

# FARMINGTON CITY COUNCIL MEETING

March 6, 2012

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## WORK SESSION

*Present: Mayor Scott Harbertson, Council Members John Bilton, Nelsen Michaelson, Cory Ritz, Jim Talbot, and Jim Young, City Manager Dave Millheim, Finance Director Keith Johnson, Community Development Director David Petersen, City Engineer Paul Hirst, City Recorder Holly Gadd, Deputy Recorder Deann Carlile, and Recording Secretary Cynthia DeCoursey*

**Mayor Harbertson** began the meeting at 6:05 p.m. **Dave Millheim** offered an opening prayer, and the Council reviewed the following agenda items:

### Trail Property Revocable Permit

The Council discussed whether or not the City should sell this property to the residents, if the City should do a 99-year lease or if the lease should be open-ended, and whether or not permanent structures should be allowed. The residents asked for a letter from the City stating that they have no plans for the property for 10-15 years. **David Petersen** said one resident wants to build an expensive structure on the property, and the Council agreed to listen to his proposal during the regular session.

### Summary Action List - #4 – Ordinance Amending, Renumbering and Recodifying Title 2 of the Farmington Municipal Code regarding Government

The Mayor referred to Section 2-01-120 on p. 3 of the Code and expressed concern regarding the text of the order of procedure and the Robert's Rules of Order and a paragraph that was deleted on p. 4. **Nelsen Michaelson** asked for clarification on (a) and (c) on p. 4, and **Dave Millheim** suggested that the Council table this item to allow further review by the City Attorney and to answer the two questions.

**Dave Millheim** said there will be a closed session following the regular session to discuss two potential property acquisitions, and he spoke about the following items which were not on the agenda:

**EOC Notification** – He explained to **John Bilton** that as Mayor pro tem he should be aware of the City's procedures during an emergency and what to do if he receives an email from **Paul White** regarding Emergency Operations Center (EOC) notifications.

**Fire Department Document** – He handed out a document prepared by **Chief Smith** which outlines the National Fire Protection Association (NFPA) guidelines and outlines possible staffing options to meet the guideline. He complimented **Chief Smith** for his efforts.

**Transportation Information** – He has been working on the list of projects on the capitol improvement plan as they relate to transportation. It has been a frustrating process because of the various moving parts. There are impact fees which must be documented and spent within a certain period of time, the State Transportation Plan (STP) funds because of the regional roads in the City, and developer reimbursement money—i.e. \$1.7 million from CenterCal to help pay for Station Parkway. He met with **Tammy North** and **Tim Taylor** and asked for a top 10 list so that various projects can be tracked and the City can discuss its strategy for tracking and completing the projects. Staff plans to gather this information and put it into a logical format that will facilitate processes and deadlines. The funds for the Park Lane swoop will be in the upcoming STP—a process that required several years of effort, and other projects need the same kind of foresight. **Ben Wuthrich**, the transportation planner for the Wasatch Front Regional Council, met with City staff and helped them go through the steps, and he discovered a problem which the City now has a chance to

deal with. There are currently \$17 million in projects with only \$3 million available to fund those projects—one project alone is \$8.5 million. The completion of the D&RG trail from the south end of Farmington to Centerville is on the list. When the trail was built, UTA promised to finish it but made a mistake, and UTA spent \$2 million to finish portions of it last year and promised to finish it this year but is competing with all of the other projects and ranks last. He told the Council that they will be asked to rank the projects and determine possible revenue sources for each one. A future road through the proposed business park will require several years of effort and focus and may require a legislative approach for funding. This has been a time-consuming effort for staff, but it is critical for the City's future transportation needs.

### **New Fire Truck**

Fire Chief **Guido Smith** invited the **Mayor** and the Council to the parking lot to see the new fire tender truck which was acquired through a grant. The truck is worth \$74,455, and the City's investment into the truck is \$4,188. It has 200 miles, automatic transmission, anti-lock brakes, and safety features the previous truck did not have.

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### **REGULAR SESSION**

*Present: Mayor Scott Harbertson, Council Members John Bilton, Nelsen Michaelson, Cory Ritz, Jim Talbot, and Jim Young, City Manager Dave Millheim, Finance Director Keith Johnson, Community Development Director David Petersen, City Engineer Paul Hirst, City Recorder Holly Gadd, Deputy Recorder Deann Carlile, and Recording Secretary Cynthia DeCoursey*

### **CALL TO ORDER:**

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

**Mayor Harbertson** began the meeting at 7:00 p.m. and welcomed those in attendance. An opening prayer was offered by **Cory Ritz**, and the Pledge of Allegiance was led by Boy Scout **Britton Belnap** of Troop 1845.

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

### **Executive Summary – February 16, 2012 Planning Commission Meeting**

A summary of the meeting was included in the staff report.

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

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

**Mayor Harbertson** introduced the new Farmington Youth City Council for 2012-2013:

*Officers:*

Mayor: **Alyssa Utley**  
Director of Youth Citizenship: **Olivia Oldroyd**  
Chair of Publicity: **TeeJay Jewett**  
Director of Volunteerism: **Sydney Pace**  
Historian: **Lizzy Welch**  
Secretary: **Liz Ashby**  
Treasurer: **Jace Riley**

*Returning Council Members:*

**Jacob Barnett**  
**Sarah Barfuss**  
**Calvin Barnett**  
**Maren Lee**  
**Austin Lemon**  
**Katherine Smith**

Parliamentarians: **Jarom Barnes & Sadie Caldwell**  
Sergeant of Arms: **Coleman Barnson**

**Porter Sykes**  
**Cooper VandeMerwe**

*New Council Members:*

<b>Ben Barlow</b>	<b>Elizabeth Barnett</b>
<b>Carmen Ferrin</b>	<b>Sara Harper</b>
<b>Emily Madsen</b>	<b>Abby Mattinson</b>
<b>Daniel Montgomery</b>	<b>Shelby Morrow</b>
<b>Cami Paget</b>	<b>Steven Swanson</b>
<b>Haley VanOrderbeck</b>	<b>Kayla Weddington</b>

**Miss Farmington – Report on upcoming events**

The current Miss Farmington **Jessica Francis** participated in Farmington Festival Days, hosted the Little Miss Farmington pageant, appeared on Fox 13 News with Big Buddha, held a garage/bake sale, and featured Ariel Simpson in the newsletter. She prepared a brochure of coping skills to distribute during her presentation at local schools and helped with several school carnivals. She was in charge of the Halloween Eve and Christmas parties and helped with the storytelling festival. She spoke in health classes at FJH, and she and her brother played their violins at the South Davis hospital and the Apple Tree Assisted Living center. She spoke to several YW groups and participated in the National Pancake Day to raise funds for Primary Children’s Hospital. Farmington’s Got Talent will be on Sat., March 10<sup>th</sup>, and she invited the Mayor and the Council to a benefit concert on Mon., April 9<sup>th</sup> which will feature Cori Connors, the Eskelsen’s, the winner of the 2011 Farmington’s Got Talent, and the Red Rock Country Band. A high-heel-a-thon will be held on May 5<sup>th</sup> to raise additional funds for PCH, the Miss Farmington Pageant will be held on May 19<sup>th</sup>, and the Miss Utah Pageant will be June 11-16.

**Presentation – “Top Shooter Award”**

**Chief Hansen** explained that a few years ago the Police Department wanted to get the City Council involved with their Department so they invited them to the shooting range, and it became a fun, annual event for the Mayor and Council Members and their wives. Fire Arms Instructor **Bryant Ives** presented the Top Gun Awards to **Nicole Millheim** and **Mayor Harbertson**.

**Presentation of Davis County Animal Control Services by Clint Thacker**

**Clint Thacker** said they are happy to be servicing Farmington City. He introduced **Tracy Roddom**, Shelter Supervisor, and said they provide services for Davis County entities—15 cities, Boyer Hill military housing, and Hill Air Force Base. They also work with 13 police agencies and the Davis County Sheriff’s Department. They provide anything and everything animal related, including:

- **Dispatch:** The center is capable of receiving 4000 calls per month.
- **Shelter:** The animals are cleaned and prepared and shown to potential buyers.
- **Office:** They work with the public and provide support to the other Departments.
- **Impounds:** Animals are taken to the shelter after trying all other options—tags, micro chips, and tattoos. Their #1 goal is for the animal to have a temporary stay and be returned to its owner.
- **Return to Owner:** “Lost reports” are used to trace animals, and in 2010 they had a 45% return to owner rate on dogs; 4% on cats; and 20% on livestock.
- **Adoptions:** After 5 business days, the animal becomes the property of Davis County. A behavior assessment is done to determine if the animal is ready for adoption, and there are two options for adoptions: (1) on-site adoptions during office hours; (2) off-site adoptions.

- **Euthanasia:** This happens when it is medically necessary, it has been requested by the owners, an animal has been in the Shelter too long, it is court ordered, or the animal fails behavior testing. In 2010, 84-85% of the cats that came to the shelter were euthanized. The Shelter has implemented procedures to reduce that number.

**Mr. Thacker** told the Council that efforts are being made to change the mind set from “euthanasia” to “let’s try everything before we euthanize.” Emphasis is placed on accountability, team work, and communication. There is no longer an age limit on adoptable animals, a sliding scale reduces the price of animals if they are in the Shelter for a long time, and a volunteer program was created.

The **Mayor** thanked **Mr. Thacker** and his staff for their efforts. He expressed concern about the number of calls in Farmington and asked if the calls come from a particular area. **Mr. Thacker** said when he asked his GIS department for information, they realized that the way they collect data/addresses is not mappable. However, they were able to map about 500 calls, and most of the calls came from the east side. He said a confined animal call is a stray animal reported by a resident, and Farmington had 270 confined animal calls in 2011. Wildlife calls are \$25.75 per call, and there were 218 wildlife calls in 2011 and 275 during 2010. Wildlife calls seem to go in cycles, and 2011 was a lower year for wildlife calls. Farmington’s total calls were 849 in 2009, 969 in 2010, and 1,312 in 2011 which is a significant increase. If the calls remain high in 2012, reasons need to be identified so that the public can be educated regarding Animal Control Services. He plans to collect more data on complaint calls and officer-generated calls. The Shelter does not respond to calls regarding large wildlife. If it is an emergency type of situation, the local police department will usually provide assistance. He said they are always open to suggestions, and the **Mayor** said the City would like as much data as possible which can be used to educate Farmington residents.

### **Trail Property Revocable Permit**

**Mayor Harbertson** said he and **Dave Millheim** met with **Ben Barrus** and **Chris Larsen** regarding this .97 acre tract of land (20’ in width, 2,153.16’ in length) which is adjacent to the D&RG rail line. Staff drafted a Revocable Permit that each resident will need to sign if the Council approves it. The main concern for the City is that the trail is not finished.

**Chris Larsen**, 873 and 887 S. Country Lane, would like to construct an \$80-100,000 building on this property but is hesitant to do so without some type of agreement from the City. He asked what use the City could possibly have for the subject property and pointed out that if UP used the railroad for a freight line, there would be a landlocked trail between 500 S. and Glover Lane at best. He respects the preservation of the land but thinks it would make more sense to sell it to the homeowners. There may be some residents who would be hesitant to purchase the property depending on the price.

The **Mayor** said if he were in the same situation, he would be hesitant to build a large structure on the property. UTA plans to pave the trail at some point, but UP also has the right to use it as a freight line. It may be possible for the City to sell the property in the future, but at this point in time, the best option may be to sign this agreement and allow additional time for the neighbors to be on the same page. **Nelsen Michaelson** said he can see the dilemma in terms of making a decision, but it would be difficult to make this type of commitment to a resident. **Cory Ritz** said there is already a trail on the D&RG tracks, so the only issue is that it is not paved. The only way this piece would have any value to these homeowners is if they improve it, and the City does not plan to improve it, so he would like to see the residents use it in some form or another. **Jim Talbot** said it is a great idea for the residents to use the property, but he would not build a permanent structure on land he did not own. **John Bilton** asked if the City feels like this is a cloud on the D&RG because if this connection is not made, it is a trail to nowhere. **Dave Millheim** said the Council needs to decide whether or not to approve the Permit now, later, or not at all. He cautioned against selling the property in pieces because the end result could be weed patches, and he advised against allowing

buildings on the property. He said the Council should not attempt to apply values to the property without an appraisal because it could set a precedent.

**Motion:**

**John Bilton** made a motion to approve the Revocable Permit and to direct staff to coordinate efforts with petitioners in obtaining permits for each owner of the property abutting the trail property and with a change in paragraph two state: “. . . Permittee agrees not to erect or install any structure or improvement *that requires a building permit* other than any landscaping, garden, fence, unless authorized by the prior written consent of the City,” and subject to the following conditions:

1. The petitioners must do the work in obtaining the signatures for the permits;
2. All owners of property abutting Parcel #1 must agree to and sign the permit. It must be unanimous and completed by May 1, 2012 or the City will continue to retain the property as is.
3. Each aforesaid owner must pay survey, recording, and other costs associated for the permit related to their respective property.
4. As part of the yard improvements, the property owner may put in a small accessory building that does not require a building permit. Nevertheless, he does so at his own risk, as the permit can be revoked at any time.

The motion was seconded by **Nelsen Michaelson** and approved by Council Members **Bilton, Michaelson, Ritz, Talbot** and **Young**.

**SUMMARY ACTION:**

**Minute Motion Approving Summary Action List**

1. Approval of Minutes from February 21, 2012
2. Final Plat approval for the Miller Meadows Phase 4 Subdivision
3. Approve the request to transfer ownership of the Spring Creek 3A and 3B Conservation Easement to a limited liability company (LLC) to be formed and controlled by Mr. Squires.
4. Ordinance amending, renumbering and recodifying Title 2 of the Farmington Municipal Code regarding Government

**Motion:**

**Jim Young** made a motion to approve items 1-3 on the Summary Action List. The motion was seconded by **Jim Talbot** and approved by Council Members **Bilton, Michaelson, Ritz, Talbot** and **Young**.

**GOVERNING BODY REPORTS:**

**City Manager Report**

**1. Girls Softball**

**Dave Millheim** reported that the City received permission from the Davis School District to use a portion of their property in west Farmington for sports fields, and the Parks Department is moving forward with the project. It will be a huge benefit to the City for a very small investment. Parks Director **Neil Miller** said there is not enough field space at the present time for a girl’s softball program. He believes the residents who use these fields will be the City’s biggest advocates as it seeks funding for a regional park. **Jim Talbot** said he would like the fields to allow all types of sports. **Cory Ritz** and **Jim Talbot** said the School District

agreed to construct the softball fields several years ago, and **Dave Millheim** said he will search the record. **David Petersen** found the agreement between the City and DSD and read: “The School District shall assume all costs associated with the development of new playing fields to include two softball/baseball diamonds, one football field. The softball/baseball diamonds shall include backstops and skinned baselines.” **Dave Millheim** said and staff will do further research on the agreements.

## 2. 5k Road Race

There will be an eagle project “Cinco de Mayo 5k Road Race” on May 5<sup>th</sup> to raise funds for a charity in South America.

## 3. Haight Home in “The Grove”

Staff looked at the Hector Haight Home—it is in terrible condition, and a significant amount of money would be necessary to restore it. The woman who lived there wanted a constant water flow for her garden, so she drilled a 3-inch hole into the water pipe. The Public Works Department will fix that problem, and the City plans to clean up the property on the Service day in April. The original developers agreed to preserve the home which would be included with the sale of Lot 2. The current developers have lost sales because of the home, and they have no interest in preserving it. Several Council Members said the preservation of the home was a condition of approval, and **Dave Millheim** agreed but said preservation expectations were not defined—he thinks the City’s only leverage would be a civil action against the developer. He will speak with the City Attorney to find out how much the City can legally force. He suggested having an architect inspect the home, and **Jim Talbot** agreed to talk to Alysa Revel of the Historic Commission concerning the issue.

## 4. Well House

He handed out information from City Engineer **Paul Hirst** which includes the bid and construction schedules for the well house.

## Mayor Harbertson & City Council Reports

- The proposed location for the new water tank is in an area marked as “roadless”; another option is close to the boundary but off the “roadless” area, and Water Superintendent **Larry Famuliner** likes the new location. **Dave Millheim** said this will be discussed during the closed session.
- He asked the Council to refer to the calendar for three budget meetings which have been scheduled.
- He met with **Craig Trottier** of CenterCal and toured the Station Park project. The fountain is ready except that some of the stone is back ordered. They plan to open it in May along with several other tenants, and construction will continue during the spring and summer. He sent an email regarding the alignment of Grand Avenue, and **Dave Millheim** said the issue will be on a future Council agenda.
- He attended a meeting with the Public Works and Building Departments to address two concerns: (1) The City has received complaints from contractors regarding the requirement for excavation permits. The Public Works Department does not want to require homeowners to get a permit to install a mailbox or a sprinkler system. (2) After contractors have finished their work and the bond is released, landscapers come in with their equipment and ruin some of the previous work, and then the City replaces portions of the sidewalk. Public Works wants either the homeowner or the landscaper to be responsible for the repairs, and a checklist for contractors has been placed on the Building Department’s counter which should help the two Departments work together on this issue.

- He expressed appreciation to staff for their efforts on the City Council retreat held in February.
- He met with **Danny Downs**, manager of a new store called Gordmans. The ribbon cutting for the store will be held at 10:00 a.m. on March 23<sup>rd</sup>, and the Council is invited to attend.
- The League is concerned about the bill which will require all billboards to be converted to electronic and would like limitations placed on the bill—such as only locating them near freeways.
- The Utah League of Cities and Towns Convention will be held April 11-13 in St. George, and Council Members should contact **Holly Gadd** if they plan to attend.
- There is a small area of dirt where the ballard is located (near the entrance to the building), and he would like it to be filled in with concrete.

### Nelsen Michaelson

- He had nothing to report

### Jim Talbot

- The Historic Commission would like an update on the Allie Rose home, and **David Petersen** said he spoke with UDOT—they are preparing a transfer of ownership to the City.

### Cory Ritz

- The City needs to make sure that contractors are not sloping off to surrounding homeowners and causing runoff problems, and **Dave Millheim** asked him to send the specific homeowner's address.

### John Bilton

- He had nothing to report

### Jim Young

- He asked if the City is doing the work on the Lagoon trail, and **Dave Millheim** said City employees have been working on it as time permits, but they hope to make significant progress on the cleanup during the City's April 21<sup>st</sup> Day of Service.

### CLOSED SESSION

#### **Motion:**

At 8:55 p.m. a motion was made by **Jim Talbot** for the Council to go into a closed meeting to discuss the acquisition of real property. The motion was seconded by **Cory Ritz** and approved by Council Members **Bilton, Michaelson, Ritz, Talbot** and **Young**.

### Sworn Statement

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

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**Scott C. Harbertson**, Mayor

**Motion:**

At 9:35 p.m. a motion to reconvene into an open meeting was made by **Nelsen Michaelson**. The motion was seconded by **John Bilton**, and approved by Council Members **Bilton, Michaelson, Ritz, Talbot** and **Young**.

**ADJOURNMENT**

**Motion:**

**Nelsen Michaelson** made a motion to adjourn the meeting. The motion was approved by Council Members **Bilton, Michaelson, Ritz, Talbot** and **Young**, and the meeting adjourned at 9:35 p.m.

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