FARMINGTON CITY COUNCIL MEETING
Tuesday, November 16, 2010

CITY COUNCIL WORK SESSION/EAST CONFERENCE ROOM

PRESENT: *Mayor Scott Harbertson, Council Members John Bilton, Rick Dutson, Jim Talbot and Sid Young, City Manager Max Forbush, new City Manager Dave Millheim, City Planner David Petersen, Assistant City Planner Glenn Symes, Finance Director Keith Johnson, and Recording Secretary Cynthia DeCoursey. Council Member Cory Ritz was excused.*

Mayor Harbertson began the work session at 5:15 p.m., and the opening prayer was offered by **John Bilton**. The agenda for the work session included:

1. **Utah Risk Management Mutual Association (URMMA) Officials**

Mr. Forbush said Farmington City has been a member of URMMA for eight years. The **Mayor** welcomed representatives from the Utah Risk Management Mutual Association (URMMA) who each gave a brief description of their specific jobs:

Chief Executive Officer . . . . . **Dean Steel**
Claims & Litigation Manager . . . . . **Jim Fisher**
Claims Adjuster . . . . . .**Lyle Kunz**
Loss Control Manager . . . . . **Carl Parker**
Education Manager . . . . . .**Joanne Glantz**
Administration Services Manager . . . . **Kathy Kenison**

CEO **Dean Steel** explained that URMMA was created in 1985 as a response to the commercial insurance industry's refusal to provide affordable liability insurance to cities in Utah. As a result, a number of cities joined together to create URMMA to help meet the insurance needs of Utah cities. He commended Farmington City for its efforts and offered continued support.

2. **Possible use for the old Kmart Building**

John Asay and **Chris Roybal** introduced a proposal for the old K-mart building which has 70,000 square feet of space. They suggested that the back portion of the building could be used for climate-controlled storage, and the front portion could include several retail stores or professional services. There would be an on-site employee for the management of the storage area. The Council discussed issues such as whether or not the 60-foot depth of the front stores would be sufficient, the demand for this type of storage, and the configuration of the parking lot.

3. **Review of Audit Report**

Michael E. Ulrich and **Charles E. Ulrich** of Ulrich & Associates, PC – Certified Public Accountants – attended the work session and gave an overview of the Annual Audit Report for Farmington City. They commended staff for their cooperation and assistance during the audit and found that the City's policies and procedures are effective and are being followed by City staff.

4. **Review of Regular Session Agenda Items**

(Agenda Item #8) – (Public Hearing): Consideration of Schematic Plan Approval for Doberman Subdivision at approximately 453 West Glover Lane in west Farmington (Brad Pack)

Mayor Harbertson said the Planning Commission approved this item at their October 27, 2010 meeting. An important issue is that the City's standard for the length of a dead-end street is 1,000 feet, and this road may be up to 70 feet longer than 1,000 feet.

(Agenda Item #10) – Consideration of an Amendment to the Ordinance renaming Burke Lane to Station Parkway

The **Mayor** received a letter from a resident who was out of town when this change took place. He has lived on Burke Lane for almost 30 years and believes there is a historical value to retaining the name of Burke Lane. He is also concerned about possible financial consequences to himself and other property owners.

(Agenda Item #12) – Ordinance to amend the City's Personnel Policies & Procedures

The Council briefly reviewed the amendments included in the staff report.

(Agenda Item #14) – CRS Lease – Agreement pertaining to a lease of space at City Hall

The **Mayor** removed this item from the agenda.

(Agenda Item #16) – Approval of Water Conservation Plan

Mayor Harbertson informed the Council that this item needed to be tabled.

REGULAR CITY COUNCIL/CITY CHAMBERS/CALL TO ORDER

PRESENT: *Mayor Scott Harbertson, Council Members John Bilton, Rick Dutson, Jim Talbot and Sid Young, City Manager Max Forbush, new City Manager Dave Millheim, City Planner David Petersen, Assistant City Planner Glenn Symes, Finance Director Keith Johnson, City Engineer Paul Hirst, and Recording Secretary Cynthia DeCoursey. Council Member Cory Ritz was excused.*

Mayor Harbertson opened the meeting at 7:00 p.m. and welcomed those in attendance, including **Marissa Brown**, **Alexon Tiem**, **Joel Tate**, and **Jessica Harris** of the Farmington Youth Council. **John Bilton** offered the invocation, and the Pledge of Allegiance was led by **Sid Young**.

APPROVAL OF MINUTES (Agenda Item #2)

Motion

Sid Young made a motion to approve the minutes of the regular City Council Meeting held November 2, 2010 with several minor amendments. The motion was seconded by **Rick Dutson** and approved by Council Members **Bilton**, **Dutson**, and **Young**. Council Member **Jim Talbot** abstained because he was absent.

Motion

John Bilton made a motion to approve the minutes of the Special City Council Meeting held November 8, 2010. The motion was seconded by **Sid Young** and approved by Council Members **Bilton**, **Dutson**, and **Young**. Council Member **Jim Talbot** abstained because he was absent.

INTRODUCTION OF NEW CITY MANAGER DAVE MILLHEIM AND HIS FAMILY AND ADMINISTRATION OF OATH OF OFFICE (Agenda Item #3)

Dave Millheim introduced his family members, and the administration of the Oath of Office was performed by **Margy Lomax**. The **Mayor** and the Council welcomed **Mr. Millheim** as the new City Manager for Farmington.

PLANNING COMMISSION REPORT (Agenda Item #4)

Glenn Symes said the Planning Commission reviewed a proposed demolition ordinance for the City. He explained that the Planning Department has completed work on several major ordinances during the past two years and is in the process of working through several others. This ordinance is new—the concept has been discussed frequently by the City's Historic Preservation Commission and is the next logical step to ensure that structures are properly demolished. This was the first reading of the Ordinance, and comments from the City Attorney are forthcoming.

REVIEW AND ACCEPTANCE OF AUDIT REPORT (Agenda Item #5)

Charles E. Ulrich and **Michael E. Ulrich** of Ulrich & Associates, PC presented the annual Audit Report for Farmington City. They said that each department in the City remained within their budgeted expenditures. There has been an addition of over $300,000 to the general fund balance, which is more than the 18% which the state allows. The City will be allowed two years to budget that amount down from the current 22%. They referred to a letter they submitted to the City Manager in which they recommended several improvements.

Motion

Rick Dutson made a motion to approve the annual Audit Report for Farmington City. The motion was seconded by **John Bilton**, and it was approved by Council Members **Bilton**, **Dutson**, **Talbot** and **Young**.

PRESENTATION OF "CERTIFICATE OF ACHIEVEMENT FOR EXCELLENCE IN FINANCIAL REPORTING" TO KEITH JOHNSON (Agenda Item #6)

Jim Welch, from the Government Finance Officers Association, presented this certificate to the City's Finance Director, **Keith Johnson**. This is the ninth time **Mr. Johnson** has earned the Certificate, and he was commended for his efforts.

REPORT/DISCUSSION WITH UDOT OFFICIAL RANDY JEFFRIES REGARDING THE WEST DAVIS CORRIDOR EIS STUDY (Agenda Item #7)

Dan Adams said his company, the Langdon Group, is assisting UDOT in this effort, and **Randy Jeffries** was not able to be in Farmington because he is presenting this information at another City Council meeting. **Mr. Adams** gave an overview of the progress which has been made on the West Davis Corridor Environmental Impact Statement (EIS) for a potential transportation corridor in western Davis and Weber counties. He commended Farmington residents for their input and said the following comments were made:

- Concern for impacts to homes, neighborhoods, and splitting the community;
- Concern for impacts to the environment--especially Farmington Bay;
- Desire to be involved in the public process;
- A modified C-1 alternative was proposed by a Farmington resident.

The primary purposes of the West Davis Corridor are to improve regional mobility and enhance peak-period mobility. The secondary purposes are to enhance transportation mode relationships, to support local growth objectives, and to improve pedestrian and bicycle alternatives. Forty-six options were studied, and 14 were chosen to move to the Level 2 screening. He referred to the graphs in the handout which show the results of the Level 1 Screening process. He said four alternatives in Farmington (B-1, C-1, D-1, and E-1) are still being considered. The model being used is from the Wasatch Front Regional Council, and three levels of consultants are running the data. One consultant is running the model, and the two other consultants are checking the work. He said Level 2 screening will be finished by February of 2011, and the criteria for Level 2 include:

- Natural resources
- Built environment
- Access to transit and pedestrian facilities
- Considers local land-use and transportation plans
- Cost and constructability

City Council and & COG presentations will take place through January 2011, and a public open house will be held in February 2011. The EIS will be drafted in late 2011, a public hearing will be held in early 2012, the final EIS will be drafted in late 2012, and in spring of 2013 a decision will be made. The Council expressed their appreciation to UDOT and the Langdon Group for keeping the involved cities and the public informed on this issue.

(Public Hearing): CONSIDERATION OF SCHEMATIC PLAN APPROVAL FOR DOBERMAN SUBDIVISION AT APPROXIMATELY 453 WEST GLOVER LANE IN WEST FARMINGTON (BRAD PACK) (Agenda Item #8)

Brad Pack explained that there will be two phases, and this request is for the first three lots in Phase 1. These are one-acre lots which will help preserve the rural feel of the area. It would be more economical for him to locate the Weber water line on the east side of the property, but having it on the west side offers assistance to many of the current residents. He admitted that there was a Weber water line breakage in the area and that there are other drainage issues. He referred to Millcreek Meadows in West Bountiful as an example of what he would like to do--no curb and gutter with a paved path on one side and swells for the storm water drains. However, the Public Works Department is not in favor of this type of storm drain.

City Engineer **Paul Hirst** said he has seen the Millcreek Meadows Subdivision, and there are issues such as grass building up around the drains, and water damage which breaks up the asphalt. The City installed that type of drain and grass swells on each side of the pavement on west Shepard Lane to preserve a country look, but it has not worked well. He also said the Glover Lane storm drain has limitations, so there will be much work to do.

Public Hearing

Mayor Harbertson opened the Public Hearing at 8:10 p.m.

Eva Gisseman, 465 West 1025 South, said their property is located in the center of this development, and they are fine with the number of lots that have been requested. However, there are drainage issues that need to be solved prior to final approval.

Mike Gisseman, 465 West 1025 South, said they are anxious to solve the drainage issues. He said his father owns five acres south and west of his property which is also flooded frequently.

John Kraczek, 1037 South 650 West, pointed out his property and said he is glad that **Mr. Pack** plans to install curb and gutter on the west side. He is also in favor of installing curb and gutter on the east side.

The **Mayor** closed the Public Hearing at 8:15 p.m., and the Council discussed possible options regarding the road. **Dave Millheim** pointed out because this request is for only the first three lots, the Council should create findings in their approval that justify why approval was given in this case. The overall plan should be considered even though there will be issues to face along the way.

Motion

John Bilton made a motion to approve a schematic subdivision consisting of seven (7) lots in two (2) phases on approximately 9.5 acres of property located at 453 West Glovers Lane with the following conditions:

1. The applicant continues to work with the City and other agencies to address any outstanding issues remaining with regard to a schematic approval, fencing, and drainage
2. The applicant must have approval of an extension to a dead-end road as set forth in Title 12, Chapter 7 of the Farmington City Subdivision ordinance if it is determined that such an extension is required for the proposed roadway layout.

3. Any issues related to the approval of a potential flag lot must be addressed with the approval of the minor subdivision plat associated with Phase 2 of this project.
4. The applicant must work with staff regarding the City's standard of 1,000 feet for the length of a dead end street or determine another option for the road.

The motion was seconded by **Sid Young** and approved by Council Members **Bilton**, **Dutson**, **Talbot** and **Young**.

Findings for Approval

1. The proposed schematic subdivision is in substantial compliance with all subdivision and zoning requirements for a schematic subdivision approval including:
   a. A completed application;
   b. Minimum lot sizes as set forth in the AE zone;
   c. Description and preliminary layout of utilities and other services required;
   d. Standard roadway widths and side treatments.
2. The proposed subdivision is desirable in that the platting of the property in this area will provide a cleaner description and record of the properties and residences in the subject area.

CONSIDERATION OF RAYMOND BINGHAM'S PUBLIC UTILITY EASEMENT VACATION REQUEST AT 324 IRONSIDE WAY IN FARMINGTON RANCHES SUBDIVISION (Agenda Item #9)

The **Mayor** said this property owner has worked with the City's Zoning Administrator, **Ken Klinker**, who has approved this request.

Motion

Rick Dutson made a motion to approve **Raymond Bingham's** request for the vacation of a public utility easement at 324 Ironside Way in the Farmington Ranches Subdivision with a requirement to include copies of the approvals given by the utility companies. The motion was seconded by **John Bilton** and approved by Council Members **Bilton**, **Dutson**, **Talbot** and **Young**.

CONSIDERATION OF AN AMENDMENT TO THE ORDINANCE RENAMING BURKE LANE TO STATION PARKWAY (Agenda Item #10)

The City received a letter from resident **Mike Romney** who was on a business trip and was unaware of the notice to change the name of Burke Lane to Station Parkway. He requested that the City Council reconsider the change.

Motion

Sid Young made a motion to approve the Ordinance amending Ordinance 2010-48 which deletes the renaming of that portion of Burke Lane west of Red Barn Lane to 1525 West from Burke Lane to Station Parkway with the following change: **Section 2. Street Renaming.** The City Council of Farmington City hereby declares that the street known as Burke Lane between Station

Parkway (approximately 1200 West) and 1525 West in Farmington, Utah, more particularly described as the Burke Lane Right-of-Way between Station Parkway and 1525 West shall remain as Burke Lane until such time as the City Council determines that a change in name from Burke Lane to Station Parkway is justified by either a realignment of Burke Lane near 1525 West or a new development application is received and approved by the City on any portion of the road. **Rick Dutson** seconded the motion which was approved by Council Members **Bilton, Dutson, Talbot** and **Young**.

MINUTE MOTION APPROVING SUMMARY ACTION LIST (Agenda Item #11)

11-1	**Ratification of Approvals of Construction & Storm Water Bond Agreements**
11-2	**Ratification/Approval of Ken Klinker's appointment of Abe Wangsgard as Storm Water Official designated for limited code enforcement duties**
11-3	**Approval of August and September Disbursement Lists**

Motion

Jim Talbot made a motion to approve Items 11-1, 11-2, and 11-3 on the Summary Action List. The motion was seconded by **Sid Young** and approved by Council Members **Bilton, Dutson, Talbot** and **Young**.

ORDINANCE TO AMEND THE CITY'S PERSONNEL POLICIES & PROCEDURES (Agenda Item #12)

Motion

Jim Talbot made a motion to approve the Resolution updating and amending various sections of the Farmington City Personnel Policies and Procedures. **Rick Dutson** seconded the motion, and it was approved by Council Members **Bilton, Dutson, Talbot** and **Young**.

INTERLOCAL AGREEMENT WITH DAVIS COUNTY REGARDING LOMR STUDY FOR STEED CREEK FLOOD PLAIN (Agenda Item #13)

Mayor Harbertson stated that both the City Attorney and the County Attorney have approved this Agreement. The City will move forward with the LOMR study, and the County will reimburse the City for its share of the costs which may be incurred.

Motion

Rick Dutson made a motion to approve the Interlocal Cooperation Agreement between Farmington City and Davis County regarding the Letter of Map Revision (LOMR) for the Steed Creek Flood Plain. The motion was seconded by **Jim Talbot** and approved by Council Members **Bilton, Dutson, Talbot** and **Young**.

CRS LEASE – AGREEMENT PERTAINING TO THE LEASING OF SPACE AT CITY HALL (Agenda Item #14)

This item was pulled from the agenda during the work session.

RIGHT-OF-WAY LICENSE AGREEMENTS FOR OTHER PUBLIC ENTITIES USING CITY STREETS – FIRST READING (Agenda Item #15)

Following a brief discussion, the Council directed City Manager **Dave Millheim** to meet with representatives from the public or governmental entities with facilities located within the City's rights-of way to secure the necessary license agreements.

APPROVAL OF WATER CONSERVATION PLAN (Agenda Item #16)

Motion

Rick Dutson made a motion to table Agenda Item #16. The motion was seconded by **John Bilton** and approved by Council Members **Bilton, Dutson, Talbot** and **Young**.

MAYOR AND CITY COUNCIL REPORTS - (Agenda Item #18)

Mayor Harbertson's Report

- Town hall meeting Wednesday, November 17 with the **Mayor** and **Rick Dutson**.
- He and **Rick Dutson** met with **Craig Trottier** of CenterCal who said they have a strong potential tenant for their Station Park Development.
- He expressed appreciation to **Cory Ritz** and **John Bilton** for their assistance with the applications for a new Fire Chief and said the next step is to choose 8-10 finalists and conduct interviews. The Council said they were available to assist once the dates were known.
- The Police Department has been issuing warnings for cars parked on City streets overnight, and they will soon begin ticketing offenders.
- Burt Brothers have purchased the Arby's near the old K-mart, and they plan to demolish the building and build a three-bay oil change business. They also plan to expand their show room.
- Assistant City Planner **Glenn Symes** has accepted a job with the Ogden City Council, and his last day is December 3, 2010. The **Mayor** expressed appreciation for all **Mr. Symes** has done for Farmington City.

City Council Reports

Jim Talbot

- **Jim Heffner** has requested an update of the cemetery monument project. The **Mayor** said **Michael Nilson** has finished the design, and the next step is for a structural engineer to review the plans. **Dave Millheim** said he would follow through with this project.

- He expressed appreciation to **Max Forbush** and **Margy Lomax** for their many years of great service to the residents of Farmington.

Max Forbush and **Margy Lomax** also expressed their thanks and appreciation for the honor and privilege it has been to work for Farmington City and to be able to associate and work with the Council, staff, and residents of Farmington over the many years of their tenure.

Sid Young

- **Doug Allen** is willing to discuss the purchase of his property north of the ravine for a tank and a right of way that would connect to the U.S. Forest Service road. He would like to review a fencing proposal as a way to control the access. Also, he was under the impression that the 1000-foot issue did not affect his property--only the **Stevenson** property.

- The list of items eligible for recycling and the recycling schedule for 2011 will be included in the December newsletter.

- The following policy items were discussed at the Utah League of Cities and Towns meeting:

    1. Residential construction in Utah is increasing slightly, and sales tax distribution is higher than actual retail sales.
    2. A benchmarking survey from the Utah City Management Association (UCMA) is being worked on by Finance Director **Keith Johnson.**
    3. Local Officials Day at the Utah State Legislature is January 26, 2011 which includes lunch, and the speaker will be **David Walker**.
    4. Spice legislation is possible--as a Class B misdemeanor.
    5. Alcohol reform issue—the State is considering converting tavern/inn licenses to full-service restaurant licenses.
    6. There could be a bill which would require municipalities to follow federal standards: March filings, June Primary elections and November General elections.

Rick Dutson

- One of his clients was impressed that the **Mayor** took him on a tour of Farmington.

John Bilton

- A resident asked why "Farmington" is not included on the freeway exit signs for both southbound and northbound traffic.

- **Clayton** and **Erla Pehrson** have finally come to terms with the fact that they are going to lose their three trees on 900 North, and they asked if the City can use the trees in some way.

- He suggested that **Jared May** be used for the "go to" guy with the improvements which will be made on 900 North and 1000 North.

City Manager Report

Dave Millheim said he does not plan to make drastic changes, and the transition will be a work in progress. He asked for advice from the Council regarding deadlines and said he would like to provide accurate and timely information and give the Council Members ample time to review the agenda items.

Closed Session

Motion

At 9:15 p.m. a motion was made by **Rick Dutson** to hold a closed meeting to discuss strategy as it relates to pending litigation and the acquisition of real property. The motion was seconded by **Jim Talbot**, and it passed with Council Members **Bilton**, **Dutson**, **Talbot** and **Young** voting in favor.

SWORN STATEMENT

I, Scott C. Harbertson, Mayor of Farmington City, do hereby affirm that the items discussed in the closed meeting were as stated in the motion to go into closed session and that no other business was conducted while the Council was so convened in a closed meeting.

Scott C. Harbertson, Mayor

Motion

At 9:50 p.m. a motion to reconvene into an open meeting was made by **John Bilton** and seconded by **Sid Young**. The motion passed with Council Members **Bilton**, **Dutson**, **Talbot** and **Young** each voting in favor.

ADJOURNMENT

Motion

John Bilton moved to approve the recommendation of the City Manager to mail the letter in the City Council packet to TC&T Investments regarding the C-5 culinary water tank reimbursement issues pertaining to the Woodland Springs developers. The motion was seconded by **Jim Talbot** and passed with a unanimous vote.

There being no further business, a motion to adjourn was made by **Rick Dutson** with a second by **Jim Talbot** which was unanimously approved. The meeting was adjourned at 9:51 p.m.

Holly Gadd, City Recorder
Farmington City Corporation