

# FARMINGTON CITY COUNCIL MEETING

Wednesday, January 19, 2005

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## CITY COUNCIL STUDY SESSION

**PRESENT:** Mayor David M. Connors, Council Members David Hale, Larry W. Haugen, Susan T. Holmes, Sid Young, and Rick Dutson, City Manager Max Forbush, and Deputy Recorder Jeane Chipman.

City Council members began discussion in their study session at 6:30 P.M. after holding a special open house to consider the Bus Rapid Transit (BRT) system. The following items were discussed:

**Agenda Items #3, #4, and #6**– Bart Hill and Keith Johnson will be presented awards for their service to the City. Police Chief Hansen will give a report of regarding Farmington's Police Department.

**Agenda Item #7**–consideration of schematic plan approval for the McKittrick property and for Hunter's Creek Subdivision. Mr. Forbush described the change in route for a proposed 80-foot street. The collector needed to be relocated because of railroad tracks in the vicinity.

**Agenda Item #8**–consideration for including the BRT/trolley proposal on the City's Master Transportation Plan. Mr. Forbush commented that the City was ready to proceed with curb and gutter on west State Street which may be impacted by decisions for the BRT. He suggested that the City Council wait until results of all comments regarding the BRT are made available and reviewed before formal action was taken on the item.

## REGULAR CITY COUNCIL/CITY CHAMBERS/CALL TO ORDER

**PRESENT:** Mayor David M. Connors, Council Members David Hale, Larry W. Haugen, Susan T. Holmes, Sid Young, and Rick Dutson, City Manager Max Forbush, City Planner David Petersen, City Recorder Margy Lomax, and Deputy Recorder Jeane Chipman. Allen Barnett of the Youth City Council was also in attendance.

**Mayor Connors** called the meeting to order at 7:00 P.M. The invocation was offered by **Larry Haugen** and the Pledge of Allegiance was led by **Spencer Farley** of Scout Troop 981.

## APPROVAL OF MINUTES OF PREVIOUS MEETING

**Sid Young** moved to approve the minutes of the January 5, 2005, City Council Meeting. **Rick Dutson** seconded the motion. The voting was unanimous in the affirmative.

**PRESENTATION OF SERVICE PLAQUE TO BART HILL (Agenda Item #3)**

**Mayor Connors** presented former Planning Commission member Bart Hill a plaque of appreciation for his service. Mr. Hill had also served as a member of the Board of Adjustment and as chairman of the Farmington Festival Days.

**PRESENTATION OF CERTIFICATE OF ACHIEVEMENT FOR EXCELLENCE IN FINANCIAL REPORTING TO FARMINGTON CITY AND TO KEITH JOHNSON/GOVERNMENT FINANCE OFFICERS ASSOCIATION (Agenda Item #4)**

The Certificate of Achievement for Excellence in Financial Reporting award was presented to both Farmington City and to Keith Johnson, the City's Finance Director. Mr. Johnson had worked very hard to achieving the award and was given acknowledgment for his service. **John Arrington** represented the State Organization awarding the certificates. Mr. Arrington stated it was a great achievement for Mr. Johnson and the City. It was the third year in a row that the City had achieved the award.

**REPORT OF PLANNING COMMISSION (Agenda Item #5)**

**David Petersen** reported proceedings of the Planning Commission meeting held January 13, 2005. He covered the following items:

- The Planning Commission granted schematic plan approval to Danville Land Investments L.L.C. for the remaining portions of the Hunter's Creek Subdivision outside the first phase of the project located at approximately 2000 West 800 North and the first phase of the McKittrick property located at approximately 675 North 1800 West.
- The Planning Commission approved a subdivision (lot split) by metes and bounds located at approximately 1350 West 475 South.
- David Dixon had been hired by the Gardner developers. Mr. Dixon represented the developer at the Planning Commission and withdrew the application to amend the General Plan by redesignating property between U.S. 89 and Main Street south of the Cherry Hill Interchange from Neighborhood Mixed Use (NMU) to Commercial Mixed Use (CMU) and to further rezone the property from A. LR, and LS to CMU.
- The Planning Commission postponed taking final action on the Neighborhood Mixed Use Zone text for 4 weeks and that within the next 2 weeks, staff and the City consultant should meet with the developer and other interested parties to prepare information for the review of the Planning Commission members. It is planned that the Planning Commission will consider the NMU for final approval on February 10, 2005.

- The Planning Commission granted conditional use and site plan approval to establish a temporary office in a model home located at 153 South 1225 West.
- In an effort to allow the applicants to keep their new home and as a compromise, the Planning Commission sustained the existing permit with all its requirements, and that the applicant be asked to come back with acceptable and satisfactory resolution to the screening issues created by the demolition of the old home and that the applicant comply with site plan for garage. It was further moved that the applicant be required to return to the Planning Commission with acceptable remedies on or before February 24, 2005, otherwise the Planning Commission will take appropriate actions. Mr. Montgomery further moved that the “stop work” order remain in place for the garage and the fence and that no approval for occupancy be issued until the garage is brought into compliance.

### **CHIEF OF POLICE REPORT/WAYNE HANSEN**

**Chief Hansen** reported several criminal activities in the City during the last several weeks. With the growth in the City came an increase in unlawful activities. Such incidences ranged from traffic violations to robberies. The growth in such activities had increased over 50 percent more than the previous year. The Chief stated that the City was now at a point that there needed to be personnel additions to the Department. He asked that the City Council consider his request for additional officers during the up-coming budget year. Most of the crimes perpetrated involved people from other communities. Currently, the City had one police officer for every 1300 residents. He suggested the City look at having one officer for every 1000 residents. That number would provide safety and protection for the citizens and the officers and allow the Department to keep up with the work load.

**Susan Holmes** told the Chief that she and the City Council appreciated the entire Police Department for their work and their devoted service.

### **PUBLIC HEARING: CONSIDERATION OF SCHEMATIC PLAN APPROVAL FOR MCKITTRICK PROPERTY(HOWARD KENT) AND FOR HUNTER’S CREEK SUBDIVISION(WOODSIDE HOMES) LOCATED WEST OF 1525 WEST STREET IN THE NORTHWEST QUADRANT OF THE CITY ALTOGETHER BOTH PROJECTS WILL CONSIST OF APPROXIMATELY 335 LOTS ON 243 ACRES (Agenda Item #7)**

**Mr. Petersen** introduced the agenda item. Mr. Petersen reported that as the development had progressed, it was evident that the initial road alignment would not work because of the requirements to immediately close railroad crossings in the area. Closing the two track crossings was problematic because of access needed for west-side citizens. Also, when UDOT constructs an interchange at Shepard Lane it may impact that 80-foot collector. It was decided to move the alignment to the west and circumvent both the double crossing problem and the potential impact from the UDOT

interchange. The developer will still provide for the Legacy Highway right-of-way. The developer is seeking corridor preservation funds.

**Mr. Forbush** stated that impact fees could pay for the up-grade of the road to an 80-foot right-of-way.

### **Public Hearing**

**Mayor Connors** opened the meeting to a public hearing regarding schematic plans for both the McKittrick property and for the Hunter's Creek Subdivision).

**George Chipman** (433 South 10 West) represented the Farmington Trails Committee. He stated he had noticed plans for a nice trail along Haight Creek. People will enjoy that for many years to come. It will be a nice amenity for the neighborhood to use. He raised a few issues of concern. Text had not been included to provide legal descriptions of the corridor, including width and construction materials. He also asked whether the trail would be dedicated to the City through easement or fee title. Maintenance responsibilities needed to be clarified. Also, since the trail crossed a public road, he asked that the road be striped with white markings for the safety of the trail users. Mr. Chipman asked that the trail be walked and staked by City officials including members of the Farmington Trails Committee.

**Mr. Forbush** stated that he and Mr. Petersen had met with officials of the home owner's association of the Farmington Ranches development. The HOA had reported concerns about the maintenance of the open space. The landscape architect hired by the Farmington Ranches HOA suggested adding a new connector trail from Clark Lane going north. The trail would sweep south and connect all the way out to Buffalo Ranches trail. The trail going north should connect to the trail spoken of by George Chipman.

### **Public Hearing Closed**

With no further comments, **Mayor Connors** closed the public hearing and asked the City Council for their consideration.

**Mr. Petersen** stated that the trail issues will be noted and implemented during the preliminary plat stage.

**Mr. Hale** was concerned that the 80-foot street right-of-way that skirts past the seven or eight homes on Haight Bench should be the burden of the developer and not the existing property owners. The planned road should not abut the existing home frontage of the seven or eight property owners.

**Mr. Forbush** stated that development agreements regarding road improvements will be forthcoming, including appropriate triggers for construction of various portions of the road.

**Motion**

**Susan Holmes** moved that the City Council grant schematic plan approval to Danville Land Investments L.L.C. for the remaining portions of the Hunter’s Creek Subdivision outside the first phase of the project located at approximately 2000 West 800 North subject to conditions stated in the Planning Commission letter dated January 18, 2005, and noted that previously discussed trail issues and the street right of way issue spoken of by Council Member Hale shall be considered during preliminary plat for the Subdivision. **Sid Young** seconded the motion, which passed by unanimous vote.

**Susan Holmes** moved that the City Council grant schematic plan approval to the first phase of the McKittrick property located at approximately 675 North 1800 West subject to conditions stated in the Planning Commission letter dated January 18, 2005, and noted that previously discussed trail issues shall be considered during preliminary plat for the Subdivision. **Sid Young** seconded the motion, which passed by unanimous vote.

**CONSIDERATION FOR INCLUDING BRT/TROLLEY ON CITY’S MASTER TRANSPORTATION PLAN (Agenda Item #8)**

**Mayor Connors** reported on the very lively public open house regarding the bus rapid transit proposals held earlier in the evening. He stated that it was the feeling of the City Council that it may be appropriate to wait for the thorough review of public comments before formal action on the issue.

**Greg Scott** addressed the City Council and said there may be other routing options that had not been considered. It was obvious that citizens were not supportive of a route along S.R. 106.

**Mr. Young** asked that the frontage road be evaluated as an alternate route.

**Mayor Connors** asked that UTA be clear in what options were available to the City.

**Mr. Petersen** stated that the public needed to be educated about the impact of growth on the City especially in respects to transportation needs.

**Mr. Scott** said there were clear benefits brought by the BRT and that as citizens have time to digest the information they may have different feelings.

**REQUEST FOR EXEMPTION OF STANDARD TO PERMIT SALES TRAILER AT THE “FARMINGTON CROSSING PUD”/CONSIDERATION OF PROPOSED AMENDMENTS TO SIGN ORDINANCE/GARBETT HOMES (Agenda Item #9)**

**Mr. Petersen** said that Garbett Homes was requesting approval for a temporary sales trailer as part of their condominium project recently approved by the City. The temporary use section of the Zoning Ordinance provided for the creation of a real estate office only in a model home and not

in a trailer. Notwithstanding this, Section 11-28-120(i)(6) of the Zoning Ordinance titled “Exempt uses” allows for exceptions to the ordinance as specifically approved by the City Council.

In another matter, Garbett Homes desired that the City amend Section 15-4-100(4) of the Sign Ordinance. The council was not being asked to consider changing the ordinance during the meeting, but guidance was needed from the Council as to whether or not this request should be pursued.

**Mayor Connors** asked the developer if the model home would be quality, to which the developer responded in the affirmative.

**Jacob Alstead** (representative of Garbett Homes) described the site plan and discussed where the trailer home would be and the landscaping that would surround the structure. It would be a “pit stop” installation, meaning there would be no skirting thus helping the building look less like a mobile trailer. Mr. Alstead said the trailer was crucial to their success. He asked that the trailer be allowed for 1 year.

**Mr. Dutson** said that he thought the trailer would likely look good. However, the rest room out back would be problematic. He would like to have that eliminated.

**Mr. Alstead** said that if the rest room was to be on the inside of the trailer, it would have to have special arrangements. The developer committed to do the special arrangements.

**Mr. Young** asked about the variance requested by the developer in order to approve the trailer.

**Mr. Petersen** stated that the City Council by ordinance could approve the variance. The ordinance offered several conditions giving guidelines for construction.

In reference to the Agreement between Garbet Homes and Farmington City, **Mr. Dutson** stated that item #5 should be eliminated since the developer committed to keeping the rest room housed in side the trailer.

### **Motion**

**Sid Young** moved that the City Council approve the request by Garbett Homes for an exemption of standard to permit sales trailers at the “Farmington Crossing PUD.” **Rick Dutson** seconded the motion, which passed by unanimous vote.

**Mr. Hale** said he was particularly sensitive to where the developer wanted to place the signs. He felt there would be a negative impact on citizens in the area. He wanted the Planning Commission to look at the issues before the City Council considered it.

**Mr. Haugen** felt that the sign ordinance should not be amended and that the developer should be required to comply with that ordinance.

**Mr. Hale** was comfortable with some tasteful signs in order to facilitate the sales of the homes. He asked that City officials not close the possibility of having the developer work out a sign proposal with City staff, but noted there was a great sense of hesitancy on behalf of the City Council regarding amending the sign ordinance.

**CONSIDERATION OF TRAIL EASEMENT INSTEAD OF FEE TITLE DEDICATION AS PART OF DEER CREST REQUIREMENTS FOR CONNECTION TRAIL BETWEEN FRUIT HEIGHTS AND FARMINGTON/HAWKINS COMPANY (Agenda Item #10)**

Mr. Petersen's Staff Report indicated that last September the City Council entered into an agreement with Patriot Capital Hidden Springs LLC (Hawkins Companies). The agreement included several provisions among which the developer agreed to dedicate a 10-foot wide fee simple parcel for a public trail to Fruit Heights on the easterly border of the developer's property. Now the developer was requesting to change the agreement whereby the developer would provide an easement instead of fee simple title. According to the developer, Fruit Heights preferred an easement to reduce liability. An easement may be fine if the language and form of the document were acceptable to Farmington City and if the developer could ensure that it would be permanent and not vacated by the grantee in the future.

**Motion**

**Rick Dutson** moved that the City Council authorize the Mayor to sign an agreement with Fruit Heights wherein the trail corridor adjacent to Haight Creek was dedicated to the City as an easement rather than by fee title, thus amending the original agreement in perpetuity. **Larry Haugen** seconded the motion, which passed by unanimous vote.

**MINUTE MOTION APPROVING BUSINESS OF CONSENT (Agenda Item #11)**

**David Hale** moved that the City Council approve the following items by consent as follows:

1. Ratification of approval of Construction Bond Agreements as listed on the enclosed bond log.
2. Declaration of surplus property/granting of authorization to sell obsolete vehicles.
3. Approval of Improvements Agreement Bonds with PCI#1, LLC, pertaining to Farmington Greens Subdivision, Phases Ib and Ic.
4. Approval of Public Improvements Extension Agreement with Jeffrey Nemelka.

5. Approval of Rental Agreement with Davis county for rental of Fairgrounds Building Number 1, authorizing City Manager to sign on behalf of the City.
6. Approval of Change Order #6 with Nix Construction.
7. Approval of lease agreement with Matthew Robinson. This lease pertains to the 16 acres of land the City has purchased for a future park in west Farmington adjacent to 650 West Street. The land was purchased fro Bob Murray and was previously leased to Bob Murray. The person actually running the farm was Matthew Robinson. He now wants to lease the land for his own benefit.

**Larry Haugen** seconded the motion, which passed by unanimous vote.

**CONSIDERATION OF ORDINANCE AMENDING THE ZONING TEXT REGARDING CONSTRUCTION OF NON-CONFORMING STRUCTURES (Agenda Item #12)**

**David Petersen** updated the City Council regarding Planning Commission action on the agenda item. The Planning Commission recommended that the 100 percent clause should only apply to single family dwellings. The City Attorney said he did not recommend amending the ordinance in the fashion proposed by the Planning Commission. Mr. Hale had requested a survey of single family dwellings within the OTR zone. Ms. Holmes had called Mr. Petersen and stated that the City Council was ready to act on the agenda item and that staff should not take valuable time in doing the survey.

**Keith Salmon** wanted to clarify that all cities around Farmington have ordinance allowing reconstruction after 100 percent damage. The goal of the OTR was to keep properties in harmony with the historic feel of the downtown area. Prior to the OTR zoning, Mr. Salmon’s brand new building was within the zoning requirements and was not non-conforming. Since the OTR, he was now non-conforming. One thing that will happen because of the ordinance is that the reconstruction of older, historic homes would not be possible. He said that he had developed property from Moab to Ogden and had never faced a similar situation.

**Mr. Petersen** said the Planning Commission was concerned about precedence. He had requested information nation-wide regarding the issue. A majority of cities had the 50 percent clause. This was not an OTR zone issue. The ordinance was a City-wide issue. The over-all purpose of the zoning ordinance was to use the police power to achieve the overall General Plan. Non-conforming structures do not achieve the overall goals of the City ordinances.

**Rick Dutson** was comfortable with what the Planning Commission recommended.

**Motion**

**Rick Dutson** moved that the City Council approve an ordinance amending Section 11-5-107(7) of the Farmington City zoning ordinance regarding reconstruction of non-conforming buildings or structures modified as outlined in the ordinance. Died for lack of a second.

**Larry Haugen** moved that the City Council approve the ordinance, but change the working from “50 percent” to “100 percent” for single and double family dwellings. After clarification and discussion, Mr. Haugen withdrew his motion.

**Rick Dutson** moved that the City Council approve an ordinance amending Section 11-5-107(7) of the Farmington City zoning ordinance regarding reconstruction of non-conforming buildings or structures modified as outlined in the ordinance. **David Hale** seconded the motion, which passed by unanimous vote.

**RESOLUTION ADOPTING RELOCATION RULES (GUIDELINES) AND RELOCATION ASSISTANCE PLAN FOR THE PROPOSED STATION PARK REDEVELOPMENT PROJECT AREA (Agenda Item #13)**

The agenda item was eliminated from discussion for the evening.

**RESOLUTION APPOINTING LARRY HAUGEN AS A MEMBER OF THE ADMINISTRATIVE CONTROL BOARD OF WASATCH INTEGRATED WASTE MANAGEMENT (Agenda Item #14)**

**Motion**

**Sid Young** moved that the City Council adopt a resolution of the Farmington City Council appointing Larry Haugen as a representative to serve as a member of the Administrative Control Board of the Wasatch Integrated Waste Management, a special service district. **Rick Dutson** seconded the motion, which passed by unanimous vote.

**CITY LOGO DISCUSSION (Agenda Item #15)**

**Mr. Dutson** said that there had been a great deal of response to the proposed new logo. Some of the response had been negative. In discussion with the artist, Mr. Dutson said those involved felt there should be a larger majority in favor of the new log. The artist requested that he be allowed to present another rendition, free of charge. The new proposal will be ready for next City Council meeting. Mr. Dutson and other Council members felt the new logo needed wider acceptance.

**CONSIDERATION OF FINANCING PLAN TO COMPLETE RENOVATION OF CITY MUSEUM AND TO FINISH BASEMENT OF COMMUNITY ARTS CENTER (Agenda Item #16)**

Packet information stated staff was in possession of information indicating that some legislators were proposing legislation which would do away with RDA funds being used for arts and parks facilities. The City Council and Redevelopment Agency of Farmington previously adopted a resolution authorizing these funds be forthcoming to pay for both of these facilities. **The City Manager** recommended that the City move forward with the projects. The source of funds would be as follows:

1. \$35,000 annually from RDA revenues.
2. The debt service balance could either be paid up front from park improvement impact fees being transferred for debt service or if there are sufficient revenues from the park improvement impact fees then a significant portion of those revenues could be used to help fund the project initially, thus reducing debt service levels.

### **Motion**

**Susan Holmes** moved that the City Council authorize the City Manager to move forward with financing plans to complete renovation of the City Museum and the finish the basement of the Community Center. **Larry Haugen** seconded the motion, which passed by unanimous vote.

**Susan Holmes** moved that the City Council authorize the City to enter into an architectural services agreement with Butler and Associates for the work on the City Museum and the Community Center. **Larry Haugen** seconded the motion, which passed by unanimous vote.

### **REVIEW OF DAVIS COUNTY INVITATION TO PARTICIPATE IN COUNTY ADMINISTERED "TRANSFER OF DEVELOPMENT RIGHTS" PROGRAM (Agenda Item #17)**

**Mayor Connors** stated that the City Council had been favorable in the past regarding participation in County administered "Transfer of Development Rights" and by consensus stated that they would be favorable in moving forward with the issue.

### **MISCELLANEOUS**

#### **Burn Plant Visit**

Mr. Haugen stated that the Youth City Council would be visiting the Burn Plan on January 29<sup>th</sup> and that any City Council member who wished could also join them.

#### **Mosquito Abatement**

Mr. Hale said that the Mosquito Abatement Department had done an admirable job protecting Farmington from the West Nile Virus. Several states surrounding Utah had significant problems with the disease. Utah had 6 cases, 4 of which contracted the disease outside of the State. Mr. Hale suggested that the City write a letter of commendation to the Abatement Department.

### **Motion**

**David Hale** moved that the City adopt a resolution wherein the City commended the Mosquito Abatement Department for their excellent work in protecting the City from the potentially fatal West Nile Virus. **Susan Holmes** seconded the motion, which passed by unanimous vote. A letter would be drafted and signed by the Mayor.

### **Proposal to combine fire departments**

Ms. Holmes stated that the Fruit Heights city council was considering a proposal to combine the fire districts of Fruit Heights, Kaysville, and Farmington.

### **Summit meeting regarding expenditures for parks and recreation**

Ms. Holmes stated that Bountiful City was conducting a summit meeting to discuss possibilities of funding parks and recreation in light of that fact that the RAP tax did not pass. She suggested Farmington may want to consider doing the same thing.

### **COG Meeting report**

Mayor Connors had attended a COG meeting earlier in the evening. The Davis School District Educational Foundation was initiating a new program for literacy called "Davis Reads." He distributed information to interested Council members.

The Salt Lake City Council had written a letter of support for cities in Davis County. The Mayor of Salt Lake had made statements of a somewhat negative nature, and the SL Council wished to make clear that they supported the Davis County governments.

### **Grant Moniesu**

Mr. Forbush reported that the Chief of Police requested approval to apply for a \$2500 grant. The grant would have to be matched with \$600 of City money, which the Chief stated he would take from the Police Department's operating budget. The grant would allow the Department to purchase much needed digital cameras.

### **Motion**

**David Hale** moved that the City Council authorize the mayor to sign the grant application for the \$2500 for the purchase of digital cameras. **Larry Haugen** seconded the motion, which passed by unanimous vote.

**Bid on property near Heritage Park**

Mr. Forbush reported there had been a bid on the lot near Heritage Park for \$59,000. He was pleased with the bid and recommended approving the sale of the land. He said the City Attorney would need to review documents to ensure the property became a part of the HOA and to have the lot properly recorded.

**Motion**

**Rick Dutson** moved that the City Council authorize the Mayor to sign the purchase agreement upon acceptance by the City Attorney. **Larry Haugen** seconded the motion, which passed by unanimous vote.

**CLOSED SESSION**

**Susan Holmes** moved that the City Council adjourn to closed session to discuss strategy as it relates to pending litigation and acquisition of real property. **David Hale** seconded the motion, which passed by unanimous vote. The Council adjourned into closed session at 9:40 P.M.

At 10:00 p.m. a motion to go back into open session was made by **David Hale** with a second on the motion by **Rick Dutson** which passed by unanimous vote.

**ADJOURNMENT**

There being no further business and upon motion by **Larry Haugen** and seconded by **Rick Dutson**, the meeting adjourned at 10:00 p.m.

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Margy Lomax, City Recorder  
Farmington City