FARMINGTON CITY COUNCIL MEETING

Tuesday, January 19, 2010

CITY COUNCIL WORK SESSION/EAST CONFERENCE ROOM

PRESENT: Mayor Scott Harbertson, Council Members Richard Dutson, Cory Ritz, Jim Talbot, John Bilton, City Manager Max Forbush, City Attorney Todd Godfrey, and Recording Secretary Kami Mahan. City Planner David Petersen, Assistant Planner Glenn Symes, and Developer Rich Haws arrived later in the meeting.

Mayor Harbertson opened the meeting at 5:38 p.m. **John Bilton** offered the invocation, and the Council then went into a closed session.

Closed Session

At 5:38 p.m., a motion to go into a closed session to discuss strategy as it relates to pending litigation was made by **Rick Dutson** and seconded by **Cory Ritz**. The motion passed with Council members **Ritz, Talbot, Bilton, Young**, and **Dutson** all voting in favor. At 5:49 p.m. **Sid Young** made a motion which was seconded by **Rick Dutson**, to go out of closed session. The motion was approved unanimously by all Council members.

Legal Training

City Attorney **Todd Godfrey** was invited to instruct the Council on legal issues. He reviewed information regarding the Open Public Meetings Act, and discussed what constitutes an open meeting He also reviewed issues of Ethics, and said Utah is a disclosure state. He advised Council members to recuse themselves if there is any question of special interest. He also discussed Ex Parte contact, which is contact with an applicant when an application is pending. The **Mayor** advised Council members to always have a staff member present at meetings with individuals or groups, and said any questions can be addressed at the upcoming Council retreat.

Review of Draft Development Agreement for Park Lane Commons & Park Lane Village

Rich Haws was present at the meeting to discuss details of the Development Agreement concerning Station Parkway. **Mr. Haws** summarized the background of the agreement and said they would like to lock in the FHA loan rate and close on April 30th. He gave projected dates for completion of various aspects of the development, and said that funding window opportunities are closing. **Todd Godfrey** said that when system improvements are built, CenterCal will be entitled to reimbursement out of impact fees. He outlined how this is to be done. There was an extended discussion about the use of impact fees for this purpose. **Todd Godfrey** said he reviewed the proposed agreement and is comfortable with it. It will go to the Planning Commission on January 28th and to the City Council on February 2nd. **David Petersen** reviewed the street Regulatory Plan, and the Council discussed the streets

within the development and other aspects of the project.

The Work Session ended at 6:58 p.m.

REGULAR CITY COUNCIL/CITY CHAMBERS/CALL TO ORDER

PRESENT: Mayor Scott C. Harbertson, Council Members Richard Dutson, Sid Young, Cory Ritz, Jim Talbot, John Bilton, City Manager Max Forbush, Assistant City Planner Glenn Symes, City Recorder Margy Lomax, and Recording Secretary Kami Mahan.

Mayor Harbertson called the meeting to order at 7:02 p.m. **Margy Lomax** offered the invocation, and the Pledge of Allegiance was led by **Sid Young**. The **Mayor** welcomed Jonathan Ward from Zion's Bank, Youth City Council member Makenzie Court, and the new Davis County Clipper reporter.

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

The Council reviewed the minutes of the regular City Council meeting held January 5, 2010, and a few corrections were made.

Motion

Rick Dutson moved to approve the minutes of the meeting held January 5, 2010, with changes as noted. **Cory Ritz** seconded the motion, which was approved by Council members **Talbot**, **Ritz**, **Dutson**, **Young**, and **Bilton**.

PLANNING COMMISSION REPORT (Agenda Item #3)

Glenn Symes reported on the proceedings of the Planning Commission meeting held January 14, 2010:

- The Planning Commission recommended approval of Garbett Homes' request for a minor plat amendment for the Farmington Crossing North Phase 1 subdivision plat.
- The Commission received legal training on ethics and public meeting laws.
- **Mr. Symes** stated that the current Planning Development report will be put on the City's website and kept updated.

Mayor Harbertson noted that the City Planner will give an update of all projects to Council members at the City Council retreat.

MINUTE MOTION APPROVING SUMMARY ACTION LIST (Agenda Item #4)

- **Ratification of Construction & Storm Water Bond Agreements**

- **Authorization to be a participating agency as part of West Davis Corridor EIS**

Mayor Harbertson reported that he and the City Manager met with the UDOT authorized agent, and it was learned that up to three people from the City can be involved in the EIS process.

- **Approval of Change Order #2 - City Hall Project**

Rick Dutson made a clarification on this matter.

Motion

Cory Ritz moved to approve the Summary Action List. The motion was seconded by **Sid Young** and unanimously approved by Council members **Ritz**, **Young**, **Bilton**, **Dutson**, and **Talbot**.

RESOLUTION AMENDING CITY'S RESIDENTIAL CURBSIDE RECYCLING POLICIES/CONSIDERATION OF "EXEMPTION" REQUESTS. (Agenda Item #5)

Mayor Harbertson explained that six opt-out requests have been received since December 31st. The latest involves a resident who wants his guest house excluded from the recycling program. The **Mayor** felt that an opt-out request by resident Duane Jacobs should be denied since he gave no reason in his letter. The Council discussed the criteria for opt-out. **Max Forbush** recommended dealing with the five current requests, and suggested that a letter be sent to Mr. Jacobs advising him to re-word his request giving a reason for wanting to be "exempt" from the recycling program.

Motions

A motion was made by **Rick Dutson** and seconded by **Cory Ritz**, to adopt the Resolution as written. Council members **Dutson**, **Ritz**, **Young**, **Bilton**, and **Talbot** voted in favor.

Rick Dutson also moved to approve the "exemption" requests from the five residents, with the exception of Duane Jacobs. **Jim Talbot** seconded the motion, which was approved by Council members **Talbot**, **Dutson**, **Bilton**, **Young**, and **Ritz**.

Max Forbush said he will send Mr. Jacobs a follow-up letter.

RESOLUTION AUTHORIZING ISSUANCE AND SALE OF NOT MORE THAN $3,500,000 AGGREGATE PRINCIPAL AMOUNT OF SALES TAX REVENUE BONDS, SERIES 2010, AND RELATED MATTERS. (Agenda Item #6)

Jonathan Ward of Zion's Bank was invited to give an overview of the funding of the Sales Tax Revenue Bonds. **Mr. Ward** explained that the parameters resolution is the first step in the process, and said they have tried to build parameters with plenty of flexibility. He said one consideration is the potential of Benchland Water to obtain a permit from the Forest Service, and another is the interest rate is not to exceed 12 percent. He said the variable rate is usually an 18 percent cap which encourages incentive for early pay-off. Another parameter is that an extra year is added, to be amortized over a 21-year term. This is pre-payable without penalty. A public hearing is scheduled for February 16th.

In response to questions from the Council, **Mr. Ward** said that if the sale fails, there is the ability to stop the bond approval process. This resolution would be effective for approximately one year, and if necessary a new parameters resolution could then be drafted. He said the interest rate is tied to federal home loan rates.

Max Forbush noted that the actual amount borrowed will be far less than what is being authorized. He said that a pre-bid meeting was held, and the bid opening is scheduled for February 3rd for the construction reservoir and the Station Parkway fill amount. He said part of the cost of Station Parkway will be funded through transportation impact fees. It is hoped that CenterCal is successful in constructing its proposed $80 million worth of improvements by 2012. The agreement then requires them to pay half the cost of Station Park up to $2,750,000. The first year or two the payments will be made through capitalized interest. **Mr. Forbush** reiterated that this will probably be a short term loan and retired within a couple of years.

In response to issues raised by **John Bilton, Mr. Forbush** said if CenterCal does not succeed in constructing $80 million in improvements, then tax increment for the project could not be triggered which means, property taxes would be raised sufficient to pay the debt on the bonds. Station Parkway will open the area for non-residential development, and hopefully expand the tax base. **Mr. Forbush** explained CenterCal's current status, and said if they fail to construct the $80 million improvements, the City's deal with them is terminated. There are $14 million worth of tax increment subsidies. He said reports are that there is significant interest in the project from tenants. CenterCal will be announcing stores within the next few months. He noted that CenterCal has several million dollars already invested in the project, and there has been significant interest shown in Farmington.

Motion

Sid Young moved to approve the Resolution. **Cory Ritz** seconded the motion, which was unanimously approved by Council members **Young**, **Ritz**, **Dutson**, **Talbot**, and **Bilton**.

Max Forbush suggested that the public hearing be set for the first City Council meeting in March.

REVIEW OF "DRAFT" IMPACT FEE WRITTEN ANALYSIS FOR FIRE PROTECTION CAPITAL FACILITIES. (Agenda Item #7)

Mayor Harbertson said the purpose of the Impact Fee Analysis by Rosenthal and Associates was to seek funding for a platform truck. **Max Forbush** explained that the City has a capital facilities fee for fire facilities which has allowed funding for proportionate costs of the Fire Station remodeling. One of the items on the Capital Facilities Plan is for buying land for future construction of a fire substation. **Mr. Forbush** said the legislature made changes in the law last year which authorize municipalities to impose impact fees for building fire apparatus. The cost of the fee should reflect existing and future facilities. This fee is not imposed on residential permits. **Mr. Forbush** said the Fire Department would prefer a platform truck. Fire Chief **Larry Gregory** said rescue is their number one priority, and that a platform truck is safer and easier on crews.

Max Forbush reviewed amounts on the "Fire Facilities Net Cost Schedule", the "Impact Fee for Land & Buildings", and "Impact Fee for Apparatus" documents in the packet. He noted that changes in the Net Cost Schedule were given to CenterCal representatives, and that this will mean an additional $450,000 cost to them. He said the City needs the platform truck for residential and non-residential buildings. If it had to be paid for out the general fund, it would compete with other things such as road maintenance and 24/7 fire protection coverage. With this proposal part of the cost can be recouped. **Mr. Forbush** stated that now is the time to proceed with notice requirements for considering the proposed increases, and he asked the Council for input. Council members discussed the matter, including the impact on CenterCal. **Chief Gregory** explained that costs are higher because of engine modifications, and said the Fire Department will be busier due to upcoming changes in the Computer Aided Dispatch System (CAD.

This was a discussion item only, and no action was taken with regard to any ordinance or resolution necessary for adoption. However, it was the general consensus of the Governing Body to proceed with the notice requirements necessary for formal consideration.

Mayor Harbertson noted the presence of YCC members Sydney Gibson and Nick Mason.

LOCAL GOVERNMENT CONTRACT AGREEMENT WITH UDOT FOR PRE-CONSTRUCTION ENGINEERING ON D&RGW "RAILS TO TRAILS" PROJECT IN AMOUNT OF $38,616.18. (Agenda Item #8)

Mayor Harbertson briefly introduced this item, and **Max Forbush** said the project involves a combination of UDOT and UTA funds.

Motion

A motion was made by **Sid Young** to approve the Contract Agreement with UDOT. **Cory Ritz** seconded the motion, which passed with Council members **Young, Ritz, Bilton, Talbot**, and **Dutson** voting in favor.

CITY MANAGER REPORT (Agenda Item #9)

- **City Hall Construction Progress/Date for walk through (February 10)**

Max Forbush said he would like to do the walk-through on February 16th rather than the 10th, and proposed that the group meet at 5:30 p.m. He reported that the building is scheduled to be finished by the first of July. He also pointed out packet information regarding the location of a proposed time capsule, and plaques which will have the names of the former and current City Council, Mayor, and City Manager.

- **Fire Grant**

Mr. Forbush reported on a meeting of the Community Fire Committee. He said the State Division of Forestry and State Lands is helping the City apply for additional funds to reduce natural fuels around homes in the urban wild interface in the Steed Creek area. **Mr. Forbush** said this was one of last year's goals of the committee, and added that there may also be a Phase 2 of the project.

- **Station Parkway & Associated Project Elements**

This matter was addressed during the work session.

- **Response to County on Storm Water Fees**

Mr. Forbush noted a proposed letter in the packet to be sent to Commissioner Petroff requesting reassessment of the Storm Water Utility Fee on County property.

MAYOR AND CITY COUNCIL REPORTS (Agenda Item #10)

Mayor Harbertson reported on a recent Utah League of Cities and Towns meeting. He also reported that the consultant to UDOT on the EIS study was taken aback at the "hotbed" in Farmington on the Legacy North issue. UDOT wants clear communication with residents, and is planning a door-to-door campaign and an open house at the Legacy Center on February 24th from 4:30 to 8:00 p.m. The **Mayor** briefly reported on a meeting with Commissioner Millburn from the County. He also noted recent meetings with Rich Haws, and said he was concerned with setting a precedent regarding the $50,000 Mr. Haws wants to pull out of the Transportation Impact Fees for use on landscaping the enhancements of Station Parkway and other improvements.

Jim Talbot said he volunteered to participate in meetings, and asked to be informed of dates and times. The **Mayor** reviewed which Council members were on specific committees, and requested that **John Bilton** attend CenterCal meetings.

Sid Young raised the issue of laws regarding ATV 's on streets, and this was briefly discussed. **Mr. Young** also reported on the condition of the State Retirement Fund, which lost 24%. The State is looking to modify the plan in several ways to keep it viable. New employees will have lesser benefits. **Max Forbush** said the City's contribution will have to increase from its current level.

Cory Ritz noted that UDOT is trying to be proactive in dealing with City residents.

Rick Dutson invited YCC member **Sydney Gibson** to comment on the recent YCC dance. **Miss Gibson** said attendance was poor, probably due to inadequate publicity and other issues. She said that although a dance last summer had a poor turnout, attendance at a more recent dance was good.

Mayor Harbertson expressed his appreciation to the new City Councilmen for their service on the Council.

Max Forbush reminded the Council about the retreat which starts at 6:30 p.m. on Friday evening in basement of the Community Center, and continues Saturday morning at City Hall at 8:00 a.m.

MISCELLANEOUS Agenda Item #11)

There were no items discussed.

ITEMS OF GENERAL CORRESPONDENCE (Agenda Item #12)

No items were discussed.

ADJOURNMENT

Mayor Harbertson moved to adjourn. **Sid Young** seconded the motion, and the meeting adjourned at 8:23 p.m.

Margy Lomax

Margy Lomax, City Recorder
Farmington City