

Two public hearings and the regular meeting of the Farr West City Council was held on Thursday, June 21, 2012 at 7:00 p.m. at City Hall. Council Members present were Mayor Jimmie Papageorge, Lee Dickemore, Tom Burkland, Tim Shupe, Ava Painter and Paul Dinsdale. Lindsay Stratford, Deputy Babinsky, John Cardon, Sean Lambert, Lou Best, Josh Ableman, Stacy Klein, David Collar, Cecil Satterthwaite, Drew Wilson, Jeff Hales, Shayne Merrill, James Ebert, Stephani Ebert, David Jay, Bill Malone, Matt Gwynn, Tommy Fields, Milt Austin, Terrie Stephenson, John Stewart, Dan Miller, Merlin Ward, Stacy Klein, Riley Peterson, Lisa Peterson, Terrie Stephenson, Bonnie Beal and Mike Beal were also present.

Mayor Papageorge called the meeting to order. Tom Burkland led in the Pledge of Allegiance. Tim Shupe offered a prayer.

First Public Hearing as Advertised - Discuss and/or act upon the intent of the legislative body to Adjust the 2011-2012 Budget

John Cardon stated we have had a very active budget year, commenting we were able to purchase land for a new maintenance building and build the new building, purchase a new truck, new office equipment and Rec Center equipment. John then commented we have added to the general fund a freedom festival account and an account for recycling program. John commented he would recommend the approval of those items. John stated the adjusted general fund budget is \$1,851,000, the sewer is \$566,000 and capitol projects is \$484,000. John then stated he would recommend the Council accept the adjusted budget as presented. There were no further public comments.

Seconded Public Hearing as Advertised - Discuss and/or act upon the intent of the legislative body to Approve the 2012-2013 Budget and Consider Fee Increases

John Cardon stated we have worked on hard the new budget, holding three work sessions with the Mayor, Council and city employees. John stated this budget will have a full year of recycling, a new storm sewer maintenance program as required by EPA and State of Utah. John commented the \$72,000 he has budgeted in revenue will come through a new fee that will be charged to residents of \$3.00 per month. John then stated he has included a 2% payroll increase in the budget that will be based on a wage and benefit survey that will take place later on in the year. John stated the total general fund budget is \$1,900,000, an increase of \$49,000 from the current year budget. John stated there is \$125,000 budgeted in capitol projects fund for future land purchase for shop expansion. John stated the sewer fund is budgeted at \$661,000, which is a \$95,000 increase from one year ago. John commented the increase will go to Central Weber Sewer, whose costs have gone up 35%. John reviewed that prior to the new plant, Farr West City charged \$13.50 monthly for sewer. John stated that fee has since been increased to \$20.00. John stated this will be the last year of the increases and will go up \$6.00 more to \$26.00 per month. Paul Dinsdale stated that during the budget work sessions he brought up bringing out Senior Director more in line with surrounding directors. Paul commented Shauna Jensen is currently being paid \$7.70 per hour when other directors are paid \$11.32 per hour. Paul stated he would like to bring Shauna in line with everyone else. John commented he has budgeted for that increase.

#1 - Motion - Close Public Hearings and Proceed with Regular Meeting

TOM BURKLAND MOTIONED TO CLOSE THE PUBLIC HEARINGS AND PROCEED WITH THE REGULAR MEETING. TIM SHUPE SECONDED THE MOTION, ALL VOTING AYE.

#2 - Public Comments

Mike Beal commented he has concerns with the way the closed meeting was handled on May 31.

#3 - Follow-up and Approval of Minutes dated May 17, 2012 and May 31, 2012

TIM SHUPE MOTIONED TO APPROVE THE MINUTES DATED MAY 17, 2012 AND MAY 31, 2012. AVA PAINTER SECONDED THE MOTION, ALL VOTING AYE.

#4 - Report from Planning Commission

Lou Best was present to report the Planning Commission held a work session on May 24 where they discussed options for proposed development on the Randall Farm, commenting the Planning Commission felt a mixed use would be their best option. Lou stated they also finished a final draft of the subdivision checklist. Lou then reported on the June 14 Planning Commission meeting, stating they recommended final approval of Miya Meadows phase five contingent upon a deferral agreement for sidewalk on the south side of 2700 North. The commission then recommended preliminary approval of Heritage West with contingencies. Lou stated Ken Phippen announced his resignation. The Planning Commission recommended David Jay, Phil Owen and Bonnie Beal as full members with John Stewart as an alternate. The Planning Commission also recommended Lou Best as chairman with Josh Blazzard as Vice Chair.

#5 - Motion - Approval of Business Licenses - Vivid Hair Co. - Sherry Ableman

The Body Boutique - Stacy Klein

Winco Fireworks Utah LLC - David Collar

Josh Ableman was present seeking a business license for Vivid Hair Co. Mr. Ableman stated they will be in the Red Brick Building.

TIM SHUPE MOTIONED TO APPROVE A BUSINESS LICENSE FOR VIVID HAIR CO. AVA PAINTER SECONDED THE MOTION, ALL VOTING AYE.

Stacy Klein was present seeking a business license for The Body Boutique. Ms. Klein stated she will be doing fat reduction and wrinkle treatments inside the Vivid Hair salon. Tim Shupe asked if this is regulated by the state, Ms. Klein stated it is not.

PAUL DINSDALE MOTIONED TO APPROVE A BUSINESS LICENSE FOR THE BODY BOUTIQUE. TIM SHUPE SECONDED THE MOTION, ALL VOTING AYE.

A representative of Winco Fireworks was present seeking a business license for Winco Fireworks

Utah LLC. David stated they will be located in the CAL Ranch parking lot. David stated they will have a storage container and tent with 24 hour security.

TIM SHUPE MOTIONED TO APPROVE A BUSINESS LICENSE FOR WINCO FIREWORKS UTAH LLC. AVA PAINTER SECONDED THE MOTION, ALL VOTING AYE.

#6 - Motion - Final Approval of Miya Meadows Phase 5 located at approximately 2450 West 2700 North - Cecil Satterthwaite/Drew Wilson

Jeff Hales was present seeking final approval of Miya Meadows Phase 5. Mr. Hales stated the biggest issue has been the sidewalk and that it was recommended that a deferral agreement be put together with the city and the developers. Tom asked if the UDOT plan was complete. Mr. Hales stated the engineering is done on it, it is with UDOT waiting for approval. Tom asked if those plans include a new bridge over the canal and some pavement changes. Tim Shupe asked if there will be a walking bridge on the canal. Mr. Hales stated there were no plans for that, asking where the bridge would go when they went across the canal. Paul Dinsdale stated that would be the city's problem. Tim Shupe stated he would be in favor opening that up for discussion with UDOT and the school district. Jeff asked if arrangements are made with the walk bridge and the city puts in sidewalk east of the bridge continuing to 2000 West, why we would not participate on the west side. Paul Dinsdale stated that is curb, gutter and sidewalk which are part of their project. Mr. Hales asked if the land owners to the east will participate in the cost. Ava Painter stated that will remain to be negotiated. Paul stated the bottom line would be getting a deferral agreement in place with the stipulations in it. Paul commented we also need the safety plan in place, asking how soon that can be completed. Jeff stated that most of that has been completed with UDOT and Weber School District. Jeff then stated if the city is recommending the walk bridge then we would need to look into that and negotiating with the school district. Jeff then commented they would probably look to the city to participate in helping pay for the walk bridge because it will benefit the city with the property to the east.

PAUL DINSDALE MOTIONED TO TABLE FINAL APPROVAL OF MIYA MEADOWS PHASE 5 LOCATED AT APPROXIMATELY 2450 WEST 2700 NORTH AND SEND BACK TO PLANNING COMMISSION IN ORDER TO GET A DEFERRAL AGREEMENT SET UP, GET INFORMATION BACK FROM UDOT AND GET DETAILS OF SAFETY PLAN OR START PLAN FROM WEBER SCHOOL DISTRICT. AVA PAINTER SECONDED THE MOTION, ALL VOTING AYE.

#7 - Motion - Preliminary Approval of Heritage West Subdivision located at approximately 2075 North 2500 West - Valeo Management

Jeff Hales was present seeking preliminary approval of Heritage West Subdivision. Tom Burkland stated there was quite a bit of discussion as the Planning Commission regarding the configuration of the bank on south canal and asked if they had any more updates on what that bank will look like. Cecil Satterthwaite stated they wanted to know the distance between the top of the cement on the canal and property line on the back of the new lots on the north end of the property, lots one through six. Mr. Satterthwaite stated on the west end the distance is eleven and

a half feet, with sixteen feet on the east end. Tom Burkland asked what they are proposing for grade between those elevations, Mr. Cecil stated they will not change. Jeff Hales stated the canal company will access the canal on the north side where they will have fourteen feet off the tow. Mr. Hales stated they are giving the canal company fourteen feet on the north side, from the Plain City border to Petersen's property, for maintenance. Jeff commented the auxiliary ditch will be done away with when the property is developed. Tom Burkland stated he had concerns that they would not be able to access the south side of the property. Jeff commented they will be able to get to the south side through their access on the north. Jeff then stated the canal company has never had an access to the south side, they would just drive through the field. Tim Shupe stated when they purchased the property, it had a considerably higher elevation and was used for agriculture. Tim commented that since then the elevation has since considerably dropped and because the canal company has never been concerned with flooding out new homes in the past, they did not have any concerns for maintenance at the time. Tim stated that it behooves the city to be concerned enough to attempt whatever mitigation to the risk to those citizens now that there is a property change. Tim stated he felt there needs to be a concern for maintenance not only from the canal company's point of view, but also from the city's. Tim then stated he felt the city needs to do whatever we can legally, morally and ethically to mitigate any potential liability with the canal considering the change in that property in the last 30 years. Jeff stated as developers, they also have to take reasonable care to do whatever is within the subdivision ordinance. Jeff stated our ordinance states it requires a fence so they will fence it. Jeff stated those will be the first lots to sell and when the buyer purchases the property they fully understand the risk. Jeff commented the city can make them sign a disclaimer stating they understand the liability of purchasing the property on the canal. Tom Burkland asked if there will be an easement on the north end of the property. Jeff stated it will be the standard ten-foot utility easement. Paul Dinsdale stated there are two issues, neglect and the change in elevation. Paul commented he did not think it would be unreasonable to ask the developer to bring that ten-foot easement that will exist level with the canal and have a reasonable slope into those backyards. Cecil Satterthwaite stated they have provided the council with letters from their attorney the city attorney that both state the liability of the canal falls on canal company. Mr. Satterthwaite commented Jeff has spent more than enough time trying to resolve the issues with the canal company. Cecil then asked if anyone from the city has talked to the canal company. Cecil stated he felt there needs to be some pressure from the city, letting them know that there has been a request from a private land owner who is being denied the right to develop their property because of the condition of their canal. Cecil commented there are several issues they, as developers, feel they are being trampled on because of the canal, stating the city keeps putting pressure on them, when the liability falls on the canal company. Jeff Hales stated the issue is the city needs to do everything they can to protect the property owner and they as developers, will also do everything they can to minimize whatever liability may come. Tom Burkland stated he understands they are not responsible for the improvements of the canal but based on the history of the canal company, we cannot expect them to step up and do the maintenance when there is no way for them to do the maintenance on it. Tom commented they are currently accessing the property from the south side and when we put those lots in, they will not longer be able to do so. Tom suggested in this space on the south side of the ditch, off the top of the concrete that we come up with an agreement that there will be ten feet of flat surface out from the bank and a slope going into the back yards with a fence at that point that will provide an avenue for the canal company to access the canal for maintenance on the south side. Cecil Satterthwaite stated access is not being

eliminated because access is given and will always be given on the north side. Jeff Hales stated the city is asking for something he cannot commit to.

PAUL DINSDALE MOTIONED TO GRANT PRELIMINARY APPROVAL OF HERITAGE WEST SUBDIVISION LOCATED AT APPROXIMATELY 2075 NORTH 2500 WEST WITH THE STIPULATION THAT IMPROVEMENTS BE MADE ON THE SOUTH SIDE OF CANAL, LEVELING OFF APPROXIMATELY TEN FEET WITH A REASONABLE SLOPE IN CONJUNCTION WITH FARR WEST CITY ENGINEER AND DEVELOPER'S ENGINEER. TOM BURKLAND SECONDED THE MOTION, ALL VOTING AYE.

Tim Shupe stated he felt it was important that the city take some initiative and get in contact with the Plain City Canal company. Jeff stated he would love to be a part of that meeting.

#8 - Motion - Adjust the 2011-2012 Budget

PAUL DINSDALE MOTIONED TO ADJUST THE GENERAL FUND TO \$1,851,000, SEWER TO \$566,000 AND \$484,000 TO CAPITOL PROJECTS OF THE 2011-2012 BUDGET FOR A TOTAL BUDGET OF \$2,901,000. TOM BURKLAND SECONDED THE MOTION, ALL VOTING AYE.

#9 - Motion - Approve the 2012-2013 Budget and Fee Increases

TIM SHUPE MOTIONED TO APPROVE THE 2012-2013 GENERAL FUND BUDGET OF \$1,900,000 WITH EXPENDITURES OF \$661,000 AND CAPITOL PROJECTS OF \$125,000 FOR A TOTAL BUDGET OF \$2,686,000 AND FEE INCREASES OF \$3.00 PER MONTH FOR RESIDENTIAL STORM SEWER AND \$6.00 PER MONTH FOR SANITARY SEWER, BRINGING THE TOTAL COST OF SANITARY SEWER TO \$26.00 PER MONTH. AVA PAINTER SECONDED THE MOTION, ALL VOTING AYE.

#10 - Consideration of 2012 Certified Tax Rate

TOM BURKLAND MOTIONED TO APPROVE THE 2012 CERTIFIED TAX RATE OF 0.000260. PAUL DINSDALE SECONDED THE MOTION, ALL VOTING AYE.

#11 - Motion - Approval of Interlocal Agreement for Animal Control Services between Weber County and Farr West City

Tim Shupe stated he has discussed a few issues with the contract with Ryan Shaw. Tim commented in Section 3, it refers to annual fees from the city and impound fees for the animals, both of which are not clearly identified. Tim commented it refers to costs of future years that states the rate will be based on a formula which is not included in the contract. Tim commented he would like to this included in the contract.

TOM BURKLAND MOTIONED TO TABLE APPROVAL OF THE INTERLOCAL AGREEMENT FOR ANIMAL CONTROL SERVICES BETWEEN WEBER COUNTY

AND FARR WEST CITY PENDING RESOLUTION OF THE FEES AND FORMULAS AS MENTIONED BY TIM SHUPE. AVA PAINTER SECONDED THE MOTION, ALL VOTING AYE WITH TIM SHUPE ABSTAINING.

#12 - Motion - Appointment of Planning Commission Members and Chairman

TOM BURKLAND MOTIONED TO APPOINT DAVID JAY TO THE PLANNING COMMISSION TO THE VACANCY LEFT BY RICKY HATCH WITH THE TERM ENDING FEBRUARY 2014. TIM SHUPE SECONDED THE MOTION, ALL VOTING AYE.

AVA PAINTER MOTIONED THROUGH AUTHORITY GIVEN TO THE CITY COUNCIL CONTAINED WITHIN CITY CODE SECTION 2.12.020 (C) TO RELEASE KEN PHIPPEN WHO RESIGNED AT THE PAST PLANNING COMMISSION MEETING, MATT GWYNN AND LOU BEST FROM THE PLANNING COMMISSION AND TO APPOINT KAYLANA GERTSCH TO A TERM ENDING 2/13, JOHN STEWART TO A TERM ENDING 2/15, AND PHIL OWEN TO A TERM ENDING 2/15 TO FILL THOSE VACANCIES CREATED BY THIS ACTION, AND TO APPOINT AS ALTERNATES MILT AUSTIN AND BONNIE BEAL. TOM BURKLAND SECONDED THE MOTION WITH PAUL DINSDALE, AVA PAINTER, TOM BURKLAND AND LEE DICKEMORE VOTING AYE. TIM SHUPE VOTED NAY. MOTION PASSES.

Tim Shupe stated he supports the council in their need and desires to get a Planning Commission organized and functioning that will accomplish the needs of the city. Tim commented his nay vote was for his own personal reasons.

TOM BURKLAND MOTIONED TO ACCEPT THE NOMINATION OF JOSH BLAZZARD AS VICE CHAIR OF THE PLANNING COMMISSION. AVA PAINTER SECONDED THE MOTION, ALL VOTING AYE.

#13 - Discussion/Action - Cancellation of the July 5 City Council Meeting

TIM SHUPE MOTIONED TO CANCEL THE JULY 5, 2012 CITY COUNCIL MEETING. TOM BURKLAND SECONDED THE MOTION, ALL VOTING AYE.

#14 - Discussion/Action - Revised Planning Proposal from John Jansen

Paul Dinsdale commented we have a revised proposal from Mr. Jansen which actually reduces our obligation from \$30,000 to \$19,200 based on the participation with Pleasant View City. Paul commented he is excited to work with Pleasant View commenting everything he has heard back from Mr. Jansen has been positive. Paul commented we will bring this back for formal approval once we have had a formal meeting with Pleasant View and worked out the details. Paul then commented it has been proposed we hold a special meeting on July 12 at 6:00 p.m. before the Planning Commission meeting to go over the data Mr. Jansen has gathered.

#15 - Report from Council on Assignments

Lee Dickemore reported Sean has been a great help with the weeds as he has been in the hospital the past few weeks. Sean stated he has been in contact with different property owners regarding weeds and will follow up with them. Lee Dickemore reported they have received complaints on Ricky Hatch's vacant home and a letter has been sent on that. Lee commented they are trying to get the home condemned. Lee then reported the Rec Center is back on their summer hours and things are going good. Lee then thanked Matt, Lou and Ken for their service on the Planning Commission.

Tom Burkland reported he attended the drains coalition meeting where they discussed upcoming audits and surveys that Sean will primarily have to deal with. Tom commented the different cities compared a lot of notes, making it easier for us to be compliant with the rules. Tom reported Central Weber Sewer had their meeting where they had just completed a survey of staff and pay rates which showed Central Weber runs it's facility with about half the number of employees per gallon of sewer produced compared to different districts in the state. Board elected to make a pay adjustment to cover half of this differential in this budget year the other half in the next budget year.

Tim Shupe stated the Fire District met last week and he was appointed treasurer due to the passing of a board member from Huntsville. Tim then commented they have the two new engines in and equipped. Tim stated they are finishing up some brackets on them and then they will be dispatched to stations 63 and 64. Tim stated they are extremely happy with them.

Paul Dinsdale stated the monument at Mt. View park has been fixed. Paul then reported that sign ups for the Freedom Festival have been a little bit slow so we are hoping for more participation in the upcoming weeks. Paul then thanked Mayor Papageorge for taking care of the dinner and thanked all the city employees for their help in preparations for the festival. Paul stated they are set to do the signing for the Community Covenant Program 10 a.m. at the park asked all members of council to be there. Paul then stated the military fly over is set 10:49 a.m. Paul then reported the new cabinets were installed today in senior center classrooms.

#16 - Approval of Bills

See Warrant Register dated June 20, 2012.

TIM SHUPE MOTIONED TO APPROVE AND PAY THE BILLS DATED JUNE 20, 2012. PAUL DINSDALE SECONDED THE MOTION, ALL VOTING AYE.

Shayne Merrill stated he recently put in an application for the Planning Commission. Mr. Merrill stated he is ashamed of the City Council for they way they handled the dismissal the volunteers serving on the Planning Commission and asked to have his name withdrew from future consideration.

#17 - Adjournment

AT 8:51 P.M., TOM BURKLAND MOTIONED TO ADJOURN THE MEETING. PAUL

DINSDALE SECONDED THE MOTION, ALL VOTING AYE.

Lindsay Stratford, Recorder

Jimmie Papageorge, Mayor

Date Approved: _____