FARMINGTON CITY COUNCIL MEETING
Tuesday, February 16, 2010

CITY COUNCIL WORK SESSION/EAST CONFERENCE ROOM

PRESENT: Mayor Scott Harbertson, Council Members John Bilton, Richard Dutson, Jim Talbot, Sid Young, City Manager Max Forbush, Assistant City Planner Glenn Symes, and Recording Secretary Cynthia DeCoursey. Council Member Cory Ritz was excused from the work session.

The City Council participated in a tour of the new Farmington City Hall at 5:30 p.m. They returned to the City Hall at 130 North Main Street and began the work session at 6:20 p.m.

(Agenda Item #2) - Approval of Minutes of Previous Meetings

There were some minor modifications to the minutes of the February 2, 2010 City Council meeting. There were no changes to the minutes of the Special City Council meeting held Dec. 21, 2010.

(Agenda Item #4) - Storm Water Violation Enforcement

Max Forbush explained that because the federal agency imposed stricter requirements on municipalities concerning storm water, the City set some goals to help prevent pollution of storm water that empties into the stream channels which are defined by the Federal EPA as "receiving waters" of the United States. One of the goals was to prevent sediment flow in the stream channels, and the City adopted a Storm Water Enforcement Policy and hired **Ken Klinker** as the Storm Water Official to assist in this effort. **Mr. Forbush** praised his efforts and said he does a commendable job. The City's policy authorizes **Mr. Klinker** to issue Notices of Violation (NOVs) whenever storm water problems occur; however, he would like the designated civil penalties to be stronger which would hopefully encourage the developers to take action on their own and avoid so many reminders and checks by the Storm Water Official. The Council discussed various details and made suggestions regarding the appropriate actions that should be implemented.

MINUTE MOTION APPROVING SUMMARY ACTION LIST (Agenda Item #5)

There was a brief discussion of the last item on the Summary Action List concerning a fencing credit on the Station Parkway Road expansion. **Mayor Harbertson** explained that the City agreed to build a fence along both sides of the construction area to protect the animals in the area. The City received a bid for the installation of a 4-strand wire fence. However, **Rich Haws**, the developer in the area, does not believe the wire fence is sufficient, and he proposed that his

company build a sturdier fence. In return, the City would offer him a credit for $20,355 at some time in the future. He said his company will sign a release indemnifying the City from any loss of animals or other problem. The Council determined that in addition to the release, the City should be designated as an "additional insured" to the developer's insurance policy to protect the City against problems related to the fence.

The work session ended at 7:00 p.m.

REGULAR CITY COUNCIL/CITYCHAMBERS/CALL TO ORDER

PRESENT: Mayor Scott Harbertson, Council Members John Bilton, Richard Dutson, Cory Ritz, Jim Talbot, Sid Young, City Manager Max Forbush, City Engineer Paul Hirst, City Recorder Margy Lomax and Recording Secretary Cynthia DeCoursey

Mayor Harbertson opened the meeting at 7:05 p.m. and welcomed those in attendance. Council member **Sid Young** offered the invocation, and the Pledge of Allegiance was led by **Emerson Call**, a local Boy Scout.

APPROVAL OF MINUTES OF PREVIOUS MEETING (Agenda Item #2)

Motion

John Bilton made a motion to approve the minutes of the February 2, 2010 City Council meeting with the modifications which were discussed in the work session. **Sid Young** seconded the motion, and Council members **Dutson** and **Talbot** approved the motion. **Cory Ritz** abstained because he did not attend the meeting.

Motion

Rick Dutson made a motion to approve the minutes of the special City Council meeting held December 29, 2009. The motion was seconded by **Cory Ritz** and approved by Council Members **Bilton**, **Talbot**, and **Young**.

REGIONAL COMMUNICATION GRANT PROPOSAL – LARRY GREGORY, FIRE CHIEF (Agenda Item #3)

Mayor Harbertson introduced Farmington Fire Chief **Larry Gregory** and Chief **Brett Larkin** of Kaysville Fire Department and asked them to speak regarding this proposal. **Chief Gregory** said all of the Fire Departments in Davis County have been awarded a Regional Communications Grant from FEMA. This grant would assist in upgrading the current communication systems in Davis County and bring them into compliance with the NFPA

guidelines. **Chief Larkin** referred to the information in the packet and listed several benefits of the proposal:

1. It would tie all of the dispatch centers together and pool their available resources.
2. It is an affordable, top-quality program.
3. It would interface with the current paging system.
4. It would eliminate backup and redundancy.
5. No additional personnel would be necessary.

Chief Gregory said the estimated matching cost for each City will be approximately $7,000-$10,000, but there is no specific breakdown of the costs. Council members expressed concern and questioned why there are no detailed cost breakdowns at the current time. After some discussion they agreed to approve this proposal, and **Max Forbush** agreed to prepare a letter of intent.

Motion

Sid Young made a motion to approve the proposed local match to the Federal grant and to budget a maximum of $10,000 in FY 2011 which will allow the Fire Department to move forward, and the City has the option to withdraw their approval prior to the allocation of the money. **Cory Ritz** seconded the motion, and it was approved by Council members **Bilton**, **Dutson**, and **Talbot**.

STORM WATER VIOLATION ENFORCEMENT (Agenda Item #4)

Mayor Harbertson explained that several months ago the City adopted a Storm Water Enforcement Policy which authorized the City's Storm Water Official, **Ken Klinker**, to issue Notices of Violation (NOVs) for violations of the Storm Water Ordinance. **Mr. Klinker** said the NOVs have not been effective in reducing violations, stopping repeat offenders or stopping flagrant violations, and he would like to modify the Enforcement Policy. After a brief discussion, the Council decided the penalties need to be stricter, and they hope developers and contractors will act more responsibly for mitigating storm water problems. The City must enforce these violations in order to avoid potential fines from the EPA. They agreed that the penalty will be applied to each address within the construction project.

Motion

Jim Talbot made a motion that if violations of this ordinance occur, the developer will be given a Notice of Violation allowing a 24-hour period for the violation to be addressed, along with a warning that a stop work notice and a $100 fine per day (to be deducted from the storm water cash bond) will be issued. Each time a bond is depleted because of noncompliance, the

bond amount would increase by $2,000. **Rick Dutson** seconded the motion, and it was approved by Council members **Bilton**, **Ritz**, and **Young**.

Paul Hirst, City Engineer, pointed out that the EPA's regulations are tough, and some cities have seen heavy fines related to storm water issues. He expressed concern about the City's policy being too strict and advised that it would not be in the best interest of the City to have exorbitant fees which could possibly contribute to the bankruptcy of a developer.

Motion

Jim Talbot rescinded the previous motion and made another motion that if violations of this ordinance occur, the developer will be given an NOV allowing a 24-hour period for the violation to be addressed along with a warning that a stop work notice and a $100 fine per day (to be deducted from the storm water cash bond) will be issued. After the second warning there will not be a third warning, but the stop work order will be posted, and the $1000 bond will be relinquished. A new $1000 bond would then be required. **Rick Dutson** seconded the motion, and it was approved by Council members **Bilton**, **Ritz**, and **Young**.

The Council asked the City Manager to draft a formal proposal for review at a future meeting to include the aforementioned changes that were conceptually approved.

MINUTE MOTION APPROVING SUMMARY ACTION LIST (Agenda Item #5)

4-1 Ratification of Construction & Storm Water Bond Agreements.

4-2 Authorization to "write off" $969.04 in ambulance service charges.

4-3 Authorization to replace fire alarm panel at the Community Center at a cost of $6,665 to be taken from the City Council contingency account.

4-4 Approval of Change Order #3 for a City Hall project.

4-5 Approval of ancillary contracts for the City Hall: General Communications: $105,572 for audio visual systems; Alpha Corp: $10,839.26 for access control; 3C Business Solutions: $43,898.26 for low voltage cabling.

4-6 Ratify Mayor and City Manager's approval for fencing credit against Station Parkway Road expansion.

Motion

Jim Talbot made a motion that the City Council approve the summary action list with the condition on 5-6 that developer **Rich Haws** submits a letter to indemnify Farmington City regarding the fencing and obtain an insurance certificate naming Farmington City as an additional insurer which will protect the City from any possible accidents or problems. **Sid Young** seconded the motion, and it was approved by Council members **Bilton**, **Dutson**, and **Ritz**.

CONSIDERATION OF AGREEMENTS BETWEEN THE CITY AND THE DAVIS SCHOOL DISTRICT (Agenda Item #6)

- **Purchase and Sale Agreement – Existing Farmington City Hall**
- **Addendum B to Master Inter-local agreement pertaining to cross parking and maintenance between the new City Hall and Farmington Elementary**

Mayor Harbertson reviewed several of the details regarding these two agreements. The City is selling the City Hall to the Davis School District (DSD) but will keep the museum property. Both properties are serviced by one irrigation/sprinkler system. The City will be required to pay for the costs of separating the sprinkler system, and the DSD will pay the cost of a new irrigation controller if they desire to tie the sprinkler system into their own Central Controller. The **Mayor** also explained that three parcels of property (parcels 1, 2, and 3 as shown on Exhibit A) will be conveyed from the School District to the city, and the City will assume the responsibility and costs of the development and construction of those areas. Exhibit B shows the parking parcel owned by the DSD, and Exhibit C shows the areas the City will maintain. The City and the DSD will share in the cost of the maintenance of both the parking areas located on DSD property and the fence, both as shown on Exhibit D, and will share equally in major maintenance projects such as asphalt overlay, striping and replacement. The **Mayor** commended the DSD for their integrity throughout this process and requested that **Max Forbush** write them a letter of thanks.

Motion

Sid Young made a motion to approve the Purchase and Sale Agreement of the existing Farmington City Hall. **Rick Dutson** seconded the motion, and it was approved by Council members **Bilton**, **Ritz**, and **Talbot**.

Motion

Sid Young made a motion to approve Addendum B to the Master Inter-local agreement pertaining to cross parking and maintenance between the new City Hall and Farmington Elementary. **Cory Ritz** seconded the motion, and it was approved by Council members **Bilton**, **Dutson**, and **Talbot**.

DISCUSSION OF COMPETING FINANCIAL INTERESTS FOR THE U.S. 89 RDA TAX INCREMENT (Agenda Item #7)

Background Information

Mayor Harbertson said the Council discussed a possible incentive program for Farmington homebuilders several months ago. At that time, the Federal government was offering $8,000, and the State was offering $4,000 in assistance. The City was considering using $100,000-$150,000 of tax increment dollars to establish a program to help first-time home buyers during the recession. However, since that time there have been many changes, and many discussions have been held concerning the proposed use of the tax increment dollars. He referred to the U.S. 89 RDA Project Area handout which shows the projected tax increment fund balance and the possible projects which could be funded. After some discussion, it was determined that because the housing market has begun to rebound, the money would be better spent on several other projects which are congruent with the City's master plan and include:

- Purchase of the Welling property
- Station Parkway Subsidy
- Purchase H.H.I. property north of Wells Fargo Bank
- Subsidy to Historic Preservation sites, including the exterior improvements to the building across from Wells Fargo.

TRAIL ACCESS TO BUFFALO RANCHES TRAIL ADJACENT TO HEBERLING RESIDENCE AT 234 SOUTH 1800 WEST (Agenda Item #8)

John Bilton said the **Heberling** family offered to have this trail access located adjacent to their property. However, the Council discussed whether or not the owners realize that access in this location will ultimately lead to parking issues. It was suggested that "no parking" signs be posted; however, policing the signs would not be easy. After further discussion it was determined that the Council would like to meet with the property owners and other neighbors prior to making a decision. A suggestion was also made that the issue could be reviewed at the next town hall meeting. **Mr. Forbush** agreed to install a "dead-end" sign in the cul-de-sac to help eliminate some of the traffic in the area.

AWARD OF BID: STATION PARKWAY ROAD PROJECT–1ST PHASE (Agenda Item #9)

City Engineer **Paul Hirst** said he was pleased with the bid in the amount of $136,030 from ABC Construction--he expected the bid to be double this amount. Farmington City is responsible to pay the costs in Bid Schedule B, and Benchland Irrigation is responsible for Bid Schedule A. By agreement, the City and Benchland will split the cost of line 1, Alternate 1, Bid Schedule A. Several Council members wondered if there should be concern regarding the

amount of the bid and the fact that it was significantly lower than the other bids. The Council asked **Mr. Hirst** to obtain a breakdown of the costs.

Motion

Rick Dutson made a motion to award Bid Schedule B in the amount of $136,030.00 to Associated Brigham Contractors with the following conditions:

1. City Engineer **Paul Hirst** is to obtain a more specific breakdown of the costs involved.
2. Benchland Irrigation Company receives a permit from the U.S. Forest Service to complete the project.
3. Benchland Water District will award Bid Schedule A, Alternate 1.
4. The City and Benchland split the cost of line 1 of Alternate 1, Bid Schedule A.

Sid Young seconded the motion, and it was approved by Council Members **Bilton**, **Ritz**, and **Talbot**.

REVIEW OF CITY "LOSS RECORD" WITH UTAH RISK MANAGEMENT MUTUAL ASSOCIATION SINCE 2003 (Agenda Item #10)

Max Forbush said Farmington City joined the Utah Risk Management Mutual Association (URMMA) in 2003, and the City pays a premium for liability insurance and group purchases of auto, property and casualty insurance. He reviewed the City's "loss record" since 2003 and explained that it is expensive for the City to defend itself and that it is better to settle and avoid going to court.

MAYOR AND CITY COUNCIL REPORTS (Agenda Item #11)

Mayor Harbertson reported the following:

- The Google fiber optics possibility is being researched by City Finance Director **Keith Johnson**.

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- A survey is still needed on the **Marty Nilson** property. The City plans to build a retention basin and will need all of the proper easements, etc.

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- Pictures of the Council members will be taken on March 16, 2010.

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- The **Mayor** met with **Jason Davis**, the regional director of UDOT, regarding Farmington City and Davis County issues.

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- A meeting was held with **Dharmesh Ahir** concerning the proposed hotel. He will not be able to begin construction until the fall of 2010. However, he is concerned about the proposed increase in impact fees and asked if the City could delay the higher fees. He is looking at his options.

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- The **Mayor** and **Sid Young** toured the Eagle Bay Nature Park on Saturday to see the new boardwalk. He expressed appreciation for all those who contributed to the building of the trail and said it is a very nice amenity to the City.

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- The **Mayor** visited a Farmington resident, **Johanna Young**, who lives at Country Care in West Farmington. She had her 100th birthday recently and will be the human interest story in the City's March newsletter.

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- On Monday, February 22, 2010, **Mayor Harbertson** will be nominated as the new Utah League of Cities and Towns second Vice Chairman; the following year he will serve as the first Vice Chairman, and the third year he will be the Chairman.

Councilman **Sid Young** also commented on the new Farmington Bay boardwalk. He said **George Chipman** and **Bob Hasenyager** donated more than 2000 hours in building the boardwalk. In addition, there were 10-12 scouts who completed their eagle projects in the construction of it.

Councilman **John Bilton** said he attended the Utah League of Towns and Cities training session in Salt Lake City and received helpful information.

REVIEW OF STRATEGIC PLANNING GOALS (Agenda Item #13)

The Council decided to meet at 5:00 p.m. on March 2, 2010 to review the City's strategic planning goals.

ADJOURNMENT

Motion

Rick Dutson made a motion to adjourn the meeting. The motion was seconded by **Sid Young** and approved by Council Members **Bilton**, **Ritz**, and **Talbot**. The meeting was adjourned at 9:00 p.m.

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Margy Lomax, City Recorder
Farmington City