

WORK SESSION: A work session will be held at 6:00 p.m. in Conference Room #3, Second Floor, of the Farmington City Hall, 160 South Main Street. The work session will be to discuss spring clean-up, outline for City Council retreat and to answer questions the City Council may have on agenda items. The public is welcome to attend.

FARMINGTON CITY COUNCIL MEETING NOTICE AND AGENDA

Notice is hereby given that the City Council of **Farmington City** will hold a regular City Council meeting on **Tuesday, February, 21, 2012, at 7:00 p.m.** The meeting will be held at the Farmington City Hall, 160 South Main Street, Farmington, Utah.

Meetings of the City Council of Farmington City may be conducted via electronic means pursuant to Utah Code Ann. § 52-4-207, as amended. In such circumstances, contact will be established and maintained via electronic means and the meeting will be conducted pursuant to the Electronic Meetings Policy established by the City Council for electronic meetings.

The agenda for the meeting shall be as follows:

CALL TO ORDER:

7:00 Roll Call (Opening Comments/Invocation) Pledge of Allegiance

REPORTS OF COMMITTEES/MUNICIPAL OFFICERS:

7:05 Presentation of 15 year Service Awards for Police Department

PUBLIC HEARINGS:

7:15 Local Consent for Settebello Pizzeria Napoletana "Limited Restaurant License" and Class B License Application

7:20 Local Consent for Legacy Events Center "On Premise Beer License"

SUMMARY ACTION:

7:25 Minute Motion Approving Summary Action List

1. Approval of Minutes from February 7, 2012
2. Ratification of Approvals of Storm Water Bond Logs
3. Approval of Disbursement Lists for January 2012
4. Miller Meadows Forbearance Agreement

CONSIDERATION OF ORDINANCES/RESOLUTIONS/AGREEMENTS:

7:30 Ordinance Amending, Renumbering and Recodifying Title 1 of the Municipal Code

GOVERNING BODY REPORTS:

7:35 City Manager Report

1. Upcoming Agenda Items
2. To Do Lists
3. South Davis Transit Study update
4. Farmington Greens Open Space
5. Update on Farmington History Book

7:50 Mayor Harbertson & City Council Reports

1. Lagoon meeting

ADJOURN

CLOSED SESSION

Minute motion adjourning to closed session to discuss pending litigation.

DATED this 17th day of February, 2012.

FARMINGTON CITY CORPORATION

By: Holly Gadd
Holly Gadd, City Recorder

***PLEASE NOTE:** Times listed for each agenda item are estimates only and should not be construed to be binding on the City Council.

In compliance with the Americans with Disabilities Act, individuals needing special accommodations (including auxiliary communicative aids and services) during this meeting, should notify Holly Gadd, City Recorder, 451-2383 x 205, at least 24 hours prior to the meeting.

CITY COUNCIL AGENDA

For Council Meeting:
February 21, 2012

S U B J E C T: Roll Call (Opening Comments/Invocation) Pledge of Allegiance

It is requested that Council Member John Bilton give the invocation/opening comments to the meeting and it is requested that Mayor Scott Harbertson lead the audience in the Pledge of Allegiance.

NOTE: Appointments must be scheduled 14 days prior to Council Meetings; discussion items should be submitted 7 days prior to Council meeting.

CITY COUNCIL AGENDA

For Council Meeting:
February 21, 2012

S U B J E C T: Presentation of 15 year Service Awards for Police Department

ACTION TO BE CONSIDERED:

None

GENERAL INFORMATION:

Service awards presentation will be made by Mayor Scott Harbertson to Officers Joel Knapp, Scott Richardson and Bryant Ives.

NOTE: Appointments must be scheduled 14 days prior to Council Meetings; discussion items should be submitted 7 days prior to Council meeting.

CITY COUNCIL AGENDA

For Council Meeting:
February 21, 2012

**S U B J E C T: Public Hearing: Local Consent for Settebello Pizzeria Napoletana
“Limited Restaurant License” and Class B License
Application**

ACTION TO BE CONSIDERED:

1. Hold the public hearing.
2. Approve the Local Consent forms for the “limited Restaurant License”.
3. Approve the Class B Beer License Application.

GENERAL INFORMATION:

See enclosed staff report prepared by Ken Klinker

NOTE: Appointments must be scheduled 14 days prior to Council Meetings; discussion items should be submitted 7 days prior to Council meeting.

FARMINGTON CITY



SCOTT C. HARBERTSON
MAYOR

JOHN BILTON
RICK DUTSON
CORY R. RITZ
JIM TALBOT
SID YOUNG
CITY COUNCIL

DAVE MILLHEIM
CITY MANAGER

City Council Staff Report

To: Honorable Mayor and City Council

From: Ken Klinker, Planning Department

Date: February 16, 2012

SUBJECT: **Local Consent For Settebello Pizzeria Napoletana "Limited Restaurant License" and Class B License Application**

RECOMMENDATION

1. Hold a Public Hearing as Required by City Code.
2. Approve the Local Consent forms for the "Limited Restaurant License".
3. Approve the Class B Beer License Application.

BACKGROUND

Settebello Pizzeria Napoletana is applying to the State of Utah for a "Limited Restaurant License" liquor license to allow them to sell liquor at their restaurant in Station Park. In order to receive this license, they are required to get "Local Consent" from the local community. They have submitted the form for local consent which will be attached to their application to the state if approved by the Council.

They are also applying for a Farmington City Class B License and a Farmington City General Business License.

Farmington City Ordinance Section 6-5-160 Processing of Application; Local Consent, requires a request in writing, a copy of their Farmington Business License, evidence of proximity to any school, church, public library, playground or park, and a floor plan showing where they will keep, store and sell liquor. The required information has been provided.

Respectfully submitted,

Ken Klinker
Planning Department

Review and Concur

Dave Millheim
City Manager

"LIMITED RESTAURANT LICENSE"

LOCAL CONSENT

Date: _____

Attn: DABC Licensing & Compliance Section

FARMINGTON, City Town County

hereby grants its consent to the issuance of a limited restaurant license to:

Business Name: SETTE BELLO PIZZERIA NAPOLETANA

Applicant / Business Owner: MICHAEL BROOKS

Location Address: 895 W. EAST PROMONTORY FARMINGTON UT 84025

Pursuant to the provisions of Utah Code 32B-5-201 and 32B-6-305, this license allows for the storage, sale and consumption of wine / beer on the premises.

Check if applicable

LOCAL CONSENT FOR PROXIMITY VARIANCE

In accordance with Utah Code 32B-1-202, the local authority also grants consent to a variance regarding the proximity of this establishment relative to a public or private school, church, public library, public playground, or park.

Authorized Signature

Print Name / Title

This is a suggested form. A city, town, or county's own form is acceptable.

Local consent may be faxed to the DABC at 801-977-6889 or mailed to:

Department of Alcoholic beverage Control

PO Box 30408

Salt Lake City, UT 84130-0408

FARMINGTON CITY
GENERAL BUSINESS LICENSE APPLICATION

New
 Renewal

BUSINESS NAME: SCITTIBOLO PIZZERIA NAPOLETANA
(Please print)

Address: 895 W. EAST FARMINGTON VT 054025

Telephone: _____

NATURE OF BUSINESS: RESTAURANT

OWNER'S NAME: Michael Brooks
(If corporation, list principal officers on separate sheet.)

Address: 725 EAST 200 SOUTH BURLINGTON VT 054010

Manager's Name: Michael Brooks Telephone: 801-652-8727

PERSON to contact after hours (other than Manager) in case of fire or police emergency.

Name: Jill Brooks Telephone: 801-298-1750

LICENSE FEES

Base Fee.....\$75.00

Enhanced Service Fees:

Law Enforcement- \$5.00/call (above 10 calls)

Calls _____ minus 10 = _____ @ \$5.00/call

(Maximum amount- \$300.00)

Total Due _____

Those businesses requiring a fire inspection will be invoiced \$20.00 per hour for such service at the time the inspection occurs.

The undersigned hereby certifies that the above information is true and correct and has full authority to represent to owner(s) of the business making this application.

Signed: [Signature] Date: 2-9-12

Michael Brooks
(Please Print Name)

FOR OFFICE USE ONLY:

Date Received: _____	Receipt #: _____	License #: _____	Code: _____
Approved By: _____	Date: _____		
Fire Inspection Required: _____	Yes _____	No _____	

New
 Renewal

FARMINGTON CITY
CLASS B LICENSE APPLICATION
(Please print)



Name of Business: Archie's Pizza & Subs

Business Address: 345 W. 2nd Street Farmington, Vermont 05401

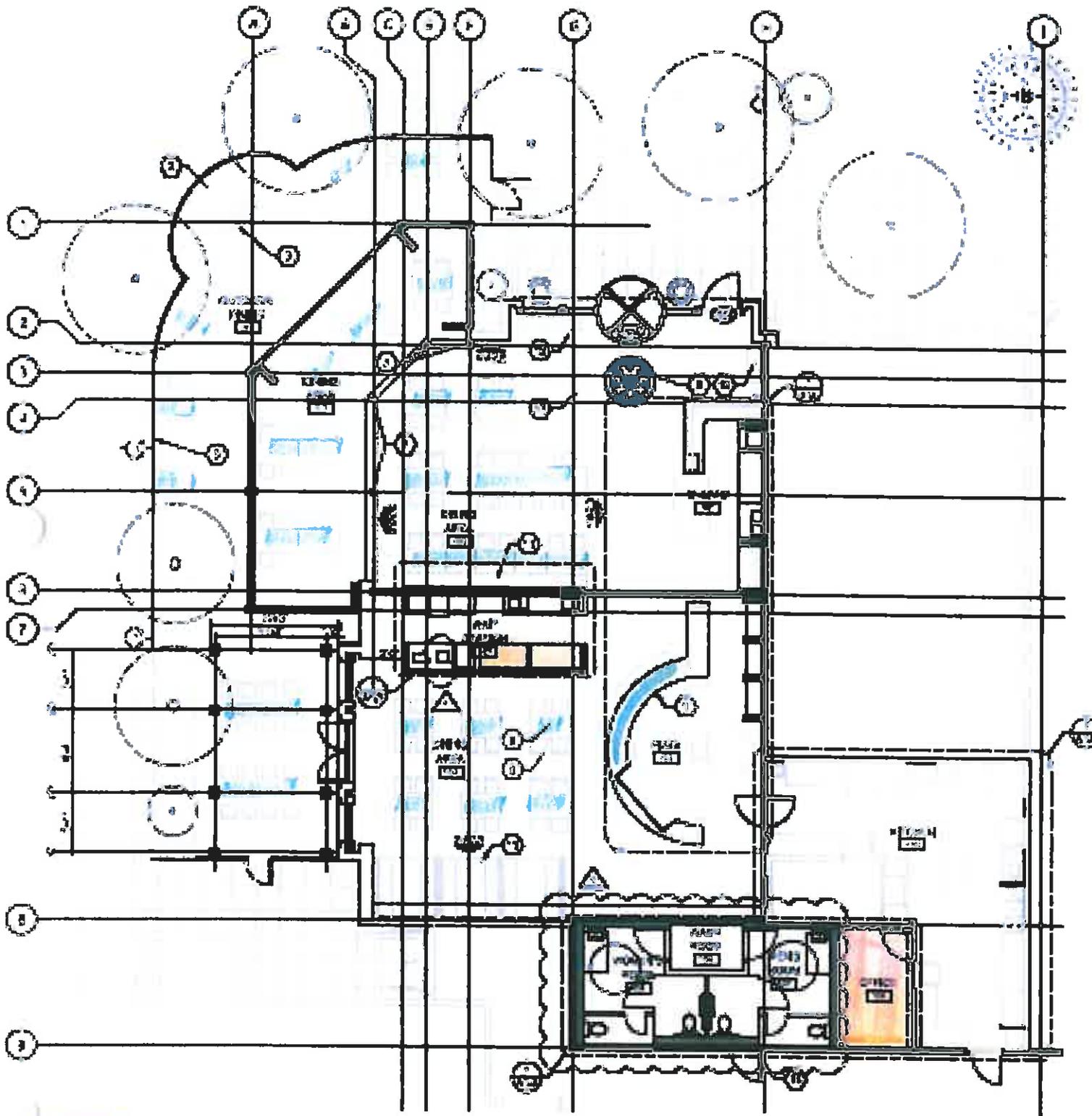
1. Have you ever been denied a license to sell or otherwise dispense beer by any federal, state, county, city or other local government entity? If yes, please provide all pertinent information relating thereto.
NO

2. If the applicant is a partnership, list the names and addresses of all partners. If the applicant is a corporation, list the names and addresses of all officers and directors.

Name	Address
<u>Michael Powell</u>	<u>726 W. 2nd St. Farmington VT 05401</u>
<u>Brad Vetter</u>	<u>2474 Pine Hill Dr. Woodbury CA 94954</u>
<u>Tim Vetter</u>	<u>2427 W. 2nd St. Farmington VT 05401</u>

3. Please include the following with the application:

- (a) Copy of applicant's on-premise beer retailer license from the Commission
- (b) An approved site plan and/or conditional use permit or a copy of the applicant's business license
- (c) Evidence of proximity to any Community Location (new licenses only)
- (d) A floor plan of the restaurant, including consumption areas and an area where the applicant proposes to keep, store, and sell beer (new licenses only)
- (e) A signed consent form stating that the Licensee will permit any authorized representative of the Commission, City, City Police Department or Health Department unrestricted right to enter the premises
- (f) Evidence that the business is carrying DRAM shop insurance coverage of at least five hundred thousand dollars (\$500,000) per occurrence and one million dollars (\$1,000,000) in the aggregate
- (g) Renewal Information *



- STORAGE

- CONSUMPTION

SETTEBELLO

PIZZERIA NAPOLETANA

260 South 200 West, Salt Lake City, UT | Phone 801.322.3556 | Fax 801.322.3557 | www.settebello.net

February 7, 2012

RE: Consent Form

This letter is to inform you that Settebello Pizzeria Napoletana located at 895 W. East Promontory Farmington, UT 84025 will permit any authorized representative of the Commission, City, City Police Department or Health Department unrestricted right to enter the premises. Please let me know if you have any further questions.

Sincerely,



Michael Brooks
Owner
Settebello Pizzeria Napoletana
895 W. East Promontory
Farmington, UT 84025



SETTEBELLO

PIZZERIA NAPOLETANA

260 South 200 West, Salt Lake City, UT | Phone 801.322.3556 | Fax 801.322.3557 | www.settebello.net

February 7, 2012

RE: Hours of Operation

This letter is to inform you the planned hours of operation for Settebello Pizzeria Napoletana located at 895 W. East Promontory Farmington, UT 84025. Please let me know if you have any further questions.

Monday	11:00 a.m. to 9:00 p.m.
Tuesday	11:00 a.m. to 9:00 p.m.
Wednesday	11:00 a.m. to 9:00 p.m.
Thursday	11:00 a.m. to 9:00 p.m.
Friday	11:00 a.m. to 10:00 p.m.
Saturday	11:00 a.m. to 10:00 p.m.
Sunday	12:00 noon to 6:00 p.m.

Sincerely,



Michael Brooks
Owner
Settebello Pizzeria Napoletana
895 W. East Promontory
Farmington, UT 84025



SETTEBELLO

PIZZERIA NAPOLETANA

260 South 200 West, Salt Lake City, UT | Phone 801.322.3556 | Fax 801.322.3557 | www.settebello.net

February 7, 2012

RE: Settebello Policy

This letter is to inform you of Settebello Pizzeria Napoletana, located at 895 W. East Promontory Farmington, UT 84025, policies in regard to a Class B License. Please let me know if you have any further questions.

No persons will be allowed to bring onto the premises any alcoholic beverage for on-premise consumption.

No employee, while on duty, will be allowed to consume an alcoholic beverage or be under the influence of alcoholic beverages.

Settebello will display in a prominent place the Class B License issued by the City and the on-premises beer retailer license issued by the Commission.

Settebello will also display the following signs:

"WARNING, THE CONSUMPTION OF ALCOHOLIC BEVERAGES PURCHASED IN THIS ESTABLISHMENT MAY BE HAZARDOUS TO YOUR HEALTH AND THE SAFETY OF OTHERS."

"WARNING, DRINKING ALCOHOL DURING PREGNANCY HAS BEEN LINKED TO BIRTH DEFECTS AND IS THE LEADING KNOWN PREVENTABLE CAUSE OF MENTAL RETARDATION."

It is the policy of Settebello that it will not sell, exchange, barter, give or attempt in any way to dispose of the license whether for monetary gain or not.

It is the policy of Settebello that a person's willingness to serve alcoholic beverages and/or beer shall not be made a condition of employment as a server with a Class B Licensee.

Sincerely,


Michael Brooks
Owner

Settebello Pizzeria Napoletana
895 W. East Promontory
Farmington, UT 84025



LICENSE AND PERMIT BOND



STATE FARM FIRE AND CASUALTY COMPANY

BLOOMINGTON, ILLINOIS

KNOW ALL PERSONS BY THESE PRESENTS, That we, MICHAEL BROOKS DBA
SETTEBELLO PIZZERIA NAPOLETANA
of 895 W.E. PROMONTORY FARMINGTON, UTAH 84025 as Principal,
and STATE FARM FIRE AND CASUALTY COMPANY, a corporation organized under the laws of the State of Illinois,
having its principal office in the city of Bloomington, Illinois, as Surety, are held and firmly bound unto _____
FARMINGTON CITY
in the full and aggregate sum of TEN THOUSAND Dollars (\$10,000.00)
lawful money of the United States, for which payment well and truly to be made, we bind ourselves, our heirs, executors,
administrators, successors and assigns, jointly and severally, firmly by these presents.

THE CONDITION OF THE ABOVE OBLIGATION IS SUCH that whereas the said Principal has been granted a
LICENSE & PERMIT BOND

for a term beginning FEBUARY 2 2012 and ending FEBUARY 3, 2012

NOW, THEREFORE, if the above Principal shall indemnify and save harmless the Obligee, against loss by reason of
said Principal's breach of any ordinance, rule or regulation relating to the above described license or permit, then this
obligation shall be null and void, otherwise to remain in full force and effect.

Provided, that if the Surety shall so elect, this bond may be cancelled by giving thirty (30) days notice in writing to
the said Obligee and this bond shall be deemed cancelled at the expiration of said thirty (30) days; but said Surety so filing
said notice shall not be discharged from any liability already incurred under this bond or which shall accrue hereunder
before the expiration of said thirty (30) day period.

This bond may be continued from year to year by means of a continuation certificate.

Signed, sealed and dated this 2ND day of FEB, 2012.

Michael Brooks
Principal

By: _____

STATE FARM FIRE AND CASUALTY COMPANY

By: _____
Attorney-in-fact





POWER OF ATTORNEY
STATE FARM FIRE AND CASUALTY COMPANY

KNOW ALL PERSONS BY THESE PRESENTS: That STATE FARM FIRE AND CASUALTY COMPANY, an Illinois corporation, with its principal office in Bloomington, Illinois, does hereby constitute and appoint: JAY W. CASHMORE

of SALT LAKE CITY, UTAH its true and lawful Attorney(s)-in-Fact, to make, execute, seal and deliver for, and on its behalf as surety, any and all bonds, undertakings or other writings obligatory in the nature of a bond as follows:

- \$ 2,500 - License, Permit or Indemnity - Financial Guarantee
\$25,000 - License & Permit - Code Compliance
\$25,000 - Public Official
\$100,000 - Administrator, Executor, or Trustee of a decedent's estate
\$50,000 - Guardian, Conservator, or Committee
\$25,000 - Receiver
\$ 2,500 - Judicial

THIS POWER OF ATTORNEY IS NOT VALID FOR THE EXECUTION OF ANY CONTRACT (CONSTRUCTION OR SUPPLY) BOND - BID, PERFORMANCE OR PAYMENT.

This appointment is made under and by the authority of a resolution which was passed by the Executive Committee of the Board of Directors of State Farm Fire and Casualty Company on the 8th day of June, 2009, as is duly authorized by the Board of Directors in Article II, Section 6 of the By-Laws of the Company, which resolution is:

WHEREAS, the Board desires to delegate the authority to appoint persons as Attorneys-in-Fact for certain bonds, undertakings, or other writings obligatory in the nature of a bond.

RESOLVED, that any Officer of the Company who works regularly with surety bonds is hereby authorized to appoint and empower any representative of the Company as Attorney-in-Fact to execute on behalf of the Company any bonds, undertakings, or other writings obligatory in the nature of a bond, which the Company might execute through its officers.

IN WITNESS THEREOF, STATE FARM FIRE AND CASUALTY COMPANY has caused this instrument to be signed by its Officer, and its Corporate Seal to be affixed this 15th day of September, 2009.

This APPOINTMENT SHALL CEASE AND TERMINATE AUTOMATICALLY AS OF DECEMBER 31, 2013, UNLESS SOONER REVOKED AS PROVIDED.



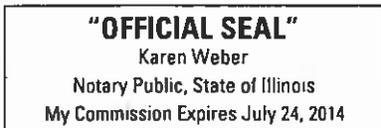
STATE FARM FIRE AND CASUALTY COMPANY

Handwritten signature of Bradley M. Weaver

By: Bradley M. Weaver - Assistant Secretary Treasurer

STATE OF ILLINOIS
COUNTY OF McLEAN

On this 15th day of September, 2009, before me personally came Bradley M. Weaver to me known, who being duly sworn, did depose and say that he is Assistant Secretary Treasurer of STATE FARM FIRE AND CASUALTY COMPANY, the corporation described in and which executed the above instrument; that he knows the seal of said corporation; that the seal affixed to said instrument is such Corporate Seal; and that he executed said instrument on behalf of the corporation by authority of his office under the By-Laws of said corporation.



Handwritten signature of Karen Weber

Notary Public
My commission expires July 24, 2014

CERTIFICATE

I, the undersigned Assistant Secretary Treasurer of STATE FARM FIRE AND CASUALTY COMPANY, do hereby certify that the original Power of Attorney of which the foregoing is a true and correct copy, is in full force and effect and has not been revoked and the resolutions as set forth are now in force.

Signed and sealed at Bloomington, Illinois. Dated this 2 day of FEB, 2012



Handwritten signature of Susan K. Johnson

Susan K. Johnson - Assistant Secretary Treasurer

If you have a question concerning the validity of this Power of Attorney, call 309-766-2090.



Swan Pathway (600 ft)

600 ft buffer

North

600 ft buffer

CITY COUNCIL AGENDA

For Council Meeting:
February 21, 2012

S U B J E C T: Public Hearing: Local Consent for Legacy Events Center “On Premise Beer License”

ACTION TO BE CONSIDERED:

1. Hold the public hearing.
2. Approve the Local Consent forms for the “On Premise Beer License”.

GENERAL INFORMATION:

See enclosed staff report prepared by Ken Klinker

NOTE: Appointments must be scheduled 14 days prior to Council Meetings; discussion items should be submitted 7 days prior to Council meeting.



FARMINGTON CITY

SCOTT C. HARBERTSON
MAYOR

JOHN BILTON
RICK DUTSON
CORY R. RITZ
JIM TALBOT
SID YOUNG
CITY COUNCIL

DAVE MILLHEIM
CITY MANAGER

City Council Staff Report

To: Honorable Mayor and City Council
From: Ken Klinker, Planning Department
Date: February 16, 2012
SUBJECT: **Local Consent For Legacy Events Center "On Premise Beer License".**

RECOMMENDATION

1. Review the application at a regularly scheduled meeting as required by City Code.
2. Approve the Local Consent forms for the "On-Premise Beer License".

BACKGROUND

Legacy Events Center is applying to the State of Utah for an "On Premise Beer Retail License (Recreational)" liquor license to allow them to sell beer at the Davis County Fairgrounds. In order to receive this license, they are required to get "Local Consent" from the local community. They have submitted the form for local consent which will be attached to their application to the state if approved by the Council.

Farmington City Ordinance Section 6-5-160 Processing of Application; Local Consent, requires a request in writing, a copy of their Farmington Business License, evidence of proximity to any school, church, public library, playground or park, and a floor plan showing where they will keep, store and sell liquor. The required information has been provided.

Respectfully submitted,

Ken Klinker
Planning Department

Review and Concur

Dave Millheim
City Manager

ON-PREMISE BEER LICENSE

Local Consent

PURPOSE: Local business licensing authority provides written consent to the Alcoholic Beverage Control Commission (1) to issue an on-premise alcohol license for a person to store, sell, offer for sale, furnish, or allow the consumption of an alcoholic product on the premises of the applicant; and (2) to authorize a variance reducing the proximity requirements

AUTHORITY: Utah Code 32B-1-202; 32B-5-201 through 203; 32B-5-205 and -206

Farmington City, [City [] Town [] County
Local business license authority

hereby grants its consent to the issuance of an on-premise beer license to:

Business Name (DBA): Legacy Events Center

Applicant Entity/Business Owner: Davis County Government

Location Address: 151 S. 1100 W.



Authorized Signature

David Hansen - Director

Name/Title

2-16-12

Date

LOCAL CONSENT FOR PROXIMITY VARIANCE

In accordance with Utah Code 32B-1-202, the local authority also grants consent to a variance regarding the proximity of this establishment relative to a public or private school, church, public library, public playground, or park.

Authorized Signature

Name/Title

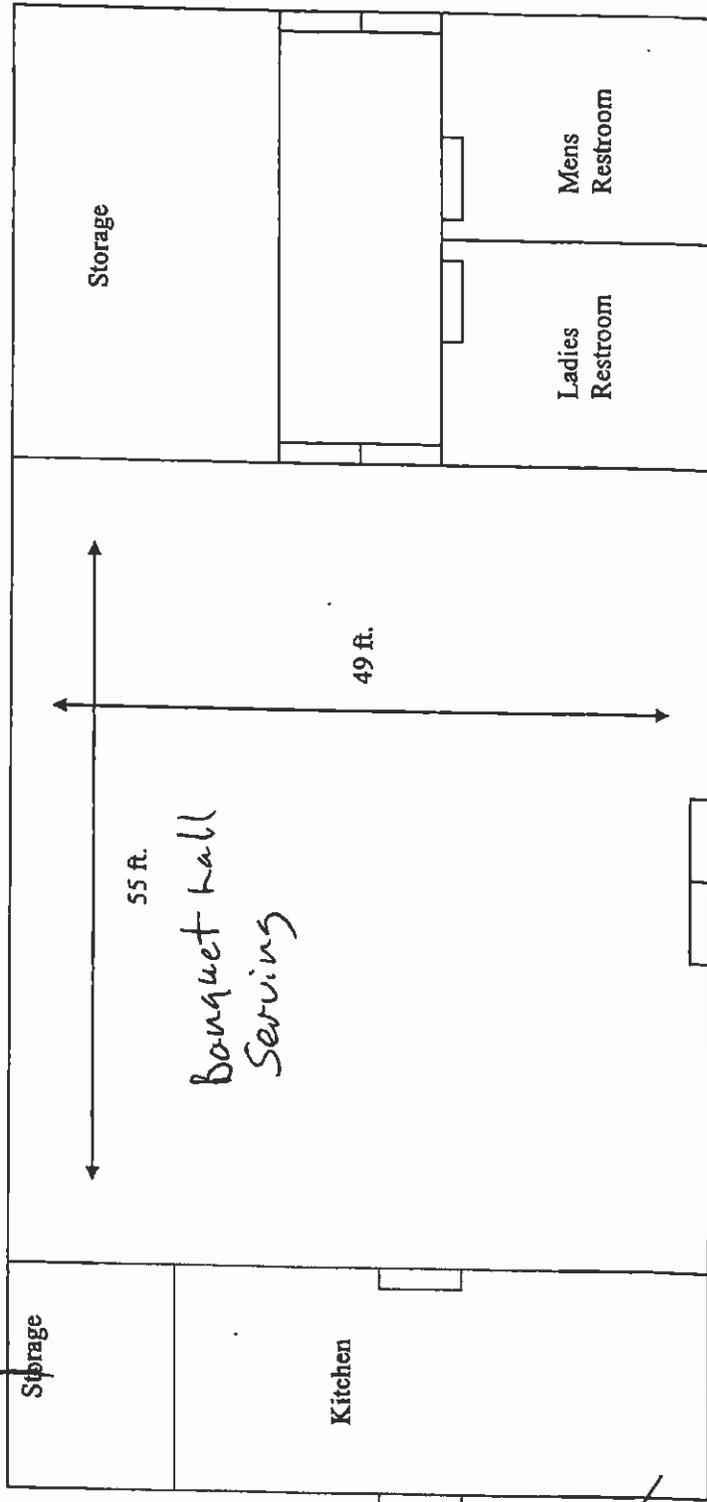
Date

This is a suggested format. A locally produced city, town, or county form is acceptable. Local consent may be faxed to the DABC at 801-977-6889 or mailed to: Department of Alcoholic Beverage Control, PO Box 30408, Salt Lake City, UT 84130-0408
DABC BE/TV 2/2012

Exhibit Building #1 Approx. 2695 sqft.

Storage Of Alcohol

E



S

W



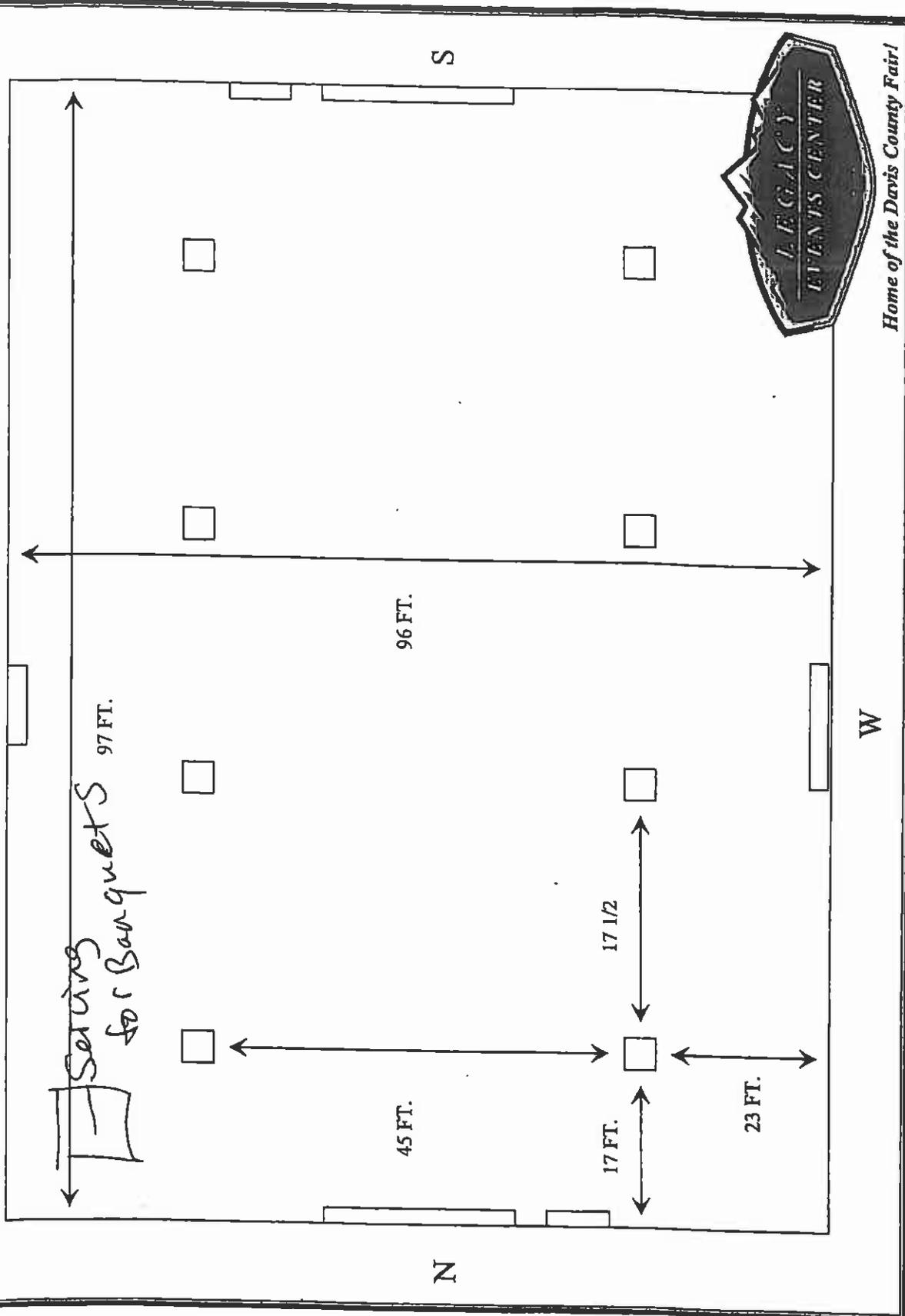
Home of the Davis County Fair!

Building 1

Sell Beer through Concessions Stand

43

Exhibit Building #2 Approx. 10,000 sqft.



LEGACY EVENTS CENTER
Home of the Davis County Fair!



151 South 1100 West - Farmington, UT 84025
Phone: (801) 451-4080 Fax: (801) 451-4081
www.legacyeventscenter.com

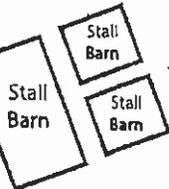
Home of the Davis County Fair!

100 South

1000 West



North
Trailer
Parking



Covered
Warm-up
Arena

Legacy
Center

North
Arena

RV Parking

Overflow
Parking

South
Arena

RV Parking

Parking
Lot

Exhibit Building #1

Exhibit Building #2

Exhibit Building #3

South
Lawn

South
Stall Barn



CITY COUNCIL AGENDA

For Council Meeting:
February 21, 2012

S U B J E C T: Minute Motion Approving Summary Action List

1. Approval of Minutes from February 7, 2012
2. Ratification of Approvals of Storm Water Bond Logs
3. Approval of Disbursement Lists for January 2012
4. Miller Meadows Forbearance Agreement

NOTE: Appointments must be scheduled 14 days prior to Council Meetings; discussion items should be submitted 7 days prior to Council meeting.

FARMINGTON CITY COUNCIL

Tuesday, February 7, 2012

JOINT CITY COUNCIL/PLANNING COMMISSION WORK SESSION

Present: Mayor Scott Harbertson, Council Members John Bilton, Nelsen Michaelson, Cory Ritz, and Jim Young, City Manager Dave Millheim, Community Development Director David Petersen, Associate City Planner Christy Alexander, Deputy City Recorder DeAnn Carlile, and Recording Secretary Cynthia DeCoursey. Council Member Jim Talbot was excused.

Mayor Harbertson welcomed the City Council, the Planning Commission, Richard Haws and Scott Harwood of the Haws Companies, and Earl Kemp of Forsgren Associates. Lyndon & LeeAnn Evans and Mark Evans were also in attendance.

Community Development Director **David Petersen** provided background information regarding the Farmington City Transit-Oriented Development Regulating Plan which details the existing and proposed street network in the various mixed-use districts in the Station Park area. There was a discussion of various issues concerning the Plan.

REGULAR SESSION

Present: Mayor Scott Harbertson, Council Members John Bilton, Nelsen Michaelson, Cory Ritz, and Jim Young, City Manager Dave Millheim, Community Development Director David Petersen, Assistant City Planner Christy Alexander, City Engineer Paul Hirst, Deputy City Recorder DeAnn Carlile and Recording Secretary Cynthia DeCoursey. Council Member Jim Talbot was excused.

CALL TO ORDER:

Roll Call (Opening Comments/Invocation/Pledge of Allegiance)

Mayor Harbertson began the meeting at 7:35 p.m. The opening prayer was offered by **Nelsen Michaelson**, and the Pledge of Allegiance was led by Boy Scout **Jacob Frye**.

REPORTS OF COMMITTEES/MUNICIPAL OFFICERS:

Executive Summaries for Planning Commission meetings held January 12 and 26, 2012

The summaries were included in the staff report, and there was no further discussion.

Presentation of 15-year service awards for Police Department

This presentation has been postponed until the meeting on February 21, 2012.

Appointment of Members and Officers of the Farmington Trails Committee

Mayor Harbertson referred to a letter from the Trails Committee which listed the following Farmington residents as nominees:

- Seat #4 – 3-year term: **Brad Jachne**, 479 Island View Circle

- Seat #5 – 3-year term: **Ryan Lueck**, 936 Spring Creek Drive
- Seat #6 – 3-year term: **Scott Ogilvie**, 150 East 615 South
- Seat #7 – 2-year term (remaining): **Greg Tanner**, 11 West 580 South
- Chair – 1-year term: **George G. Chipman**, 433 South 10 West

Motion:

John Bilton made a motion to appoint the new Farmington Trails Committee members as outlined above and to direct staff to send letters of appointment to the new individuals. The motion was seconded by **Nelsen Michaelson** and approved by Council Members **Bilton, Michaelson, Ritz, and Young**.

PUBLIC HEARINGS:

Burke Lane (Red Barn Lane) Street Vacation

David Petersen said the City and Station Park, LLC signed an Agreement in 2008 in which the City agreed to vacate Burke Lane as a public right-of-way from the Union Pacific Railroad to Station Parkway and granted a perpetual easement to the developer. However, the Cook family owns property abutting the right-of-way at the southeast corner of Red Barn Lane and Station Parkway and would like to retain access to their property along the north boundary line. Developer **Rich Haws** agrees with the Cook family, but a resolution has not been finalized, and staff is recommending that the Council table this item.

Public Hearing:

Mayor Harbertson opened the Public Hearing at 7:45 p.m.

Jeff Devashrayee, 280 S. 400 W., Salt Lake City, attorney for the Union Pacific Railroad Company (UP) said they received a letter regarding this proposal the previous Friday and are concerned because the vacation of Burke Lane (Red Barn Lane) would cut off access to their right-of-way.

Mike Stanton, project coordinator for UP's western region, said this has been their emergency response access for decades and allows them to deal with any safety and/or maintenance issues that may occur on or near the Railroad. The nearest access is on Porter Lane in Centerville—five miles away—and most of their access points were lost with the construction of the Legacy Parkway.

Jeff Devashrayee emphasized that this access point is a crucial location for both track maintenance and emergency response. Their request for an easement across the vacated property is not without the support of legal authority, and he cited a Utah Supreme Court case in which the abutting landowner had access to his land on a public highway since 1953, and the ruling stated: "Except where change by statutes pertaining to limited access highways, an abutting land owner has a private easement of ingress and egress to existing public highways. This private easement of access has been held to survive the abandonment or vacation of the public highway." Two other Supreme Court cases supported the right of ingress and egress to land in the event of an abandonment or vacation of a public road and for these reasons, UP is requesting an easement to access their right-of-way.

Ron Benson, deputy general manager of rail systems infrastructure with the Utah Transit Authority (UTA), said UTA shares the corridor with UP and will also be affected by this action. Any hindrance to UP's access also blocks UTA's access. They have a good working relationship with UP, their dispatchers communicate frequently, and they both rely on this access point.

Jerry Cook, 631 N. Pheasant Way, Centerville, said his family did not receive a notice regarding the Planning Commission public hearing, so due process was not followed. He questioned why the vacation is necessary—the access has been open for decades. There also seems to be contradictory language in the proposed ordinance: “the street is hereby vacated as a public right-of-way” and in section 2: “nothing herein shall be construed to vacate.” According to Utah State code: “if a public highway is vacated, that property reverts back to the owners to the middle boundary line,” and the Davis County survey shows the **Cook** property line to the center of the street. These easements have been in place for many years and should be honored.

Jeff Cook, 582 N. 340 E., Centerville, said their preference is that Burke Lane and their east property line be left unchanged. They do not want to give up their 66-foot easement.

Marianne Cook Jenks, 457 W. Hidden Meadow Way, Farmington, agreed with the comments made by her two brothers. They have met with developer **Rich Haws** who has been open and supportive of their concerns about retaining the easements.

Dave Millheim said the concerns of UP and the UTA need to be addressed, and the Cook family and **Rich Haws** are close to an agreement. There is no existing easements of record, but there are historical access rights, and the developer seems to be agreeable to honoring those access rights. The City and the abutting property owner of Park Lane Village are concerned about safety in this area by the railroad tracks. The current easements on the trail access on the east side of Park Lane Village are close to each other and overlap, and this area will be heavily impacted when 324 homes in Park Lane Village are occupied. The City wants to ensure that UP and the UTA are sensitive to future impacts and address issues such as maintenance, fencing, and safety, etc. The City will receive a monetary benefit for surrendering its rights to a portion of this street.

Motion:

Cory Ritz made a motion to table the request for an ordinance vacating Burke Lane (Red Barn Lane) to allow Farmington Square LLC and C Limited Partnership to settle access issues and to address the easement concerns of Union Pacific and the UTA. The motion was seconded by **Jim Young** and approved by Council Members **Bilton, Michaelson, Ritz, and Young**.

Schematic Plan for Meadow View Conservation Subdivision

Christy Alexander said Northstar homes received preliminary and final plat approvals for this subdivision in 2007, but those approvals expired so they must repeat the approval process. The Schematic Plan has 19 lots on 10.601 acres in an AE zone. Staff has several concerns and is working with the developer to mitigate those concerns.

Jared Darger, 15757 South Pack Saddle Drive, Bluffdale, said this has been a long process. The new road will improve the traffic in the area and benefit residents in west Farmington. He is excited for the development to move forward and believes it will be an asset to the City.

Public Hearing:

Mayor Harbertson opened the Public Hearing at 8:05 p.m.

George Chipman, 433 S. 10 W., Chairman of the Farmington Trails Committee, said this is a great location for a trail, and it will connect to the Farmington Ranches Park trail and extend east to the Rails to Trails and the Legacy Trail. It will be located on open space within this Subdivision. The 20-year master

plan does not show the trail stubs—they work with the developer to determine the best location for the trail and the best access for the adjoining neighborhoods. He requested that the trail be positioned to avoid excess water from the detention basin and to satisfy homeowners in the area. He realizes that the topography of that area will need to be considered, but he is confident there will be a way to locate the trail across the corner of the conservation lot and further away from the residents.

Sherry Ellis, 1722 W. Country Bend Lane, Lot 313, said her home is located next to the proposed trail. The area is very steep, and the HOA has not been allowed to develop this area because of the wetlands. She referred to a City map which shows the trail across the wetlands, but she purchased her lot because of the wetlands. Conservation and maintenance plans from the City clearly state that upland and wetland space cannot be developed—it can only be used to maintain weeds or as a fire break. She and her neighbors are not in favor of having a trail in this location because they enjoy their privacy. She is also concerned about excess water issues in the area.

The Public Hearing was closed at 8:15 p.m.

David Petersen reviewed the planning process from schematic plan through preliminary plat and final plat and said two public hearings (Planning Commission and City Council) are held in conjunction with schematic plan approval. There are no public hearings at the preliminary or final plat levels. **Dave Millheim** said the main purpose of schematic plan approval is to get a general idea of what the developer is planning and to hear the concerns of the public regarding the plan. There was discussion regarding the road, the proposed open space, the detention basin, and the trail.

Motion:

Jim Young made a motion to approve the Schematic Plan for the Meadow View Conservation Subdivision (19 lots), located at approximately 425 North 1525 West, subject to the same conditions and findings established by the Planning Commission on Jan. 26, 2012 as set forth in the attached supplemental information. This Plan is conceptual, and there is ample interest and opportunity to address the concerns which have been raised. A public hearing will be held at the Planning Commission meeting when a request for preliminary plat approval is submitted. **Cory Ritz** seconded the motion which was approved by Council Members **Bilton, Michaelson, Ritz, and Young**.

PRESENTATION OF PETITIONS AND REQUESTS:

Street Improvements on 650 West in the Miller Meadows Subdivision

David Petersen explained that the City signed a development agreement with RRR Ranch LLC for this Subdivision wherein the developer is required to improve 650 West Street the entire north to south length of the project. However, timing for this was unclear because the agreement does not specify whether or not the road can be completed on an incremental basis or if it must be completed all at once. The Council agreed to allow the developer to improve 650 West Street in increments as each phase is completed.

Motion:

John Bilton made a motion to authorize the **Mayor** to sign the letter regarding the improvement of 650 West Street as it relates to the development of the Miller Meadows Subdivision. **Nelsen Michaelson** seconded the motion which was approved by Council Members **Bilton, Michaelson, Ritz, and Young**.

Final Plat for Tuscan Cove Phase 2 Subdivision

Christy Alexander said Rainey Homes is requesting final plat approval for this 3-lot Subdivision. It is in an LRF zone, and the lot sizes must be a minimum of 20,000 sq. feet. This minimum was met with a 6-foot sidewalk to back of curb and no park strip; however, the lot sizes were slightly under 20,000 sq. feet which required the developer to have 10% open space. They are requesting a waiver of the open space. **Cory Ritz** asked if the wall was engineered and constructed in such a way that it can handle having a road built next to it, and the Council also discussed the amount of the fee-in-lieu.

Phil Hunter, 1605 South 200 East, owns property just north of the subject property, and this is the first time he has seen the proposal. Several weeks ago he agreed to allow Rainey Homes to use his property for the turn around space, but he needs time to think about it and discuss it with his wife.

Brock Johnston, 1284 W. Flint Meadows Dr., said **Mr. Hunter** attended one of the public hearings when this idea was discussed, and he agreed to the plan. Because the property has a large drop off, material will need to be brought in, and it increases the value to his property. **Dave Millheim** recommended that the Council table this item to allow additional time obtain an easement which can be done at the same time as final plat approval. It is not wise to grant a final plat approval when there are significant concerns.

Motion:

John Bilton made a motion to table this request to allow staff additional time to address the issues which were raised. The motion was seconded by **Nelsen Michaelson** and approved by Council Members **Bilton, Michaelson, Ritz, and Young**.

Purchase of Street Lights from Rocky Mountain Power

Dave Millheim reported that it took a long time to get this survey from Rocky Mountain Power, and there are several dates which need to be updated. Also, the inventory was done prior to the wind storm, so there may be light poles which are not currently working.

Motion:

Cory Ritz made a motion to approve the agreement with Rocky Mountain Power for the purchase of the street lights they still own in Farmington for a purchase price of \$157,686. The purchase will be made through the General Fund Balance and will be contingent upon the light poles being in good repair and operating. If Rocky Mountain Power does not want to replace the poles, the purchase amount will be adjusted, and several dates in the agreement also need to be adjusted. The motion was seconded by **John Bilton** and approved by Council Members **Bilton, Michaelson, Ritz, and Young**.

SUMMARY ACTION:

Minute Motion Approving Summary Action List

1. Approval of Minutes from the January 17, 2012 City Council Meeting
2. Ratification of Approvals of Construction & Storm Water Bond Logs
3. Sewer Easement for pipe within Red Barn Lane
4. Questar Easement for pipe within Red Barn Lane
5. Renewal of Contract with Davis County Animal Care and Control
6. Tuition Reimbursement for Officer Brandon Erickson
7. Agreement with LDS Church for storm drainage located at 549 South 1525 West

There was a brief discussion regarding the 30% increase in frequency and costs of animal control calls over the past year. **Dave Millheim** said the majority of calls relate to barking dogs, and he agreed to contact the new animal control director and ask him to report to the Council on the nature of the calls.

Motion:

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

NEW BUSINESS:

Vacation Order for a portion of Parcel E of the Village at Old Farm PUD Phase 3

Motion:

Nelsen Michaelson made a motion to approve the attached Ordinance and Vacation Order vacating the portion of Parcel E, attached herein as Exhibit “A”, of the Village at Old Farm PUD Phase 3 subdivision plat, to be recorded with the Village at Old Farm PUD Phase 1 Amended Plat, and subject to the findings established previously by the Planning Commission on September 15, 2011 as set forth in the attached supplemental information. The motion was seconded by **John Bilton** and approved by Council Members **Bilton, Michaelson, Ritz, and Young**.

GOVERNING BODY REPORTS:

City Manager Report

- **Audit Follow-up**

The Council voted 3-2 several months ago to continue with the auditing firm they have used in the past. Staff is very happy with the current audit services and recommends using them for the next few years. Nevertheless, because of the split vote, the Council asked that the issue be discussed again. They decided to continue with the current firm and review the issue again in several years.

- **Monthly Police & Fire Department Reports**

He referred to reports submitted by the Police and Fire Chiefs and said these will be provided on a monthly basis. He also asked both Chiefs to address trends which the Council may need to know about. The Council and the **Mayor** said they would like to see the information in spreadsheet form with more detailed categories included.

- **Fire Break Road & Future Water Tank**

He expressed frustration regarding two issues: (1) the location of a future water tank; and (2) two connection points on the fire break road. A significant amount of effort has gone into the decision of where to place a new water tank, and the best option would be next to the small water tank which is on US Forest Service property. The City expected some resistance from the USFS even though the impact would be minor. The fire break road runs along the foothills east of the City below the water tank, and there are two spots where the road does not connect—one is on **Jerry Stevenson’s** property (he has given permission to connect), and the other is below the water tank. The head Forest Service Ranger called and said they will not do it because it is a “roadless” area. **Mr. Millheim** asked what was driving the refusal, and she said that because this is an election year, they do not want to offend anyone with environmental issues by impacting

Forest Service lands. Former U.S. Congressman **Jim Hansen** is a Farmington resident and has a huge interest in seeing the fire break road resolved because one of the plans with the new water tank is to install a new water line and fix the street he lives on. He was not happy with the USFS response and is very willing to help. Congressman **Rob Bishop** (who chairs the Public Lands Appropriations Committee) also agreed to assist. The USFS has since asked to meet, so he is optimistic that a solution may be forthcoming.

Mayor Harbertson & City Council Reports

- He attended a meeting regarding transit options in south Davis County and whether or not Bus Rapid Transit (BRT) would be an option. The past BRT attempt did not make it past the public hearing level. Residents want improvements to the on and off ramps of the freeway—not transit options, and south Davis County does not have the numbers to support transit.
- He toured the Safe Harbor facility in Kaysville which assists abused women. Farmington does not have a facility, but nearly 900 Farmington residents went to the Kaysville facility for assistance in the past two years. Safe Harbor is constantly looking for funding, and he suggested that the Council consider a \$5,000 donation and the purchase of a tree during their annual Evergreen fundraiser.
- He and **Neil Miller** attended a Utah Community Forest Council meeting in which Farmington received a “Community of the Year” award—probably for **Matt McCullough’s** work with the trees.
- There was an error regarding the reimbursement from FEMA on hauls to the landfill. The bill for that purchase was \$6322.18, and he asked **Dave Millheim** to make sure the correct bill is submitted.
- The Somerset HOA has not been able to collect insurance money for the damaged trees in their subdivision—they were \$21,000 short and asked if the City would be able to assist.
- **Doug McDonald** worked 70 hours more than the City agreed to pay and would like an additional \$10,000 for his time. **Dave Millheim** received an invoice from him but said he could not recommend it to the City Council. He will call **McDonald** and see what he would do for partial payment.
- **Dave Millheim** is meeting with **Glen Leonard** on Feb. 8th regarding the City’s history.

Nelsen Michaelson

- He thanked staff for organizing the meeting with residents near 475 S. and to alleviate concerns. Regarding the future road. **Cory Ritz** said a resident asked him about promises the City made in the past regarding the road—that 475 S. would end in a cul de sac, and the stub going into Symphony from the north would move south from the Symphony stub to the end of the cul de sac and meander its way over to 1525 West. **Nelsen** said he would prefer that option vs. a cul de sac extension.

John Bilton

- He asked if the **Rigbys** had reacted to the Miller Meadows bond calling issue, and **Dave Millheim** said Rainey Homes is complying, which is the important thing.
- A Davis County UDOT meeting will be held on March 29th, and he asked if the Council should attend. The City Manager said they do not need to attend.
- He appreciated the letter to **Dave Freed** at Lagoon, and **Mr. Millheim** said he is meeting with the entire Lagoon management staff on Wed., February 8th.

- He does not understand why the City has to be the broker/arbitrator for the Haws Companies road issue—a road does not have to be part of their application. He suggested that the City push back on this issue. **Dave Millheim** will ask CenterCal to submit a letter of what they want and why, and the City can evaluate it.

Cory Ritz

- He received a call from former Council Member **Rick Dutson** who said the general feeling among Garbett Homes residents is gratitude for the Council and their efforts regarding the lawsuit.
- He is repeatedly approached by a resident who wants to know about the paving of 650 West.
- He asked for an update of the proposed girls' softball program—the resident who offered to run the program has not been contacted. The City Manager will follow through on the issue.

Jim Young

- He attended a Historical Preservation Commission meeting, and their most important issue is the **Hector Haight** home which continues to deteriorate—it has been vandalized, and there may be a broken water line. It was built in 1862 and is included in Utah's top 10 historic cabins. They also want to know if the new well house will use the existing Community Center driveway, and they would also like to purchase computers.
- He appreciated the legislative review sent by the City Manager and is concerned about the billboard issue. **Dave Millheim** reported that the bill passed unanimously in today's committee meeting and has a high possibility of passing. This issue is not just billboards—it is the whole eminent domain and local control issue. Reagan Outdoor Signs contributed \$455,000 to legislative campaigns. He has never seen the Utah League of Cities & Towns more united against an issue. He suggested that the **Mayor** and Council contact any legislators they may know to vote against SB136.

CLOSED SESSION

Motion:

At 10:00 p.m. **Cory Ritz** made a motion to go into a closed meeting to discuss strategy as it relates to pending litigation. The motion was seconded by **John Bilton** and approved by Council Members **Bilton, Michaelson, Ritz, 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.

Scott C. Harbertson, Mayor

At 10:15 p.m. **Nelsen Michaelson** made a motion to reconvene into an open meeting. The motion was seconded by **Cory Ritz** and approved by Council Members **Bilton, Michaelson, Ritz, and Young**.

ADJOURNMENT

Motion:

John Bilton made a motion to adjourn the meeting which was approved by Council Members **Bilton, Michaelson, Ritz, and Young**. The meeting was adjourned at 10:15 p.m.

DeAnn Carlile, Deputy City Recorder
Farmington City Corporation

FARMINGTON CITY

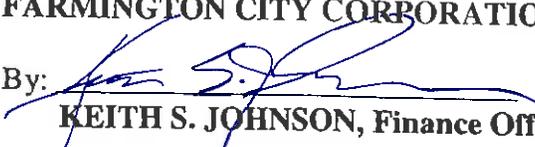


SCOTT C. HARBERTSON
MAYOR
JOHN BILTON
NELSEN MICHAELSON
CORY R. RITZ
JIM TALBOT
JAMES YOUNG
CITY COUNCIL
DAVE MILLHEIM
CITY MANAGER

I hereby certify the disbursements listing claims against the City for the month of January, 2012.

1. Have been pre-audited and documented;
2. Have been approved in one of the following ways:
 - a. Purchase order directly approved by the City Manager who is the Budget Officer of the City, as delegated by the Mayor.
 - b. Are directly approved by the Governing Body; or
 - c. Are approved by the Finance Officer.
3. Are within the lawful debt limit of the City; and
4. Do not over-expend the appropriate departmental budget established by the Governing Body.

FARMINGTON CITY CORPORATION

By: 
KEITH S. JOHNSON, Finance Officer

By: _____
DAVE MILLHEIM, City Manager

.....
A minute motion was made by Council Member _____ to ratify payment of the list of claims for the month of January that were pre-audited, approved, and certified by the City Finance Officer and the City Manager. The motion was seconded by Council Member _____ and approved by _____ of _____ members present at the City Council meeting held this _____ day of _____, 2012.

SCOTT C. HARBERTSON, Mayor

Report Criteria

Transaction Journal Code = CD, CDA, CDPT

Journal	Payee or Description	Date	Check No	Amount
CDPT	ICMA RETIREMENT TRUST-#801021	01/04/2012	1	1,617.20
CDPT	ICMA RETIREMENT TRUST-107328	01/04/2012	2	2,239.75
CDPT	ICMA RETIREMENT TRUST-301813	01/04/2012	3	2,614.48
CDPT	IRS TAX DEPOSIT	01/04/2012	4	27,498.98
CDPT	UTAH STATE RETIREMENT OFFICE	01/04/2012	5	20,029.06
CDPT	ICMA RETIREMENT TRUST-#801021	01/18/2012	6	1,611.46
CDPT	ICMA RETIREMENT TRUST-#801358	01/18/2012	7	30,585.38
CDPT	ICMA RETIREMENT TRUST-107328	01/18/2012	8	2,236.56
CDPT	ICMA RETIREMENT TRUST-301813	01/18/2012	9	2,638.70
CDPT	IRS TAX DEPOSIT	01/18/2012	10	27,743.07
CDPT	UTAH STATE RETIREMENT OFFICE	01/18/2012	11	19,022.31
CDPT	ICMA RETIREMENT TRUST-#801021	01/18/2012	12	5,371.52
CDPT	CHILD SUPPORT SERVICES/ ORS	01/06/2012	30638	702.37
CDPT	FCF BENEFITS & ADMINISTRATION	01/06/2012	30639	8,332.32
CDPT	CHILD SUPPORT SERVICES/ ORS	01/19/2012	30640	702.37
CDPT	FCF BENEFITS & ADMINISTRATION	01/19/2012	30641	1,074.04
CD	KRISTEN HARBERTSTON - REIMB. FOR FYCC SU	01/05/2012	87192	199.34
CD	REBECCA HATCH - COMM. CENTER DEPOSIT REF	01/05/2012	87193	75.00
CD	SUSAN JACOBSON - MONTHLY CLEANING CONTRA	01/05/2012	87194	550.00
CD	BECKY KARMONDY - JR JAZZ REFUND	01/05/2012	87195	50.00
CD	STEPHANIE PAGET - COMM. CENTER DEPOSIT R	01/05/2012	87196	50.00
CD	JENNIE RUSSON - COMM. CENTER DEPOSIT REF	01/05/2012	87197	300.00
CD	DALE SCOW - REIMB. FOR CAMERA	01/05/2012	87198	119.99
CD	PATRICIA SMITH - REIMB. FOR FYCC BIRTHDA	01/05/2012	87199	20.40
CD	ABE WANGSGARD - HEALTH REIMBURSEMENT	01/05/2012	87200	250.00
CD	QUALTRICS - SURVEY LICENSE	01/05/2012	87201	2,500.00
CD	FARMINGTON FIREMAN'S ASSOC. - EMPLOYEE C	01/05/2012	87202	506.00
CD	APCO INTERNATIONAL - MEMBERSHIP	01/05/2012	87203	92.00
CD	ALL OCCASIONS & DOTS - AWARDS	01/05/2012	87204	211.49
CD	W.J. BRADLEY MORTGAGE CAPITAL - REFUND B	01/05/2012	87205	10.00
CD	CREATIVE CULTURE INSIGNIA - ARM PATCHES	01/05/2012	87206	585.70
CD	TRIPLE CROWN SHIRTS -	01/05/2012	87207	487.50
CD	DOCUMENT EXPRESS - OFFICE SUPPLIES	01/05/2012	87208	484.05
CD	GALLENSON'S - SUPPLIES	01/05/2012	87209	19.95
CD	GOLD STAR AWARDS & ENGRAVING - AWARDS	01/05/2012	87210	224.30
CD	LOGO CONCEPTS - LOGO SCREENING/SHIRTS	01/05/2012	87211	1,227.29
CD	MASTER INSPECTIONS - INSPECTION SERVICES	01/05/2012	87212	1,372.50
CD	MIRACLES MANAGEMENT INC. - CEILING REPAI	01/05/2012	87213	300.00
CD	UTAH STATE HISTORICAL SOCIETY - MEMBERSH	01/05/2012	87214	40.00
CD	WEST - WATER TREATMENT SERVICE	01/05/2012	87215	120.00
CD	WINGER'S - FOOD	01/05/2012	87216	153.33
CD	WINMARK STAMP & SIGN - STAMP	01/05/2012	87217	33.65
CD	ZIONS BANK -	01/05/2012	87218	11,688.67
CD	CALBRE PRESS - TRAING CLASS FEE	01/05/2012	87219	700.00
CD	ERIC JOHNSON - TRAINING EXPENSES	01/05/2012	87220	8.00
CD	JOEL KNAPP - REIMB. FOR SUPPLIES	01/05/2012	87221	204.50
CD	LEE ANN COLEMAN, APRN - FITNESS FOR DUTY	01/05/2012	87222	52.00
CD	KEITH JOHNSON - REIMB. GIFT CERTIFICATES	01/05/2012	87223	339.50
CD	OLIVE GARDEN - EMPLOYEE LUNCHEON	01/12/2012	87224	292.25
CDA	A-1 UNIFORMS	01/11/2012	87225	279.26
CD	AMERICAN EXPRESS	01/11/2012	87226	3,857.87
CDA	AMERICAN LINEN - STEINER	01/11/2012	87227	77.91
CDA	BATTERIES PLUS	01/11/2012	87228	45.12
CDA	BLACK & MCDONALD	01/11/2012	87229	1,480.70
CDA	BLUE PEBBLE PRESS	01/11/2012	87230	850.00
CDA	BLOMQUIST HALE CONSULTING	01/11/2012	87231	150.00

Journal	Payee or Description	Date	Check No	Amount
CDA	BLUE STAKES OF UTAH	01/11/2012	87232	315.11
CDA	BRADY INDUSTRIES, LLC	01/11/2012	87233	157.12
CDA	BURT BROTHERS TIRE & SERVICE	01/11/2012	87234	1,812.70
CDA	CEM	01/11/2012	87235	978.20
CDA	Void - Information Only Check	01/11/2012	87236	.00
CDA	CARQUEST AUTO PARTS STORES	01/11/2012	87237	1,927.24
CDA	CRS CONSULTING ENGINEERS II	01/11/2012	87238	3,938.00
CDA	CANYON OFFICE PRODUCTS	01/11/2012	87239	659.39
CDA	CARPENTER PAPER CO.	01/11/2012	87240	322.82
CDA	CARR PRINTING COMPANY	01/11/2012	87241	65.00
CDA	CENTERVILLE CITY	01/11/2012	87242	86.95
CDA	CENTRAL DAVIS SEWER	01/11/2012	87243	99,400.22
CDA	CHEMTECH-FORD ANALYTICAL LABS	01/11/2012	87244	66.00
CDA	CENTURY LINK	01/11/2012	87245	1,081.54
CDA	COLONIAL BUILDING SUPPLY, INC	01/11/2012	87246	524.64
CDA	COMCAST	01/11/2012	87247	67.19
CDA	COMFORT SYSTEMS	01/11/2012	87248	1,614.17
CDA	DAVIS COUNTY CORPORATION	01/11/2012	87249	3,035.31
CDA	DIGIS	01/11/2012	87250	50.40
CDA	DICK'S MARKET	01/11/2012	87251	146.05
CDA	DISH NETWORK	01/11/2012	87252	86.88
CDA	F.A.R.M. Police Supply	01/11/2012	87253	375.00
CDA	FASTENAL COMPANY	01/11/2012	87254	146.58
CDA	FIRETROL PROTECTIONS SYSTEMS	01/11/2012	87255	1,201.50
CDA	GLOBAL SECURITY	01/11/2012	87256	21.95
CDA	GOODSON SIGNS	01/11/2012	87257	77.42
CDA	HARMON'S	01/11/2012	87258	32.41
CDA	HOLT CLEANING SUPPLY	01/11/2012	87259	89.10
CDA	HYDRO ENGINEERING	01/11/2012	87260	1,110.37
CDA	IKON OFFICE SOLUTIONS	01/11/2012	87261	199.48
CDA	IMPACT SOLUTIONS	01/11/2012	87262	300.00
CDA	IMPACT GUNS	01/11/2012	87263	161.09
CDA	INDUSTRIAL SUPPLY COMPANY, INC	01/11/2012	87264	98.93
CDA	INFOBYTES, INC.	01/11/2012	87265	226.89
CDA	INTEGRA TELECOM	01/11/2012	87266	2,269.20
CDA	KAYSVILLE CLINIC	01/11/2012	87267	60.00
CDA	KAYSVILLE CITY	01/11/2012	87268	220.00
CDA	KENT'S REPAIR	01/11/2012	87269	305.23
CDA	KURT'S SHOP	01/11/2012	87270	350.00
CDA	LES SCHWAB TIRE CENTER	01/11/2012	87271	1,076.44
CDA	MAIN STREET LUBE & OIL	01/11/2012	87272	39.45
CDA	MARLO PRODUCTS	01/11/2012	87273	125.90
CDA	MOUNTAIN STATES SUPPLY, INC	01/11/2012	87274	909.55
CDA	NU-TREND ELECTRIC CORPORATION	01/11/2012	87275	878.37
CDA	OFFICE PRODUCTS DEALER	01/11/2012	87276	1,710.00
CDA	OFFICE DEPOT	01/11/2012	87277	514.48
CDA	PJ CHEESE, INC.	01/11/2012	87278	65.25
CDA	PACIFIC OFFICE AUTOMATION	01/11/2012	87279	160.00
CDA	JACK B. PARSON COMPANY	01/11/2012	87280	1,924.92
CDA	PRO PIPE	01/11/2012	87281	400.00
CDA	PURCELL TIRE & RUBBER COMPANY	01/11/2012	87282	621.14
CDA	TOM RANDALL DISTRIBUTING	01/11/2012	87283	7,478.93
CDA	RELIABLE BUSINESS SYSTEMS	01/11/2012	87284	1,309.33
CDA	Void - Information Only Check	01/11/2012	87285	.00
CDA	ROCKY MOUNTAIN POWER	01/11/2012	87286	17,040.70
CDA	ROBINSON WASTE SERVICES	01/11/2012	87287	210.40
CDA	SAFETY-KLEEN CORP.	01/11/2012	87288	209.01
CDA	SAM'S CLUB	01/11/2012	87289	115.61
CDA	SHRED-IT	01/11/2012	87290	50.29

Journal	Payee or Description	Date	Check No	Amount
CDA	STAPLES ADVANTAGE	01/11/2012	87291	23.35
CDA	STARWEST	01/11/2012	87292	29.00
CDA	THB,INC.	01/11/2012	87293	53.63
CDA	TEC SERV, INC	01/11/2012	87294	750.00
CDA	THATCHER COMPANY	01/11/2012	87295	286.00
CDA	ANNETTE TIDWELL	01/11/2012	87296	200.00
CDA	ULRICH & ASSOCIATES	01/11/2012	87297	2,575.00
CDA	UTAH BARRICADE COMPANY	01/11/2012	87298	108.50
CDA	UTAH COMMUNICATIONS AGENCY NET	01/11/2012	87299	5,239.25
CDA	VALPAK OF NORTHERN UTAH	01/11/2012	87300	345.00
CDA	WASATCH INTEGRATED WASTE	01/11/2012	87301	35,148.75
CDA	WASATCH VALLEY PIZZA	01/11/2012	87302	112.00
CDA	WETCO, INC.	01/11/2012	87303	525.80
CDA	WHEELER MACHINERY COMPANY	01/11/2012	87304	103.57
CDA	WILLEY FORD	01/11/2012	87305	57.73
CDA	YOUR VALET CLEANERS	01/11/2012	87306	305.30
CD	ZEPONI'S PIZZA - DINNER FOR PLANNING COM	01/12/2012	87307	52.15
CD	HOLLY GADD - REIMB. FOR EMPLOYEE LUNCHEO	01/13/2012	87308	49.32
CD	HEPWORTH FLORAL CENTERVILLE - 2 FRESH AR	01/13/2012	87309	100.00
CD	MOENCH PRINTING - NOVEMBER NEWLETTER	01/13/2012	87310	1,710.00
CD	GOODSON SIGNS - BANNER	01/13/2012	87311	443.67
CD	THYSSENKRUPP ELEVATOR CORP. - CONTRACT S	01/13/2012	87312	477.54
CD	BENCHLAND WATER DISTRICT - 4TH QUARTER 2	01/13/2012	87313	12,348.00
CD	CENTRAL DIVIS SEWER DISTRICT - 4TH QUART	01/13/2012	87314	56,935.33
	EMPIRE WEST - HYDRANT PARTS	01/13/2012	87316	2,647.84
	FABRIC MAGIC - REPAIR	01/13/2012	87317	135.00
CD	FINE REMODEL - PERMIT #11-9935, VENDOR #	01/13/2012	87318	6,500.00
CD	HOLLEE'S HAVEN - EMBROIDERY SERVICES	01/13/2012	87319	24.00
CD	MARK MILLARD - TOOLS	01/13/2012	87320	10.13
CD	SAFETY WEST, INC - SERVICE	01/13/2012	87321	203.00
CD	C.W. SILVER - SERVICE	01/13/2012	87322	758.50
CD	SMASH ATHLETIC UNIFORMS - SOCCER UNIFORM	01/13/2012	87323	5,687.75
CD	SYMPHONY HOMES -	01/13/2012	87324	1,500.00
CD	UT. DEPT. OF COMMERCE - 4 TH QUARTER RE	01/13/2012	87325	608.24
CD	NEIL MILLER - REIMB. GIFT BAGS	01/13/2012	87326	199.66
CD	UT. DIV. OF CONSUMER PROTECTIO - REGISTR	01/13/2012	87327	6.00
CD	UT. LEAGUE OF CITIES & TOWNS - 1 DVD, PO	01/13/2012	87328	110.00
CD	UTAH LEAGUE OF CITIES & TOWNS - LOCAL OF	01/13/2012	87329	790.00
CD	UTAH/YAMAS CONTROLS, INC. - SERVICE	01/13/2012	87330	130.00
CD	VERMEER ROCKY MOUNTAIN - PARTS	01/13/2012	87331	93.48
CD	WINTER EQUIPMENT CO. - PARTS	01/13/2012	87332	70.15
CD	RYAN ARBON - FOOTBALL REFUND	01/13/2012	87333	40.00
CD	KATHRYN BARTON - FOOTBALL REFUND	01/13/2012	87334	40.00
CD	STAN BONNEMORT - FOOTBALL REFUND	01/13/2012	87335	40.00
CD	BRIAN COOPER - TRAINING EXPENSES	01/13/2012	87336	16.00
CD	CRAIG DARNELL - FOOTBALL REFUND	01/13/2012	87337	40.00
CD	ANDRA EATON - FOOTBALL REFUND	01/13/2012	87338	40.00
CD	TRAVIS FORBUSH - FOOTBALL REFUND	01/13/2012	87339	40.00
CD	SHERMAN HADLEY - BASKETBALL OFFICIAL	01/13/2012	87340	100.00
CD	TRACI HARWARD - FOOTBALL REFUND	01/13/2012	87341	40.00
CD	RON KARPENKO - TRAINING	01/13/2012	87342	16.00
CD	NICOLE LANGPAP - FOOTBALL OFFICIAL	01/13/2012	87343	40.00
CD	NICOLE MCFARLAND - FOOTBALL REFUND	01/13/2012	87344	40.00
CD	DAVID MONK - FOOTBALL REFUND	01/13/2012	87345	40.00
CD	BRYCE MOORE - BASKETBALL OFFICIAL	01/13/2012	87346	100.00
CD	KIM PACE - FOOTBALL REFUND	01/13/2012	87347	40.00
CD	CAMILLE QUINTON - FOOTBALL REFUND	01/13/2012	87348	40.00
CD	TAMI RUSSELL - FOOTBALL REFUND	01/13/2012	87349	40.00
CD	PATRICIA SMITH - REIMB. FYCC GIFTS	01/13/2012	87350	15.92

Journal	Payee or Description	Date	Check No	Amount
CD	JOHN STEWART - FOOTBALL REFUND	01/13/2012	87351	40.00
CD	ADAM SUDWEEKS - TRAINING EXPENSES	01/13/2012	87352	16.00
CD	PAUL WHITE - OVERAGE CELL PHONE	01/13/2012	87353	132.30
CD	COP CONSTRUCTION - REFUND CASH DEPOSIT F	01/13/2012	87354	1,000.00
CD	BRETT WINKLEMAN - REIMB. FOR COPAY	01/13/2012	87355	52.00
CD	INTERMOUNTAIN SWEEPER CO. - BROOMS & CUR	01/19/2012	87356	548.00
CD	PAUL BENEDICT - BASKETBALL OFFICIAL	01/19/2012	87357	100.00
CD	VALERIE BYBEE -	01/19/2012	87358	85.00
CD	KEVIN BOUCK - OVERPAYMENT OF UTILITY BIL	01/19/2012	87359	69.14
CD	KYLE CURTIS -	01/19/2012	87360	95.00
CD	ELIAS DE-LA-CRUZ - BASKETBALL OFFICIAL	01/19/2012	87361	44.00
CD	RON DUNN - PLAY REFUND	01/19/2012	87362	10.00
CD	CHARLES MACQUEEN - BASKETBALL OFFICIAL	01/19/2012	87363	44.00
CD	BRYCE MOORE - BASKETBALL OFFICIAL	01/19/2012	87364	100.00
CD	TROY NIELSEN - PLAY REFUND	01/19/2012	87365	95.00
CD	KERRY PEART - BASKETBALL OFFICIAL	01/19/2012	87366	88.00
CD	STEVEN RILEY - PLAY REFUND	01/19/2012	87367	85.00
CD	BRAD THURGOOD - REIMB. FOR SHOP SUPPLIES	01/19/2012	87368	32.00
CD	MAUREEN VOWLES - COMM. CENTER DEPOSIT RE	01/19/2012	87369	150.00
CD	KRISTIN WATERS -	01/19/2012	87370	85.00
CD	MASTER INSPECTIONS - INSPECTION SERVICES	01/19/2012	87371	607.50
CD	NEVCO, INC. - EQUIPMENT	01/19/2012	87372	928.20
CD	UTAH LEAGUE OF CITIES & TOWNS - YOUTH CI	01/19/2012	87373	165.00
CD	UTAH PRIMA - HOLLY GADD	01/19/2012	87374	100.00
CD	WCEC ENGINEERS, INC. - PROFESSIONAL SERV	01/19/2012	87375	325.00
CD	DEANN CARLILE - MILEAGE	01/26/2012	87376	27.50
CD	STEVEN DYER - REIMB. FOR LIGHTING	01/26/2012	87377	63.11
CD	HOLLY GADD - REIMB. FOR CC DINNER	01/26/2012	87378	119.25
CD	LISA GROEN - PLAY REFUND	01/26/2012	87379	75.00
CD	GERALD MILLS - PLAY REFUND	01/26/2012	87380	95.00
CD	SONI MULLER - PLAY REFUND	01/26/2012	87381	75.00
CD	CREATIVE PRODUCT SOURCING, INC - D.A.R.E	01/26/2012	87382	207.66
CD	DAVIS COUNTY RECORDER - RECORDING FEES	01/26/2012	87383	350.00
CD	DAVIS FIRE OFFICERS ASSOC. - DEPARTMENT	01/26/2012	87384	100.00
CD	GALLENSON'S - SUPPLIES	01/26/2012	87385	2,074.90
CD	KEN GARFF WEST VALLEY - PARTS	01/26/2012	87386	194.00
CD	JOEL HALE CONSTRUCTION - PERMIT #11-1003	01/26/2012	87387	1,500.00
CD	HARBOR FREIGHT TOOLS - SUPPLIES	01/26/2012	87388	503.03
CD	HASKELL HOMES, INC. - PERMIT #11-10037,	01/26/2012	87389	1,500.00
CD	IACP MEMBERSHIP - MEMBERSHIP	01/26/2012	87390	120.00
CD	UTAH CHAPTER ICC - REGISTRATION ERIC MI	01/26/2012	87391	250.00
CD	LED EMERGENCY LIGHTING - SUPPLIES	01/26/2012	87392	681.96
CD	LODDER HOMES -	01/26/2012	87393	1,500.00
CD	BLAKE MATHEWS CONSTRUCTION - PERMIT #11-	01/26/2012	87394	1,500.00
CD	PC WORLD - SUBSCRIPTION RENEWAL	01/26/2012	87395	44.97
CD	SPACE MANAGEMENT SPECIALISTS - SUPPLIES	01/26/2012	87396	101.03
CD	STREAMLINE SUPPLY INC. - SUPPLIES	01/26/2012	87397	186.50
CD	SUNSET KUBOTA - PARTS	01/26/2012	87398	170.64
CD	TEE'S PLUS - SUPPLIES	01/26/2012	87399	65.00
CD	UTAH LOCAL GOVERNMENTS TRUST - LOCAL OFF	01/26/2012	87400	65.00
CD	VLS - PARTS	01/26/2012	87401	487.62
CD	HENRY WALKER HOMES -	01/26/2012	87402	3,000.00
CD	WALLWORKS - SIGNS	01/26/2012	87403	130.00
CD	WASATCH VALLEY EXCAVATION - METER DEPOSI	01/26/2012	87404	34.72
CD	UTAH STATE TAX COMMISSION -	01/26/2012	87405	811.53
CD	WESTWOOD MILL & CABINET, INC. - SUPPLIES	01/26/2012	87406	750.00
CD	TECHNOLOGY NET COMPANY - COMPENSATION SI	01/26/2012	87407	350.00
CDA	A-1 UNIFORMS	01/26/2012	87408	241.52
CDA	ACADEMY SPORTS	01/26/2012	87409	336.00

Journal	Payee or Description	Date	Check No	Amount
CDA	AMERICAN LINEN - STEINER	01/26/2012	87410	51.94
CDA	BATTERIES PLUS	01/26/2012	87411	31.92
CDA	BELL JANITORIAL SUPPLY, LLC	01/26/2012	87412	272.84
CDA	BLACK & MCDONALD	01/26/2012	87413	1,487.60
CDA	MIKE BLACKHAM	01/26/2012	87414	435.00
CDA	BOUNTIFUL MEMORIAL ART SHOP	01/26/2012	87415	100.00
CDA	CANYON OFFICE PRODUCTS	01/26/2012	87416	4.72
CDA	CARR PRINTING COMPANY	01/26/2012	87417	530.00
CDA	CASELLE	01/26/2012	87418	200.00
CDA	CENTERVILLE CITY	01/26/2012	87419	72.92
CDA	CHEMTECH-FORD ANALYTICAL LABS	01/26/2012	87420	410.00
CDA	CENTURY LINK	01/26/2012	87421	1,086.54
CDA	CINTAS LOCBOX636525	01/26/2012	87422	35.73
CDA	SHELLIE CHRISTENSEN	01/26/2012	87423	1,752.00
CDA	CLIPPER PUBLISHING COMPANY	01/26/2012	87424	78.44
CDA	COLONIAL BUILDING SUPPLY, INC.	01/26/2012	87425	350.38
CDA	COMCAST	01/26/2012	87426	75.81
CDA	COMFORT SYSTEMS	01/26/2012	87427	3,739.09
CDA	COSTCO HSBS BUSINESS SOLUTIONS	01/26/2012	87428	478.20
CDA	CRAYTHORNE, INC.	01/26/2012	87429	696.69
CDA	L. N. CURTIS & SONS	01/26/2012	87430	1,027.89
CDA	DJB GAS SERVICES, INC.	01/26/2012	87431	13.50
CDA	DIGIS	01/26/2012	87432	50.40
CDA	DISH NETWORK	01/26/2012	87433	86.88
CDA	DUNCAN ELECTRIC SUPPLY	01/26/2012	87434	137.40
CDA	ELECTRICAL WHOLESALE SUPPLY	01/26/2012	87435	510.00
CDA	ESI ENGINEERING, INC.	01/26/2012	87436	880.00
CDA	EVCO HOUSE OF HOSE	01/26/2012	87437	95.84
CDA	F. A. R. M. Police Supply	01/26/2012	87438	328.77
CDA	FIRETROL PROTECTIONS SYSTEMS	01/26/2012	87439	170.70
CDA	INTERMOUNTAIN FARMERS ASSOC.	01/26/2012	87440	47.69
CDA	INTERWEST SUPPLY CO	01/26/2012	87441	675.17
CDA	KASTLE ROCK EXCAVATING	01/26/2012	87442	2,051.20
CDA	KAYSVILLE CITY	01/26/2012	87443	260.00
CDA	KENT'S REPAIR	01/26/2012	87444	816.43
CDA	KROGER - SMITH'S CUSTOMER CHGS	01/26/2012	87445	2,185.28
CDA	KURT'S SHOP	01/26/2012	87446	525.00
CDA	LEXIS PUBLISHING	01/26/2012	87447	100.00
CDA	MARLO PRODUCTS	01/26/2012	87448	99.90
CDA	MATRIX MEDICAL	01/26/2012	87449	1,383.32
CDA	MAZURAN & HAYES, PC	01/26/2012	87450	5,313.00
CDA	LARRY H. MILLER CHRYSLER JEEP	01/26/2012	87451	264.60
CDA	MOENCH PRINTING	01/26/2012	87452	1,710.00
CDA	MOUNT OLYMPUS WATERS, INC.	01/26/2012	87453	11.50
CDA	MOUNTAIN STATES SUPPLY, INC.	01/26/2012	87454	204.52
CDA	MOUNTAIN WEST TRUCK CENTER	01/26/2012	87455	69.45
CDA	NORCO WELDING SAFETY MEDICAL	01/26/2012	87456	90.41
CDA	OCE NORTH AMERICA	01/26/2012	87457	69.53
CDA	O.C. TANNER	01/26/2012	87458	262.67
CDA	OFFICE DEPOT	01/26/2012	87459	211.86
CDA	PJ CHEESE, INC	01/26/2012	87460	164.50
CDA	PARK LANE CHEVRON	01/26/2012	87461	64.31
CDA	PERSONNEL SYSTEMS & SERVICES	01/26/2012	87462	1,200.00
CDA	PETROLEUM EQUIPMENT CO.	01/26/2012	87463	133.50
CDA	PRIME SYSTEMS	01/26/2012	87464	419.00
CDA	PRIORITY DISPATCH	01/26/2012	87465	39.00
CDA	PROFESSIONAL SALES & SERVICE	01/26/2012	87466	12,946.08
CDA	PURCELL TIRE & RUBBER COMPANY	01/26/2012	87467	638.76
CDA	QUESTAR GAS	01/26/2012	87468	6,140.82

Journal	Payee or Description	Date	Check No	Amount
CDA	TOM RANDALL DISTRIBUTING	01/26/2012	87469	10,538.58
CDA	RAY'S MUFFLER SERVICE	01/26/2012	87470	426.50
CDA	RED FLAME CATERING	01/26/2012	87471	588.48
CDA	ROCKY MOUNTAIN POWER	01/26/2012	87472	7,740.09
CDA	ROBINSON WASTE SERVICES	01/26/2012	87473	38,294.04
CDA	RURAL WATER ASSOCIATION OF UT	01/26/2012	87474	1,350.00
CDA	SAFETY-KLEEN CORP.	01/26/2012	87475	40.00
CDA	SAM'S CLUB	01/26/2012	87476	198.50
CDA	SEMI SERVICE, INC.	01/26/2012	87477	566.26
CDA	SHRED-IT USA - SALT LAKE CITY	01/26/2012	87478	64.20
CDA	SKAGGS COMPANIES, INC.	01/26/2012	87479	99.99
CDA	STAPLES ADVANTAGE	01/26/2012	87480	254.85
CDA	STICK-IT	01/26/2012	87481	238.00
CDA	SUNRISE ENGINEERING, INC.	01/26/2012	87482	2,226.13
CDA	T-MOBILE	01/26/2012	87483	125.41
CDA	THATCHER COMPANY	01/26/2012	87484	514.80
CDA	TOP STOP CHEVRON	01/26/2012	87485	120.12
CDA	UNITED STATES WELDING, INC.	01/26/2012	87486	42.35
CDA	UTAH COMMUNICATIONS AGENCY NET	01/26/2012	87487	883.50
CDA	UTAH RISK MANAGEMENT	01/26/2012	87488	6,161.90
CDA	UTAH STATE DEPARTMENT OF	01/26/2012	87489	1,276.68
CDA	WASATCH INTEGRATED WASTE	01/26/2012	87490	3,222.32
CDA	WEBER BASIN WATER	01/26/2012	87491	89.29
CDA	WILLEY FORD	01/26/2012	87492	155.85
CDA	WINMARK INC.	01/26/2012	87493	14.75
CDA	WORKERS COMPENSATION FUND	01/26/2012	87494	3,420.25
CDA	YOUR VALET CLEANERS	01/26/2012	87495	167.88
CD	DEPT. OF WORKFORCE SERVICES - WORK FORCE	01/31/2012	87496	1,276.68
				Total: 636,761.43

Report Criteria:

Transaction Journal Code = CD, CDA, CDPT



FARMINGTON CITY

SCOTT C. HARBERTSON
MAYOR

JOHN BILTON
NELSEN MICHAELSON
CORY R. RITZ
JIM TALBOT
JAMES YOUNG
CITY COUNCIL

DAVE MILLHEIM
CITY MANAGER

City Council Staff Report

To: Honorable Mayor and City Council

From: Ken Klinker

Date: February 14, 2012

SUBJECT: **MILLER MEADOWS FORBEARANCE AGREEMENT**

RECOMMENDATION

Approve the enclosed Forbearance Agreement concerning the Notice of Default for the Miller Meadows Phase 2 Subdivision improvement bond.

BACKGROUND

The public improvements at the Miller Meadows Phase 2 Subdivision entered into a two-year warranty period on September 8, 2008. On October 4, 2010, a walk-thru was conducted and a punch list containing 39 items needing correction was given to the developer. By January 2012, after numerous discussions with the developer, none of the items had been completed.

On January 6, 2012, another walk-thru was done, and a new punch list identifying 51 items that need correction was developed. Upon consultation with staff, public works and our attorney, the City issued a Notice of Default on January 23, 2012, demanding completion of all items on the punch list within thirty days or further approvals, licenses and permits would be withheld.

When the Developer received the Notice of Default, he initiated discussions with the City where it was agreed that some of the items on the list were weather related, and it would be better to do them once winter was over. Because this reasoning had been used in the past, but the work never got done, it has been determined the proposed Forbearance Agreement should be entered into to provide specific deadlines for the completion of the work on the punch list. This will ensure that work that is not weather related gets done before there are building permits issued in future phases of the subdivision, and that weather related work will get done in a timely manner once weather permits.

Respectfully Submitted

Ken Klinker
Planning Department

Review and Concur

Dave Millheim
City Manager



FARMINGTON CITY

SCOTT C. HARBERTSON
MAYOR

JOHN BELTON
NELSEN MICHAELSON
CORY R. RITZ
JIM TALBOT
JAMES YOUNG
CITY COUNCIL

DAVE MILLHEIM
CITY MANAGER

January 23, 2012

JMR Land and Development, LLC
1284 W Flint Meadows Drive, Ste. C
Kaysville, UT 84037

RE: Miller Meadows Subdivision

Dear Sirs:

Pursuant to Section 11 of the Development Agreement for this project, you are hereby notified that you are in default of your obligations under the terms of the Agreement based on your failure to completely install and repair public improvements associated with the project. Notice of these deficiencies has been previously provided in numerous punchlists. A copy of those punchlists is attached hereto.

In the event you do not remedy all items of default on or before that date which is thirty days from the date of this letter, it is the City's intent to exercise its rights under the provisions of the Development Agreement, including the withholding of further approvals, licenses and permits and/or the assertion of other rights associated with the Agreement.

Please govern yourself accordingly.

Sincerely,

Dave Millheim
Farmington City Manager

cc: Mayor and City Council
Brock Johnston, Rainey Homes
Randy Rigby, RRR Ranch, LLC and West Glen Corporation

FORBEARANCE AGREEMENT

THIS AGREEMENT is made and entered into as of the ____ day of February, 2012, by and between **FARMINGTON CITY**, a Utah municipal corporation, hereinafter referred to as the "City," and the **RAINEY DEVELOPMENT, INC.**, a Utah corporation, hereinafter referred to as the "Developer."

RECITALS:

WHEREAS, the City has previously entered into that certain Development Agreement for the development of the Miller Meadows Subdivision with RRR Ranch, LLC, dated July 9, 2004; and

WHEREAS, Developer is the successor in interest to RRR Ranch, LLC; and

WHEREAS, the City has recently issued a Notice of Default to the Developer relating to the development of the Miller Meadows Subdivision; and

WHEREAS, Developer has requested that the City forbear on the exercise of its rights pursuant to the Development Agreement in exchange for certain commitments, performance and consideration from the Developer; and

WHEREAS, the City, subject the specific terms and conditions of this Forbearance Agreement, has agreed to withhold action on its declaration of default and exercise of legal rights pending those certain actions by Developer and the completion of those acts necessary to remedy the default;

NOW, THEREFORE, in consideration of the mutual covenants contained herein, and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties hereby agree as follows:

TERMS

1. **Incorporation of Recitals.** The recitals set forth above are hereby incorporated by reference as part of this Agreement.
2. **Forbearance.** The City hereby agrees to forbear and delay any action relating to that certain Notice of Default issued by the City on January ~~23~~, 2012, relating to the Miller Meadows Subdivision, subject to, and specifically conditioned upon, Developer's compliance with the terms and conditions, and performance and satisfaction of Developer's commitments of this Forbearance Agreement, as more specifically set forth below.
3. **Immediate Action on Punch Lists.** Developer hereby agrees that it shall immediately undertake all of the items of immediate repairs as set forth on the punch list from the City dated January 6, 2012, which items have been circled by the City and identified for immediate completion. A copy of the punch list, with the items of immediate repair, is attached hereto as Exhibit "A" and incorporated herein by reference.

4. **Full Completion of Punch List.** Developer hereby agrees that as soon as weather permits, and no later, it shall undertake the completion of all repairs listed on the punch list in Exhibit "A", including those not identified for immediate repair, and shall complete all items, including asphalt and road crack sealing, prior to July 1, 2012.

5. **Prohibition of Building Permit Issuance.** The parties hereby specifically agree that the City shall not be obligated to issue any building permits on Lots 401 through 409 of the Miller Meadows Phase 4 Subdivision until all of the punch list items from the January 6, 2012 punch list are completed with the exception of items Nos. 20, 25, 29, 34, 40 and 46. In the event the City determines, in its sole discretion, that repairs relating to all items on the January 6, 2012 punch list have not been undertaken at the earliest reasonable date, and/or are not being pursued to completion, the City may, upon five (5) days prior notice to Developer, withhold further issuance of building permits, and may immediately seek all rights and remedies available at law pursuant to the terms of the Development Agreement for the Miller Meadows Subdivision and any Subdivision Improvement Agreements posted in conjunction with the Development of any phases of the Miller Meadows Subdivision.

6. **Acknowledgement of Binding Obligations.** Developer hereby specifically acknowledges and affirms that it is the successor in interest to RRR Ranch, LLC pursuant to the terms of the Development Agreement for the Miller Meadows Subdivision and that it has taken and accepted, by assignment, all obligations of the Developer pursuant to the terms and conditions of that Agreement and is legally bound thereby.

7. **Effect on Other Provisions.** The terms of this Forbearance Agreement shall not be deemed to be an amendment of the Development Agreement for the Miller Meadows Subdivision or an amendment of any bond or subdivision improvements agreement entered in relationship to the development of any phase of the Miller Meadows Subdivision and all provisions of the Development Agreement and all related agreements shall remain in full force and effect.

8. **Effect of Forbearance.** The City's forbearance of any rights or remedies available to it under the terms of the Development Agreement shall not be deemed to be a waiver or release of the City's ability to exercise on those rights and the City shall only be obligated under the terms of this Forbearance Agreement so long as Developer diligently undertakes and pursues to completion, without delay or interruption, all work required of it pursuant to the terms of this Forbearance Agreement.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement individually or by and through their respective, duly authorized representatives as of the day and year first above written.

CITY
FARMINGTON CITY

ATTEST

City Recorder

By: _____
Scott C. Harbertson, Mayor

DEVELOPER
RAINEY DEVELOPMENT, INC.

By: _____

Its: _____

ACKNOWLEDGMENTS

STATE OF UTAH)
 : ss.
COUNTY OF DAVIS)

On the ____ day of _____, 2012 personally appeared before me Scott Harbertson, who being duly sworn, did say that he is the Mayor of **FARMINGTON CITY**, a municipal corporation of the State of Utah, and that the foregoing instrument was signed in behalf of the City by authority of its governing body and said Scott Harbertson acknowledged to me that the City executed the same.

Notary Public

STATE OF UTAH)
 : ss.
COUNTY OF DAVIS)

On the ___ day of _____, 2012, personally appeared before me _____, _____, who being by me duly sworn, did say that (s)he is the _____ of RAINEY DEVELOPMENT, INC., a corporation, and that the foregoing instrument was signed in behalf of said corporation by authority of its bylaws or by a resolution of its Board of Directors; and acknowledged to me that said corporation executed the same.

Notary Public

Exhibit "A"

Punch list items
for Brock to
complete.

Miller Meadows Phase 2
Punch List
January 6, 2012

1-31-12

- ① 632 Rigby Road find and raise water meter to grade.
2. 613 Rigby Road replace 3 sections of sidewalk and raise water meter to grade.
3. Patch curb throughout subdivision.
4. Lot 613 on Rigby Road patch road where it is settled.
5. 614 Rigby Road replace 3 sections of curb.
6. 601 Rigby Road find and raise water meter and replace a section of sidewalk.
7. 598 Rigby Road find and raise water meter, redo a collar and patch road where it has settled.
8. 587 Rigby Road replace 3 sections of sidewalk and a section of curb.
9. 582 Rigby Road grind and seal 2 cracks in the curb and skim patch the road along the gutter.
10. 571 Rigby Road grind and seal 3 cracks in the curb.
- ⑪ Remove bags around inlet boxes.
- ⑫ Clean out storm drain boxes.
13. 556 Rigby Road replace 4 sections of sidewalk.
- ⑭ 568 Rigby Road raise water meter box.
15. 542 Rigby Road replace 3 sections of sidewalk and raise water meter box.
16. Lot across the street from 542 Rigby Road replace 9 sections of sidewalk and raise water meter box.
17. Lot across the street from 528 Rigby Road replace a section of curb.
18. Rigby Road on south side just west of Daniel Drive the curb is spalling.
19. 528 Rigby Road replace 8 sections of sidewalk because it is spalling.
20. Rigby Road asphalt is coming apart in front of 528.
21. 513 Rigby Road replace approximately 15 sections of sidewalk because it is spalling and 1 section that is cracked.
22. 502 Rigby Road grind and seal a crack in the curb and raise water meter box.
23. Daniel Drive and Rigby Road south west corner grind and seal 2 cracks in the curb.
24. Fix handicap ramps throughout subdivision.
25. Crack seal throughout subdivision where asphalt is pulling away from curb.
26. Daniel Drive on the north end on the south side of the road replace 2 sections of sidewalk on the stub.
- ⑳ Daniel Drive on the north end on the stub the curb needs to drain into the field.
- ㉑ Put lid on fire hydrant valve out in the field.
29. Daniel Drive north end of the stub north of Rigby Road the asphalt is coming apart.
30. Rigby Road east stub repair asphalt.
31. 471 Rigby Road raise water meter and replace a section of sidewalk on east stub.
32. 476 Rigby Road replace 4 sections of sidewalk.
33. North stub of Rigby Road find and collar hydrant valve and storm drain manhole.
34. Crack seal cracks throughout the subdivision.
35. Fix curb in front of 606 Daniel Drive that has sunk.

36. Across from 606 Daniel Drive replace cracked sidewalk.
37. 628 Daniel Drive grind and seal crack in curb and raise water meter.
38. 627 Daniel Drive raise water meter.
39. 644 Daniel Drive raise water meter.
40. Daniel Drive and Daniel Court fix handicap ramp trip hazard and fix asphalt.
41. 457 Daniel Court replace 2 sections of curb.
42. Clean dirt out of curb on Daniel Court and find valve for fire hydrant.
43. Shut off access on end of Daniel Court is cracking.
44. 644 Daniel Drive replace 4 sections of sidewalk and grind and seal crack in the curb.
45. 666 Daniel Drive raise water meter box.
46. Fix road where it has settled in front of 668 Daniel Drive.
47. Across from 668 Daniel Drive repair a section of sidewalk.
48. South end on 650 West extend curb and sidewalk, install inlet box. Put everything where it is supposed to go.
49. Finish work on 650 West on the north end.
50. Get rid of ditch on south end of detention basin and make sure the water from the gutter will flow to the inlet box. Put lid on box.
51. Over flow on the detention basin needs to be the low point.

For Council Meeting:
February 21, 2012

**S U B J E C T: Ordinance Amending, Renumbering and Recodifying Title 1 of the
Municipal Code**

ACTION TO BE CONSIDERED:

Approve the attached Ordinance amending, renumbering and recodifying Title 1 of the Farmington City Municipal Code.

GENERAL INFORMATION:

See enclosed staff report prepared by Holly Gadd

NOTE: Appointments must be scheduled 14 days prior to Council Meetings; discussion items should be submitted 7 days prior to Council meeting.

FARMINGTON CITY



SCOTT C. HARBERTSON
MAYOR

JOHN BILTON
NELSEN MICHAELSON
CORY R. RITZ
JIM TALBOT
JAMES YOUNG
CITY COUNCIL

DAVE MILLHEIM
CITY MANAGER

City Council Staff Report

To: Mayor and City Council

From: Holly Gadd

Date: February 16, 2012

SUBJECT: **ORDINANCE AMENDING, RENUMBERING AND
RECODIFYING TITLE 1 OF THE MUNICIPAL CODE**

RECOMMENDATION

Approve the attached Ordinance amending, renumbering and recodifying Title 1 of the Farmington City Municipal Code.

BACKGROUND

Staff is in the process of updating the City's code books. There have been a number of State statutory changes to general municipal provisions which the City's code books do not reflect. In light of these changes, We will be working with Lisa Romney to review each title and make the necessary revisions along with minor updates, such as renumbering so all of the titles are consistent.

We will prepare the recommended updates and submit them to you in small groups for your approval. Once the updates have been made and approved by the City Council, over the course of the next several months we will be posting them on the City's website.

Respectfully Submitted

Review & Concur

Holly Gadd
City Recorder

Dave Millheim
City Manager

ORDINANCE NO. 2012 _____

**AN ORDINANCE AMENDING, RENUMBERING AND RECODIFYING
TITLE 1 OF THE FARMINGTON MUNICIPAL CODE REGARDING
GENERAL PROVISIONS**

WHEREAS, there have been a number of State statutory changes to general municipal provisions, including changes to the noticing requirements for annexation, boundary adjustments and disconnections; and

WHEREAS, in light of such State statutory changes and other recommended updates, Staff has evaluated, reviewed and prepared suggested revisions, renumbering and updates to Title 1 of the Farmington Municipal Code regarding General Provisions and recommends adoption of the revisions as more particularly set forth herein; and

WHEREAS, the City Council has reviewed the recommended changes to Title 1 of the Farmington Municipal Code and desires to adopt the recommended revisions, renumbering and updates as more particularly set forth herein to comply with the requirements of State law; and

WHEREAS, the City Council finds that the proposed revisions, renumbering and updates to Title 1 are in the best interest of the public to ensure that the City's ordinances are up to date and in compliance with applicable provisions of State law.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF
FARMINGTON CITY, STATE OF UTAH:**

Section 1. **Amendment and Recodification.** Title 1 of the Farmington City Municipal Code regarding General Provisions is hereby amended, renumbered and recodified to read in its entirety as set forth in **Exhibit "A,"** attached hereto and incorporated herein by this reference.

Section 2. **Repealer.** The amendment, renumbering and recodification of Title 1 of the Farmington Municipal Code shall be a repeal of all ordinances in conflict with the adopted and codified Ordinances, provided however, all ordinances in force prior to the adoption and codification shall continue in force after the adoption and codification for the purpose of all rights acquired, fines, penalties, forfeitures and liabilities incurred and actions therefor.

Section 3. **Severability Clause.** If any section, part or provision of this Ordinance is held invalid or unenforceable, such invalidity or unenforceability shall not affect any other portion of this Ordinance, and all provisions, clauses and words of this Ordinance shall be severable. This Section shall become effective without codification.

Section 4. Effective Date. This Ordinance shall become effective upon publication or posting, or twenty (20) days after adoption, whichever occurs first.

PASSED AND ADOPTED BY THE CITY COUNCIL OF FARMINGTON, STATE OF UTAH, ON THIS ____ DAY OF FEBRUARY, 2012.

FARMINGTON CITY

By: _____
Mayor Scott Harbertson

ATTEST:

Holly Gadd, City Recorder

Voting by the City Council:

	"AYE"	"NAY"
Councilmember Bilton	_____	_____
Councilmember Michaelson	_____	_____
Councilmember Ritz	_____	_____
Councilmember Talbot	_____	_____
Councilmember Young	_____	_____

EXHIBIT "A"

TITLE 1 GENERAL PROVISIONS

TITLE 1

GENERAL PROVISIONS

- CHAPTER 1-01. GENERAL CITY PROVISIONS
- CHAPTER 1-02. GENERAL CODE PROVISIONS
- CHAPTER 1-03. DEFINITIONS
- CHAPTER 1-04. RULES OF CONSTRUCTION
- CHAPTER 1-05. VIOLATIONS
- CHAPTER 1-06. CIVIL ENFORCEMENT

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CHAPTER 1-01. GENERAL CITY PROVISIONS

- 1-01-010. Incorporation.
- 1-01-020. Classification.
- 1-01-030. City Seal.
- 1-01-040. Annexation.
- 1-01-050. Boundary Adjustment.
- 1-01-060. Disconnection.

1-01-010. Incorporation.

Farmington City was incorporated as a municipal corporation on the 21st day of November, 1892. Farmington City is a political subdivision of the State of Utah and may be referred to as "Farmington City, a municipal corporation."

1-01-020. Classification.

Farmington City is classified as a fourth class city under *Utah Code Ann.* § 10-2-301, as amended, as it has a population of more than ten thousand (10,000) and less than thirty thousand (30,000). Any change in classification of the City shall be made pursuant to *Utah Code Ann.* §§ 10-2-301 through -306, as amended.

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1-01-030. City Seal.

The corporate seal of Farmington City, established and declared to be the seal of the City, is circular in form with a pair of balances held by a woman's hands pictured in the center and the words "Farmington City Seal" inscribed around the outer edge, "Davis County, Utah" inscribed around the lower edge, and the words "Incorporated November 21, 1892" in a smaller circle.

1-01-040. Annexation.

Farmington City may annex any contiguous, unincorporated area that is contiguous to the existing City corporate boundaries in accordance with the procedures and requirements set forth in *Utah Code Ann.* §§ 10-2-401 through 10-2-428, as amended.

Deleted: , including the notice procedures set forth in *Utah Code Ann.* § 10-1-116, as amended

1-01-050. Boundary Adjustment.

Farmington City may adjust its common boundary with an adjacent municipality in accordance with the procedures and requirements set forth in *Utah Code Ann.* §§ 10-2-419 through 10-2-428, as amended.

Deleted: , including the notice procedures set forth in *Utah Code Ann.* § 10-1-116, as amended

1-01-060. Disconnection.

Any proposed disconnection of area within the corporate boundaries of the City shall comply with the procedures and requirements set forth in *Utah Code Ann.* §§ 10-2-501 through 10-2-510, as amended.

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CHAPTER 1-02 GENERAL CODE PROVISIONS

- 1-02-010. Title.
- 1-02-020. Citation.
- 1-02-030. Amendments.
- 1-02-040. Updates to Code.
- 1-02-050. Recodification.
- 1-02-060. Accrued Rights.
- 1-02-070. Continuation of Prior Ordinances.
- 1-02-080. Omission of General Law not Waiver.
- 1-02-090. Severability Clause.

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1-02-010. Title.

The Ordinances set forth herein shall be known and may be cited as the "Farmington City Municipal Code."

1-02-020 Citation.

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Any provision of state law adopted herein by reference as a City ordinance shall be cited by adding the number of the Title in this Code in front of the section number assigned in the *Utah Code Annotated*. For example, *Utah Code Ann. § 76-1-101* adopted by reference in Title 13 of this Code shall be cited as 13/76-1-101. Any reference to the number of any section contained herein shall be understood to refer to its appropriate chapter and title heading, and to the general penalty clause relating thereto, as well as to the section itself, when reference is made to this Code by title in any legal documents. This Code, as adopted by the City, including any amendments hereto, shall be prima facie evidence of the contents, passage, and legal publication of such ordinances, as of the effective date of adoption, in all courts and administrative proceedings.

1-02-030. Amendments.

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Any ordinances adding to, deleting from, or altering any part of this Code shall constitute an amendment thereto and shall be adopted by ordinance of the City Council. Any ordinance amending this Code shall set forth the title, chapter and section number of the section or sections to be amended, and shall contain and be substantially in the form set forth in *Utah Code Ann. § 10-3-704*, as amended.

1-02-040. Updates to Code.

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The City Recorder should implement appropriate procedures to provide replacement pages and updates for official copies and electronic versions of the Code. Any person having custody of an official copy of the Code shall make every effort to maintain said Code current as to the most recent ordinances passed and shall follow all Instructions for immediate insertion of replacement pages. Copies of official Code books, while in actual possession of officials and other interested persons, shall be and remain the property of the City and shall be returned to the office of the City Recorder when directed to do so by the City.

1-02-050. Recodification.

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Any amendment, revision, recodification and compilation of this Code shall be a repeal of all ordinances in conflict with the amendment, revision, recodification and compilation, provided, all ordinances then in effect shall continue in force after the amendment, revision, recodification and compilation for the purpose of all rights acquired, fines, penalties and forfeitures and liabilities incurred and actions therefor.

1-02-060. Accrued Rights.

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Unless otherwise provided, the repeal, amendment or recodification of any provision, section, chapter or title of this Code shall not affect suits pending or rights existing immediately prior to the effective date of the revision; impair, avoid, or affect any grant or conveyance made or right acquired or cause of action now existing under any revised provision; affect or impair the validity of any bonds or other obligations issued or sold prior to the effective date of the revision; nor shall the repeal, amendment or recodification of any ordinance hereby have the right of reviving any ordinances already repealed or superseded, unless the ordinance containing the amendment or repealer specifically indicates otherwise.

1-02-080. Omission of General Law Not Waiver.

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The omission to specify or enumerate in this Code those provisions of the general law applicable to all cities shall not be construed as a waiver of the benefits of any such provision.

1-02-090. Severability Clause.

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If any title, chapter, section, subsection, sentence, or provision of this Code or application thereof is held to be unconstitutional, invalid, void or unlawful by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Code.

CHAPTER 1-03 DEFINITIONS

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1-03-010. Definitions.

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1-03-010. Definitions.

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In the construction of this Code, all ordinances of the City, and any amendments thereto, the following words and terms shall have the meaning indicated, unless such definition or construction would be inconsistent with or contrary to the context of the Ordinance.

- (a) "City" shall mean Farmington City, Davis County, Utah.
- (b) "City Council" shall mean the Farmington City Council.
- (c) "Code" shall mean Farmington City Municipal Code.
- (d) "County" shall mean Davis County, Utah.
- (e) "Officers" and "Employees" shall mean officers and employees of Farmington City.
- (f) "Ordinances" shall mean the ordinances of Farmington City.
- (g) "Person" shall mean any individual, corporation, partnership, limited liability company, organization, association, trust, partnership, governmental entity, or any other legal entity.
- (h) "State" shall mean the State of Utah.

CHAPTER 1-04 RULES OF CONSTRUCTION

- 1-04-010. Rules of Construction.
- 1-04-020. Common Usage.
- 1-04-030. Use of Numbers.
- 1-04-040. Use of Gender.
- 1-04-050. Verb Tense.
- 1-04-060. Mandatory Language.
- 1-04-070. Headings.
- 1-04-080. Computation of Time.

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1-04-010. Rules of Construction.

In the construction or interpretation of this Code, all ordinances of the City and any amendments thereto, the following rules of construction shall be observed when necessary or applicable, unless such construction would be inconsistent with the manifest intent of the City Council or contrary to the context of the Ordinance.

1-04-020. Common Usage.

All words and phrases shall be construed and understood according to the common use and understanding of the language, but technical words and phrases as may have acquired a particular meaning in the law shall be construed and understood according to such particular meaning.

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1-04-030. Use of Numbers.

Unless otherwise specifically provided herein, whenever any provision of this Code refers to the plural number in describing or referring to any matters, parties or persons, any single matter, party or person shall be deemed to be included, and vice versa.

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1-04-040. Use of Gender.

Unless otherwise specifically provided herein, whenever any provision of this Code refers to the masculine in describing or referring to any matters, parties or persons, the feminine shall be deemed to be included, and vice versa.

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1-04-050. Verb Tense.

Unless otherwise specifically provided herein, the use of any verb in the present tense shall be deemed to include the future and past tense of such verb, when applicable, and vice versa.

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1-04-060. Mandatory Language.

The term "shall" as used in this Code is a mandatory and the term "may" as used herein is merely permissive.

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1-04-070. Headings.

Title, chapter or section headings contained herein shall not be deemed to govern, limit, modify or in any manner affect the scope, meaning or intent of the provisions of any title, chapter or section of this Code.

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1-04-080. Computation of Time.

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Unless otherwise provided, the time within which an act is required to be done shall be computed by excluding the first day and including the last day. If the last day is a Saturday, Sunday or holiday, then the last day shall be the next following business day.

CHAPTER 1-05 VIOLATIONS

1-05-010. Violations.

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1-05-015. Criminal Enforcement Action.

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1-05-020. Criminal Penalties.

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1-05-030. Civil Penalties.

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1-05-040. Continuing Violation.

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1-05-050. Other Relief.

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1-05-010. Violations.

Unless otherwise specifically provided herein or provided by law, any person who violates any provision of this Code may be guilty of a class B misdemeanor, subject to fines, forfeitures, penalties and/or imprisonment as provided herein.

1-05-015. Criminal Enforcement Action.

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Any criminal enforcement action regarding the violation of this Code shall comply with applicable provisions of the Utah Code of Criminal procedure, as set forth in Title 77 of the Utah Code, and the Utah Rules of Criminal Procedures, as adopted by the Supreme Court of Utah.

1-05-020. Criminal Penalties.

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(a) Class B Misdemeanors. Persons found guilty of a class B misdemeanor shall be subject to fines, forfeitures, penalties and/or imprisonment as provide by law for class B misdemeanors, including, but not limited to, *Utah Code Ann.* §§ 76-3-204 and -301, as amended.

(b) Class C Misdemeanor. Persons found guilty of a class C misdemeanor shall be subject to fines, forfeitures, penalties and/or imprisonment as provided by law for class C misdemeanors, including, but not limited to, *Utah Code Ann.* §§ 76-3-204 and -301, as amended.

(c) Infractions. Persons found guilty of an infraction may not be imprisoned but shall be subject to fines, forfeitures and/or penalties as provided by law for infractions, including, but not limited to *Utah Code Ann.* § 76-3-205 and -301, as amended.

(d) Corporate Penalties. Corporations, associations, partnerships or governmental instrumentalities shall be subject to fines and sanctions for violations as set forth in *Utah Code Ann.* §§ 76-3-302 and -303, as amended.

1-05-030. Civil Penalties.

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The City may establish and impose a civil penalty for various violations of City Ordinances to the extent permitted by and in accordance with applicable provisions of State law, including, but not limited to, *Utah Code Ann.* § 10-3-703 and -703.7, as amended, and *Utah Code Ann.* § 10-9a-803, as amended. In accordance with such provisions, the City has adopted a civil enforcement program, including civil penalties for Code violations, as more particularly set forth in Title 1, Chapter 6.

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1-05-040. Continuing Violation.

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In instances where the violation of this Code is a continuing violation, a separate offense shall be deemed committed for each day in which the violation occurs or continues to occur.

1-05-050. Other Relief.

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This Chapter shall not limit the authority of the City or any court of competent jurisdiction to impose any other sanction or order any other relief as may be appropriate and lawful under the laws of the State of Utah.

1-06-040. Civil Liability.

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By establishing performance standards or by establishing obligations to act, it is the intent of the City Council that City employees and officers are exercising discretionary authority in pursuit of an essential governmental function and that any such standards or obligations shall not be construed as creating a ministerial duty for purposes of tort liability.

1-06-050. Definitions.

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For purposes of this Chapter, the following words shall be defined as set forth herein:

- (a) **Civil Citation.** Civil citation means a citation issued to a responsible person which gives notice of a violation and the civil penalty for such violation.
- (b) **Enforcement Official.** Enforcement official means any person authorized by the City to enforce violations of the Farmington City Municipal Code, including, but not limited to code enforcement officers, zoning officers, police officers, and building inspection officials.
- (c) **Hearing Officer.** Hearing officer shall mean a person appointed, contracted or hired by the City to conduct administrative hearings and to issue administrative orders as provided in this Chapter.
- (d) **Notice of Violation.** Notice of violation means a written notice that informs the responsible person of Code violations and orders certain steps to correct or remedy the violations.
- (e) **Person.** Person means any natural person, firm, joint venture, partnership, association, club, company, corporation, limited liability company, business trust, firm, organization, or any other entity that is recognized by law.
- (f) **Property Owner.** Property owner means the record owner of real property as shown on the records of the Davis County Assessor or Recorder's Office.
- (g) **Responsible Person.** Responsible person means any person(s) who is responsible for causing or maintaining a violation of the Farmington City Municipal Code. The property owner, tenant, person with a legal interest in the property, or person in possession of the real property may be liable for any violation maintained on the property.

1-06-060. Notice Requirements.

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Whenever notice is required to be given under this Chapter, the notice shall be served by one of the following methods, unless different provisions are otherwise specifically stated to apply:

- (a) **Personal service;**
- (b) **Certified mail, return receipt requested, postage prepaid, to the last known address(es) of the responsible person(s);**
- (c) **Posting the notice conspicuously on or in front of the property, if inhabited; if the property is uninhabited, the notice must be personally served, mailed or published as provided herein; or**
- (d) **Published in a newspaper of general circulation when the identity or whereabouts of the person to be served are unknown and cannot be ascertained through reasonable diligence, where service is impracticable under the circumstances, or where there exists good cause to believe the person to be served is avoiding service.**

Failure of a responsible person to receive notice shall not affect the validity of any action taken hereunder if notice has been served in the manner set forth above. Service by certified mail shall be deemed served on the date signed for on the return receipt.

1-06-070. Investigation and Inspection.

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An enforcement official may investigate any purported violation of City Ordinances and take such action as is warranted under the circumstances in accordance with the provisions and procedures set forth in this Chapter. An enforcement official is authorized to enter upon any property or premises to ascertain whether the provisions of City Ordinances are being obeyed and to make any reasonable examination or survey necessary to determine compliance. This may include the taking of photographs, samples, or other physical evidence. All inspections, entries, examinations and surveys shall be done in a reasonable manner and with prior notice and approval from the property owner. If a property owner or responsible person refuses to allow an enforcement official to enter property, the enforcement official shall obtain a search warrant before entering the property.

1-06-080. Notice of Violation.

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If an enforcement official determines that any provision of the Farmington City Municipal Code is being violated or continues to exist and immediate enforcement action is not necessary under the circumstances, the enforcement official shall provide a written notice of violation to the property owner or other responsible person. Such written notice of violation shall indicate the nature of the violation, the action necessary to correct the violation, the warning period established before further enforcement action or penalties, and the potential enforcement action and/or penalties to be imposed for failure to cure the violation within the established warning period. Such notice of violation shall be served in accordance with Section 1-06-060. Such notice of violation shall serve to start the warning period.

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1-06-090. Warning Period.

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Unless otherwise determined by an enforcement official, in his or her sole discretion in accordance with the provisions of Section 1-06-100, the warning period for correction of violations set forth in the notice of violation shall be ten (10) days from the date of receipt of the notice of violation. If the violation remains uncured after expiration of the warning period, the enforcement official shall pursue further enforcement action as deemed appropriate in accordance with the provisions provided herein. The enforcement official is authorized, in his or her discretion, to extend the warning period if the enforcement official determines that good cause exists for such extended warning period and the extension will not create or perpetuate a situation imminently dangerous to life or property. Any such extension shall require written agreement by the property owner or person responsible for the violation to remedy the violations within a set time frame and to comply with any and all conditions of extension as required by the enforcement official. A request for extension shall be filed in writing by the property owner or person responsible for the violation prior to the expiration of the ten (10) day response period.

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1-06-100. Immediate Enforcement.

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In the case of a violation involving public safety, continuing construction or development, storm drainage, an emergency situation, multiple or repeated violations, or for any other reason as reasonably determined by the enforcement official, the enforcement official may use the enforcement powers and remedies available to it under this Chapter, including issuance of a civil citation, without prior notice or notice of violation.

1-06-110. Civil Citation.

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If any violation remains uncured after issuance of a notice of violation and expiration of the warning period set forth therein, a civil citation may be issued to the property owner or other responsible person for the violation and civil penalties imposed for such violation. The civil citation shall be served in the manner set forth in Section 1-06-060. Each civil citation shall include the date and location of all violations, the Code sections violated, the amount of the civil penalty imposed for each violation, an explanation of how the civil penalty shall be paid, the consequences for failure to pay, an explanation of the right to and the procedures for requesting an administrative hearing, and the signature of the enforcement official issuing the citation.

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1-06-120. Civil Penalties.

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Civil penalties to be imposed for a civil citation shall be imposed in accordance with the civil penalties fee schedule adopted by the City. Pursuant to *Utah Code Ann. § 10-3-703*, the City Council may prescribe a minimum civil penalty for Code violations by a fine not to exceed the maximum class B misdemeanor fine which is \$1,000; provided, that civil penalties for a violation of the land use ordinances of the City shall not exceed the maximum fine for a class C misdemeanor. Civil penalties shall be due and owing to the City within ten (10) days from the date of service. The civil penalty shall be double if paid after ten (10) days but within twenty (20) days of service. The civil penalty shall triple if paid after twenty (20) days but within thirty days of service. After thirty (30) days, unpaid civil penalties shall accrue interest at the rate set forth by the State of Utah for unpaid judgments. Payment of any civil penalty shall not excuse any failure to correct a violation or the reoccurrence of the violation, nor shall it bar further enforcement action by the City. A civil citation and civil penalties may be imposed for each and every day a violation occurs or continues to exist. Additional civil penalties may be imposed for reoccurring offenses on the same property within one year from the imposition of a civil penalty. Civil penalties may not be imposed for a civil violation that occurs in conjunction with another criminal violation as part of a single criminal episode that will be prosecuted in a criminal proceeding. Civil penalties shall be paid to the City Finance Department.

1-06-130. Request for Administrative Hearing.

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Any responsible person served with a civil citation shall have the right to request an administrative hearing before a hearing officer by filing a written request for hearing. Such written request for hearing shall be filed with the City Recorder within ten (10) days from the date of service of the civil citation or other specified date set forth therein. Failure to request an administrative hearing as provided herein within ten (10) days from the date of service of the civil citation or other specified time frame shall constitute a waiver of the right to an administrative hearing and the right to an appeal.

1-06-140. Scheduling Administrative Hearing.

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Upon receipt of a request for an administrative hearing, the City Manager shall appoint, contract with or hire a hearing officer to hear the matter. As soon as practicable after being appointed, the hearing officer shall schedule a date, time and place for the administrative hearing and shall send written notice of same to the responsible person(s). Notice of the hearing shall be served on the responsible person(s) in accordance with the provisions of Section 1-06-060.

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1-06-150. Administrative Hearing Procedures.

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Administrative hearings are intended to be informal in nature. Formal rules of evidence and discovery shall not apply; provided, all persons shall be afforded due process of law, including adequate notice, an opportunity to be heard, and adequate explanation of the reasons justifying any action. The City shall bear the burden of proof to establish the existence of a violation of the Code. Such proof shall be established by a preponderance of the evidence. All administrative hearings shall be open to the public and shall be recorded. The responsible person shall have the right to be represented by an attorney. If an attorney will be representing a responsible person at a hearing, notice of the attorney's

name, address and telephone number shall be given to the City at least one (1) day prior to the hearing. If such notice is not given, the hearing may be continued at the City's request, and all costs of the continuance shall be assessed to the responsible person. The burden to prove any raised defenses shall be upon the party raising any such defense

1-06-160. Failure to Attend Administrative Hearing.

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A responsible person who fails to appear at an administrative hearing shall be deemed to have waived the right to such hearing, the adjudication of issues related to the hearing, and the right to appeal, provided that proper notice of the hearing has been given as provided in Section 1-06-060.

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1-06-170. Administrative Order.

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After holding the administrative hearing, the hearing officer shall issue a written administrative order affirming, rejecting or modifying the civil citation and/or civil penalties. The administrative order shall become final on the date of signing by the hearing officer. The administrative order shall be served on all parties in accordance with the provisions of Section 1-06-060.

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1-06-180. Appeal of Administrative Hearing Order.

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Any responsible person adversely affected by a final administrative order may file a petition for review in the district court. Any such appeal shall be filed within thirty (30) days after the administrative order is final. In the petition, the plaintiff may only allege that the administrative order was arbitrary, capricious or illegal. The court shall presume the administrative order is valid, review the record to determine whether the order was arbitrary, capricious or illegal, and affirm the order if it is supported by substantial evidence in the record. The record of the proceedings shall be transmitted to the reviewing court. The filing of the petition does not stay execution of an administrative order, unless so ordered by the hearing officer.

1-06-190. Failure to Comply.

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It shall be unlawful for a responsible person to fail to comply with any notice of violation, civil citation, or administrative order, or to pay the required civil penalties as imposed hereunder. A violation of this Section shall be a class B misdemeanor.

1-06-200. Collection.

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The City may use any lawful means available to collect any unpaid civil penalties imposed under this Chapter, including costs and reasonable attorney's fees.

CITY COUNCIL AGENDA

For Council Meeting:
February 21, 2012

SUBJECT: City Manager Report

1. Upcoming Agenda Items
2. To Do Lists
3. South Davis Transit Study update
4. Farmington Greens Open Space
5. Update on Farmington History Book

NOTE: Appointments must be scheduled 14 days prior to Council Meetings; discussion items should be submitted 7 days prior to Council meeting.

Upcoming Agenda Items

February 21, 2012 – Staff Reports Due: February 10th

Work Session: Discussion regarding Spring Clean-up

Presentations:

- Presentation of 15 year service awards for Police Department

Action Items:

- Approval of Minutes of Previous Meetings
- CenterCal Road Exchange Agreement for Portions of Park Lane
- Approval of On Premise Beer License for Legacy Events Center
- Request that City Council cancel Spring Cleanup for 2012

Summary Action Items:

- Ratification of Approvals of Construction & Storm Water Bond Logs
- Approval of Disbursement Lists for January 2012
- Forbearance Agreement relating to the Miller Meadows Subdivision

Discussion Items:

- Computer for Historic Preservation Committee

City Council Action List

Dept.	Status	Meeting Date	Item
Wait	Initiated	December 14, 2010	Talk to Well Driller and Paul Hirst about plans to open up the future pump house site to allow access to Forbusht Park from the East through the site. CRS is working on this
Dave M.	Initiated	January 5, 2011	Set up meeting with County on Court Services. Discuss with Department Heads any issues to bring up with County regarding improved prosecution needs, if any. (Waiting for information from County)
Dave P.	Initiated	January 5, 2011	Give Dave M status of Cory Ritz trail easement. What needs to be done to put this to bed?
Holly	Initiated	January 5, 2011	Find electronic drawing pad used for remote accessing screen. Train Dave P., Cynthia and Dave M. on how to use CC AV stuff.
Dave M.	Initiated	January 18, 2011	Work with Tim Taylor on improved signage request for I-15 and get to UDOT. Make sure Davis Clipper article goes with request to add emphasis.
Dave M.	Initiated	January 18, 2011	Nag Bryson Garbert on Nadine Simon to see when they will have something we can act upon.
Keith	Initiated	January 18, 2011	Work up general guidelines for use by community groups for after hours use of building.
Dave M.	Initiated	February 16, 2011	Change ROW notice letter to be defined \$65 fee. Hand deliver to affected providers. Begin negotiating new agreements. Make sure Public Works understands new rules.
Dave P.	Initiated	February 16, 2011	Come back to PC with recommended components for Affordable Housing compliance. Think multi-year and only tools we could accomplish in Farmington without a lot of administrative oversight. Staffing is limited.
Dave P.	Initiated	March 1, 2011	How do we monitor Kambouris landscaping requirement? (Follow up)
Dave P.	Initiated	March 1, 2011	Do survey of neighboring cities signs for lining, temp vs. permanent, sizing, residential vs. commercial. Bring back SR to City Council with recommendations.
Dave P.	Initiated	March 1, 2011	Do Flag Lot study and prepare future Staff Report. How big is program? Steps to mitigate? Is conforming criteria for future development (splitting) good enough or do we need more?

City Council Action List

Dave P.	Initiated	March 29, 2011	Get matrix done on all existing approvals, development agreements, plats, etc. no later than April 22nd.
Dave P.	Initiated	March 29, 2011	Discuss with Dave M. specific list of projects you wish to complete FY using extra dollars we found in budget discussions. Specifically the Alley Rose home.
Dave M	Initiated	April 19, 2011	Call Todd Godfrey on Farr trail easement issue and get 60 day request in play to review options.
Dave P.	Initiated	April 19, 2011	Get Ally Rose house project underway. Write memo to City Council explaining what projects are in process. What projects do you want to do with extra dollars from budget?
Walt	Initiated	June 7, 2011	Spring Clean-up guidelines were approved but fix typo on sheet to specify 10 inch diameter so there is no confusion. Make sure we get those guidelines in City newsletter next year in advance of clean-up with emphasis that rules will be enforced.
Wayne	Initiated	June 7, 2011	Work with me on cross walk issue for 200 East. See me for details and possible letter to UDOT. UDOT will evaluate and call with recommendations.
Dave P	Initiated	June 21, 2011	Have Eric Miller put final punch list together for City Hall cleanups. Provide list to CC
Dave P	Initiated	July 19, 2011	Work with Paul Hirst on Well House sit plan and elevations per comments received from Council. Take through site plan process with City as the applicant.
Dave P	Initiated	July 19, 2011	Get Eric Miller started on generator bids for emergency backup for City Hall.
Guido	Initiated	July 19, 2011	Dave wants to see 8/16 staff report on Fireworks ban, season recap and potential new restrictions map no later than Monday the 8th. On Hold
Dave P	Initiated	August 16, 2011	Blake Mathews - Address all issues listed on Dave's email. Easement language, existing PUE easement, Chevron, and existing swimming pool issue.
Dave P	Initiated	August 16, 2011	HAWS Development Agreement amendment - set up conference call with Todd to address modifications (use of funds allowed, keep things safe with impact fee rules, possibly bring back on the 25th to CC)
Keith	Initiated	September 6, 2011	Get with Larry F about Commercial Water Rate issue with timelines for completion. Give update to Dave M.

City Council Action List

Keith	Initiated	September 6, 2011	Get with Dave M on scheduling out the follow up for the MacDonald study. Prioritization with staff and special meeting with CC.
Dave M	Initiated	November 3, 2011	Write administrative policy on no subdivisions being built without approvals, bonds and plats recorded. Let Howard Kent know no new phases of project can be built with old methods.
Keith	Initiated	November 3, 2011	Part time employee benefits issue - Bring up during next budget cycle with recommendations.

City Council Action List

Dept.	Status	Meeting Date	Item
Dave P	Not Started	January 19, 2011	Talk to Dave M on sidewalk survey and how we are going to address missing links created by wetlands, no development plans, etc.
Walt	Not Started	January 19, 2011	Contact County Health Department and prepare memo outline of fluoride requirements as they relate to water system. Ask Dave M. issues before you call.
Dave P	Not Started	June 7, 2011	Beautification plan for Park Lane interchange. Talk to Dave M about this.
Walt	Not Started	July 19, 2011	Talk to Dave on gate and signage for Farmington Canyon near pond entrance.
Dave M	Not Started	August 16, 2011	Greg Garfield Easement - Get aerial map prepared to draft in improvements to be made to Point of View Park. Have Neil and Guido sign off before improvements are constructed. Encourage Greg to get it done within one year.
Neil	Not Started	September 6, 2011	Fast pitch softball. See Dave M on Council comments. School District property NE corner of bus area/future High School ground. Talk to Gary Payne
Dave P	Not Started	September 6, 2011	RDA - Make sure all conditions are met as outlined in the motion. Arrange site tour for Eric to inspect. Start thinking about draft agreement regarding Affordable Housing.
Dave M	Not Started	October 4, 2011	Set up meeting with Tom Owens to discuss future options for his property. 801-451-0249
Dave P	Not Started	October 4, 2011	Let Dave know who drafted original Garbett Development Agreement so we can address why more emphasis was not put in the record for owner occupied requirement.
Dave P	Not Started	October 4, 2011	Bring back zoning text amendment language to include samples of detrimental use specific to section 11-18-107(2)(D) vi (Business Park)
Dave P	Not Started	October 4, 2011	Talk to Dave M about how we get neighborhood group input for business park so they are a little better informed the next time we have a related item.
Dave P	Not Started	October 4, 2011	Talk to Eric and get Dave M recommendation on digital plan storage. Costs vs. benefits, etc. Have Eric put together the staff report if this is going to be something we pursue.

City Council Action List

Dave P	Not Started	October 4, 2011	Get with Ralph, Dave M and Ken to talk about signage enforcement fairness and process.
Dave M	Not Started	October 18, 2011	Draft position letter for West Davis Corridor for UDOT related ot west side having no access and City still wanting Shepard Lane alternative.
Walt	Not Started	October 18, 2011	Have Ray White contact UDOT to see what it would take to get better directional signage for people to get to Legacy Hwy from the west side.
Dave P	Not Started	October 18, 2011	Let Howard Kent know the Council is supportive of fee in lieu of open space for Spring Creek and get his engineer started on plat redraft. Need to come up with a correct valuation and payment plan.
Dave M	Not Started	November 3, 2011	Talk to Tim Taylor on Shepard Lane bike lane options for safety enhancements.
Walt	Not Started	November 3, 2011	Get excavation permit ordinance back on in two weeks, not summary action. Show reline changes made so Council can follow.
Walt	Not Started	November 3, 2011	Complaint about dead cottonwoods within street ROW at 300 S 1000 W. Verify if in Right of Way and if creating safety hazard, cut them down.

CITY COUNCIL AGENDA

For Council Meeting:
February 21, 2012

SUBJECT: Mayor Harbertson & City Council Reports

1. Lagoon Meeting

NOTE: Appointments must be scheduled 14 days prior to Council Meetings; discussion items should be submitted 7 days prior to Council meeting.