
<i>Parliamentarian:</i>	Abby Mattinson
<i>Sergeant of Arms:</i>	Sara Harper

<i>Returning Council Members:</i>	<i>New Council Members:</i>
Jarom Barnes	Amanda Buxton
Elizabeth Barnett	Jill Hess
Sadie Caldwell	Mallory Hogge
Carmen Ferrin	Liza Hogge
Shelby Morrow	Bransen Nelson
Steven Swanson	Emmeleas Paget
Kayla Weddington	Blake Riley

**PRESENTATION OF PETITIONS AND REQUESTS:**

**Presentation by CPT Earl Simmons regarding the Community Covenant Program**

CPT **Earl Simmons** said this program was created in 2008 by the Secretary of the Army to make it easier for community leaders and the military to communicate and work together to help ease the burdens of deployment. In 2010 the National Guard adopted it, and the first governing body to sign a Covenant was the Utah State Legislature. The Utah National Guard then invited each city in Utah to create and sign their own covenant and appoint a liaison. **John Bilton** is the liaison for Farmington City.

**Land Trade Agreement between CenterCal/Farmington City for a portion of the future Park Lane right of way**

The **Mayor** explained that the City plans to realign portions of Park Lane, and all of the property must be in the City's control. A jurisdictional transfer with UDOT gave the City

ownership of the majority of Park Lane (UDOT maintained control of the overpass structures), additional right of way was purchased from the Evans family, and this Agreement is the last step in the process.

***Motion:***

**John Bilton** made a motion to authorize the **Mayor** to execute the attached agreements between CenterCal and Farmington City to trade property for portions of the future right-of-way for Park Lane and for the temporary construction easement. The motion was seconded by **Cory Ritz** and unanimously approved.

**Proposed Spring Creek Estates Open Space Conservation Easement**

**Mayor Harbertson** said that portions of the City Ordinance prohibit the proposed use (for a hobby style train); however, the Council agreed to grant a waiver with a condition that the City be compensated for the waiver. Staff met with the buyer (**Steve Flanders**) who proposed a donation of \$2,000 to the City Park Fund.

***Motion:***

**Cory Ritz** made a motion to approve:

- The proposed Conservation Easement (Farmland and Open Space) for the Spring Creek Estates Subdivision;
- Waivers of portions of Title 11, Chapter 12 that prohibit the installation and operation of railroad tracks and landscaping for a hobby style train, including 11-12-120 (b) (2) (E) and 11-12-120 (b) (3) (A), (B), (F), (I), and (L);
- Compensation in the form of a \$2,000.00 donation to the Farmington City Park Fund in exchange for the waivers.

The motion was seconded by **Cindy Roybal** and unanimously approved.

**Sales Tax Audit with Econowest for Station Park**

This item was discussed during the work session, and there were no further comments.

***Motion:***

**Jim Talbot** made a motion to approve the Memorandum of Understanding between Farmington City and Econowest Associates to conduct a sales tax audit for the Station Park Development. The motion was seconded by **John Bilton** and unanimously approved.

**SUMMARY ACTION**

1. Approval of Minutes from February 12, 2013 and February 19, 2013
2. Eastwood Cove Subdivision Memorandum of Understanding
3. UTA Agreement for Lagoon Shuttle
4. Service Agreement with iWORQ Systems

***Motion:***

**Jim Young** made a motion to pull item 3 from the List and to approve items 1, 2 and 4. The motion was seconded by **Cindy Roybal** and unanimously approved.

**GOVERNING BODY REPORTS:**

**City Manager – Dave Millheim**

- A list of upcoming agenda items was included in the staff report.
- A draft of a new letter written by Code Enforcement Official **Ken Klinker** regarding snow removal was included in the staff report.

**Mayor – Scott Harbertson**

- He attended a Utah League policy meeting with **Jim Young** and **Dave Millheim**, and there was discussion regarding Senate Bill 33 which would require a use tax on entrance fees throughout the State. It is probable that the Bill will fail.
- He recently toured Station Park with **Craig Trottier**. Class A office space is currently available in the west building. The first tenant is a CPA firm, and space is being built out for a law firm, a health care facility, and a dental office. The H&M building on the east side is progressing with a projected grand opening on May 25, 2013. Several other stores will have grand openings on June 28, 2013.
- He met with **Glen Leonard** to discuss the progress of the history of Farmington. Because he is writing another other book with a fixed deadline, he will not be able to finish the history in 2013. The City Manager will look into extending the contract.

**City Council**

***Jim Young:***

- He referred to an email from Historic Preservation Committee Chair **Alyssa Revel** who announced that former City Manager **Max Forbush** will be honored by the Utah Heritage Foundation for his efforts regarding historic buildings in Farmington. Details about the luncheon will be forthcoming.
- The Davis/Bountiful Arts Center is temporarily located on the second floor of the Davis County Courthouse, and there is also a nice art display on the third floor.

***Cory Ritz:***

- When the City widened 1100 West, the water supply for animals on the triangular piece of property was cut off. The City agreed to stub water from the line in the street over to this parcel so the leaseholders could water their animals. It was damaged at some point

during the winter, and the leaseholders contacted Public Works and were told that it was not the City's problem. **Dave Millheim** said he will check into the issue.

***John Bilton:***

- He appreciated the great show of support for Dillon Jones from the Fire Department and commented that they looked sharp.
- He asked if there was an update of the PMP with THC; the City Manager said he had not heard from them.
- He asked for an update regarding the Miss Farmington Pageant. The **Mayor** said the application deadline has been extended until March 15, 2013. Contestants must be between the ages of 17-24 and must have graduated from high school prior to the state competition.
- He asked for an update regarding the Steed Creek flood plain. The **Mayor** said he and **Dave Millheim** will meet with **Commissioner Petroff** in the near future to discuss the issues.

***Jim Talbot:***

- The Interior Design Committee published an announcement in the newsletter asking for volunteers to assist with the process of painting a mural in the City Hall. Several residents volunteered to be in charge of the project.
- There has been a movement to rename Legacy Parkway after former Governor Mike Leavitt, and the Bill passed committee today. However, the **Mayor** said there are some people in Davis County who do not want the name to be changed.

**ADJOURNMENT**

***Motion:***

**John Bilton** made a motion to adjourn the meeting which was seconded by **Jim Talbot** and unanimously approved, and the meeting was adjourned at 7:50 p.m.

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



# FARMINGTON CITY

SCOTT C. HARBERTSON  
MAYOR

JOHN BILTON  
CORY R. RITZ  
CINDY ROYBAL  
JIM TALBOT  
JAMES YOUNG  
CITY COUNCIL

DAVE MILLHEIM  
CITY MANAGER

## City Council Staff Report

To: Honorable Mayor and City Council  
From: Dave Millheim, City Manager  
Date: February 26, 2013  
SUBJECT: **UTA AGREEMENT FOR LAGOON SHUTTLE**

### RECOMMENDATION

Authorize the Mayor to sign the attached UTA Contract No. UT-12-16JL Lagoon Shuttle Agreement for partial city sponsorship of the Lagoon Shuttle in the amount of \$5,620 to be paid from account number 10-410-520.

### BACKGROUND

The City and Lagoon share the costs with UTA in providing a shuttle service route (667) between the Frontrunner Station and Lagoon which operates when Lagoon is open. Both Lagoon patrons and employees use this service rather than pay for the parking lots at Lagoon or they may not own a vehicle and are using mass transit. In past years, UTA sought to cancel Route 667 due to low ridership when compared to other routes but both the City and Lagoon fought to keep the route open. The City and Lagoon pay for 25% of this service with UTA paying the balance. Lagoon's payment portion is \$16,862. The cost to the City last year was \$5,392 and was adjusted based on the number of days the shuttle would be running in 2013.

Lagoon has also reviewed the attached agreement and requests the service to continue.

Respectfully Submitted

Dave Millheim  
City Manager

Cc: Dave Freed, Lagoon

## SERVICE AGREEMENT

THIS AGREEMENT is effective on the 29<sup>th</sup> day of March, 2013, by and between UTAH TRANSIT AUTHORITY, a public transit district, hereinafter referred to as the "Authority", and FARMINGTON CITY CORPORATION, a municipal corporation of the State of Utah, hereinafter referred to as "City", and LAGOON CORPORATION, A CORPORATION OF THE STATE OF Utah, hereinafter referred to as "Lagoon", City and Lagoon together comprising "Contractors".

## WITNESSETH:

It is agreed by the parties in consideration of their mutual promises as follows:

WHEREAS, Lagoon and the City are in need of a public transportation system in the City and desire to assist in the funding of approximately twenty-five percent of the operating costs of such a system; and

WHEREAS, the City has agreed to make an outright grant to the Authority in the sum of Five-Thousand Six-Hundred and Twenty Dollars (\$5,620) from the General Fund to help defray the costs of running a free shuttle bus from downtown Farmington City to the drop-off area on the frontage road at Lagoon and to the FrontRunner commuter rail station in Farmington; and

WHEREAS, Lagoon as agreed to make an outright grant to the Authority in the sum of Sixteen-Thousand Eight-Hundred and Sixty-Two Dollars (\$16,862.00) to help defray the costs of running a free shuttle within the City; and

WHEREAS, the Authority is the owner and operator of a public transit system and is willing to operate a shuttle bus system within the City in accordance with the terms and conditions of the Utah public Transit District Act and the terms of this Agreement.

NOW, THEREFORE, in consideration of the mutual covenants, condition and promises as hereinafter set forth, it is mutually agreed as follows:

1. Term. The term of this Agreement shall commence on the 30<sup>th</sup> day of March, 2013, and run through the 30<sup>th</sup> day of October, 2013.

2. Authority's Responsibilities.

(a) The Authority agrees to operate as part of its public transit operation a shuttle bus system under the provisions of the Utah public transit District Act.

(b) The Authority, during the term of this Agreement and while the bus equipment is in its possession, shall have absolute and exclusive control of such equipment. The Authority will employ and have control and supervision over the drivers of said bus equipment and the City and Lagoon shall not in any manner interfere therewith the daily operation of the bus system.

(c) The Authority shall maintain and keep said bus equipment in good running condition at all time during the terms of this Agreement, and shall, without cost to the City and Lagoon, furnish all necessary labor, material, parts and supplies to keep said equipment in good running condition, including any and all necessary repair as a result of or by accidental damage, collision or the elements, ordinary wear and tear excepted.

(d) The Authority shall collect no fares for this service. However, the Authority shall be entitled to one hundred percent (100%) of the advertising revenues generated from advertising located on or about the buses operated pursuant to this Agreement.

3. City's Responsibilities. The City covenants and agrees to pay the Authority, the proceeds of which shall be used solely to help defray the expenses of running the Bus system, a grant in the sum of Five-Thousand Six-Hundred and Twenty Dollars (\$5,620). Payment of the Grant shall be made in two (2) equal payments: Two-Thousand Eight-Hundred and Ten Dollars (\$2,810.00) on or before May 31, 2013 and Two-Thousand Eight-Hundred and Ten Dollars (\$2,810.00) on or before October 1, 2013.

4. Lagoon's Responsibilities. Lagoon covenants and agrees to pay to the Authority, the Proceeds of which shall be used solely to help defray the expenses of running the bus system, a grant in the sum of Sixteen-Thousand Eight-Hundred and Sixty-Two Dollars (\$16,862.00). Payment of the Grant shall be made in two (2) equal payments: Eight-Thousand Four-Hundred and Thirty-One Dollars (\$8,431.00) on or before May 31, 2013 and Eight-Thousand Four-Hundred and Thirty-One Dollars (\$8,431.00) on or before October 1, 2013.

5. Routes and Hours of Operation. The route for the operation of the bus system (attachment 1) shall be that routes established by the Authority in accordance with the provisions of Section 17A-2-1016(12) and 17A-2-1039(1), Utah Code Annotated, 1953, as amended.

(a) The shuttle service will begin the 2013 season, weekends only, from Saturday, March 30, 2013 through Saturday, June 1, 2013. The service will begin daily operation on Friday, June 7, 2013 and continue through August 25, 2013. The free shuttle will begin Saturday service on August 31, 2013 and Route 470 will begin Sunday service on September 1, 2013 and continue through Saturday, October 27 and Sunday, October 27, 2013 respectively. Additional service will be provided on Friday and Saturday October 17-18, 2013. On Thursday, July 4<sup>th</sup> (Independence Day Holiday), and on Wednesday, July 24 (Pioneer Day), 2013 the shuttle service will operate on a Saturday service schedule where the shuttle shall be replaced by a deviation of Route 470 from Main Street in Farmington to Park Lane and Lagoon Drive in order to provide service to Lagoon. The Authority will not provide service on Memorial and Labor Days.

(b) The free shuttle route will connect the bus stop at 45 E. State Street in Farmington with the FrontRunner Station at approximately 15-minute intervals with priority given to making connections with commuter trains. Anyone wishing to ride the shuttle from Route 470 stops may do so at no charge to the riding party. Route 455 and the shuttle service will not operate on Sundays. Route 470 will provide direct service to Lagoon on Sunday at the Lagoon Pioneer Village Campground entrance.

(c) The Authority hereby covenants and agrees to publish and distribute information regarding the route of the system in the same manner that the Authority publishes and distributes written information regarding other public transportation routes operated by the Authority within the transit district. The buses shall operate on on the day and at the times according to the schedule established by the Authority after consideration of the recommendations of the City.

6. Service Changes. If the Davis County School District announces a change in scheduled school days prior to the effective date of this Agreement, Lagoon shall notify the Authority within 48 hours of the change. The Authority agrees to modify the schedule of the shuttle service to match the change in school days or as requested by Lagoon. Lagoon agrees to pay an added amount proportional to the cost specified in Paragraph 4 on or before Friday, May 31, 2013. The City agrees to pay an added amount proportional to the cost specified in Paragraph 3 on or before Friday, May 31, 2013. The Authority agrees to remit to Lagoon and the City an amount proportional to the respective costs specified in Paragraphs 3 and 4 if service changes result in a decrease in cost to the Authority.

7. Termination. This Agreement may be terminated with or without cause by either the Authority, the City, or Lagoon by giving the other parties fifteen (15) days advance written notice of termination.

8. Labor Strike. In the event of a labor strike or threatened strike or interruption or threatened interruption by the operators of the buses or the persons performing the cleaning, maintenance and repair of the buses or other Authority employees, the authority shall take such action in respect to the system as it deems in its best interest (including the termination of this Agreement), considering the safety of its passengers, the protection of its buses and transit equipment, and its ability to pay consistent with its other transit operations within the public transits district know as Utah Transit Authority.

9. Indemnification. The Authority, the City, and Lagoon hereby covenant and agree to indemnify and hold harmless the other parties to this Agreement from and against any and all claims, causes of action, liability, damages, costs and expenses which said parties may incur or which may be asserted against any o of the other parties as the result of the failure of any of the parties to perform their obligations hereunder, including court costs and reasonable attorney's fees.

10. Default. In the event that any party fails to perform any of the terms and conditions required to be performed pursuant to this agreement, and upon fifteen (15) days notice of such failure to perform, the right of the defaulting party under this Agreement shall thereupon expire.

11. Remedies. In the event any party fails to perform in accordance with the terms and conditions of this Agreement, the defaulting party agrees to pay to the nondefaulting party an amount of money equal to any loss or damage which the nondefaulting party may suffer as a result of the breach of the agreement, including attorneys' fees and costs, together with interest thereon. The failure of the nondefaulting party to exercise its right to terminate the defaulting party's interest hereunder shall not constitute waiver of the nondefaulting party's right to exercise such right in the event of any subsequent default.

12. Attorney Fees. The defaulting party agrees to pay the nondefaulting party's costs and reasonable attorneys fees in the event such are incurred to enforce any of the provisions of this Agreement.

13. Assignment. No party hereto shall have the right to assign its right and obligations hereunder without the express written consent of the other parties hereto.

14. Notice or Demands. Any notice or demand to be given by one party to the other shall be given in writing per personal service, telegram, express mail, Federal Express, or any other similar form of courier or delivery service, or mailing in the United States Mail, postage prepaid, certified, return receipt requested and addressed to such party as Follows:

If to the City:  
Dave Millheim  
Farmington City Manager  
130 North Main Street  
Farmington, Utah 84025

If to Lagoon:  
David Freed  
Lagoon Corporation  
P.O. Box 696  
Farmington, Utah 84025

If to UTA:  
Utah Transit Authority  
ATTN: Janalee Hansen  
669 West 200 South  
Salt Lake City, Utah 84101

Either party may change the address at which such party desires to receive notice on written notice of such change to any other party. Any such notice shall be deemed to have been given, and shall be effective, on delivery to the notice address then applicable for the party to which the notice is directed; provided, however, that refusal to accept delivery of a notice or the inability to deliver a notice because of an address change which was not properly communicated shall not defeat or delay the giving of a notice.

15. Project Manager. The Authority's project Manager for this Agreement shall be Mr. Bart Dean, or designee. All correspondence regarding the technical aspects of this Agreement should be addressed to Mr. Dean, or designee.

16. Contract Administrator. The Authority Contract Administrator for this Agreement is Ms. Janalee Hansen, or designee. All questions and correspondence relating to the contractual aspects of this Agreement should be directed to Ms. Hansen, or designee.

IN WITNESS WHEREOF, the parties hereto have set their hands and seals on the day and year first above written.

UTAH TRANSIT AUTHORITY

By: \_\_\_\_\_  
Bruce Cardon  
Ogden Regional General Manager

By: \_\_\_\_\_  
Bart Dean  
Project Manager

ATTEST:

FARMINGTON CITY CORPORATION

\_\_\_\_\_

\_\_\_\_\_

ATTEST:

LAGOON CORPORATION

\_\_\_\_\_

\_\_\_\_\_

Approved As To Form:

\_\_\_\_\_  
UTA Legal Counsel



**ATTACHMENT 2  
TO SERVICE AGREEMENT**

**MARCH 30 / APRIL 2013 OPERATING SCHEDULE**

Mon	Tue	Wed	Thu	Fri	Sat	Sun
April 23	April 24				March 30 10-11	April 1 11-12
1	2	3	4	5	April 5 10-11	April 6 11-12
8	9	10	11	12	April 12 10-11	April 13 11-12
15	16	17	18	19	April 19 10-11	April 20 11-12
22	23	24	25	26	April 26 10-11	April 27 11-12

**MAY 2013 SCHEDULE**

Mon	Tue	Wed	Thu	Fri	Sat	Sun
		1	2	3	April 28 10-11	April 29 11-12
5	6	7	8	9	April 28 10-11	April 29 11-12
13	14	15	16	17	April 28 10-11	April 29 11-12
20	21	22	23	24	April 28 10-11	April 29 11-12
27	28	29	30	31		May 1 11-12
10-11	CLOSED	CLOSED	CLOSED	CLOSED		

**JUNE 2013 SCHEDULE**

Mon	Tue	Wed	Thu	Fri	Sat	Sun
					May 31 10-11	June 1 11-12
2	3	4	5	6	June 1 10-11	June 2 11-12
CLOSED	CLOSED	CLOSED	CLOSED	June 1 10-11	June 2 10-11	June 3 11-12
10	11	12	13	14	June 1 10-11	June 2 11-12
17	18	19	20	21	June 1 10-11	June 2 11-12
24	25	26	27	28	June 1 10-11	June 2 11-12
31	11-12	11-12	11-12	11-12	June 1 10-11	June 2 11-12

**JULY 2013 SCHEDULE**

Mon	Tue	Wed	Thu	Fri	Sat	Sun
1	2	3	4	5	6	7
11-12	11-12	11-12	11-12	11-12	10-11	11-12
8	9	10	11	12	13	14
11-12	11-12	11-12	11-12	11-12	10-11	11-12
15	16	17	18	19	20	21
11-12	11-12	11-12	11-12	11-12	10-11	11-12
22	23	24	25	26	27	28
11-12	11-12	11-12	11-12	11-12	10-11	11-12
29	30	31				
11-12	11-12	11-12				

**AUGUST 2013 SCHEDULE**

Mon	Tue	Wed	Thu	Fri	Sat	Sun
			1	2	3	4
			11-12	11-12	10-11	11-12
5	6	7	8	9	10	11
11-12	11-12	11-12	11-12	11-12	10-11	11-12
12	13	14	15	16	17	18
11-12	11-12	11-12	11-12	11-12	10-11	11-12
19	20	21	22	23	24	25
11-12	11-12	11-12	11-12	11-12	10-11	11-12
26	27	28	29	30	31	
CLOSED	CLOSED	CLOSED	CLOSED	CLOSED	10-11	

**SEPTEMBER 2013 FRIGHTMARES BEGINS ON THE 28<sup>th</sup>**

Mon	Tue	Wed	Thu	Fri	Sat	Sun
1	2	3	4	5	6	7
11-12	11-12	11-12	11-12	11-12	10-11	11-12
8	9	10	11	12	13	14
11-12	11-12	11-12	11-12	11-12	10-11	11-12
15	16	17	18	19	20	21
11-12	11-12	11-12	11-12	11-12	10-11	11-12
22	23	24	25	26	27	28
11-12	11-12	11-12	11-12	11-12	10-11	11-12

**OCTOBER 2013 FRIGHTMARES**

Mon	Tue	Wed	Thu	Fri	Sat	Sun
	1	2	3	4	5	6
	11-12	11-12	11-12	11-12	10-11	11-12
7	8	9	10	11	12	13
11-12	11-12	11-12	11-12	11-12	10-11	11-12
14	15	16	17	18	19	20
11-12	11-12	11-12	11-12	11-12	10-11	11-12
21	22	23	24	25	26	27
11-12	11-12	11-12	11-12	11-12	10-11	11-12
28	29	30	31			
11-12	11-12	11-12	CLOSED			

Pre Season: March 30 - June 2  
 Summer Season: June 7 - August 24  
 Post Season: August 25 - September 15  
 Frightmares: September 20 - October 30

Updated: January 9, 2013 Dead End (Subject to change without notice)



375 No. Lagoon Drive  
P.O. Box 696  
Farmington, Utah 84025-0696  
Phone: 801-451-8080  
Office Fax: 801-451-8017  
[www.lagoonpark.com](http://www.lagoonpark.com)

February 23, 2013

Dave Millheim  
Farmington City Corporation  
160 South Main  
Farmington, UT 84025

Dear Dave:

Hello Dave. I wanted to follow a telephone voicemail that I left for you to confirm that we have reviewed the draft of the service agreement with the Utah Transit Authority for the 2013 season. A significant change that we noted is that the cost to Lagoon increased by \$686 and the cost to the City increased by \$228. We presume the increase is for an extra day that was not on the schedule last year.

Dave, I am headed out of town for a couple of weeks. If you would like to discuss the agreement further, either Jody or André can get in touch with me in order to arrange a conference call.

Thank you for your assistance.

Sincerely,

A handwritten signature in black ink, appearing to read "David W. Freed". The signature is written in a cursive, flowing style.

David W. Freed  
Lagoon Corporation

DWF:jc

Zimbra

dmillheim@farmington.utah.gov

**Re: Fwd: DRAFT 2013 SERVICE AGREEMENT V4 12 Feb 2013.docx**

**From :** Kent Jorgenson (Sr. Marketing Representative) <KJorgenson@rideuta.com> Mon, Feb 25, 2013 08:21 PM

**Subject :** Re: Fwd: DRAFT 2013 SERVICE AGREEMENT V4 12 Feb 2013.docx

**To :** 'dmillheim@farmington.utah.gov' <dmillheim@farmington.utah.gov>

**Cc :** 'jodyc@lagoonpark.com' <jodyc@lagoonpark.com>

The two main reasons for a price increase for 2013 are:

(1) Lagoon is receiving 61 Weekdays of Service in 2013 compared to 59 weekdays in 2012. Lagoon requested these two additional weekdays of service during the October 2013 UEA Break from Weber and Davis County Schools.

The second reason (2) is that FrontRunner will provide fast service between Lagoon and Murray, South Salt Lake County, and Utah County on both weekdays and Saturdays in 2013. This new FrontRunner Service will bring many more potential customers to Lagoon.

I'm excited for a great season. I hope Lagoon will promote this additional service as well.

All the best from UTA,

Kent Jorgenson

**From:** Dave Millheim [mailto:dmillheim@farmington.utah.gov]

**Sent:** Monday, February 25, 2013 01:18 PM

**To:** Jorgenson, Kent (Sr. Marketing Representative); jodyc <jodyc@lagoonpark.com>

**Subject:** Fwd: DRAFT 2013 SERVICE AGREEMENT V4 12 Feb 2013.docx

Thank you Kent, we will hopefully put this to bed next week.

Sent from my iPad

Begin forwarded message:

**From:** "Jorgenson, Kent (Sr. Marketing Representative)" <KJorgenson@rideuta.com>

**To:** 'Boni Walters Thompson' <bwthompson@lagoonpark.com>,

"dmillheim@farmington.utah.gov" <dmillheim@farmington.utah.gov>

**Subject: FW: DRAFT 2013 SERVICE AGREEMENT V4 12 Feb**

**2013.docx**

The changes were made to make the text agree with Lagoon's calendar and to remove language that might lead one to conclude that people could ride Route 470 to Lagoon for free. We aren't allowed to do that. We have also included the costs associated with the service. Costs are a result of the total number of days of service.

Kent Jorgenson  
UTA  
801-510-1484

Zimbra

hgadd@farmington.utah.gov

---

**Re: UTA Contract**

---

**From :** Dave Millheim <dmillheim@farmington.utah.gov> Mon, Mar 11, 2013 07:52 PM  
**Subject :** Re: UTA Contract 1 attachment  
**To :** Andre Meacham <ameacham@lagoonpark.com>  
**Cc :** Holly Gadd <hgadd@farmington.utah.gov>

Thanks Andre for getting back to me. It should be no problem for scheduled approval on March 19th with City Council.  
Holly, pls print and include this email stream with the staff report that was tabled. Keep it on summary action.

Thanks all

Dave Millheim  
City Manager  
801-939-9203

---

**From:** "Andre Meacham" <ameacham@lagoonpark.com>  
**To:** "Dave Millheim" <dmillheim@farmington.utah.gov>  
**Sent:** Monday, March 11, 2013 5:36:54 PM  
**Subject:** RE: UTA Contract

Hi Dave-

I left you a voice mail message on your cellular telephone this afternoon as well as leaving word with Holly in your office. Lagoon (Dave) is OK with the UTA contract and thought it was conveyed in the letter dated February 23rd which I believe Jody emailed to you. I'm sorry if there was any confusion and I hope you receive these response in ample time for your next council meeting.

Sincerely,

**André Meacham**  
**Director of Loss Prevention**

375 North Lagoon Drive  
Farmington, Utah 84025  
tel: (801) 451-8088 fax: (801) 451-8023  
email: [ameacham@lagoonpark.com](mailto:ameacham@lagoonpark.com)



---

**From:** Dave Millheim [mailto:dmillheim@farmington.utah.gov]

**Sent:** Monday, March 11, 2013 3:20 PM

**To:** Andre Meecham

**Cc:** jodyc

**Subject:** UTA Contract

Andre. I need to know if Lagoon is okay with UTA contract for summer service is okay with you guys. Council was ready to approve last Tuesday but tabled it thinking Lagoon still had some concerns. If they have some, I am not aware of them other than Dave's comments about the rate changes due to length of season. I checked with UTA and he was right on that point. I called Dave's office but no answer. I can put it back on for the 19th but must we hear back with Lagoon's okay or not okay by tomorrow Noon or it will be pulled from the 19th agenda.

The Council only has one meeting in April so if not approved on the 19th, I cannot get it back in front of the Council until April 16th and do not want to impact the service.

Please confirm you are on this. Thanks

Dave Millheim

City Manager

801-939-9203





# FARMINGTON CITY

SCOTT C. HARBERTSON  
MAYOR

JOHN BILTON  
CORY R. RITZ  
CINDY ROYBAL  
JIM TALBOT  
JAMES YOUNG  
CITY COUNCIL

DAVE MILLHEIM  
CITY MANAGER

## City Council Staff Report

To: Honorable Mayor and City Council

From: Holly Gadd, City Recorder

Date: March 8, 2013

Subject: **AGREEMENT WITH DAVIS COUNTY REGARDING ELECTIONS**

### RECOMMENDATION

By minute motion, approve the attached Agreement from Davis County outlining the responsibilities of the County and City for the upcoming elections.

### BACKGROUND

In the past, the City has handled the elections using paper ballots due to the significant cost of electronic voting machines. For the past couple of years the County has put together proposals that have been very cost effective. In 2009 the City paid approximately \$11,500 for paper ballots. In 2011 the City paid the County approximately \$6400. The proposal from the County this year, using the electronic voting machines and two polling locations is approximately \$9,000. The number of registered by-mail voters has increased from 228 to 1055. The cost of the elections may decrease depending on the amount of voting machines and poll workers needed. The County will provide all of the necessary supplies, recruit, train and pay the poll workers, provide a tabulation of election results and provide the canvass reports. We would recommend using the same two polling locations from this point forward to ensure consistency and eliminate confusion. I believe this is very cost effective for the City and will free up a lot of time to do other City business.

Respectfully Submitted

Holly Gadd  
City Recorder

Review & Concur

Dave Millheim  
City Manager

## AGREEMENT

This Agreement is made and entered into this \_\_\_\_ day of \_\_\_\_\_, 2013 by and between DAVIS COUNTY, a body politic of the State of Utah, hereinafter referred to as "County," and FARMINGTON CITY, a municipal corporation of the State of Utah, hereinafter referred to as "City."

### WITNESSETH:

WHEREAS, pursuant to Section 20A-1-201.5 and 20A-1-202, *Utah Code Ann.* (1953) as amended, City is authorized and required to hold municipal elections in each odd-numbered year; and

WHEREAS, County has equipment and resources needed to carry out an election and is willing to make available the resources and equipment to assist City in holding its municipal primary and general elections in 2013 upon the following terms and conditions; and

WHEREAS, the parties are authorized by the *Utah Interlocal Cooperation Act* as set forth in Chapter 13, Title 11, and Section 20A-5-400.1 of the *Utah Code Ann.* (1953) as amended, to enter into this Agreement:

NOW THEREFORE, in consideration of the mutual terms and conditions set forth hereafter, the parties hereto agree as follows:

1. County agrees to provide to City if needed for the primary election in August 2013, ~~and if needed for the general election in November 2013 the following:~~

- a. Test, program, assemble and make available to City voting machines and poll supplies.
- b. Provide for delivery and retrieval of voting equipment.

- c. Polling location management, which includes, but is not necessarily limited to making arrangements for use, ADA compliance survey and contact information.
  - d. Absentee ballot processing, which includes mailing, receiving, signature verification and tabulation.
  - e. Provide electronic ballot files for Optical Scan Ballots printing.
  - f. Provide Information System assistance which includes, but is not necessarily limited to election programming, tabulation, programmers and technicians.
  - g. Canvass reports.
  - h. Electronic tabulation results transmitted to the Office of the Lieutenant Governor.
  - i. Provide personnel and technical assistance throughout the election process and equipment and/or supplies required specifically for electronic voting.
  - j. Recruit poll workers; provide training, scheduling, supplies and compensation.
  - k. Provide preparation and personnel for the public demonstration of the tabulation equipment.
  - l. If required, in cooperation with the City, conduct an election audit.
  - m. Store all election returns for the required twenty-two (22) months.
2. Farmington City agrees to do the following:
- a. Provide and act as the chief election officer and assume all duties and responsibilities as outlined by law.
  - b. Identify polling locations and assign voting precinct.

- c. Enter into a polling location Hold Harmless Agreement, if needed.
- d. Provide projected voter turnout.
- e. Declaration of Candidacy filing.
- f. Provide County with ballot information which includes, but is not necessarily limited to races, candidates and ballot issues.
- g. Approve the election plan, which includes, but is not necessarily limited to accuracy of polling location and precinct assignments, voter turnout percentages, paper ballot quantities, voting machine quantities and poll worker assignments.
- h. City's legislative body poll worker approval.
- i. Proof and approve the accuracy of the printed and audio of ballot formats.
- j. Publish all legal notices which include, but are not necessarily limited to election notice, polling locations, ballots and public demonstration.
- k. Early voting administration.
- l. Provisional ballot verification.
- m. Arrange and conduct election canvass.
- n. Prepare candidate certificates.
- o. Perform all other election related duties and responsibilities not outlined in this agreement.
- p. City agrees to pay County repair or replacement costs for damaged voting equipment, which occurs at the polling locations beyond the normal wear and tear.

3. Both parties agree to conduct the election according to the statutes, rules, Executive Orders, and Policies of the Lieutenant Governor as the Chief Elections Officer of the state.

4. City agrees to pay County the costs for providing the election equipment, services and supplies in accordance with the election costs schedule, attached hereto, incorporated herein, and made a part hereof as Exhibit "A". The payment shall be made within thirty (30) days of receiving the invoice prepared by the County.

5. This Agreement shall be effective as of the date of execution by all parties.

6. This Agreement shall continue in effect until December 31, 2013.

7. The individuals executing this Agreement on behalf of the parties confirm that they are duly authorized representatives of the parties and are lawfully enabled to execute this Agreement on behalf of the parties.

IN WITNESS WHEREOF, the parties have caused this Agreement to be executed in duplicate, each of which shall be deemed an original.

DAVIS COUNTY

By \_\_\_\_\_  
John P. Petroff, Chair  
Davis County Commission

ATTEST:

\_\_\_\_\_  
Steve S. Rawlings  
Davis County Clerk/Auditor

Attorney Approval

The undersigned, the authorized attorney of Davis County, approves the foregoing Agreement as to form and compatibility with State law:

\_\_\_\_\_  
William K. McGuire  
Deputy Davis County Attorney

FARMINGTON CITY

By \_\_\_\_\_

ATTEST:

\_\_\_\_\_  
Farmington City Recorder

Attorney Approval

The undersigned, the authorized attorney of Farmington City, approves the foregoing Agreement as to form and compatibility with State law:

\_\_\_\_\_  
Farmington City Attorney

**2013 General  
DAVIS COUNTY MUNICIPAL ELECTION EXPENSES  
Estimate**

Farmington City

**2013 Poll Workers Compensation Rates**

20A-5-602(4)(b) Municipalities may not compensate higher than the county.			
	QTY	COST	TOTAL
Poll Manager (PM)	2	\$160.00	\$320.00
Training Course(s)	2	\$50.00	\$100.00
Touch Screen Technician (TST)	3	\$160.00	\$480.00
Training Course(s)	3	\$35.00	\$105.00
Receiving Clerk	5	\$135.00	\$675.00
Training Course(s)	5	\$35.00	\$175.00
Poll Book Clerk	5	\$125.00	\$625.00
Training Course(s)	5	\$25.00	\$125.00
Provisional Clerk	2	\$125.00	\$250.00
Training Course(s)	2	\$30.00	\$60.00
Host	0	\$125.00	\$0.00
Training Course(s)	0	\$25.00	\$0.00
Mileage	0	\$0.25	\$0.00
Early Voting Poll Worker Pay (per hour)	0	\$10.00	\$0.00
Training Course(s)	0	\$50.00	\$0.00
Alternate Poll Workers	1	\$382.50	\$25.50
		<b>Sub Total</b>	<b>\$2,940.50</b>

Poll Workers who are trained for early voting and work on election day only attend early vote training. They do not attend or receive compensation for regular training. Poll workers who are trainers and work the position they trained do not attend or receive compensation for training. Poll workers who are trainers and do not work the position they train will attend and receive compensation for additional training.

(optional -- city staff may be used)

Shared with 15 cities

**Poll Worker Recruitment and Training**

Poll Worker Recruitment and Administration	17	\$8.00	\$136.00	Per Poll Worker
Training Creation and Preparation (Includes equipment and preparation)	1	\$33.33	\$33.33	Shared with 15 cities
Poll Worker Handbook and Supplies	17	\$1.00	\$17.00	
Poll Worker Training (per person)	17	\$20.00	\$340.00	
		<b>Sub Total</b>	<b>\$526.33</b>	

**Equipment**

Touch Screen (TSX) Includes:	17	\$75.00	\$1,275.00	(150 voters per machine, minimum of 3 machines per location)
Testing Pre and Post election				
Security Seals				(1 per machine)
Canister, Label, and (1) Roll of Paper				(1 per machine)
Printer Housing				(1 per polling location)
VIBS--Visually Impaired Ballot Station (Keypad & Headphones)				(4 per machine)
Voter Access Cards				
Vote Here Signs (4 per location)	2	\$5.00	\$10.00	
WiFi Connection	2	\$40.00	\$80.00	
Laptop Computers, Programming, Pre/Post Test	7	\$75.00	\$525.00	(If using electronic voter check in, 1 laptop per 500 voters)
		<b>Sub Total</b>	<b>\$1,890.00</b>	

**Consumable Supplies**

Paper Roll (for each additional)	0	\$1.00	\$0.00	(No charge for unused and returned paper rolls)
Canister Label	0	\$1.00	\$0.00	
Canisters	0	\$10.00	\$0.00	
Polling Location Supplies	2	\$36.00	\$72.00	(Forms, instructions, signs, stickers, pens, pencils, name tags, etc.)
Regular Green Poll Books (per check in station)				Included with Laptop
Provisional Orange Poll Books				Included with Laptop
Paper Ballot Yellow Poll Books				Included with Polling Location Supplies
		<b>Sub Total</b>	<b>\$72.00</b>	

**Ballot Layout and Programming**

Gems Programming/ Ballot Logic and Accuracy Testing - TSX & Optical Scan	12	\$800.00	\$50.79	Shared with 189 precincts
City/District set-up (cities/districts with new recorders/clerks)	0	\$75.00	\$0.00	
Memory Card Programming (per card)	17	\$15.00	\$255.00	
Audio Programming	1	\$50.00	\$50.00	
		<b>Sub Total</b>	<b>\$355.79</b>	

**Election Services**

Public L&A Demonstration (testing, programming & demonstration)	1	\$300.00	\$20.00	Shared with 15 cities
Independent Rovers (training & election day - per person)	5	\$500.00	\$178.57	Shared with 14 cities
Election Night Clerk Staff Support	1	\$1,400.00	\$93.33	Shared with 15 cities
Election Night Security	1	\$150.00	\$10.00	Shared with 15 cities
Election Night Ballot / Supply Return Teams	2	\$210.00	\$14.00	Shared with 30 polling locations
Rover Kits (each)	7	\$25.00	\$11.67	Shared with 15 cities
Rovers Training	1	\$400.00	\$26.67	Shared with 15 cities
Help Desk Set-Up	1	\$75.00	\$5.00	Shared with 15 cities
Help Desk Staff	1	\$450.00	\$30.00	Shared with 15 cities based on pre and post regular work day hrs.
Pre-Canvass Ballot Issues Audit, if needed	0	\$300.00	\$0.00	Shared with 0 cities
Canvass Preparation	0	\$150.00	\$0.00	Shared with 15 cities
		<b>Sub Total</b>	<b>\$389.24</b>	

**Delivery and Pickup (machines & supplies at polls)**

Delivery (per location)	2	\$34.50	\$69.00	Actual cost per contract with moving company
Pickup (per location)	2	\$34.50	\$69.00	Actual cost per contract with moving company
		<b>Sub Total</b>	<b>\$138.00</b>	

**Election Night Counting - IT Services**

TSX Counters	1	\$750.00	\$50.00	Shared with 15 cities based on # of hrs. - election specific
		<b>Sub Total</b>	<b>\$50.00</b>	

**Early Voting**

Fees and services not listed below apply to early vote sites same as an election day polling location

Administration Support	0	\$30.00	\$0.00	if needed
Poll Delivery and Setup for Electronic Check-in	1	\$50.00	\$50.00	
Early Vote On-call Technical Support (per hour + mileage)	0	\$50.00	\$0.00	
Early Vote TSX	1	\$75.00	\$75.00	
Memory Card Programming (per card)	1	\$15.00	\$15.00	
Early Vote Laptop Computers, Programming, Pre/Post Test	2	\$75.00	\$150.00	
Early Voting Polling Location Supplies	1	\$35.00	\$35.00	(Forms, instructions, signs, stickers, pens, pencils, name tags, etc.)
		<b>Sub Total</b>	<b>\$325.00</b>	

**By-Mail and Paper Ballots**

**Materials**

By-Mail Outer Envelopes	1055	\$0.13	\$137.15	
By-Mail Inner Return Envelopes	1055	\$0.24	\$253.20	
By-Mail Ballots	1055	\$0.32	\$337.60	
Paper Ballots - Election Day, Early Vote, Extra for Remakes, Late Absentee	50	\$0.32	\$16.00	
Test Deck Paper Ballots	18	\$0.50	\$9.00	

**Administration**

Ballot set-up (per style)	1	\$25.00	\$25.00	By K&H
Ballot Preparation Assembly into Envelopes (each sent out)	1055	\$0.32	\$337.60	By K&H
Signature Verification and Tabulation Prep. (each returned)	844	\$0.82	\$692.08	
Tabulation (each returned)	844	\$0.32	\$270.08	

**Postage**

Freight to Salt Lake City for Non-Profit Rate Out-Bound	1123	\$0.08	\$87.77	Total freight / total Ballots = freight cost per each ballot
Postage Out-Bound	1055	\$0.09	\$94.95	Actual Postage
Postage In-Bound (only if all by-mail option)		\$0.46	\$0.00	Actual Postage
		<b>Sub Total</b>	<b>\$2,260.43</b>	

**Post Election**

Provisional Verification (per hour)	4	\$25.00	\$100.00	
		<b>Sub Total</b>	<b>\$100.00</b>	

**General Administration**

Election Administration Support	1	\$45.00	\$45.00	
Clerk Staff (per-hour for any additional services)	0	\$25.00	\$0.00	
		<b>Sub Total</b>	<b>\$45.00</b>	

**Complete Paper Voting System**

Printed Official Registers (1-3 precincts)	0	\$30.00	\$0.00	
Printed Official Registers (4 or more precincts)	0	\$60.00	\$0.00	
Addendums (per location)	0	\$5.00	\$0.00	
Posting List (each)	0	\$7.00	\$0.00	Only applies if Vista Local is not used for early voting
Update Voter Histories Manually (Hours)	0	\$25.00	\$0.00	Optional
		<b>Sub Total</b>	<b>\$0.00</b>	

**Additional Special Services**

**Total Election Expense \$9,092.30**



# FARMINGTON CITY

SCOTT C. HARBERTSON  
MAYOR

JOHN BILTON  
CORY R. RITZ  
CINDY ROYBAL  
JIM TALBOT  
JAMES YOUNG  
CITY COUNCIL

DAVE MILLHEIM  
CITY MANAGER

## City Council Closed Meeting Staff Report

To: Honorable Mayor and City Council  
From: Neil Miller, Parks and Recreation Director  
Date: February 25, 2013

**SUBJECT: PURCHASE OF 3 SOCCER GOAL SETS ALONG WITH  
TRANSPORT WHEELS FOR NEW 11 ACRES AT BUS PARK**

### RECOMENDATION

To purchase the 3 goal sets from BSN Sports at the following costs: \$1721.99 per goal set for a total of \$5165.97, \$147.59 per set of transport wheels for a total of \$885.54. A grand total of \$6051.51 to be paid for from the Soccer Fund Balance.

### BACKGROUND

Previously soccer games were held at the Elementary Schools and Junior High which already had soccer goals in place on their fields. With the move to Bus Park for all soccer games we are now in need of goals. Since the grass came in at the Bus Park quicker than anticipated we have found it necessary to purchase the goals ahead of schedule.

The need for the transport wheels is to allow the goals to be movable in order to change the size of the field for both Farmington City and those who will be renting the space.

Respectfully Submitted

  
Neil Miller  
Parks and Recreation Director

Review and Concur

  
Dave Millheim  
City Manager



P.O. Box 7726, DALLAS, TX 75209  
 TEL: 1-800-527-7510 FAX: 1-800-899-0149  
 Come Visit us at www.bsnsports.com

Quotation	
Document Number:	20485789
P.O. Number	: Soccer Goals
Doc. Creation Date:	01/11/2013
Customer Number:	1051844
Sales Rep	: Ellis Lowe
Ordered by	: Rich Taylor



**This is NOT a Bill - DO NOT PAY.**

Customer #:1051844  
**Sold To:**FARMINGTON CITY P & R  
 PO Box 160  
 FARMINGTON UT 84025-0160

**Ship To:** FARMINGTON CITY P & R  
 PO Box 160  
 FARMINGTON UT 84025-0160

**Payer:** FARMINGTON CITY P & R  
 720 W 100 N  
 FARMINGTON UT 84025-2604

Item Number	Item Description	Delivery DT(S)	SKU	Color/ Team/ Size	Qty/ UOM	Unit Price	Extended Price
1235203	Elite-Club Goal 8' x 24' White	01/18/2013	1235203		3PR	1,721.99	5,165.97
SCGWHLXX	TRANSPORT WHEELS (SET OF 2)	01/18/2013	SCGWHLXX		6SET	147.59	885.54

Check your quote at [www.bsnsports.com/?&ProgramID=20485789&zip=84025-2604](http://www.bsnsports.com/?&ProgramID=20485789&zip=84025-2604)

Merchandise Sub Total	Other	Freight	Sales Tax	Payment/Credit Applied	Total Order Amount
\$ 6,051.51	\$ 0.00	\$ 0.00	\$ 0.00	\$ 0.00	\$ 6,051.51



# FARMINGTON CITY

SCOTT C. HARBERTSON  
MAYOR

JOHN BILTON  
CORY R. RITZ  
CINDY ROYBAL  
JIM TALBOT  
JAMES YOUNG  
CITY COUNCIL

DAVE MILLHEIM  
CITY MANAGER

## City Council Staff Report

To: Mayor and City Council  
From: Keith Johnson, Assistant City Manager  
Date: March 12, 2013  
Subject: **APPROVE LIST OF VEHICLES TO SURPLUS.**

### RECOMMENDATIONS

Approve enclosed list of vehicles to surplus.

### BACKGROUND

Enclosed is a list of vehicles that the City would like to surplus. These vehicles have been replaced and are no longer needed or are not mechanically sound any more and need to be moved out of the fleet.

Respectfully Submitted,

Keith Johnson,  
Assistant City Manager

Review and Concur,

Dave Millheim,  
City Manager

## For Sale Vehicles

Unit #	Year	Make & Model	VIN #	License #	Mileage
107	2001	FORD F150 PICKUP	1FTPF18L91NB98339	29380EX	115209
213	1995	FORD F250 TRUCK	2FTHF26H3SCA18482	77556EX	138804
300	1967	KAISER JEEP	10630	53160EX	14073
806	2000	FORD EXPLORER	1FMZU72E3YZC42863	381XCT	71210
826	2006	DODGE CHARGER	2B3KA43H96H496520	99258EX	86226
831	2008	DODGE DURANGO	1D8HB48268F156175	504085EX	89262

CITY COUNCIL AGENDA

For Council Meeting:  
March 19, 2013

**S U B J E C T: ISO Rating Report Discussion**

**ACTION TO BE CONSIDERED:**

None

**GENERAL INFORMATION:**

Eric Miller will be making this presentation.

NOTE: Appointments must be scheduled 14 days prior to Council Meetings; discussion items should be submitted 7 days prior to Council meeting.



4 B EVES DRIVE SUITE 200 MARLTON, NJ 08053 (856) 985-5600 FAX: (856) 810-9065

January 3, 2013

Honorable Scott Harbertson, Mayor  
City of Farmington  
P.O. Box 160  
160 S. Main Street  
Farmington, UT 84025

RE: Building Code Effectiveness Grading Schedule  
Farmington, Davis County, UT

Dear Mayor Harbertson:

We wish to thank you and Mr. Eric Miller for the cooperation given to our representative, Patrick Romansik, during our recent survey. We have completed our analysis of the building codes adopted by your community and the efforts put forth to properly enforce those codes. The resulting Building Code Effectiveness Grading Classification is 3 for 1 and 2 family residential property and 2 for commercial and industrial property.

The Insurance Services Office, Inc. (ISO) is an insurer-supported organization with the primary mission of providing advisory insurance underwriting and rating information to insurers. There is no requirement that insurers use our advisory material. Insurers may have adopted, or may be in the process of adopting, an ISO insurance rating program that will provide rating credits to individual property insurance policies in recognition of community efforts to mitigate property damage due to natural disasters. These insurers may use the Building Code Effectiveness Grading Classification we have recently developed for your community as a basis for the credits used. While individual insurers may use different credits or different effective dates, the ISO program will apply credits to new construction within Farmington that has been issued a Certificate of Occupancy in the year 2012 and forward.

We have attached a copy of our report which provides additional information about our classification process and how we have graded various aspects of your community's building codes and their enforcement.

We want to highlight the fact that the Building Code Effectiveness Grading Schedule is an insurance underwriting and information tool; it is not intended to analyze all aspects of a comprehensive building code enforcement program nor is it for purposes of determining compliance with any state or local law or for making property/casualty loss prevention and life safety recommendations.

If you have any questions about the Classification that was developed, please let us know. Additionally, if you are planning on any future changes in your building codes or their enforcement, please advise us as these changes may affect our analysis and your community's grading classification.

Sincerely,

BCEGS Building Codes Department  
(856) 985-5600 FAX (800) 955-2422

Enclosure

cc: Mr. Eric Miller, Building Official  
w/enclosure

CITY COUNCIL AGENDA

For Council Meeting:  
March 19, 2013

**SUBJECT: Demolition Ordinance Discussion**

**ACTION TO BE CONSIDERED:**

Discussion only

**GENERAL INFORMATION:**

See enclosed staff report prepared by David Petersen.

NOTE: Appointments must be scheduled 14 days prior to Council Meetings; discussion items should be submitted 7 days prior to Council meeting.



# FARMINGTON CITY

SCOTT C. HARBERTSON  
MAYOR

JOHN BILTON  
NELSEN MICHAELSON  
CORY R. RITZ  
JIM TALBOT  
JAMES YOUNG  
CITY COUNCIL

DAVE MILLHEIM  
CITY MANAGER

## City Council Staff Report

To: Honorable Mayor and City Council  
From: David E. Petersen, Community Development Director  
Date: March 8, 2013  
SUBJECT: DEMOLITIONS

### RECOMMENDATION

Discussion item only.

### BACKGROUND

The Council enacted temporary zoning regulations on January 15, 2013, regarding demolitions. On February 28, the Planning Commission finished its public hearing process and finalized their recommendations. It was originally contemplated that the City Council would hold their public hearing(s) in March to consider the same, but based on newspaper deadlines, the statutory notice time period for a public hearing on March 19<sup>th</sup> (your second and last meeting this month) cannot be met. And because the Council chose to cancel its first meeting next month, a public hearing cannot be held until April 16<sup>th</sup>. In the meantime, a good discussion related to the proposed changes may prove to be useful because the enclosed draft is significantly different than the version previously reviewed by the Council. Your feedback will help staff prepare for the April meeting.

It is now proposed that the new changes will apply to all buildings and structures, not just Historic Resources; and the Planning Commission will review and approve all demolitions, except partial demolitions which will be administered by staff. No hearing officer is anticipated, but staff and the Historic Preservation Commission may still provide recommendations. Any appeal of a decision will still be considered by the City Council.

Respectively Submitted

David Petersen  
Community Development Director

Review and Concur

Dave Millheim  
City Manager

**DRAFT**  
March 8, 2012

**Section 11-28-230 Demolitions**

(a) Purpose and Intent. The purpose of this Section is to establish standards and the process for the demolition of buildings and structures in Farmington. Certain buildings and structures if demolished may result in potential negative impacts on the City, surrounding residential neighborhoods, or other adjacent land uses. These demolitions may not be compatible in some areas or may be compatible only if certain conditions are required which mitigate or eliminate the detrimental impacts. The standards for the issuance of a demolition permit are established to insure compatibility with surrounding land uses, conformity with the Farmington City Comprehensive Plan, and the protection, preservation, and promotion of the public interest, health, safety, convenience, comfort, prosperity, and general welfare.

To help achieve this purpose, any demolition permit application shall conform to the building permit applications contained in Chapter \_\_\_ of Title \_\_\_ of the Farmington City Code; and provisions of the International Building Code related to demolitions. After all the information required by this Section is received by the Community Development Department, the application may be placed on an agenda for consideration by the Planning Commission.

(b) Limitations. This section shall not apply to an Historic Resources on the Farmington Historic Landmark Register. Consideration of a demolition of an Historic Resource on the Register shall comply with standards and requirements set forth in Chapter 39 of this Title (Historic Buildings and Sites).

(c) Application Review.

(1) Documents required for the application shall be delivered by the applicant to those departments and entities designated by the Community Development Department, which may include, but are not limited to the following:

- (i) Farmington Historic Preservation Commission, Fire Department, Public Works Department, City Engineer, Police Department, or City Attorney;
- (ii) County Agencies;
- (iii) Utah Department of Transportation and other State Agencies;
- (iv) Pressure Irrigation Districts, Sewer Districts, or other special districts in which the property is located;

(v) School Districts; or

(vi) Public Utilities.

All information and comments received from these departments and entities shall be returned to the Community Development Department.

- (2) The Community Development Department shall review each application for conformance to the standards outlined in this Chapter; for conformance with the Comprehensive Plan and all applicable City ordinances; for conformance with good planning practice; for environmental impacts which may be associated with the demolition; and shall present its recommendations to the Planning Commission.

(d) **Public Hearing.** The Planning Commission shall hold a public hearing on all demolition applications. Notice of public hearings shall be given as required by law and according to policies established by the Commission. The Planning Commission shall take action on the application within a reasonable time after the filing of a complete application.

(e) **Demolition Standards.** A decision by the Planning Commission in consideration of a demolition application shall be reviewed in accordance with, and shall conform to, all of the following standards:

- (1) The demolition of a building or structure at a particular location is necessary or desirable to provide a service or structure/facility which will contribute to the general well-being of the community;
- (2) The proposed demolition shall comply with the regulations and conditions in this Ordinance for such demolitions;
- (3) The proposed demolition shall conform to the goals, policies, and governing principles of the Comprehensive Plan for Farmington City;
- (4) The proposed demolition shall be compatible with the character of the site, adjacent properties, surrounding neighborhoods, and other existing and proposed development;
- (5) If the proposed demolition of a building or structure is replaced by another building or use, adequate utilities, transportation access, drainage, parking and loading space, lighting, screening, landscaping and open space, fire protection, and safe and convenient pedestrian and vehicular circulation shall be provided regarding any replacement use; and
- (6) Such demolitions shall not, under the circumstances of the particular case, be detrimental to the health, safety, or general welfare of persons residing

or working in the vicinity, or injurious to property or improvements in the vicinity.

- (7) A decision in consideration of a demolition of an Historic Resource on the Farmington Historic Sites List shall be guided by the same criteria used to consider a demolition of an Historic Resource on the Farmington Historic Landmarks Register as set forth in this Title

(f) Planning Commission Action.

- (1) At the public hearing, testimony may be given by the applicant and all other persons either in support or opposition to the application. After consideration of the testimony, the application, and all other evidence presented, the Planning Commission may approve the application, approve the application with conditions, continue the application to a subsequent meeting, or disapprove the application.
- (2) Appropriate conditions may be attached to any approval where, and to the extent that, the Planning Commission finds that the imposition of such conditions will directly mitigate or eliminate some impact created by the proposed demolition which violates the intent of this Chapter and Title.
- ~~(3) If a demolition is approved by the Planning Commission, the same efforts to document its physical appearance applied to major alterations set forth herein shall also apply to demolition permits approved by the Planning Commission.~~
- (4) All conditions shall be entered into the minutes of the Planning Commission and on the demolition permit

(g) Notice of Planning Commission Action. Within a reasonable time following the public hearing, the applicant shall be notified, by letter, of the Planning Commission's action. If the application is approved, the action letter shall outline conditions attached to the approval, if any, the procedures to be followed prior to obtaining a demolition permit, and the expiration date of the approval.

(h) Demolition Permit.

- (1) In addition to requirements set forth in this Title and elsewhere in the Farmington City Municipal Code, no demolition permit shall be issued within Farmington City until one of the following requirements has been met:
  - (i) A permit for the use replacing the demolished building or structure has been issued by the Community Development Department.

(ii) A landscaping plan for the site, showing the sprinkling system and planted areas, has been approved and a performance bond to assure timely and proper installation and maintenance of the landscaping has been filed with the City in a form acceptable to the City. The plan must show and incorporate existing trees, groves, and plant groupings and these shall remain as the property owner implements the plan.

(iii) In the event of a natural disaster, fire or other similar event or where immediate demolition and clearing of the land is necessary to remove hazardous or blighting conditions, the City Planner may waive the landscaping requirement and order immediate demolition.

(2) If a demolition is approved for an Historic Resource on the Farmington Historic Sites List, the same efforts to document its physical appearance applied to major alterations of Historic Resources set forth in this Title shall also apply to demolition permits approved by the Planning Commission.

(3) The Fire Department shall be given an opportunity to use buildings and structures scheduled for demolition for fire drills consistent with any approval by the Commission, so long as no threat exists as to the public health, safety, and welfare of persons, property, and/or vegetation on neighboring property.

(i) Issuance of a Demolition Permit and Building Permit. A Building Permit shall not be issued for any building or structure replacing another building or structure requiring a demolition permit until the demolition permit is approved by the Planning Commission. The Community Development Department shall review and approve the final demolition permit and, if all conditions are met, may sign and issue the demolition permit on behalf of the Planning Commission.

(j) Expiration. Unless there is substantial action under a demolition permit within a 180 days from the date of Planning Commission approval, the permit shall expire. Substantial action shall be demonstrated by obtaining a demolition permit and demolishing the structure.

(k) Revocations.

(1) Any violation of a demolition permit, any conditions thereof, or any requirement of this Title shall be grounds for the review and possible revocation of a demolition permit by the Planning Commission.

(2) The Planning Commission shall provide the property owner an opportunity

to be heard in a hearing following notice. Upon hearing, the Planning Commission shall either sustain or revoke the demolition permit. The Planning Commission may grant a period in which the property may come into compliance with the conditions of the demolition permit

(l) Appeal. Any decision made in administration of this Section may be appealed as outlined in Section 11-4-109 of this Title.

**11-2-020 Definitions.**

(32) Demolition. Any dismantling, intentional destruction, or removal of public or private structures, sites, surfaces, utilities, or other improvements, except partial demolitions.

(33) Partial Demolition. Any act which destroys a portion of a structure consisting of not more than twenty five percent (25%) of the floor area of the structure; and in the case of an Historic Resource on the Farmington Historic Landmark Register or Farmington Historic Sites List where the portion of the structure to be demolished is not readily visible from the street—and also includes the demolition or removal of additions or materials not of the historic period on any exterior elevation exceeding twenty five percent (25%) when the demolition is part of an act of restoring original historic elements of a structure and/or restoring a structure to its historical mass and size.

## CHAPTER 39

### HISTORIC BUILDINGS AND SITES

- 11-39-101 Purpose
  - 11-39-102 Definitions
  - 11-39-103 Historic Preservation Commission
  - 11-39-104 Farmington Historic Sites List
  - 11-39-105 Farmington Historic Landmark Register
  - 11-39-106 Standards for Rehabilitation
  - 11-39-107 Deterioration by Neglect
  - 11-39-108 Practical Difficulty
  - 11-39-107~~9~~ Appeals
- 
- 11-39-101 Purpose

Farmington City (the “City”) recognizes that the historical heritage of the community is among its most valued and important assets. It is the intent of the City to identify, preserve, protect, and enhance historic buildings, sites, monuments, streetscapes and landmarks within the City deemed architecturally or historically significant. By protecting such historically significant sites and structures, they will be preserved for the use, observation, education, pleasure and general welfare of the present and future residents of the City.

#### 11-39-102 Definitions

For the purposes of this Chapter, the following terms and words and their derivations shall have the meaning as given herein. Words not included herein or in the building code shall be given their usual meaning as found in the English dictionary, unless the context of the words clearly indicates a different meaning.

“Certificate of Historic Appropriateness” – A document evidencing approval by the Historic Preservation Commission of an application to make a material change in the appearance of a designated Historic Resource.

“Exterior Architectural Features” – The architectural style, general design and general arrangement of the exterior of a building, structure or object, including but not limited to the kind of texture of the building material and the type and style of windows, doors, signs and other appurtenant architectural fixtures, details or elements relative to the foregoing.

“Exterior Environmental Features” – All those aspects of the landscape or the development of a site which affect the historic character of the property.

“Important” – Marked by or indicative of significant worth or consequence.

**“Historic Resource”** - Any building, structure, object, site or district listed on the City’s Historic Sites List or the Historic Landmarks Register.

**“Material Change in Appearance”** – A change to a building or Historic Resource that would affect the exterior architectural or environmental features of a Historic Resource, such as:

1. Reconstruction or alteration of the size, shape or façade of a Historic Resource, including relocation of any doors or windows or removal or alteration of any architectural features, details or elements;
2. Demolition or relocation of a Historic Resource;
3. Commencement of excavation for construction purposes; or
4. The erection, alteration, restoration or removal of any building or Historic Resource, including walls, fences, steps and pavements or other appurtenant features except exterior paint alterations.

**“Major Alteration”** – A change or alteration to a building or Historic Resource that would destroy the historic integrity including, but not limited to, changes in pitch of the main roof, enlargement or enclosure of windows on the principal facades, addition of upper stories or the removal of original upper stories, covering exterior walls (except adobe) with non-historic materials, moving the Historic Resource from its original location to one that is dissimilar to the original, or additions which significantly detract from or obscure the original form and appearance of the Historic Resource when viewed from a public right-of-way.

**“Positioning”** – The placement of a Historical Resource on a property or its placement relative to other structures and/or landmarks in the general vicinity.

**“Reconnaissance Level Survey”** – A visual evaluation of a large portion of properties in a community for the purpose of providing a “first cut” of buildings that may, based on their age and integrity, be eligible for listing in the National Register of Historic Places. The evaluation rating of potential sites and Historic Resources shall be given one of the following ratings:

- A – Eligible/Significant:** built within the historic period and retains integrity; excellent example of a style or type; unaltered or only minor alterations or additions; individually eligible for National Register of Historic Places under criterion “C”; also, buildings of known historical significance.
- B – Eligible:** built within the historic period and retains integrity; good example of a style or type, but not as well-preserved or well-executed as “A” buildings; more substantial alterations or additions than “A” buildings, though overall integrity is retained; eligible for National

Register of Historic Places as part of a potential historic district or primarily for historical, rather than architectural, reasons.

C – Ineligible: built during the historic period but has undergone Major Alterations or additions; no longer retains integrity.

D – Out-of-period: constructed outside the historic period.

“Scale” – The distinctive relative size, extent or degree of a Historic Resource.

“Significant” – Having or likely to have influence and effect.

### **11-39-103 Historic Preservation Commission**

The Historic Preservation Commission, created pursuant to Farmington City Code §3-03-040, as amended, shall provide advisory assistance to the City regarding the implementation of the provisions of this Chapter.

### **11-39-104 Farmington Historic Sites List**

(a) Created. There is hereby created a Farmington Historic Sites List (the “List”), which shall serve as a means of providing recognition to and encouraging the preservation of Historic Resources in the City. The List shall be prepared and maintained by the Historic Preservation Commission and filed with the City Recorder's Office.

(b) Contents. The List shall describe each Historic Resource, the date or approximate date of its construction the date during which its historic significance was established, the reason for including it on the List, and the name and address of the current owner as shown on the records of the Davis County Recorder.

(c) Criteria. The Historic Preservation Commission may designate any building, structure, object, site or district to the List as a Historic Resource in accordance with the procedures set forth herein if it is determined by the Historic Preservation Commission that the Historic Resource meets all of the following criteria:

- (1) It is located within the official boundaries of the City; and
- (2) It is at least fifty (50) years old; and
- (3) There are no Major Alterations or additions that have obscured or destroyed the significant historic features.

(d) Designation Procedures. The Historic Preservation Commission is charged with designating properties to and maintaining the List. The List shall reference any research related to the Historic Resource and a copy of the List shall be kept in the Historic Preservation Commission’s historic sites files. The historic sites files shall be

open to the public in accordance with the Farmington City Government Records Access and Management Ordinance. This List shall be reviewed and Historic Resources shall be added or deleted as appropriate on, at minimum, a yearly basis by the Historic Preservation Commission. The List should include all Historic Resources located within the City that meet the minimum requirements set forth below:

- (1) Rate an “A” or “B” on a professional Reconnaissance Level Survey;
  - (2) Are deemed “A” or “B” by the Historic Preservation Commission (for properties outside of a surveyed area);
  - (3) Any Historic Resource that does not meet the “A” or “B” criteria established by the National Register of Historic Places, but is of exceptional importance to Farmington’s history; or
  - (4) Any Historic Resource that has undergone Major Alterations or has been destroyed. Markers may be placed on these sites with City Council approval.
- (e) Results of Designation.
- (1) Certificate. The owner of an officially designated Historic Resource may obtain a historic site certificate from the Historic Preservation Commission. The certificate shall contain the historic name of the property, the date of designation, and signatures of the Mayor and the Historic Preservation Commission Chairperson.
  - (2) Demolition. Applications for a demolition of an Historic Resource on the List shall be subject to the standards and process set forth in Chapter 28 of the Zoning Ordinance.
  - (23) Major Alterations-Demolition. If a Historic Resource is to be demolished or undergo Major Alterations, efforts shall be made by the Historic Preservation Commission to document its physical appearance before that action takes place.
    - a. The City shall delay issuing a demolition permit for a maximum of ten (10) calendar days and shall notify a member of the Historic Preservation Commission, who will take responsibility for the documentation.
    - b. Documentation shall include, at a minimum, exterior photographs of all elevations of the Historic Resource. When possible, both exterior and interior measurements of

the building will be made in order to provide an accurate floor plan drawing of the building.

- c. A ~~building~~ demolition permit shall be issued after a period ten (10) calendar days from the initial date of permit application whether or not the Historic Preservation Commission has documented the building. The permit may be issued earlier if the Historic Preservation Commission has completed its documentation before the ten (10) day deadline.
- d. Documentation shall be kept in the Historic Preservation Commission's historic sites files, which shall be open to the public in accordance with the Farmington City Government Records Access and Management Ordinance.

(f) Removal of Properties. If, after review and consideration by the Historic Preservation Commission, it is determined that a Historic Resource no longer meets the criteria for listing, the Historic Preservation Commission may remove the Historic Resource from the List.

#### **11-39-105 Farmington Historic Landmarks Register**

(a) Created. There is hereby created a Farmington Historic Landmarks Register (the "Register"), which shall provide further recognition of significant Historic Resources; provide protection for Historic Resources as set forth in this Chapter; and may qualify owners of Historic Resources to special assistance from the City as may be determined by the City Council in its sole discretion. The Register shall be prepared and maintained by the Historic Preservation Commission in accordance with the provisions set forth in this Chapter. A Notice of Listing shall be filed for each property listed on the Register with the City and recorded in the office of the Davis County Recorder.

(b) Contents. The Register shall describe each Historic Resource, the date or approximate date of its construction, the date during which its historic significance was established, the qualifications for including it on the Register, and the name and address of the current owner of the property as shown on the records of the Davis County Recorder.

(c) Criteria. Any building, structure, object, or district may be designated to the Register in accordance with the procedures set forth herein if it meets all the criteria set forth below:

- (1) It is located within the corporate boundaries of Farmington City.
- (2) It is currently listed in the National Register of Historic Places (the "*National Register*"), or it has been officially determined eligible

for listing in the National Register under the criteria of 36 C.F.R. 60.4, as amended.

- (3) Historic Resources shall also meet at least two (2) of the following criteria:
- a. It is an easily identifiable visual feature of its neighborhood or the City because of its positioning, location, age, scale or style, and it contributes to the distinctive quality or identity of its area in such a way that its absence would negatively affect the area's sense of place;
  - b. It figures importantly into Farmington's founding or development through its uses, especially public uses;
  - c. It is associated with persons significant in the founding or development of Farmington, especially the earliest settler families (1847-1900);
  - d. It is associated with events that have made a significant contribution to the founding or development of Farmington;
  - e. It illustrates an important architectural form, style, or building technique, especially as an example of "local vernacular" (e.g. single & two-story rock/adobe homes; simple brick Victorians) or as a singular example of form, style, or technique within the City;
  - f. It has been used as a way-finding landmark for at least 50 years; or
  - g. It has yielded, or may be likely to yield, information important in prehistory or history (e.g. archeological sites).
- (4) If a Historic Resource does not meet at least two (2) of the criteria of Subsection (2) above, but is of exceptional importance to Farmington's history and the owner of the property wishes to have it designated as a Historic Resource on the Register, the Historic Preservation Commission may review the request and, if deemed suitably significant, may recommend to the City Council that the Historic Resource be added to the Register.

(d) Notification. The owner of the Historic Resource shall be notified in writing either by certified mail or hand delivery of proposed action to designate the

Historic Resource to the Register and shall be invited to attend the Historic Preservation Commission meeting in which the designation will be discussed.

(e) Designation.

- (1) Official designation proceedings shall begin with submittal of a written request for designation by either the property owner or a member of the Historic Preservation Commission. The request shall identify the property by its address and historic name, give the date the property was listed in the National Register or officially determined eligible, and include a statement summarizing the property's significance to the City. This official request may be preceded by informal contacts with the property owner by Historic Preservation Commission members, private citizens, local officials, or others regarding designation of the property.
- (2) Upon written request for designation, the Historic Preservation Commission Chairperson shall arrange for the designation to be considered at the next Historic Preservation Commission meeting, which shall be held at a time not to exceed thirty (30) days from the date the designation request was received.
- (3) A decision by the Historic Preservation Commission shall be based on whether the property meets the criteria for designating properties to the Register as set forth in Section 11-39-105 (c). The Historic Preservation Commission shall forward its recommendation in writing to the City Council within fourteen (14) days of the decision.
- (4) The City Council may, by adoption of an appropriate ordinance, designate a Historic Resource to the Register. The owner of the Historic Resource shall be notified at least three (3) days prior to the City Council meeting at which the ordinance will be considered and shall be allowed to address the Council with regard to the designation. Following designation, a notice of such shall be mailed to the owners of record together with a copy of Chapter 39 of the City code.
- (5) A Historic Resource which, in the opinion of the Historic Preservation Commission, no longer meets the criteria for eligibility may be removed from the Register after review and recommendation by the Historic Preservation Commission and the adoption of an appropriate ordinance by the City Council.

- (6) Upon official adoption of a designating or removal ordinance, the Historic Preservation Commission shall record the ordinance with both the City Recorder's Office and the County Recorder's Office to indicate such designation or removal on the official records thereof.
- (f) Result of Designation.
- (1) An owner of a Historic Resource listed on the Register may seek assistance from the Historic Preservation Commission in applying for grants or tax credits for rehabilitating the owner's properties.
  - (2) Proposed repairs, alterations, additions, relocation or demolitions to Historic Resources listed on the Register requiring a building permit are subject to review by the Historic Preservation Commission and shall receive a "Certificate of Historic Appropriateness" prior to issuance of a building permit. The purpose of this review is to ensure the preservation of Historic Resources to the greatest extent reasonably possible.
    - a. Any application for a building permit pertaining to a Historic Resource designated on the Register shall be forwarded by the Zoning Administrator to the Historic Preservation Commission for its determination prior to the issuance of the requested permit.
    - b. At its next scheduled meeting, the Historic Preservation Commission shall review the application and proposed work for compliance using the United States Secretary of the Interior's Standards for Rehabilitation, (the "*Standards*") as set forth in Section 11-39-106 of the Farmington City Code.
    - c. The Historic Preservation Commission's determination shall be forwarded within three (3) days to the Zoning Administrator for review. If the Historic Preservation Commission denies or requires significant revisions to a permit application, the determination shall indicate of the specific "Standards" on which the decision of the Historic Preservation Commission is based and, where appropriate, shall provide a brief explanation setting forth the reasons for the determination. Copies of the determination shall be forwarded by the Zoning Administrator to the property owner.

- d. The Zoning Administrator shall upon receipt of the Historic Preservation Commission's determination, process the permit as set forth in this section. Projects which, as determined by the Historic Preservation Commission, are consistent with the Standards shall be issued a Certificate of Historical Appropriateness which authorizes the building permit to be issued upon compliance with all other applicable requirements of this Title or any other applicable ordinance.
  
- e. An applicant whose submittal does not comply with the Standards may, for a period of sixty (60) days, meet with the Historic Preservation Commission, together with the Zoning Administrator, to explore means for proper repair, alteration or addition to the Historical Resource which are consistent with the Standards, which may include the following:
  - i. Feasibility of modifications to the plans;
  - ii. Feasibility of alternative uses of the Historic Resource;
  - iii. Feasibility of acquiring easements and/or variances;
  - iv. Feasibility of acquiring financial or other forms of assistance from preservations organizations.
  
- f. If no approval is granted within the initial sixty (60) days, the Historic Preservation Commission may grant an extension of an additional sixty (60) days. If no approval is granted at the conclusion of one hundred twenty (120) days, the Certificate of Historic Appropriateness shall be denied if the Standards for Rehabilitation cannot be met and the requested building permit shall not be issued by the Zoning Administrator.
  
- g. A decision by the Historic Preservation Commission approving or denying a Certificate of Historic Appropriateness for the relocation of a Historic Resource shall be guided by the following criteria:
  - i. How the historic character and aesthetic interest the Historic Resource contributes to its present setting;

- ii. Whether there are definite plans for the area to be vacated and what the effect of those plans on the character of the surrounding area will be;
  - iii. Whether the Historic Resource can be relocated without significant damage to its physical integrity; and
  - iv. Whether the proposed relocation area is compatible with the historical and architectural character of the Historic Resource.
- h. A decision by the Historic Preservation Commission approving or denying a Certificate of Historic Appropriateness for the demolition of a Historic Resource listed on the Register shall be guided by the following criteria:
- i. The historic, scenic or architectural significance of the Historic Resource;
  - ii. The importance of the resource to the character of the neighborhood or City;
  - iii. The difficulty or the impossibility of reproducing the Historic Resource because of its design, texture, material, detail, or unique location;
  - iv. Whether the Historic Resource is one of the last remaining examples of its kind in the neighborhood or City;
  - v. Whether there are definite plans for use of the property if the proposed demolition is carried out, and what the effect of those plans on the character of the surrounding area would be;
  - vi. Whether reasonable measures can be taken to save the Historic Resource from deterioration or collapse; and
  - vii. Whether the Historic Resource is capable of being used to earn a reasonable economic return on its value.

- i. A Certificate of Historical Appropriateness shall become void unless construction authorized by a building permit is commenced within one hundred eighty (180) days after issuance of the certificate.
- (3) Ordinary maintenance and repair of any exterior architectural or environmental feature in or on a Historic Resource to correct deterioration, decay, or to sustain the existing form, and that does not involve a material change in design, material or outer appearance thereof, does not require a Certificate of Historic Appropriateness.
- ~~(4) An owner of a Historic Resource listed on the Register shall not allow any building to deteriorate by failing to provide ordinary maintenance or repair. The Historic Preservation Commission shall be charged with the following responsibilities regarding deterioration by neglect:
  - a. ~~The Historic Preservation Commission shall monitor the condition of Historic Resources to determine if any Historic Resource is being allowed to deteriorate by neglect. Conditions such as broken windows, doors and exterior openings which allow the elements to enter or otherwise become an attractive nuisance, or the deterioration of a Historic Resource's structural system shall constitute failure to provide ordinary maintenance or repair.~~
  - b. ~~In the event the Historic Preservation Commission determines there is a failure to provide ordinary maintenance or repair, the Historic Preservation Commission shall notify the owner of the Historic Resource and set forth the steps which need to be taken to remedy the situation. The owner of the Historic Resource shall have thirty (30) days to make necessary repairs.~~
  - c. ~~In the event that the condition is not remedied in thirty (30) days, the Historic Preservation Commission may recommend to the City Council that penalty fines be imposed as provided in Chapter 38, "Enforcement and Penalties", of this Title.~~~~
- ~~(5) When, by reason of unusual circumstance, the strict application of any provision of Section 11-39-105 (e) if this chapter would result in the exceptional practical difficulty or undue economic hardship upon any owner of a Historic Resource, the City Council, with recommendation from the Historic Preservation Commission, shall have the power to modify strict provisions, so as to relieve such~~

~~difficulty or hardship; provided such modifications or interpretations shall remain in harmony with the general purpose and intent of said provisions, so that the architectural or historical integrity, or character of the Historic Resource, shall be conserved and substantial justice done. In granting modifications, the City Council, with or without recommendation from the Historical Preservation Commission, may impose such reasonable and additional stipulations and conditions as will, in its judgment, best fulfill the purpose of this Chapter. Undue hardship shall not include a situation of the person's own making.~~

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~~(6) A person who alleges that action by the Historic Preservation Commission or the City will result in an unconstitutional taking of property may request a review thereof as provided in the Farmington City Code.~~

(g) Enforcement. Failure to follow the procedure for acquiring a Certificate of Historical Appropriateness may result in the Zoning Administrator issuing a stop-work order while a review is conducted. The review will determine if revocation of a conditional use permit granted for a use associated with the Historic Resource revocation of building permits and/or other penalty fines are necessary as per Chapter 38, "Enforcement and Penalties", of this Title.

- (1) Failure to follow the procedure set forth in this Chapter for acquiring a Certificate of Historic Appropriateness may result in removal of the Historic Resource from the Register and the National Register, thus rendering the property ineligible for federal, state, and City tax credits, grant and loan programs.
- (2) In addition, if the Historic Resource has received land use entitlements as a result of its placement on the Register, the City may consider the revocation of such entitlements and/or the acceleration of any debt issued by the City as part of a program of Historic Preservation/Rehabilitation consistent with applicable law.

#### **11-39-106 Standards for Rehabilitation.**

The following "Standards for Rehabilitation" shall be used when determining the historic appropriateness of any application pertaining to a Historic Resource:

(a) A property shall be used for its historic purpose or be placed in a new use that requires minimal change to the defining characteristics of the building and its site and environment.

(b) The historic character of a property shall be retained and preserved. The removal of historic materials or alterations of features and spaces that characterize a property shall be avoided.

(c) Each property shall be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding conjectural features or architectural elements from other buildings, shall not be undertaken.

(d) Most properties change over time; those changes that have acquired historical significance in their own right shall be retained and preserved.

(e) Distinctive features, finishes, and construction techniques or examples of craftsmanship that characterize a historic property shall be preserved.

(f) Deteriorated historic features shall be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old in design, color, texture, and other visual qualities and, where possible, materials. Replacement of missing features shall be substantiated by documentary, physical, or pictorial evidence.

(g) Chemical or physical treatments, such as sandblasting, that cause damage to historic materials shall not be used. The surface cleaning of structures, if appropriate, shall be undertaken using the gentlest means possible.

(h) Significant archeological resources affected by a project shall be protected and preserved. If such resources must be disturbed, mitigation measures shall be undertaken.

(i) New additions, exterior alterations, or related new construction shall not destroy historic materials that characterize the property. The new work shall be differentiated from the old and shall be compatible with the massing, size, scale, and architectural features to protect the historic integrity of the property and its environment.

(j) New additions and adjacent or related new construction shall be undertaken in such a manner that if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.

### **11-39-107 Deterioration by Neglect**

**An owner of a Historic Resource listed on the List or the Register shall not allow any building to deteriorate by failing to provide ordinary maintenance or repair. The Historic Preservation Commission shall be charged with the following responsibilities regarding deterioration by neglect:**

(a) The Historic Preservation Commission shall monitor the condition of Historic Resources to determine if any Historic Resource is being allowed to deteriorate by neglect. Conditions such as broken windows, doors and exterior openings which allow the elements to enter or otherwise become an attractive nuisance, or the deterioration of a Historic Resource's structural system shall constitute failure to provide ordinary maintenance or repair.

(b) In the event the Historic Preservation Commission determines there is a failure to provide ordinary maintenance or repair, the Historic Preservation Commission shall notify the owner of the Historic Resource and set forth the steps which need to be taken to remedy the situation. The owner of the Historic Resource shall have thirty (30) days to make necessary repairs.

(c) In the event that the condition is not remedied in thirty (30) days, the Historic Preservation Commission may recommend to the City Council that penalty fines be imposed as provided in Chapter 38, "Enforcement and Penalties", of this Title.

#### **11-39-108 Practical Difficulty**

(a) When, by reason of unusual circumstance, the strict application of any provision of Sections 11-39-104(d) and 11-39-105 (e) of this chapter would result in the exceptional practical difficulty or undue economic hardship upon any owner of a Historic Resource, the City Council, with recommendation from the Historic Preservation Commission, shall have the power to modify strict provisions, so as to relieve such difficulty or hardship; provided such modifications or interpretations shall remain in harmony with the general purpose and intent of said provisions, so that the architectural or historical integrity, or character of the Historic Resource, shall be conserved and substantial justice done. In granting modifications, the City Council, with or without recommendation from the Historical Preservation Commission, may impose such reasonable and additional stipulations and conditions as will, in its judgment, best fulfill the purpose of this Chapter. Undue hardship shall not include a situation of the person's own making.

- (1) **Definition And Determination Of Economic Hardship:** The determination of economic hardship shall require the applicant to provide evidence sufficient to demonstrate that the application of the standards and regulations of this section deprives the applicant of all reasonable economic use or return on the subject property.
- (2) **Standards For Determination Of Economic Hardship:** Farmington City may at its sole discretion solicit expert testimony and/or require that the applicant make submission concerning any or all of the information set forth below before it makes a determination. Such material may include, but is not limited to:

- a. The applicant's knowledge of the designation and the applicant's knowledge or the condition of the property at time of purchase and the applicant's plan for the property at time of purchase;
- b. The current level of economic return on the property as considered in relation to the amount paid for the property; the annual gross and net income, if any, for the property; remaining balance on any financing secured by the property and annual debt service, if any; real estate taxes; appraisals (no older than 6 months); fair market value; form of ownership; and federal and state income taxes related to the property.
- c. The marketability of the property for sale or lease. This determination can include testimony and relevant documents regarding: any real estate broker or firm engaged to sell or lease the property; reasonableness of the price or rent sought by the applicant; and any advertisements placed for the sale or rent of the property.
- d. The infeasibility of a use or alternative uses that can earn a reasonable economic return in the case of income producing properties for the property as considered in relation to the following:
  - i. a report from a licensed engineer or architect with experience in rehabilitation as to the structural soundness of any structures on the property and their suitability for rehabilitation.
  - ii. Estimate of the cost of the proposed construction, alteration, demolition or removal, and an estimate of any additional cost that would be incurred to comply with the decision of the historic landmark commission concerning the appropriateness of proposed alterations.
  - iii. Estimated market value of the property in the current condition after completion of the demolition and proposed new construction; and after renovation of the existing property for continued use.
  - iv. The testimony of an architect, developer, real estate consultant, appraiser, or other professional experienced in rehabilitation as to the economic feasibility of rehabilitation or reuse of the existing structure on the property.

- e. Economic incentives and/or funding available to the applicant through federal, state, city, or private programs.
- f. Description of past and current use.
- g. An itemized report that identifies what is deficient if the building does not meet City building code, and information as to the cause of the building's current condition.
- h. Consideration of conditional use options, variances or financial incentives to alleviate hardship.
- i. The City and the applicant may submit additional evidence relevant to the issue and determination of economic hardship for review and consideration.

(b) A person who alleges that action by the Historic Preservation Commission or the City will result in an unconstitutional taking of property may request a review thereof as provided in the Farmington City Code.

**11-39-1079 Appeals**

(a) Any person adversely affected by any final decision of the Zoning Administrator in the administration of this Chapter may appeal such decision as set forth in section 11-5-106 of the Zoning Ordinance.

(b) Any person adversely affected by any final decision of the Historic Preservation Commission in the administration of this Chapter may appeal such decision to the City Council in accordance with the provisions of this Section.

- (1) Appeals shall be taken within fifteen (15) days of a written decision by filing a written notice with the City Manager, specifying the grounds for appeal. Only grounds specified in the appeal shall be considered by the Council.
- (2) An appeal stays all proceedings in furtherance of the action appealed from unless the Historic Preservation Commission certifies to the City Council that, by reason of fact stated in the certificate, a stay would cause imminent peril to life or property. In such cases, proceedings shall not be stayed otherwise than by restraining order which may be granted by the appropriate appeal body or by the District Court on application and notice and on due cause shown.
- (3) The City Council shall schedule a public hearing to hear the appeal. Notice of the hearing shall be given at least fifteen (15)

days prior to the hearing. Notice of the hearing shall be made as required by law. The City Council may modify the order, requirement, decision or determination appealed from and may make such determination as ought to be made and to that end shall have all powers of the Historic Preservation Commission. A concurring vote of a simple majority of the total membership of the Council shall be necessary to act on the appeal.

(c) Any person adversely affected by any final decision of the City Council designating a Historic Resource to the Register, or regarding an appeal from a decision of the Historic Preservation Commission in the administration of this Chapter may have and maintain a plenary action for relief therefrom in a court of competent jurisdiction; provided a petition for such relief is presented to the Court within thirty (30) days after the rendering of such decision.

Chapter 39 Enacted 2/19/97, Ord. 97-11  
Amended 8/5/08, Ord.2008-40

## CITY COUNCIL AGENDA

For Council Meeting:  
March 19, 2013

### **SUBJECT: City Manager Report**

1. Upcoming Agenda Items
2. Police and Fire Monthly Activity Reports for February
3. NIMS Training

**NOTE: Appointments must be scheduled 14 days prior to Council Meetings; discussion items should be submitted 7 days prior to Council meeting.**

## *Upcoming Agenda Items*

### **April 16, 2013 – Staff Reports Due: April 5<sup>th</sup>**

Closed Meeting: Property Acquisition

Work Session: Storm Drain Master Plan Review/CRS

Action Items:

- Fireworks Restriction Proposals – Options 1-3 (Guido)

Summary Action Items:

- Ratification of Approvals of Construction & Storm Water Bond Logs
- Approval of Minutes from March 19, 2013
- Reimbursement Agreement for Farmington Creek Estates Phase IV
- Storm Drain Master Plan Update Contract



## Farmington City Police Department 2013 - Activity and Case load summary

	January	February	March	April	May	June	July	August	September	October	November	December
Total Case#	115	118										

Total Reports	Officer	Crime	Accident	Supp
	41	51	24	34
	43	60	15	13

Citations	Total Cites	Traffic Cites	Parking Cites	Other
	111	25	45	41
	92	49	15	28

Activities	Total
	2039
	1855

Investigations	Still Working	# Reports
	26	24
	34	17



# Farmington City Police Department 2013 - Summary Cont.

Average Total

Cases	116.50	233
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Reports	Officer Crime Accident Supp	42.00 55.50 19.50 23.50	
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Citations	Total Traffic Parking Other	101.50 37.00 30.00 34.50	203
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Activities	1947.00	3894
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Investigations	Working # Reports	30.00 20.50	41
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**Zimbra****hgadd@farmington.utah.gov**

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**NIMS Training**

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**From :** Holly Gadd <hgadd@farmington.utah.gov>

Wed, Mar 06, 2013 02:29 PM

**Subject :** NIMS Training**To :** cindyroybal@gmail.com, critz@foragegenetics.com,  
youngjm@ldschurch.org**Cc :** Paul White <paulewhite1951@gmail.com>, Dave  
Millheim <dmillheim@farmington.utah.gov>

Hello,

I checked with Paul White regarding the NIMS training. He would like to do it March 26th and April 23rd at 6:00 p.m. It will be held in the community room at City Hall. He is hoping to cover everything in just two sessions. I hope these dates will work with your schedules.

Have a wonderful day!

Holly Gadd, CMC  
City Recorder  
160 South Main  
Farmington, Utah 84025  
801-451-2383 ext. 205  
801-451-2747 Fax  
hgadd@farmington.utah.gov

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CITY COUNCIL AGENDA

For Council Meeting:  
March 19, 2013

**SUBJECT: Mayor Harbertson & City Council Reports**

NOTE: Appointments must be scheduled 14 days prior to Council Meetings; discussion items should be submitted 7 days prior to Council meeting.