

## FARMINGTON CITY COUNCIL MEETING

November 15, 2011

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### WORK SESSION

*Present:* Mayor Scott Harbertson, Council Members John Bilton, Rick Dutson, Jim Talbot and Sid Young, City Manager Dave Millheim, Finance Director Keith Johnson, Community Development Director David Petersen, City Engineer Paul Hirst, City Recorder Holly Gadd and Recording Secretary Cynthia DeCoursey. Council Member Cory Ritz was excused. Council Member elect Jim Young, Zions Bank representative Johnathan Ward and Attorney Jody Burnett were also in attendance.

Mayor Harbertson began the work session at 6:00 p.m. and the following items were discussed:

### Amendments to Title 8 Chapter 5 regarding Excavation Permits

The Council made two additional amendments regarding the timing of the guarantee and the types of equipment which may be used.

### Request from Davis County District Attorney to Renegotiate Justice Court Services Agreement

Following a brief discussion, the Council decided to leave the Agreement as it is.

### Agreement of Purchase and Sale and Joint Escrow Instructions between OREO Corporation, as Seller, and the City of Farmington, as Buyer, for a Collection of Parcels more commonly known as "Old Farm"

Dave Millheim said that if the Council approves this purchase, an RDA meeting will be held directly following the regular session which will allow the funds to be transferred. Johnathan Ward of Zions Bank said this bond offers greater latitude and flexibility regarding the interest rates.

### CLOSED SESSION

**Motion:** At 6:40 p.m. a motion was made by Rick Dutson for the Council to go into a closed meeting to discuss strategy as it pertains to potential litigation. The motion was seconded by John Bilton and approved by Council Members Bilton, Dutson, 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 7:25 p.m. John Bilton made a motion to reconvene into an open meeting. Rick Dutson seconded the motion which was approved by Council Members Bilton, Dutson, Talbot and Young.

## **REGULAR SESSION**

*Present: Mayor Scott Harbertson, Council Members John Bilton, Rick Dutson, Jim Talbot and Sid Young, City Manager Dave Millheim, Community Development Director David Petersen, City Engineer Paul Hirst, City Recorder Holly Gadd and Recording Secretary Cynthia DeCoursey. Council Member Cory Ritz was excused. Council Member elect Jim Young was also in attendance.*

### **CALL TO ORDER:**

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

**Mayor Harbertson** apologized for the late start and began the meeting at 7:30 p.m. He welcomed those in attendance, including Youth City Council Members **Cameron Farley**, **Tee Jay Jewett**, **Liz Ashby**, **Christa Wiscombe**, **Jaden Paget**, and City Council Member elect **Jim Young**. The invocation was offered by **Rick Dutson**, and the Pledge of Allegiance was led by **John Bilton**.

#### **Approval of Minutes**

##### **Motion:**

**Rick Dutson** made a motion to approve the minutes of the November 1, 2011 City Council Meeting. **John Bilton** seconded the motion which was approved by Council Members **Bilton**, **Dutson**, **Talbot** and **Young**.

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

#### **Executive Summary of Planning Commission Meetings**

**David Petersen** said the October 27, 2011 report was included in the staff report, and the following items were discussed at the November 10, 2011 meeting:

- The plans for the well house were reviewed, and the Commission agreed with the Council's suggestion to have a pitched roof. They would also like to have Farmington rock on both the north and east sides of the building, if possible, and place the door on the south side of the building to blend in with the historic nature of the area. The Commission does not have another meeting in November, and he asked two City Council Members to meet with Commissioner **Michael Nilson**, City staff, and the architect prior to the Dec. 6, 2011 City Council Meeting—**Rick Dutson** and **John Bilton** volunteered to meet.
- The City's home occupation Ordinance prohibits a real estate business but allows accounting, insurance, and other similar businesses. City staff would like to make a text change that would allow a real estate business as a home occupation. The Council suggested contacting the Utah State Board of Realtors to see if they have a policy regarding this matter.

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

#### **Final Plat Approval for Spring Creek Estates Phase 4**

##### **Motion:**

**Sid Young** made a motion to approve the Final Plat for the Spring Creek Estates Phase 4 Subdivision (6 lots) located at approximately 1725 West 575 North, subject to the conditions and findings set forth in the Planning Commission staff report dated November 4, 2011. The motion was seconded by **Jim Talbot** and approved by Council Members **Bilton, Dutson, Talbot** and **Young**.

**Amendment to Title 8 Chapter 5 regarding Excavation Permits**

**Motion:**

**Jim Talbot** made a motion to approve the amendments to Title 8, Chapter 5, of the City’s Excavation Permits/Right of Way Permits Ordinance as listed in the staff report. Amendments shall also be made on p. 34: **8-5-140 Bonds-When Required, conditions, Warranty**; c-3 will be changed from one year to two years or 18 months if the extra time is allowed by the State Code; and on p. 25: **8-5-020 Permit Required**; backhoes, trenchers, and trackhoes will be added to the list. The motion was seconded by **Sid Young** and approved by Council Members **Bilton, Dutson, Talbot** and **Young**.

**Request from Davis County District Attorney to Renegotiate Justice Court Services Agreement**

The **Mayor** and the Council discussed this item during the work session and agreed to leave the agreement as it is and not renegotiate with Davis County.

**NEW BUSINESS:**

**Agreement of Purchase and Sale and Joint Escrow Instructions between OREO Corporation, as seller, and the City of Farmington, as Buyer, for a Collection of Parcels more commonly known as “Old Farm”**

**Mayor Harbertson** explained that the City does not currently have plans for this property, but he feels that it will be a great investment for the City and an opportunity to influence its future development. The City hopes to include both park and housing components rather than high density housing. **Sid Young** and **Rick Dutson** believe it may benefit other areas of the City as well. **John Bilton** pointed out that there will be opportunities to obtain public input, and he believes that the benefits of this purchase outweigh the risks. **Jim Talbot** said there are very few opportunities for cities to purchase property, and this makes a strong statement for Farmington City.

**Motion:**

**Jim Talbot** made a motion to authorize the **Mayor** to execute the attached Purchase and Sale Agreement of the Old Farm parcel (with one amendment stating that the property consists of 16.66 acres) for the purchase price of \$1,872,000 plus settlement costs to be paid from the following accounts:

RDA Fund Balance	20-470451	\$ 100,000
RDA Bond Proceeds	20-470450	1,000,000
Park Impact Fees	42-890450	600,000
Storm Drain	54-700700	130,000
General Fund Balance	10-670990	<u>70,000**</u>
		\$1,900,000

*\*\*Settlement costs will be finalized at closing. The first four amounts and accounts are fixed with the balance an estimated number which will be reconciled from the General Fund balance up to an estimated \$70,000.*

**Rick Dutson** seconded the motion which was approved by Council Members **Bilton, Dutson, Talbot** and **Young**.

### Canvass of General Election Results

**Holly Gadd** reported that the election went well—1708 residents voted (18% of registered voters). **Dave Millheim** commented that he was very impressed with the candidates and City officials for their involvement and cooperation.

#### **Motion:**

**John Bilton** made a motion to approve the Farmington City General Election results and to authorize the **Mayor** and City Council Members to sign the Board of Canvassers letter. The motion was seconded by **Jim Talbot** and approved by Council Members **Bilton, Dutson, Talbot** and **Young**.

#### **SUMMARY ACTION:**

##### Minute Motion Approving Summary Action List

1. **1100 West Culvert for Farmington Creek**
2. **Amended Employment Agreement for City Manager**
3. **Ambulance Write-offs for FY2008**
4. **Ratification of Approvals of Construction & Storm Water Bond Logs**

#### **Motion:**

**Rick Dutson** made a motion to approve the items on the Summary Action List. The motion was seconded by **John Bilton** and approved by Council Members **Bilton, Dutson, Talbot** and **Young**.

#### **GOVERNING BODY REPORTS:**

##### City Manager Report

- **Dave Millheim** said an Orientation Meeting for the new City Council incumbents will be held on Thursday, November 17, 2011 at 5:00 p.m.

##### Mayor Harbertson

- He commented that it was an unusual campaign season, and he credited the candidates for following signage rules which was very much appreciated by residents and the Parks Department.
- He and **Dave Millheim** met with **Jim Seaberg** (he is a partner with **Rich Haws** on Phase 2 of Park Lane Village). He was given the full history of the project and issues with the City.
- He and **Sid Young** attended a State Transportation Meeting—a jurisdictional transfer took place on the bridge structure going west. This will help as the City plans for the future of this area.
- He asked for two Council Members to assist with the selection of two new Planning Commission members. **Jim Talbot** and **John Bilton** volunteered to help.

- The Memorial Dedication on Friday, Nov. 11, 2011 was well attended—50 programs were printed but 150-200 people were in attendance. He enjoyed the comments of Lieutenant Governor **Greg Bell** and former Congressman **Jim Hansen** and received positive comments regarding the event.

### Jim Talbot

- Residents are concerned about the dead trees on 1100 West. **Dave Millheim** said he would follow up on the complaint.
- Residents have appreciated the City's efforts to replace a fire hydrant in Somerset Farms—it should be replaced in the next couple of weeks.
- He has seen several campaign signs in the past few days and suggested that if Council members see any signs, they could either take them down or call the candidate and remind them of the signs.
- The Interior Design Committee finished Phase 1 and is pleased with the results. They held a meeting today to discuss Phase 2—which will be the art for the entryways. The west walls will include five abstract paintings—he showed pictures of the style of paintings which are planned.

### Sid Young

- The information regarding Farmington Pond was correct in the minutes of the November 1, 2011 meeting, but the information printed in the Clipper was not as clear.
- He attended a personnel committee meeting earlier in the day, and various issues were discussed, including: health insurance, 401K plans, nepotism issues, use of City computers, phones and cars for personal use, etc. It was a good opportunity to discuss various issues with employees.
- He and the **Mayor** attended a meeting with the seven residents whose homes are adjacent to the City Cemetery. They expressed their opinions that they love the park and want it to remain as it is. **Mr. Young** asked that a reasonable alternative be developed.

### Rick Dutson

- He complimented **Mayor Harbertson** for the dignified manner in which he conducted the Memorial Dedication.
- He inquired about the Smoke Shop, and the **Mayor** informed him that the Planning Department is researching the City's Ordinance. **Jim Talbot** said he sat in front of the shop one night, and he did not see anyone enter the store.

### John Bilton

- Reporter **Susan Wood** of the SALT TV Network interviewed **Mayor Harbertson** and **Alyssa Revell** concerning the Historic District and made a video titled "Farmington's Main Street Recognized As An American Treasure." He thought it was well done and suggested that it be used in the future. The City Manager said the City's website includes a link to the video.

- He requested an update on the replacement of the sycamore trees on State and Main Streets. The City Manager said it not a simple task, and **Neil Miller** is developing a plan.
- He reported a possible issue with a stub line on **Cal** and **Dian Ferrin's** property on 900 North. There is a public easement along with a private portion, and this could be a potential liability if the old water line were to break. **David Petersen** is researching the issue which is unique because they live off 900 North but pull water from a street outside their neighborhood.
- He spoke with a firefighter and his family, and as a Council Member he requested an update from **Chief Smith** regarding his strategy and what he is doing regarding personnel in the Fire Department. Other Council Members agreed, and the City Manager suggested a closed session because of possible personnel issues.

## ADJOURNMENT

### Motion:

**John Bilton** made a motion to adjourn the meeting. The motion was seconded by **Rick Dutson** and approved by Council Members **Bilton, Dutson, Talbot** and **Young**. The meeting was adjourned at 8:25 p.m.

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**Holly Gadd**, City Recorder