

FARMINGTON CITY COUNCIL MEETING

Wednesday, January 21, 2004

CITY COUNCIL WORK SESSION/EAST CONFERENCE ROOM

PRESENT: Mayor David M. Connors, Council Members Richard Dutson, David Hale, Larry W. Haugen, Susan T. Holmes, Sidney C. Young, City Manager Max Forbush, City Planner David Petersen, and Deputy Recorder Jeane Chipman.

Discussion began at 6:40 P.M. The following items were reviewed:

- **Agenda Item #3a/Public Works Director report regarding snow removal and garbage collection.** Mr. Hokanson had been asked to attend City Council meeting in order to evaluate possible improvement for snow removal during major storms. Garbage collection had been a concern because of the complaints registered by many citizens. It was commented that the Public Works Department had done an excellent job in a recent major storm.
- **Agenda Item #4/Public Hearing/Scoping Meeting regarding the U.S. Forest Service proposals to conduct a controlled burn and to improve the fire break road**– Al Soucie and associates from the U.S. Forest Service would be present to gather public input regarding the proposed burn and road improvements. The public hearing would be at the request of the Forest Service.
- **Agenda Item #5/ Proposal regarding multi-family housing project on south end of Excel-Legacy Property in northern Farmington.** The developer, Kent Buie, would be present to discuss with the City Council his proposal that a multi-family housing development be placed on the property in order to increase the population in the area thereby increasing the likelihood of success for retailers.
- **Agenda Item #7/ Request for authorization to commit matching funds for 400 West pedestrian tunnel project grant.** Mr. Forbush stated that it may be a real possibility that the City will receive the grant money. However, UDOT officials needed to know whether or not the City was willing to provide the necessary matching funds.
- **Agenda Item #8/Consideration for a temporary use exemption request for a sales office in a model home by Rainey Homes.** The Planning Commission had thoroughly considered the request and had recommended approval.
- **Agenda Item #9/Minute motion approving business of consent**–There were no unusual issues in the agenda item.

- **Agenda Item #10/Development agreement for Miller Meadows.** The item was a first reading for discussion only.
- **Agenda Item #11/Resolution amending Farmington City opening comments/legislative prayer policy.** There had been a great deal of discussion by the City Council previously. The item required a minute motion according to the wishes of the Council.
- **Agenda Item #12/Ordinance adopting updates to the Building Codes.** The agenda item included State required adoption of updated building codes.
- **Agenda Item #13/Resolution approving UTA/Municipal Master Interlocal Agreement granting limited permit for commuter rail construction.** The issues involved in the agenda item had been discussed at length. Approval of the agreement was important to the success of commuter rail construction in Davis County.
- **Agenda Item #14/Resolution formally adopting Cultural Arts Council policies and procedures.** Susan Holmes had met with staff and committee members to create and refine the polices and procedures. The document was not totally complete, but could be acted upon and amended as needs arise.
- **Agenda Item #16/Special Area Management Plan (SAMP) consultant recommendations.** Susan Holmes, David Hale, and David Petersen had been meeting with potential consultants and had recommendations they would present during the regular session.
- **Agenda Item #17/Potential delay of installation of four-way stop at 1075 West Shepard Lane.** Mr. Forbush stated there may be safety issues that the Council would like to consider before moving the project forward.
- **Agenda Item #18/Potential closure of S.R. 106 at the Farmington Creek Bridge at 600 North.** Information in the packet indicated that the project may be behind schedule, however, Mr. Forbush had received an update from UDOT stated the project was on schedule and the road closure may not be necessary.
- **Agenda Item #19/City Council retreat plans.** The original date needed to be changes. Further information would be given in regular session.
- **Agenda Item #20/Consideration of new conceptual irrigation service requirements on new developments and new construction projects.** Mr. Forbush had consulted with the City's Attorney and would give a complete report during the regular session.

- **Agenda Item #21/Consideration to approve consulting services agreement with Bear West, Inc., for General Plan consulting.** Mr. Petersen had researched and interviewed several potential consultants and would give a report during the regular session.

REGULAR CITY COUNCIL/CITY CHAMBERS/CALL TO ORDER

PRESENT: Mayor David M. Connors, Council Members Richard Dutson, David Hale, Larry W. Haugen, Susan T. Holmes, Sidney C. Young, City Manager Max Forbush, City Planner David Petersen, City Recorder Margy Lomax, and Deputy Recorder Jeane Chipman.

Mayor Connors called the meeting to order at 7:00 P.M. The invocation was offered by **Sid Young** and the Pledge of Allegiance was led by **Rick Dutson**.

The Mayor commented on what a privilege it was to recite the Pledge in public meetings.

APPROVAL OF MINUTES OF PREVIOUS MEETING

Larry Haugen moved that the City Council approve the minutes of the January 7, 2004, City Council Meeting. **David Hale** seconded the motion. The voting was unanimous in the affirmative.

PUBLIC WORKS DIRECTOR REPORT/SNOW REMOVAL AND GARBAGE COLLECTION (Agenda Item #3a)

Mayor Connors remarked regarding the major snow event experienced in Farmington in December. The Public Works Department had done an excellent job removing the snow from Farmington's roads. Mr. Hokanson, Public Works Director, was invited to report on the event and the impact on his department. The Department had been asked to evaluate procedures during the major event.

Mr. Hokanson reviewed Public Works practices in snow and ice removal. He reported that 75% of their efforts had focused on 20% of the City, mainly the hillsides. Shepard Heights area is very difficult to manage because of the slopes. Another very difficult route is up 500 South near the cemetery. These are areas of emphasis because of safety. Intersections, main roads, parking lots of the Fire Department and Police Department are always a priority. Cul-de-sacs are another difficult area to plow and are sometimes some of the last areas for the plows to get to. Snow removal must be done curb to curb for safety reasons and mail delivery. Mr. Hokanson reviewed equipment usage, man hours spent, and other statistics. Garbage containers placed along the curb inhibit effective snow removal. But, streets have to be cleared to allow garbage collection. Mr. Hokanson stated that he planned to send a snow plow with the garbage collection trucks when another major storm hits because of the danger the garbage collection trucks experienced during the last major event.

Mayor Connors complemented the Public Works Department on the good work they did during the December storm. There are things that can be improved, but it will be worked out in time.

REPORT OF PLANNING COMMISSION (Agenda Item #3b)

David Petersen reported proceedings of the Planning Commission meeting held January 8, 2004. He covered the following items:

- The Boyer Company requested a recommendation for final plat approval for the proposed Farmington Ranches East Subdivision consisting of 55 lots on 27.86 acres located at the northeast corner of Clark Lane and 1525 West in an AE zone (S-6-03). The Planning Commission recommended approval.
- The Planning Commission approved a lot split located at approximately 650 south 200 East as requested by Rainey Homes subject to the property owner installing public improvements including, but not limited to, curb, gutter, and sidewalk and asphalt extension for the full length of the property as it abuts State Route 106 running from north to south approximately 350 feet. The application for conditional use and site plan approval to establish a temporary sales office in a model home located at approximately 1650 South 200 East was also approved.
- The Planning Commission tabled the request for a recommendation to amend the Farmington City General Plan by redesignating property located at 1798 North Main from “Low Density Residential” to “Office/Business Park,” and to further consider rezoning the property from “LR-F” to “BP” for the purpose of establishing a funeral home. The table was for a 30-day period (to February 12, 2004) to allow sufficient time to conduct a traffic study and to allow the citizens time to gain more information about the proposed use. The Planning Commission listened to a great deal of public input. There is now a meeting scheduled for January 29th to help citizens understand the General Plan process and what the City has been doing to amend the General Plan.
- The Planning Commission granted conditional use and site plan approval to construct a cellular phone tower 100 feet in height on the Knowlton Elementary School grounds located at 801 West Shepard Lane. The Planning Commission recommended that the City Council approve a rezone for a portion of Davis County School District property located at 801 Shepard Lane from “LR” to “C” for purposes of establishing a wireless telecommunications facility. The Planning Commission tabled consideration of the request for conditional use and site plan approval to construct a cellular phone tower 100 feet in height on the old Monte Vista Elementary School grounds located at 100 South and 200 East to provide time for the

applicant to submit photographic illustrations of site plans for towers of different heights and to submit alternative locations for the towers.

PUBLIC HEARING AND SCOPING MEETING: U.S. FOREST SERVICE PROPOSALS FOR (1) PRESCRIBED BURN AREAS BETWEEN STEED CANYON AND DAVIS CANYON WITHIN U.S. FOREST SERVICE BOUNDARY AND (2) FIRE BREAK ROAD IMPROVEMENTS FROM BOUNTIFUL TO FARMINGTON CANYON (JOINT DAVIS COUNTY /U.S. FOREST SERVICE PROJECT) (Agenda Item #4)

Mayor Connors introduced the agenda item. The Public Hearing had been set up at the request of the U.S. Forest Service. The Forest Service and Davis County would be receiving the input from the Farmington citizens. He commented on the fact that during the major fire last July, the Forest Service fire personnel were phenomenal in helping to protect the City and the people who live here. He reminded those present that Farmington has a tradition of conducting public hearings with civility and respect.

Loren Kroenke and Al Soucie (Forest Service personnel) presented information regarding the proposed controlled burn, reasoning for the burn, and ways it would be managed. The email address for submitted written comments and web site available for further information are as follows:

www.fs.fed.us/r4wenf/projects/proposed/index.shtml
comments-intermtn-wasatch-cache-saltlake@fs.fed.us
Asoucie@fs.fed.us

Loren Kronenke
District Ranger
Salt Lake Ranger District
6944 South 3000 East
Salt Lake City, Utah 84121

The power point presentation reported that 2,856 acres were involved in fires in Davis County. It was a national and regional issue for the Forest Service. Historically, the area is a fire-dependent ecosystem that burns every 30 to 50 years. The Davis County area has built up about 100 years of fuel. The situation had worsened because of the current drought. The revised Wasatch-Cache Forest Plan for 2003 was reviewed. The build up of fuel is an important problem and needs to be reduced in communities at risk, such as Farmington. The purpose of the current proposal was to reduce the hazardous fuels and to provide a fuel break between the private and public lands. Two parts to the proposal includes the vegetation treatments and road improvements. The Forest Service wanted to apply prescribed burning to about 1615 acres over 3 to 5 years, with about 300 to 600 acres in each phase. The first phase could be implemented as early as April of 2004. There would be a holding line construction of about 2.5 miles to protect private property. The burn would take place in the spring to help with weather-related influences. Forest Service officials stated they

wanted to burn under controlled conditions in springtime with a snow line in place rather than in the heat of the summer when there is a greater risk of losing more property.

The firebreak road improvements would be about 7.4 miles long. The project would run from Farmington to Centerville. The total cost would be about \$291,000, to be shared among County, Water District, Cities, and the Forest Service. There would be a 15-foot wide upgraded road surface, with 20 feet of vegetation clearing on both sides of the road.

When considering such projects, the Forest Service is required to undergo an environmental review process, which requires involvement of the public. Preliminary issues and concerns were reviewed, such included air quality and smoke dispersal, risk of escape, public and firefighter safety, flooding and runoff problems, increased off-road vehicles use in closed areas, protection of corridor for Bonneville Shoreline Trail, introduction and spread of noxious weeds and invasive species, law enforcement and search and rescue operation, potential conflicts with Weber Basin Aqueduct, and deer winter range.

Process steps include conducting preliminary environmental review, determining level of documentation, complete environmental review, prepare decision and distribute to public with environmental analysis documents, administrative appeals, and completing a detailed burn plan. The Forest Service will receive comments for the next 4 to 6 weeks.

Mayor Connors invited citizens to give the Forest Service officials their input.

George Chipman (433 South 10 West) appreciated the Forest Service and their work with the Farmington citizens especially during the fire in July. Mr. Chipman had worked the Forest Service officials regarding the trail system through the foothills. He thanked them for their service. He stated, however, that he was adverse to the proposed burn. He did favor improving the fire break road. He review three reasons he felt the burn would be ill advised. It's too soon to see what effects last July's burn had. Budgets have been strained. If the control burn gets out of hand, it would be very expensive. Citizen emotions were also strained. Weed invasion such as Dyer's Wode may get an upper hand. We need diversity in the hillside vegetation. Mr. Chipman felt the Forest Service should wait so that there would be a diversity of age for the trees, etc. Davis County has the highest population in Utah. Air quality is a very big concern. There are areas of higher risk in the State of Utah; those areas should go first. The drought is not as intense in the Farmington area in other areas. Burning will destroy the above ground vegetation. It would be a real shame to lose our forests. It will come back but it will be a long time. The trees that grow on our hillside are the slower growing trees like the juniper. There are other ways to de-fuel the mountain side. For example, there are special resources in Farmington that could be drawn upon. Forest Service needs to protect the Forest for the public. They need to consider a better way, such as using a volunteer work force to collect the dead wood and locate it in a designated burn area that would not damage the beautiful forests.

Richard Shipley (383 South 500 East) hoped the first burn area would be right above the residents in the southern end of Farmington. Fire officials during last summers' fire stated that the hillside would burn eventually and it was a critical safety issue. Mr. Shipley felt that there were professional and competent people that could handle the burn.

Ken Hardy (325 West Glover) wanted to know about the intentions of the Forest Service regarding the impact of road improvements on private property owners.

Kim Wallace (Davis County official) stated that private property owners would have to give permission for the improvements.

Brent Armstrong (1150 South Little Valley Road) owns his home in the foothills and would be very close to the burn. The last summers' fires were very frightening. Community governments were developed to protect its citizens. He had concern that a controlled burn may get out of control. With all the Scouting and camping in Little Valley there has not been one fire out of control in the last 50 years. The road under consideration has been there for over 50 years. It has not been properly maintained. The fire officials were not about to use it the way they needed to. The purpose for that road is for the aqueduct, no other reason. People use it without permission of the private property owners. He thought there were areas that should be protected and not burned. He suggested giving the wood away and let people burn it in their homes. Mr. Armstrong commended that there really is no winter range for deer. They are not in the mountains, they are down in the valley during winter months.

Bryson Smith (586 North 200 East) lived in a home very close to the fire and was very appreciative of the fire fighters work. He had questions regarding the road and how wide the improvements would be. He also wanted to know about the use and maintenance of the road. A lot of off-road and ATVs use that road. He asked if there should be consideration given to restrictions for the use of the road.

Cammon Arrington (1403 South 35 East) the private property owners cannot be responsible for the maintenance of the road because of the erosion and slope of the area.

Vertis Andersen (254 East Oak Lane) commented on his appreciation for the fire fighters and their work last summer. He expressed his concern about public access on a prescriptive right-of-way. The fire break road has become a public right-of-way. He wanted the right to drive his ATV on the fire break road. It is used by all kinds of people for many and diverse uses. It should be maintained and opened to the public. He wanted to have access to the National Forest Service land through that road.

Nada George (594 East 4010 South, Salt Lake City, owner of property on east bench of Centerville) read a letter to Kim Wallace. The letter expressed her concern about the road improvements. She was opposed because of erosion and the abuse of hikers and ATV users.

Fire Chief Larry Gregory expressed his concern because of what was experienced last summer. The fire got out of control because of the fuel that had built up over the years and to the weather. He would support the burns early in the year because of the snow line and the cooler weather. He wanted to see the community gain control because of the great risk. The fire break road needs to be improved because the fire department must have access. He was aware that if a better access road is improved, there will be people who will leave the road and will get into wilderness areas which will result in damage to the hillside. That will need to be addressed. Realizing that will happen, the Chief stated there will be accidents that will happen with the ATV riders, and the fire department must be able to access people in trouble in that area.

Mayor Connors asked the Forest Service personnel about the risk of a control burn getting out of control.

Mr. Kroenke stated the Cascade area is different from the Farmington area. Forest Service officials are trying to learn about the local influences from the residences in the Farmington area. The Cascade fire was lit in the fall. There were no structures nor lives lost. The Forest Service is trying to be pro-active in protecting the community. Fires are always easier to handle under a control situation than under a response situation.

Susan Holmes asked about revegetation and the spread of unwanted weeds. Officials seemed confident the situation could be controlled.

Sid Young stated he felt that it was important that Farmington City support the development and improvement of the fire break road so it can be better maintained.

Larry Haugen wanted to know about flooding problems and the liability that may be an issue. Forest Service officials stated that liability would be handled through the U.S. government.

Mayor Connors closed the public hearing and stated that those with further questions could meet with Forest Service officials in other parts of the building.

CONCEPTUAL REZONING/DEVELOPMENT PROPOSAL FOR MULTI-FAMILY HOUSING PROJECT ON SOUTH END OF EXCEL/ LEGACY PROPERTY NORTH OF BURKE LANE, WEST OF U.S. 89 AND EAST OF ROSE COVE SENIOR HOUSING/KENT BUIE (Agenda Item #5)

Packet information indicated that Kent Buie had requested a meeting with the City Council in order to obtain Council Members input regarding a multi-family housing project north of Burke Lane, east of U.S. 89, and east of the Rose Cove Senior Housing. He had previously received input from the Planning Commission. The Planning Commission gave conceptual support to the project. Mr. Buie sought the same from the Council before he begins the formal process of rezoning and site plan approvals.

Mr. Petersen reviewed the agenda item for the City Council. It was suggested that the property in question be rezoned to “C.” The project would require at least an R8. However, the C zone would facilitate further commercial development in the nearby potential retail development. The City Council briefly discussed possible zoning designations.

Kent Buie felt that a “life style” retail center would possibly work well on the nearby property under consideration. The recent study done by the City’s economic development consultant supported the retail concept for the property. However, one problem would be that there are not enough “roof tops” to ensure the success of the retail center idea. Mr. Buie proposed that the Alliance Residential Company come into the area and build approximately 340 units on 17 acres of land. He discussed the quality of multi-family homes and stated that Farmington was in need of entry-level housing.

Members of the City Council asked questions and made comments regarding the proposed development including the following points:

- What will the impact on the property to the south be and what restrictions will there be on access if the housing project is built?
- There are wetlands and other restrictions which may exclude development on the nearby property.
- There may be access to the remaining property from the nearby dirt road.
- The Rose Cove project has a limited market and is not the same type of housing that the Alliance corporation is planning. The fact that the Rose Cove housing project has not been immediately successful, Mr. Buie felt, was not a deterrent for the Alliance project.
- There would be a perimeter trail on the project.
- The retail portion being planned for the rest of the property is still under consideration but is not part of the current request.
- It will take time to completely develop the commercial section.

No commitments were made, but in general the City Council was in favor of the residential development. However, Mr. Haugen was concerned about the high density of the proposal.

FARMINGTON RANCHES EAST FINAL PLAT APPROVAL REQUEST/APPROVAL OF ASSOCIATED DEVELOPMENT AGREEMENT/RICHARD MOFFAT (Agenda Item #6)

David Petersen introduced the agenda item. He referred to the staff report given to the Planning Commission on January 8, wherein was stated that the Farmington Ranches East Subdivision has open space parcels within the interior of the subdivision which will be designated as common area. When a subdivision contains land which is reserved in private ownership for community use, the subdivider is required to submit with the final plat, the name, proposed articles of incorporation and by-laws of the owner organization empowered to own, maintain, or pay taxes on such land. Additionally, conservation easements will also be recorded over the open space areas further dictating the maintenance responsibilities of the homeowners association.

A brief discussion ensued. The agenda items had been a matter of discussion in previous meetings. City Council members raised issues regarding the development agreement and reimbursements agreements.

Motion

Susan Holmes moved that the City Council grant final plat approval for the Farmington Ranches East Subdivision contingent on the approval of an acceptable development agreement with Conservation Easement and a reimbursement agreement. Also, approval was subject to conditions as set forth by the Planning Commission in Planning Commission letter dated January 14, 2004. **Sid Young** seconded the motion. In discussion of the motion the City Council wanted clarification regarding the road improvements on Clark Lane. Mr. Petersen referred to the requirement suggested in the letter dated January 14, wherein was stated the developer shall comply with conditions of preliminary plat approval. The preliminary plat approval, dated November 25th, required the developer to provide for improvements of Clark Lane on the north side of the street running the entire length of the subdivision from east to west from the Denver & Rio Grande tracks to 1525 West Street. Mr. Petersen reported it was his understanding the developer was willing to comply with that requirement. The motion passed by unanimous vote.

REQUEST FOR AUTHORIZATION TO COMMIT MATCHING FUNDS FOR 400 WEST PEDESTRIAN TUNNEL PROJECT GRANT/MAX FORBUSH (Agenda Item #7)

According to packet information, the project to improve the 400 West pedestrian tunnel included the installation of a pedestrian walkway across 400 West connecting the west end of the Lagoon Trail/Farmington Creek Trail to the proposed reconstruction of the state Street bridge. The bridge reconstruction will be part of the Legacy Project if finally approved. The City applied for funding for this project a few years back and in fact the City won approval on the request. The City turned down the funds at that time because the project was not "ripe." Legacy Highway had not gone through the EIS process. The Legacy Project although not certain, could be approved this summer. A final record of decision should be obtained some time in 2004. It was the City Manager's recommendation that the funds be accepted if approved. The City Manager had heard from UDOT officials that funding for the tunnel project looked promising. UDOT officials were currently in need of a commitment that the City will provide the matching portion of funds. The original project grant

was for approximately \$500,000, because it was undetermined whether the project would be an overpass or underpass. CRS Engineers believe an underpass will work. Funding for the cost of this project is \$263,000. At present UDOT may request revised numbers that may increase the estimate to make sure sufficient funds are available. The City will be required to provide a 20 percent match for the grant funds. The City Manager recommended the use of parks and recreation impact fees for the match.

Mr. Forbush introduced the agenda item. He stated that when the Master Trail Plan was approved there was a desire to have a safe pedestrian walkway across State Street at 400 West (the Jug Handle). The walkway had been proposed as a tunnel under the road. He stated that UDOT officials needed to be assured that the City would provide the necessary matching funds before moving forward.

Motion

David Hale moved that the City Council approve the City Manager's request to provide documentation that the City will provide matching funds to the grant funding the proposed 400 West Pedestrian Tunnel Project. **Rick Dutson** seconded the motion, which passed by unanimous vote.

CONSIDERATION FOR A TEMPORARY USE EXEMPTION REQUEST FOR A SALES OFFICE IN A MODEL HOME/RAINEY HOMES (Agenda Item #8)

Mr. Petersen reviewed the agenda item. It was the desire of Rainey Homes to establish a sales office in a model home outside the boundaries of a developed subdivision. The request was not allowed by ordinance. However, the ordinance does provide the possibility of receiving an exemption to the standard. Therefore, Rainey Homes appeared before the City Council on December 10, 2003, requesting an exemption. The item was tabled to allow time for the proposal to be reviewed by the Planning Commission and to receive comments from the public.

On January 8, 2004, the Planning Commission held a public hearing and approved the project and necessary lot split subject to a number of conditions including receiving an exemption from the City Council in writing to allow the temporary office to be located off-site outside the boundaries of the Tuscany Cove Subdivision.

Sewer is not available to the site. Leland Myers, Manager of Central Davis County Sewer District, will require an extension of a sewer line from 1470 South and 200 East (several hundred feet) to serve the model home.

Motion

David Hale moved that the City Council approve the exemption to allow the temporary office to be located off-site outside the boundaries of the Tuscany Cove Subdivision as requested by

Rainey Homes subject to conditions set forth in the Planning Commission letter dated January 14, 2004; and subject to the installation of a sewer line from 1470 South 200 East to serve the model home as required by the Davis County Sewer District; and subject to a storm drainage resolutions acceptable to City staff and engineers. **Larry Haugen** seconded the motion, which passed by unanimous vote.

MINUTE MOTION APPROVING BUSINESS OF CONSENT (Agenda Item #9)

Larry Haugen moved to approve the following items by consent as follows:

- 9-1. Ratification of Construction Bond Agreements previously signed by Mayor Connors. It was noted that such agreements are signed at the issuance of building permits for new homes guarantying the completion of the home and guarantying that all public improvements previously installed in the right of way are in order or repaired if necessary before the bond is released.
- 9-2. Approval of Leisure Services Agreement for Junior Jazz Basketball Games Officiating Services.
- 9-3. Approval of Emergency Preparedness Coordinator Agreement with Paul E. White. New Homeland Security Grants will be received to pay for these services. The agreement is the same as last year except the amounts are less and the scope of work is different.
- 9-4. Ratification of terms of appointment for the following individuals recently appointed to the Cultural Arts Council. The terms for the initial Council had to be reduced for some in order to permit staggered terms as outlined in the new Cultural Arts Council Policies and Procedures. The individuals included: Treion Muller (3 years), Chadley Anderson (3 years), Toni Asay (3 years), Soni Muller (2 years), Lyhnda Short (2 years), Lisa Safeer (1 year), Linda Wallace (1 year).
- 9-5. Direct staff to prepare amendment to Uniform Fee Schedule as recommended by the Leisure Services Department.
- 9-6. Approval of Change Order Proposal #6 on Community Center. The Change Order is necessitated by Health Department requirements.

Rick Dutson seconded the motion, which passed by unanimous vote.

DEVELOPMENT AGREEMENT FOR MILLER MEADOWS/FIRST READING (Agenda Item #10)

The agenda item was for the information of the City Council and was a first reading. Council Members mentioned the need to include information regarding water shares and adequate irrigation water.

**RESOLUTION AMENDING FARMINGTON CITY OPENING COMMENTS
/LEGISLATIVE PRAYER POLICY (Agenda Item #11)**

Motion

After a brief discussion, **David Hale** moved that the City Council adopt Resolution No. 2004-03, a resolution of the Farmington City Council adopting an Opening Comment/Legislative Prayer Policy. **Sid Young** seconded the motion, which passed by unanimous vote.

ORDINANCE ADOPTING UPDATES TO THE BUILDING CODES (Agenda Item #12)

Packet information indicated that the codes for building inspection were State codes and that cities were required to adopt the same. Whenever updates are made available by the State, cities are required to approve ordinance changes adopting the new codes. Exhibit A in the packet contained all building codes. All codes were being updated except for the code for abatement of dangerous building listed at 10-2-106.

Motion

Susan Holmes moved that the City Council approve Ordinance No. 2004-04, an ordinance amending Chapter 2 of Title 10 of the Farmington City Municipal Code relating to Uniform Construction Codes. **Larry Haugen** seconded the motion, which passed by unanimous vote.

**RESOLUTION APPROVING UTA/MUNICIPAL MASTER INTERLOCAL AGREEMENT
GRANTING LIMITED PERMIT FOR COMMUTER RAIL CONSTRUCTION (Agenda Item
#13)**

Mayor Connors stated the approval of the Interlocal Agreement with the UTA was a very important action in supporting the commuter rail construction in Davis County. The issues had been discussed at length by the City Council in previous meetings.

Motion

Larry Haugen moved that the City Council adopt Resolution No. 2004-05, a resolution adopting and approving an interlocal agreement between the Utah Transit Authority (UTA) and Farmington City and expressly authorizing a waiver of fees pursuant to Section 10-8-2 U.C.A. **Rick Dutson** seconded the motion, which passed by unanimous vote.

RESOLUTION FORMALLY ADOPTING CULTURAL ARTS COUNCIL POLICIES AND PROCEDURES (Agenda Item #14)

Motion

Susan Holmes moved that the City Council adopt Resolution No. 2004-06, a resolution establishing and adopting a Mission Statement, Policies and Procedures for the Farmington Cultural Arts Council. **David Hale** seconded the motion.

In discussion of the motion, **Mr. Dutson** had questions regarding the process of how leadership will be elected. He also had suggestions regarding wording. Subject to minor modifications approved by the first and second, a vote was taken indicating the motion passed by unanimous vote.

RESOLUTION APPOINTING/ASSIGNING AND RECOMMENDING THE ELECTION OF CITY RELATED COMMITTEES, COMMISSIONS, STATUTORY POSITIONS (Agenda Item #15)

Mayor Connors reviewed the proposed appointments and assignments.

Motion

David Hale moved that the City Council adopt a resolution of the City Council of Farmington City, Utah, pertaining to the appointment and assignment of Council Members and others to various City Committees, Boards, and Commissions and appointment of Council Members to represent Farmington City on various special District Board and other non-City organizations. The motion included the election of Susan Holmes as the Mayor Protem. **Rick Dutson** seconded the motion, which passed by unanimous vote. A list of the approved assignments will be given to City Council members, included a brief job description of each assignment and committee.

SPECIAL AREA MANAGEMENT PLAN (SAMP) CONSULTANT RECOMMENDATIONS /SUSAN HOLMES/DAVID PETERSEN/DAVID HALE (Agenda Item #16)

Mr. Petersen reviewed the agenda item for the City Council. After interviewing several applying consultants, the committee wanted to suggest Frontier. Mr. Petersen talked about the scope of work required of the Special Area Management Plan (SAMP) consultant. Most work will be done in the west Farmington area, although the southern portion of the U.S. 89 corridor may be covered. The process will take a little over a year.

Motion

Larry Haugen moved that the City Council approve the recommendation of the City Planner to retain Frontier as Farmington City's Special Area Management Plan Consultant with the scope of work as presented. **Susan Holmes** seconded the motion, which passed by unanimous vote.

POTENTIAL DELAY OF INSTALLATION OF FOUR-WAY STOP AT 1075 WEST/SHEPARD LANE INTERSECTION/MAX FORBUSH (Agenda Item #17)

Mr. Forbush introduced the agenda item. According to Russell Youd of Horrocks Engineers, anytime there is a change from a 2-way stop to a 4-way stop there is a driver transition period. The Engineers were concerned about the transition period and were recommending placing variable message signs on Shepard on both legs approaching the intersection. There may be some additional risk of making the change in the winter when the striping for the stop bars can not be painted. The MUTCD states that the stop bar is optional and therefore if the City feels it is in the best interest of the citizens to make the change, there is nothing technically that would suggest not to go ahead. Drivers may be more alert in the winter driving conditions. The Engineers recommended that law enforcement monitor the intersection carefully for the first week. They also recommended that the intersection be monitored after the first week to determine when it may be safe to remove the variable message signs.

Motion

Sid Young moved that the City Council wait from 6 to 8 weeks, depending on the weather, before directing the City Manager to move forward with the installation of a four-way stop at 1075 West/Shepard Lane. **Rick Dutson** seconded the motion, which passed by unanimous vote. Safety concerns were cited as the reason for the delay.

POTENTIAL CLOSURE OF S.R. 106 AT THE FARMINGTON CREEK BRIDGE AT 600 NORTH/MAX FORBUSH (Agenda Item #18)

Mr. Forbush stated he had discussed the potential closure of S.R. 106 at the Farmington Creek Bridge at 600 North with public safety officials. The public Safety officials had initially believed that UDOT had a valid concern since the bridge needs to be fully constructed prior to spring runoff. It seemed at one point that there had been a delay in the work because Qwest was late in rerouting the fiber optics through the project. UDOT officials now felt the contractor is on schedule and therefore there will be no need to close S.R. 106 to complete construction.

CITY COUNCIL RETREAT PLANS/PROGRESS REPORT/MAX FORBUSH (Agenda Item #19)

Mr. Forbush reported that the planned City Council retreat is scheduled for Friday night, January 30, and Saturday morning until noon, January 31. It will be held at the Marriott Courtyard in Layton (near the Layton Hills Mall) beginning with dinner at 6:00 P.M. on Friday.

CONSIDERATION OF NEW CONCEPTUAL IRRIGATION SERVICE REQUIREMENTS ON NEW DEVELOPMENT AND NEW CONSTRUCTION PROJECTS/ MAX FORBUSH (Agenda Item #20)

Mr. Forbush summarized the agenda item for the City Council. As indicated in packet information, presently the City's policy requires developers to install irrigation improvements within new developments but does not say anything about acquiring water rights. Presently, developers may develop subdivisions but there is no mandatory requirement for people who construct homes to sign up for Farmington Area Pressurized Irrigation service. Farmington City is served by two irrigation districts, the Farmington Area Pressurized Irrigation District for areas east of I-15 and in the Oakridge area and in the Haight Creek area on the northwest side of Farmington; and the balance of the area is serviced by the Weber Basin Water Conservancy District. Weber Basin water officials have advised Farmington City that it is nearly out of irrigation water. There are large areas in west Farmington and within their service area that do not have water rights. There are large areas that have some but not enough water rights. For people who buy Weber Basin Water rights, the present price is \$450 per acre annually. Customers pay no connection fee, but do pay the annual fee. For a 10,000 square foot lot in west Farmington the cost may be \$150 per lot; a half acre would be \$225; and a fully acre would be the \$450. If developers are required to buy full water rights then persons building homes within that subdivision would automatically be signed up and be required to pay for Weber Basin Water. These properties would have laterals stubbed to their property lines, and would be paying for irrigation water whether they used it or not. Hence, a great motive exists to sign up.

The proposed policy then would require developers, mostly on the west side, to purchase full Weber Basin water rights. The proposed policy would require unimproved lot owners, if they develop single family homes, to purchase the right for Weber Basin Water. For the areas served by FAPID, property owners would be required to pay a one-time connection fee and to pay the annual tract fee billed by the Farmington Area Pressurized Irrigation District.

The City Manager presented a map showing the service areas and illustrating the areas where there are currently no irrigation water rights available. If the City Council approved the policy conceptually, the City Manager would have the City Attorney draw up the policy for City Council consideration.

By consensus, the City Council directed the City Manager to have a proposed ordinance drafted for the consideration of the City Council at a future meeting. The ordinance draft would state policies that require either developers and/or builders to obtain water rights or to pay connection fees for irrigation services on new development or, in the alternative, to provide other methods to irrigate landscaping with irrigation water instead of treated culinary water.

CONSIDERATION TO APPROVE CONSULTING SERVICES AGREEMENT WITH BEAR WEST, INC., FOR GENERAL PLAN CONSULTING / DAVID PETERSEN (Agenda Item #21)

Mr. Petersen presented the agenda item. He reviewed the process already accomplished in amending the General Plan. The two main tasks required by the City of the proposed consultant would be: 1) finalizing and adopting the revised Future Land Use Plan Map and text for Chapters 10 and 11 of the Comprehensive General Plan; and 2) drafting, finalizing, and adopting regulations for the NMU, CMU and MU (TD) zones for the Zoning Ordinances. Mr. Petersen briefly reviewed the qualification of Bear West, Inc., and stated that they come highly recommended.

Motion

Rick Dutson moved that the City Council approve Bear West, Inc, for the purpose of General Plan consulting and ordinance development. **Larry Haugen** seconded the motion, which passed by unanimous vote.

MISCELLANEOUS

Museum

Mr. Haugen asked questions regarding completion of the museum construction. He also asked that the sidewalk to the museum be cleared after snow storms. Mr. Haugen briefly discussed miscellaneous needs for the museum. It was estimated that the museum would be finished in July of 2004.

Farmington Festival Days

Mr. Dutson raised the issue that there needs to be a new chairman for Farmington Festival Days assigned, hopefully before February. Any ideas should be submitted to staff or to Tammy Boyce.

Recycling in the City

Citizens have shown interest in recycling in the City. However, because all vendors pay a fixed fee of \$10/month for garbage disposal there are financial problems that are restrictive. (No incentive to reduce the waste stream.) The City Council discussed ideas to make recycling work. It has not been cost-effective to this point. Mr. Forbush stated that the City is involved in recycling, more so than is commonly known to most citizens. (Spring cleanup material is mulched.) It was suggested that a *Newsletter* article be written about the ways Wasatch Energy Systems and the City are involved with recycling.

1500 West Claims

Council Members asked for a report on claims made by individuals whose cars were damaged as a result of the waterway construction in 1500 West Street.

Mr. Forbush stated there had been four claims regarding damages on cars as a result of the dip on 1500 West. The roadway has been temporarily closed until construction is completed in the spring.

S.I.D. Decorative Lights

Some of the decorative lights have been installed under S.I.D. 2003-01 in Compton's Pointe Subdivision. They have not been installed in the Shepard Heights, Summerwood, and Oakridge areas.

Envision Utah Awards Application

Susan Holmes discussed the possibility of applying for available awards. The applications take time and the staff had some hesitation about investing the time.

Mayor Connors stated that the City has done an exceptional work in managing growth and other areas. It would be nice to have the recognition for those who have worked so hard. Max Forbush indicated the application has been given to David Petersen. His work load has not permitted him to submit the application yet. Staff will make the effort if time permits.

Martin Luther King Holiday

Ms. Holmes raised the question about having the City Offices closed on the holiday.

Mayor Connors suggested that the issue be reviewed by the Council Personnel Committee and brought back for action.

Traffic Concerns

Mr. Young raised the issue about allowing parking on the north side of State Street just east of Main Street. It may be dangerous to allow cars to park in what may be thought of as a "right turn lane." Mr. Forbush reported that the problem was inadequate customer parking for the Pizza Place, hair salon, etc. If the School District could allow some parking in the rear, it might help.

Brass Comb Property

Mr. Forbush requested the services of a realtor to help sell the property. By consensus, the City Council approved the action.

Survey Needs

Paul Hirst has asked permission to do survey work for the Davis School District. Because of the possible conflict of interest, the City Engineer felt he needed the approval of the City Council. By consensus, the City Council approved the request.

Change Order

A change order had been submitted for wiring to accommodate phone and data lines in the Community Center.

Larry Haugen moved that the City Council approve the change order for the wiring in the amount of \$3,044.52. **Susan Holmes** seconded the motion. In discussion of the motion, **Rick Dutson** asked that staff confirm the price was not excessive or unfair. A vote was taken indicating unanimous approval of the motion.

MOTION TO ADJOURN TO CLOSED SESSION

Susan Holmes moved that the City Council adjourn to closed session to discuss strategy as it pertains to pending litigation at 10:50 P.M.. **Larry Haugen** seconded the motion, which passed by unanimous vote.

At 11:03 p.m. **David Hale** made a motion to go back into open session. The motion was seconded by **Rick Dutson** with all Council Members voting in favor.

ADJOURNMENT

There being no further business to come before the Council, **Sid Young** moved that the meeting adjourn at 11:05 p.m. **Susan Holmes** seconded the motion, which passed by unanimous vote.

Margy Lomax, City Recorder
Farmington City