FARMINGTON CITY COUNCIL MEETING
Tuesday, October 19, 2010

CITY COUNCIL WORK SESSION/EAST CONFERENCE ROOM

PRESENT: *Mayor Scott Harbertson, Council Members Rick Dutson, Jim Talbot and Sid Young, City Manager Max Forbush, City Planner David Petersen, Assistant City Planner Glenn Symes, City Engineer Paul Hirst, City Finance Director Keith Johnson, City GIS Specialist Matt McCullough and Recording Secretary Cynthia DeCoursey. Council Member John Bilton was excused.*

Mayor Harbertson began the work session at 5:40 p.m., and Council Member **Sid Young** offered an opening prayer.

Report of City Tree Inventory

Farmington City GIS Specialist **Matt McCullough** presented his Utah State University Master of Natural Resources Capstone Project which was titled, "Community & Urban Forestry Inventory for Farmington City, Utah." He said the goal of his project was to complete a tree inventory of the main streets and parks in Farmington and determine the following:

- To evaluate the overall health of the urban forest;
- To assess the value which trees provide to the community in economical as well as environmental and human dimensions;
- To establish a successful management program for the City's Parks and Recreation Department;
- To educate the public and encouragement their involvement in caring for and more fully appreciating the trees in their community.

Following his presentation, the following agenda items were reviewed:

(Agenda Item #5) – CONSIDERATION OF REQUEST BY IVORY HOMES AND WESLEY AND STEPHANIE HATT FOR LOT LINE ADJUSTMENT TO LOTS 205 AND 206 IN THE SILVERWOOD PHASE II SUBDIVISION

Mayor Harbertson said that when some of the improvements were installed in this subdivision, an unclear delineation of the property boundaries resulted. Lot 205 was developed prior to Lot 206, but there is no risk of violating required setbacks.

(Agenda Item #6) – CONSIDERATION OF REQUEST TO: (1) AMEND THE FARMINGTON BAY BUSINESS PARK SUBDIVISION PLAT "A " BY THE VACATION OF LOT 1, AND (2) CREATE A CONDOMINIUM PLAT FOR LOT 2, BUILDINGS 1 AND 2, AT 1262 SOUTH 650 WEST – KENT WHITEHEAD

Glenn Symes explained that this project was approved in 2009 as an office and warehouse complex and is currently under construction. The developer would like to amend the plat to allow the sale of individual suites within the project which requires that the original plat be amended to record the condominium plat.

(Agenda Item #7) – CONSIDERATION OF "LITTLE MISS" PROGRAM AS RECOMMENDED BY THE CITY'S PARKS AND RECREATION DIRECTOR

Neil Miller explained that each contestant in the Miss Utah Scholarship Pageant must be accompanied by a "Little Miss." The Little Miss Program is a non-competitive mentor program for girls ages 4-9, is centered on service, and has a $400 entry fee. **Mr. Miller** proposed that the Little Miss Pageant be held during Festival Days in July 2011 and that a winner be chosen by her name being drawn out of a hat. Because a Little Miss is needed for the June 2011 Pageant, prior to Festival Days, the Recreation Department will advertise through flyers, the City newsletter, and the City's website to select a Little Miss for the June 2011 Pageant, and the entrance fee will be paid using Miss Farmington funds.

(Agenda Item #9) – REVIEW AND CONSIDERATION OF THE CITY'S ORDINANCES AND RESOLUTIONS PERTAINING TO CODE ENFORCEMENT

- **Ordinance amending Title 7, Chapter 9 regarding the cleaning of real property**
- **Ordinance enacting 1-12-015 regarding criminal enforcement actions and amending 1-12-30 regarding civil penalties; and enacting Chapter 1-15 pertaining to Civil Penalties and Enforcement Procedures**
- **Resolution appointing City Inspectors to enforce the provisions of Title 7, Chapter 9**
- **Resolution amending the Consolidated Fee Schedule regarding fines for civil penalties**

Mr. Forbush explained that the reason these ordinances and resolutions are being amended is to assist in the enforcement of City codes. He said staff members have spent a considerable amount of time to determine a resolution to code enforcement. **David Petersen** distributed a code enforcement matrix which will assist in tracking the steps involved with the various codes, and they both agreed that it will continue to be a learning process.

RESOLUTION AMENDING THE CITY'S DEVELOPMENT CONSTRUCTION STANDARDS PERTAINING TO THE ISSUANCE OF EXCAVATION PERMITS (Agenda Item #10)

Max Forbush explained that as the City's excavation permit process was being rewritten, a new application form was also developed which includes a number of requirements. Three of them are not listed in the City's laws, and this resolution to upgrade the City's Development Construction Standards to align the requirements on the form with the law.

(Agenda Item #11) – REVIEW OF VERIZON AGREEMENT

The **Mayor** said this was reviewed by the Council several months ago, and the City Attorney has made several amendments to the original Agreement. He said the option and land lease agreement is to be exercised only when and if approval to locate a cell tower behind the police station is given. The agreement allows the City to recoup some of its costs for money used to revamp the lease agreement.

Cory Ritz arrived at the work session at 6:55 p.m.

REGULAR CITY COUNCIL/CITY CHAMBERS/CALL TO ORDER

PRESENT: *Mayor Scott Harbertson, Council Members Rick Dutson, Cory Ritz, Jim Talbot and Sid Young, City Manager Max Forbush, City Planner David Petersen, Assistant City Planner Glenn Symes, City Engineer Paul Hirst, City Finance Director Keith Johnson, City Recorder Margy Lomax and Recording Secretary Cynthia DeCoursey. Council Member John Bilton was excused.*

Mayor Harbertson opened the meeting at 7:00 p.m. and welcomed those in attendance, including **Mayor Nick Mason** of the Farmington Youth Council, Boy Scout Troops 885 and 453, and members of the Farmington City Fire Department. **Sid Young** offered the invocation, and the Pledge of Allegiance was led by Boy Scout **McKay Feil**.

APPROVAL OF MINUTES (Agenda Item #2)

Motion

Jim Talbot made a motion to approve the minutes of the October 5, 2010 City Council meeting, with the two amendments made during the work session. The motion was seconded by **Rick Dutson**, and approved by Council Members **Dutson**, **Ritz**, **Talbot** and **Young**.

SPECIAL PRESENTATION TO HONOR AND COMMEMORATE THE SERVICE OF LARRY A. GREGORY, FORMER CITY FIRE CHIEF (Agenda Item #3)

Mayor Harbertson made a presentation to former Fire Chief **Larry Gregory's** wife, **Meledie Gregory**. He praised **Chief Gregory** for the work he did in the Fire Department. The Council gave an award and flowers to **Mrs. Gregory** and expressed appreciation for her support to Chief Gregory for the years he served as Fire Chief.

PLANNING COMMISSION REPORT (Agenda Item #4)

Glenn Symes said the Planning Commission did not hold a regular meeting on Thursday, October 14th, but they met with Davis County representatives on Wednesday, October 13th at 8:00 a.m. in a work session to discuss the proposed Davis County Administration/Library and the Children's Justice Center elevations and site plans. He said the County's architect, Blalock &

Partners, made several changes to the plans, and the Commission responded positively to the changes.

CONSIDERATION OF REQUEST BY IVORY HOMES AND WESLEY AND STEPHANIE HATT FOR LOT LINE ADJUSTMENT TO LOTS 205 AND 206 IN THE SILVERWOOD PHASE II SUBDIVISION (Agenda Item #5)

Motion

Sid Young made a motion to approve the request by Ivory Homes and **Wesley** and **Stephanie Hatt** for a lot line adjustment on Lots 205 and 206 in the Silverwood Phase II Subdivision. The motion was seconded by **Jim Talbot** and was approved Council Members **Dutson**, **Ritz**, **Talbot** and **Young**.

CONSIDERATION OF REQUEST TO: (1) AMEND THE FARMINGTON BAY BUSINESS PARK SUBDIVISION PLAT "A" BY THE VACATION OF LOT 1, AND (2) CREATE A CONDOMINIUM PLAT FOR LOT 2, BUILDINGS 1 AND 2, AT 1262 SOUTH 650 WEST – KENT WHITEHEAD (Agenda Item #6)

Motion

Rick Dutson made a motion to approve the plat amendment vacating Lot 2 of the Farmington Bay Business Park Subdivision Plat A (Amendment 1) and to approve the creation of a condominium plat for Lot 2, buildings 1 and 2, of the Farmington Bay Office Warehouse project with the following conditions:

1. All conditions from any previous approval shall be placed as conditions of approval on this application.
2. The applicant continues to work with staff to finalize and record the condominium plat for the Farmington Bay Office Warehouse project.
3. The applicant must receive approval from the Farmington City Council for the vacation of Lot 2.
4. The applicant must continue to work with the City's building department to ensure all building code requirements are meet with regard to the condominiumization of the buildings.
5. Any requirements as set forth in the Utah State Code must be following with regard to the Condominium Ownership Act as set forth in Title 57, Chapter 8 of the Utah State Code.

The motion was seconded by **Cory Ritz**, and it was approved by Council Members **Dutson**, **Ritz**, **Talbot** and **Young**.

Findings

1. The condominiumization of the Farmington Bay Office Warehouse project will not change the uses, character, nature or impact of the previously approved conditional use permit and site plan granted by Farmington City.
2. Lot 2 of the Farmington Bay Business Park Subdivision Plat A, Amendment #1, will be re-recorded with the new condominium plat.
3. All site plan and conditional use requirements will remain in place with the proposed amendment.

CONSIDERATION OF "LITTLE MISS" PROGRAM AS RECOMMENDED BY THE CITY'S PARKS AND RECREATION DIRECTOR (Agenda Item #7)

The **Mayor** reported that information regarding this item was provided during the work session, and the Council gave their approval of the proposal.

Motion

Jim Talbot made a motion to approve the proposed Little Miss program as recommended by the Parks and Recreation Department and to authorize the use of $400 for the entry fee. The motion was seconded by **Sid Young** and approved by Council Members **Dutson**, **Ritz**, **Talbot** and **Young**.

MINUTE MOTION APPROVING SUMMARY ACTION LIST (Agenda Item #8)

8-1. Ratification of Approvals of Construction & Storm Water Bond Agreements
8-2. Authorization to purchase artificial trees at City Hall from Silk Petals for $1,031.92 out of City building account
8-3. Authorize the purchase of ten (10) jersey barriers for $5,700 from the City Council contingency fund
8-4. Authorization/Approval to increase City match for Land & Water Conservation Grant from $58,000 previously approved to $62,355
8-5. Authorize the purchase of acrylic time capsule cover plate from City building account

Mayor Harbertson explained that 8-3 has been removed from the list, 8-2 has been changed from purchasing artificial trees at $1,031.92 to a rental cost of $500, and 8-5 has been changed to the purchase of a cast aluminum plaque cover rather than an acrylic cover.

Motion

Rick Dutson made a motion to approve the items on the Summary Action List with the removal of 8-3 and the amendments to 8-2 and 8-5. **Sid Young** seconded the motion, and it was approved by Council Members **Dutson**, **Ritz**, **Talbot** and **Young**.

REVIEW AND CONSIDERATION OF ORDINANCES AND RESOLUTIONS PERTAINING TO THE CITY'S CODE ENFORCEMENT (Agenda Item #9)

- **Ordinance amending Title 7, Chapter 9 regarding the cleaning of real property**

Motion

Jim Talbot made a motion to approve the Ordinance amending Title 7, Chapter 9 regarding the cleaning of real property. The motion was seconded by **Rick Dutson**, and it was approved by a roll call vote with Council Members **Dutson**, **Ritz**, **Talbot** and **Young** each voting in favor..

- **Ordinance enacting 1-12-015 regarding criminal enforcement actions and amending 1-12-30 regarding civil penalties; and enacting Chapter 1-15 pertaining to Civil Penalties and Enforcement Procedures**

Motion

Sid Young made a motion to approve the Ordinance enacting 1-12-015 regarding criminal enforcement actions, amending 1-12-30 regarding civil penalties, and enacting Chapter 1-15 pertaining to Civil Penalties and Enforcement Procedures. **Rick Dutson** seconded the motion which was approved by a roll call vote with Council Members **Dutson**, **Ritz**, **Talbot**, and **Young** each voting in favor.

- **Resolution appointing City Inspectors to enforce the provisions of Title 7, Chapter 9.**

Motion

Rick Dutson made a motion to approve the Resolution appointing City Inspectors to enforce the provisions of Title 7, Chapter 9. **Cory Ritz** seconded the motion, and it was approved by a roll call vote with Council Members **Dutson**, **Ritz**, **Talbot** and **Young** each voting in favor.

- **Resolution amending the Consolidated Fee Schedule regarding fines for civil penalties**

Motion

Cory Ritz made a motion to approve the Resolution amending the Consolidated Fee Schedule regarding fines for civil penalties. **Jim Talbot** seconded the motion, and it was approved by a roll call vote with Council Members **Dutson**, **Ritz**, **Talbot** and **Young** each voting in favor.

RESOLUTION AMENDING FARMINGTON CITY'S DEVELOPMENT STANDARDS PERTAINING TO THE ISSUANCE OF EXCAVATION PERMITS (Agenda Item #10)

Motion

Sid Young made a motion to approve the Resolution amending the Farmington City Development Standards by providing additional and/or modifications to construction standards related to excavation permits with the addition of a note which will ensure a complete inspection both before and at the end of the warranty period. The motion was seconded by **Cory Ritz** and approved by Council Members **Dutson**, **Ritz**, **Talbot** and **Young**.

REVIEW OF VERIZON AGREEMENT (Agenda Item #11)

Following a brief discussion, it was determined that a height requirement should be included in the Agreement, and the Council authorized the City Manager to review it with the City Attorney and have her forward the suggested changes to Verizon for comment.

ADDITIONAL INFORMATION REGARDING EXTENSION OF SEWER LINE IN STATION PARKWAY (Agenda Item #12)

Motion

Cory Ritz made a motion to table this item until the next City Council meeting. The motion was seconded by **Rick Dutson**, and it was approved by Council Members **Dutson**, **Ritz**, **Talbot** and **Young**.

AWARD OF BID/PROPOSAL FOR FINANCIAL SERVICE (Agenda Item #13)

- **Community Center Municipal Water Well Drilling**

Mr. Forbush referred to a letter from CRS Consulting Engineers in which they recommended that the City accept the bid from Zim Industries.

Motion

Rick Dutson made a motion to award the contract for the well drilling operation north of the Community Arts Center to Zim Industries with a base bid of $581,400 and an alternate bid of $30,000. The motion was seconded by **Sid Young** and approved by Council Members **Dutson**, **Ritz**, **Talbot** and **Young**.

- **Financial Advisory Service**

The Council referred to a memo which was sent to the **Mayor** and the City Council from City Finance Director **Keith Johnson**. He reviewed three proposals from financial advisors regarding bond issuances and recommended that the Council accept the Zions Bank proposal.

Motion

Jim Talbot made a motion to approve Zions Bank as the preferred financial advisory service for Farmington City with an amendment to the fixed fee amount listed in the memo--

$8,000 rather than $10,000. The motion was seconded by **Rick Dutson** and approved by Council Members **Dutson**, **Ritz**, **Talbot** and **Young**.

CITY MANAGER REPORT (Agenda Item #14)

1. **CenterCal's letter requesting postponement of Developer's obligation and commencement of tax increment subsidy period**

   Mr. Forbush referred to a letter from CenterCal in which they requested an extension of the tax increment subsidy period. He explained that the developer is required to invest $80 million in improvements prior to the tax increment being taken. The development has been delayed because of the economy, and CenterCal has requested a one-year extension. This agenda item was informational only with action to be considered in the RDA meeting to be held immediately following the City Council meeting.

2. **City Building Report**

   Mr. Forbush reported that the final cost of construction was approximately $3.4 million, without the built-in contingency amount. The contingency amount of $170,000 increased to $182,000. The extra funds were used for additional excavation, landscaping, furnishings, etc., and the project was completed within the budget. He received an email from **Rick Ellertson** of Hughes Construction stating that the new City Hall building was selected as one of the "best of 2010" projects in design and construction, and an awards ceremony will take place at a breakfast on Friday, November 5, 2010.

3. **Station Parkway Report/Budget**

Mr. Forbush referred to the financial report of the Station Parkway Road. He said the project has been frustrating at times, but he predicted that the City's tax base will broaden in the next few years. The additional pavement has been delayed until spring, but access has been granted by UDOT. He reviewed the additional items which have been completed.

City Manager Interview Schedule

Mr. Forbush reported that four of the nine applicants were interviewed on Monday, October 18th, and the remaining five applicants will be interviewed on Monday, October 25th.

MAYOR AND CITY COUNCIL REPORTS - (Agenda Item #15)

Mayor Harbertson's Report

- A Town Hall meeting will be held on Wednesday, October 20 at 7:00 p.m. with a topic of how tax dollars are used in the City. The **Mayor** said there are very few, if any, residents

who attend the meetings, and he asked the Council to consider whether or not the meetings should continue.

- The Fire Department sponsored an excellent open house with a variety of activities.

- He and **Rick Dutson** met with the Farmington Ranches HOA Park Committee and were unable to reach a final compromise. **Eric Lyman**, the landscape architect for the park, also attended the meeting and asked for some additional time to design a proposal that may work for both parties. He is not in favor of planting trees in the middle of the park, and he confirmed that the trees were included in the original plans because the HOA committee wanted to ensure that the Park would not be used for soccer games.

City Council Reports

Rick Dutson

- He reminded the Council of the Halloween event being sponsored by Miss Farmington which will be held on Friday, October 29th at the Community Center from 6:00 until 9:00 p.m.

- He stressed the importance of allowing professionals to assist in the decision regarding the West Farmington Park.

Council Members **Cory Ritz** and **Jim Talbot** had no comments.

Sid Young

- He referred to an email regarding fire break road and the **Doug Allen** and **Jerry Stevenson** properties and said **Mr. Stevenson** is willing to deed property on the north to the City for access and a trail head. He requested that the City survey the area as soon as possible and said access in that area will be a great benefit to the City.

- He is concerned about the safety of the cross walk near the Oakridge Golf Course and Shepard Lane, and there was a brief discussion regarding possible solutions.

Motion

Rick Dutson made a motion to adjourn the meeting in order to hold an RDA meeting. The motion was seconded by **Cory Ritz** and approved by Council Members **Dutson**, **Ritz**, **Talbot** and **Young**. The meeting was adjourned at 8:55 p.m. to hold an RDA meeting.

CLOSED SESSION

After adjournment of the RDA meeting, the City Council convened at 9:00 p.m. to hold a closed session for the purpose of discussing potential litigation and the acquisition of real property.

Motion

A motion was made by **Rick Dutson** for the Council to go into a closed meeting to discuss strategy as it pertains to potential litigation and the acquisition of real property. The motion was seconded by **Sid Young**, and it passed with Council Members **Dutson**, **Ritz**, **Talbot** and **Young**.

Sworn Statement

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

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Scott C. Harbertson, Mayor

A motion to go back into open session was made by **Rick Dutson** and seconded by **Cory Ritz**. The motion passed with an unanimous vote.

There being no further business to bring before the Council and upon motion by **Jim Talbot** with a second by **Sid Young** the meeting was adjourned at 9:47 p.m.

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Margy L. Lomax, City Recorder