FARMINGTON CITY COUNCIL MEETING
Tuesday, March 30, 2010

CITY COUNCIL WORK SESSION/EAST CONFERENCE ROOM

PRESENT: *Mayor Scott Harbertson, Council members John Bilton, Rick Dutson, Cory Ritz, Jim Talbot and Sid Young, City Manager Max Forbush, City Planner David Petersen, City Finance Director Keith Johnson, and Recording Secretary Cynthia DeCoursey*

Mayor Harbertson began the work session at 6:00 p.m.

Motion

Jim Talbot made a motion to adjourn to closed session to discuss strategy as it relates to the acquisition of real property. The motion was seconded by **John Bilton**, and it was approved by all Council Members.

Motion

Jim Talbot made a motion to end the closed session at 6:55 p.m. **Rick Dutson** seconded the motion, and it was approved by all Council Members.

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

The work session ended at 6:55 p.m.

REGULAR CITY COUNCIL/CITYCHAMBERS/CALL TO ORDER

PRESENT: *Mayor Scott Harbertson, Council members John Bilton, Rick Dutson, Cory Ritz, Jim Talbot and Sid Young, City Manager Max Forbush, City Engineer Paul Hirst, City Finance Director Keith Johnson, City Recorder Margy Lomax and Recording Secretary Cynthia DeCoursey*

Mayor Harbertson opened the meeting at 7:00 p.m. and welcomed those in attendance. **Jim Talbot** offered the invocation, and the Pledge of Allegiance was led by Boy Scout **Josh White** and Troop 104.

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

Motion

Sid Young made a motion to approve the minutes of the March 16, 2010 City Council meeting. The motion was seconded by **Cory Ritz**, and it was unanimously approved.

Motion

Rick Dutson made a motion to approve the minutes of the March 17, 2010 Special City Council meeting. The motion was seconded by **Sid Young**, and it was approved by Council Members **Bilton** and **Dutson**. **Jim Talbot** and **Cory Ritz** abstained because they did not attend the meeting.

PRESENTATION TO FARMINGTON CITY BY FARMINGTON BAY DISTRICT OF THE BOY SCOUTS OF AMERICA (Agenda Item #3)

Dan Jones, Chairman of the Farmington Bay District, said the Boy Scouts of America are celebrating their 100th anniversary in 2010. He expressed gratitude to Farmington City for the support they have given young men as they have worked on their Eagle Scout projects through the years. He said 81 young men in Farmington earned Eagle Scout awards in the previous year, and many of them completed projects through the City. He introduced additional members of the District Committee and praised their dedication to the organization. He presented a "letter of thanks" plaque to the City and solicited their continued support of Eagle Scout projects.

DISCUSSION OF PENDING PUBLIC HEARING ON PROPOSED AMENDMENT TO CONSERVATION EASEMENT BETWEEN HUNTERS' CREEK AND FARMINGTON RANCHES SUBDIVISIONS – STEPHEN CHRISTENSEN (Agenda Item #4)

Mayor Harbertson explained that **Stephen Christensen** would like to purchase 44.2 acres of property known as Parcel D of the Farmington Meadows Phase 1 Subdivision. He plans to use the property for the grazing of cows on the western portion and the harvesting of crops on the eastern portion. He also plans to build structures for his equipment; therefore, he has requested an amendment to the Conservation Easement regarding the desired uses of the property. The City Attorney has made revisions to allow for these requests. The **Mayor** referred to the Use

Map in the packet and asked for comments/concerns from the Council. No decisions were made. A hearing on the proposal is already scheduled for the April 20, 2010, City Council meeting.

BOUNTIFUL ELKS CLUB – REQUEST FOR NOMINATION OF YOUTH CITIZEN OF THE YEAR (Agenda Item #5)

The Bountiful Elks Club sent a letter to the City stating they will celebrate Elks National Youth Week from May 2, 2010 through May 8, 2010. They would like to honor one youth from each City in their area, and the award will be presented on Tuesday, May 4, 2010. Following a brief discussion, the Council nominated **Marielle Jewett** as Farmington City's Youth Citizen of the Year.

REQUEST FOR "EXEMPTION" FROM RESIDENTIAL CURBSIDE RECYCLING (Agenda Item #6)

The City received a letter from resident **William E. Erickson** requesting an exemption from the residential curbside recycling. His wife is 70 years of age, and he is 80 years of age, and the current policy allows the City Council to approve exemptions when the individuals are 70 years of age or older.

Motion

Rick Dutson made a motion that this request be granted. The motion was seconded by **Jim Talbot**, and it was unanimously approved.

MINUTE MOTION APPROVING SUMMARY ACTION LIST (Agenda Item #7

1. Ratification of Construction & Storm Water Bond Agreements.
2. Approval of January's Disbursement List
3. Authorization for Fire Department to Acquire Extrication Equipment during FY 2010 for $5,800
4. Authorize Payment of Water Purchase from Weber Basin Water with Cash Payment in the amount of $66,873
5. Approval of Animal Control Invoice and Wildlife Animal Cost Addendum for 2010 Contract Year
6. Approval of Engineering Service Agreement with CRS Engineers for Spencer Reservoir Project
7. Authorize scheduling of Public Hearing for April 20, 2010, City Council Agenda to consider adding Davis County Courthouse to Historic Landmark List

Following a brief discussion, the Council agreed that they would like to see some accountability to the City with regards to the amount of fees charged by Davis County. It was determined that staff contact Davis County regarding this issue.

Motion

Cory Ritz made a motion to approve the items on the Summary Action List. JohnBiltonseconded the motion, and it was unanimously approved.

RESOLUTION ACCEPTING FOR STUDY A PETITION TO ANNEX .43 ACRES LOCATED AT APPROXIMATELY 1700 NORTH ABUTTING THE WEST SIDE OF 1500 WEST (A-1-10) – GEORGE W. CLARK (Agenda Item #8)

Mayor Harbertson said **George W. Clark** would like to annex 0.43 acres. The City's fee structure includes a $400 application fee and a $1,000 deposit to offset costs which may be incurred by the City Engineer and Attorney; however, those fees are intended for large annexations involving many acres and multiple property owners. This is a small parcel with one owner, and staff recommended that the City Council approve a reduction of the application fee to $50 and a deposit of $150 to cover incidental costs.

Motion

Jim Talbot made a motion to approve this annexation request and change the fee structure to a $50 application fee and a deposit of $150 for a total of $200. **Rick Dutson** seconded the motion, and it was approved by all Council Members.

RESOLUTION TO FINALIZE TERMS AND CONDITIONS OF THE ISSUANCE AND SALE OF SALES TAX REVENUE BONDS, SERIES 2010 IN THE AGGREGATE AMOUNT OF NOT TO EXCEED $3,500,000 AND RELATED MATTERS (Agenda Item #9)

City Finance Officer **Keith Johnson** reviewed the Road to the North Financing Plan which details the City's expenditures and the amount Center Cal will pay for its half of the Road to the North. The Council discussed these amounts and other issues involved with the resolution and suggested that **Mr. Forbush** discuss these amounts with Center Cal to ensure that they were well informed.

Johnathan Ward from Zions Bank said financing for the development of property and roads is currently very difficult. Zions Bank would not typically buy this type of bonds but is doing so because of the difficult economic times. He said it is typically not an acceptable route, because it is completely contingent upon the impact fees and general success of the developments. He distributed a booklet to the Council which outlined the details of the Series 2010 Bonds:

- Section 1 – Transaction Information
- Section 2 – Market Information
- Section 3 – Final Pricing Numbers

He told the Council that current interest rates are very low, and he commended Farmington City for using creative financing and looking for various sources of revenue to accomplish large projects. The **Mayor** said the interest rate is 3.7% for five years, and the goal for repayment is July 2012. The Council expressed appreciation to staff and Zions Bank for their diligence and effort regarding this transaction.

Motion

Cory Ritz made a motion to approve the Resolution finalizing the terms and conditions of the Issuance and sale by the issuer of its Sales and Franchise Tax Revenue Bonds, Series 2010 in the aggregate principal amount of $1,971,000 (the "Series 2010 Bonds"); awarding and confirming the sale of said Series 2010 Bonds; authorizing the execution by the issuer of a fourth supplemental indenture of trust, and other documents required in connection therewith; authorizing and approving a Bond Purchase Agreement; and authorizing the taking of all other actions necessary to the consummation of the transaction contemplated by this Resolution; providing a severability clause; repealing resolutions and orders in conflict; providing an effective date; and related matters. **Sid Young** seconded the motion, and it was approved by all Council Members.

ORDINANCE REVISING STORM WATER ENFORCEMENT REGULATIONS AND POLICIES – 2ND READING (Agenda Item #10)

Mr. Forbush reviewed the amendments made to this Policy and said additional work is needed on #11. The City will adopt a civil penalty process and hire an administrative hearing officer which will allow them to impose civil penalties. The Council praised staff for their efforts on this Policy and commented on the cleanliness of construction sites within the City.

Motion

Jim Talbot made a motion to conceptually approve the amendments to the Storm Water Enforcement Regulations and Policies. **Rick Dutson** seconded the motion, and it was unanimously approved.

STATION PARK ROAD CONSTRUCTION/UTILITY LINE PLACEMENT PROJECT – AWARD OF WINNING BID (Agenda Item #11)

Mayor Harbertson referred to a letter from **Tammy North** of CRS which included a list of the bids on the Station Parkway Road project. Staker & Parson Companies had the lowest bid

at $816,513.25, and **Mr. Forbush** recommended that the Council authorize the **Mayor** to award the bid, subject to Central Davis Sewer District's approval of a reimbursement of approximately $85,000 and The Haws Companies' approval of their portion of the costs. Following those actions, the documents will be executed and signed which will allow Staker & Parson to obtain bonds and insurance. The formal ordinance will be prepared for the April 20, 2010 City Council Meeting.

Motion

Sid Young made a motion to authorize **Mayor Harbertson** to award the bid to Staker & Parson Companies, sign the contract upon the Central Davis Sewer District and The Haws Companies approval, and ensure that the bonds and insurance have been taken care of by Staker & Parson Companies. **Jim Talbot** seconded the motion, and it was unanimously approved.

CITY MANAGER REPORT (Agenda Item #12)

- **City Hall Construction Report**

Mr. Forbush reviewed the proposed revenues and expenditures for the new City Hall. He suggested several items which could be deleted from the furnishings list, including a Cannon image 9050C scanner; a large format scanner and the Office 2007 upgrade, which would lower costs by approximately $17,000. He said the contingency amount is approximately $243,000, construction of the building is progressing, and the work should be completed by the first week in July.

- **Cost Sharing Proposal with DSD for playground improvements**

Mr. Forbush informed the Council that he met with the Davis School District to discuss the cost-sharing playground improvements at Farmington Elementary. He referred to the cost sharing formula handout proposal and said the District was not in favor of installing higher quality, more expensive basketball standards; however, **Neil Miller,** of the City's Public Works Department, recommends the higher quality standards because of their extended life. The Council agreed and authorized an additional $3,000 for higher quality standards. **Mr. Forbush** said they also reached a compromise with regard to the actual location of the basketball standards. He explained that these are cost estimates; the firm prices will be presented at a later time. He said the total amount of $38,000 for this proposal would be paid for through impact fees. The playground will be closed on April 15, 2010, drop-off zones for the School will be re-routed, and the parking lot will be closed. The resurfacing needs to be completed by the end of May for the pool opening.

- Station Parkway Construction Project

Mr. Forbush said progress is being made on the road construction, and the hauling of the fill should be completed by May 15. He said he has not received any calls from residents regarding the construction of the road.

MODERN DISPLAY CHRISTMAS DECORATIONS PROPOSAL (Agenda Item #13)

The Council reviewed a proposal from Modern Display regarding possible Christmas decorations for the City. There were comments/questions regarding the theme, the cost, and the quality of the items which were proposed. The Council requested that staff obtain additional information and proposals regarding prices and quality.

PROPOSED CHANGE IN TRANSPORTATION IMPROVEMENT PROJECT PRIORITY FROM NORTH MAIN STREET TO PARK LANE (Agenda Item #14)

Mayor Harbertson explained that City Manager **Max Forbush** is a member of the Wasatch Front Regional Transportation Advisory Committee which annually reviews priority transportation projects. He commended **Mr. Forbush** for his diligence in adding the north Main Street project to the list (SR-106: curb, gutter and sidewalk on the east and the west side of Main Street from Park Lane to Shepard Lane). Another project the City has discussed for several years is the Park lane "Swoop". The "Swoop" consists of rerouting a section of SR-225 (Park Lane) to intersect Clark Lane further west of its current location. 1100 West would also be realigned, and the City would acquire a right of way through land trades and credits on impact fees. At a meeting **Mr. Forbush** attended last week, he was informed that the proposed "Swoop" was not added to the approval list of projects; however, trading the north Main Street projects with the "Swoop" would be a viable option. The **Mayor** referred to a Park Lane Realignment Fact Sheet, which includes key benefits of the proposal, and a handout which details the money allocated for the projects.

Mr. Forbush pointed out that transportation studies have indicated that Park Lane as it currently stands will ultimately fail because of the expected increase in traffic in the area. The completion of the "Swoop" would be a step towards guiding the traffic to a local interchange at Sheperd and I-15 (the two would connect). CenterCal currently owns both sides of Park Lane, and they are willing to work with the City on this proposal. After discussing the issue with the **Mayor**, **Mr. Forbush** made a decision at the Transportation Advisory Committee meeting to propose the trade. The Committee approved his suggestion on behalf of Farmington City, and it will move on to the regional council unless the City Council asks for a reversal. He said an advantage to the north Main Street project is that it has a local benefit which will improve pedestrian walkability whereas the Park Lane project improves long-term traffic movement and takes advantage of timing if work can begin in 2013 or 2014. He also confirmed that if the Council agrees with the trade, the Main Street proposal will be removed from the list. **Paul Hirst**, City Engineer, gave his approval of the proposal. The **Mayor** requested feedback from the

Council, and following a discussion of many issues pertaining to this proposal, the Council agreed to ratify it.

Motion

Rick Dutson made a motion to ratify the actions of the City Manager in recommending to the Wasatch Front Regional Council Transportation Advisory Committee to amend the transportation improvement project from years 2013 and 2014 to eliminate the North Main Street Projects and add the Park Lane "Swoop" to the Transportation Improvement Project List. **Cory Ritz** seconded the motion, and it was unanimously approved.

MAYOR AND CITY COUNCIL REPORTS (Agenda Item #15)

Mayor Harbertson's Report

He received an email from **Randy Jeffries** concerning the open house on the Legacy North project. He mentioned several items:

1. Great citizen involvement.
2. City Council attendance was helpful and showed good leadership.
3. **Cody Hilton** has a citizen web group, and they would like a representative from that group to serve as a stake holder in a working group.
4. **Mayor** is willing to meet with the Sierra Club or any other organization to explain the City's alternative and listen to their side as well. One difficult problem during the entire process of the Legacy Parkway was no communication between government leaders, local leaders and special interest groups.
5. Farmington City is opposed to any action that would impact the Legacy Events Center or that would be located along the D&RG alignment.

He and City staff met with representatives from Russon Brothers Mortuary to discuss possible cemetery options. They gave some information and made an effort to show the profitability of a City cemetery, but they have no desire to participate in a cemetery.

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- He and **Keith Johnson** attended the Economic Outlook meeting hosted by Wells Fargo—the Bank believes that the next twelve months will be stronger economically.

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- He attended a Davis School District meeting and discussed the **George W. Clark** item along with several other items.

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- He attended a meeting with the Davis County Commissioner and City Managers of the five entities involved with the Legacy Park Trail. Many ideas were discussed, and the projected cost per public entity is $25,000 per year to maintain the Trail. There are still

UDOT issues with no answer as to whether or not they will fix any of the current problems; however, they are hopeful that regional UDOT officials may be more agreeable and easier to work with than state UDOT officials.

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- The City has 28 vouchers from Davis County which allow 28 free trips to the landfill. He asked for suggestions on how to use them, and **Mr. Forbush** said he would check with the Public Works Department.

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- **Ray White** and **Walt Hokanson** are taking pictures of spring cleanup infractions which will be presented to the City Council. They have responded well to residents who thank them for their efforts.

City Council Reports

John Bilton received a nice letter from a resident who received a yellow tag regarding raw materials and suggested that efforts concerning the spring cleanup continue. He asked if there could be an explanation of the new City Hall's architecture included in a newsletter, and staff said the information is in the April newsletter.

Rick Dutson said he witnessed an accident several days ago, and **Chief Gregory** mentioned that the new extrication equipment will help them offer assistance much faster. **Mr. Dutson** also inquired about attendance and hotel information at the Utah League of Cities and Towns mid-year convention in St. George.

Sid Young expressed appreciation to **Walt Hokanson** who visited a resident on Paulette Way regarding spring clean up. He also heard from several residents who are concerned that their piles of debris are too large. They said they would be willing to pay an additional amount for the service. He has asked **Keith Johnson** for information regarding some of the City's finances to share with a resident who feels that the City should not buy bonds. He received information concerning the Bamberger Railway right of way which will assist him as he works with the Trails Committee.

Cory Ritz inquired about the status of Glover Lane Park. He has heard complaints from neighbors regarding the rugby players who have been using the Park. There are several issues of concern, including parking on the side of the street, excess garbage, and a lack of restroom facilities. He suggested an agreement which will help remedy some of these problems.

Jim Talbot said he witnessed the same accident, and he commended the fire and police departments for their work. He would like to see the City utilize the vouchers and suggested that some of the excess debris be taken to the landfill. He discussed the spring cleanup issue with many residents, and all of them are in favor of keeping the program. Residents in west Farmington may not use the cleanup as much as other areas of the City, but they still benefit

because of the new City parks in their neighborhoods. He inquired about the piles of rocks near the City Hall, and the **Mayor** replied that a 3-foot wall will be built using the rocks. **Mr. Talbot** again expressed his dismay that the City Hall will not have Farmington rock on the exterior of the building.

MISCELLANEOUS (Agenda Item #16)

City Engineer **Paul Hirst** received an update of the Spencer Reservoir proposal. He said the City's advisor, **Scott Davis** of Kleinfelder Geotechnical Engineering, sent him a map which showed documented locations of several veins of the Wasatch fault in this area--even under some of the existing homes--and they align both sides of the Spencer Reservoir site. There is no documentation of the actual site, and it is impossible to dig a trench, so he asked **Mr. Davis** to do further research. **Mr. Hirst** received an email and map today indicating there is enough evidence to suggest that there could be a fault issue with the site. He quoted from the email: "Given the critical nature of the tank and associated piping for Farmington City, we recommend that an alternative site be considered for construction of the new tank." **Mr. Hirst** agreed with the recommendation and advised the City to demolish the current Spencer Reservoir as soon as possible and abandon plans to enlarge it. It may not be possible to adequately and accurately document the location of the fault, but there is enough evidence from the USGS data to make an informed decision to protect the health, safety and welfare of the City's residents. The Council discussed this new evidence, and **Mr. Hirst** agreed to map out some other possibilities.

ADJOURNMENT

Motion

Cory Ritz made a motion to adjourn the meeting. The motion was seconded by **Sid Young**, and it was approved by all Council members. The meeting ended at 9:45 p.m.

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Margy Lomax, City Recorder
Farmington City Corporation