

FARMINGTON CITY COUNCIL MEETING

Wednesday, February 2, 2005

JOINT CITY COUNCIL/PLANNING COMMISSION SESSION

PRESENT: Mayor Protem Susan T. Holmes, Council Members Rick Dutson, David Hale, Larry W. Haugen, and Sid Young, Planning Commission Members Keith Klundt, Annie Hedberg, and Cindy Roybal, City Manager Max Forbush, City Planner David Petersen, and Deputy City Recorder Jeane Chipman. Mayor David M. Connors, Planning Commission Chairman Cory Ritz, and Commission Members John Montgomery, Kevin Poff, and Jim Talbot were excused. Horrocks engineers Ron Mortimer and Russell Youd were present.

Mayor Protem Holmes called the meeting to order at 5:30 P.M. Those present discussed proposed I-15/Shepard Lane interchange footprint with the related round-about at Shepard Lane and 1500 West. Ron Mortimer and Russell Youd from Horrocks Engineers gave the City officials information regarding sound mitigation, impact on existing homes, trail connections, nearby subdivision developments, corridor preservation, and density issues. There will need to be a public hearing on issues, possibly in March.

CITY COUNCIL STUDY SESSION/ KITCHEN AREA

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 Finance Director Keith Johnson, and Deputy Recorder Jeane Chipman.

The following was briefly discussed:

- Keith Johnson reviewed the current status of the Farmington City budget. The B&C road budget was the only area that held surprises. The State will not be forwarding as much money to that account as had been expected. The Council discussed projects that could be deferred to make up the difference.
- Mr. Forbush discussed Agenda Item #9-Request for perimeter trail and enhanced fishing pond be added to the City's Parks & Recreation Capital Facilities Plan. Because the County would need to have access for maintenance purposes, the trail would need to be 10 feet wide and be constructed to handle truck traffic. Also, Mr. Forbush was concerned about maintenance of the proposed fishing pond. He said that it would be costly and would require more public improvements than a highly landscaped fishing pond.

REGULAR CITY COUNCIL/CITY CHAMBERS/CALL TO ORDER

PRESENT: Mayor David M. Connors, Council Members Rick Dutson, David Hale, Larry W. Haugen, Susan T. Holmes, and Sid 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 7:10 P.M. The invocation was offered by **Sid Young** and the Pledge of Allegiance was led by **Mayor Connors**.

APPROVAL OF MINUTES OF PREVIOUS MEETING

Susan Holmes moved to approve the minutes of the January 12, 2005, City Council Meeting. **Larry Haugen** seconded the motion. The voting was unanimous in the affirmative.

Susan Holmes moved to approve the minutes of the January 19, 2005, City Council Meeting. **David Hale** seconded the motion. The voting was unanimous in the affirmative.

REPRESENTATIVE FROM CONGRESSMAN ROB BISHOP'S OFFICE

Ben Horsely (representing Congressman Rob Bishop) addressed the City Council. As a liaison for the Congressman, Mr. Horsely wanted to update the Council and the Congressman's activities. The Congressman had just received an appointment to the House Rules committee. Mr. Horsely said the Congressman was aware that Farmington was in need of a new post office. There was an up-coming meeting with the Postal Service at which the Congressman would find out where the Farmington post office project was and try to get it moving forward.

Mayor Connors also asked if Mr. Horsely could have the Congressman look into federal funding for the commuter rail stop infrastructure. The City would welcome any ideas from the Congressman on the issue because of the regional importance of the project.

HISTORIC PRESERVATION COMMISSION ANNUAL REPORT/ALYSA REVELL (Agenda Item #3)

Alysa Revel gave a report from the Historic Preservation Commission to the City Council. She covered the following points:

- The national "tear down epidemic" has reached Farmington. Within the last year, 18 homes were demolished for road improvements and for other reasons. Twelve homes are threatened by demolition in 2005.
- There are between 150 and 180 homes that currently contribute to the historic character of Farmington. However, if the current trend continues, by the year 2025 there will be very few historic homes left.

- Tools suggested by the National Trust for Historic Preservation for preventing tear downs include: 1) require the review of proposed tear downs, 2) stiff penalties for demolition without a permit, and 3) limit the scale of new construction.
- The City does have assets and a number of successes in its goal for historic preservation: 1) cooperative and supportive City staff, 2) the OTR zone, which helps preserve historic neighborhoods, and 3) an active Historic preservation Commission.
- The goals for the future include identifying, preserving, and protecting historic buildings, sites, monuments, streetscapes, and landmarks with the City. They also want to educate citizens regarding the preservation of worthwhile historic sites.

STATE OF THE CITY ADDRESS/ MAYOR DAVID M. CONNORS (Agenda Item #4)

Mayor Connors presented his “State of the City” address, a copy of which is attached hereto.

PLANNING COMMISSION REPORT (Agenda Item #5)

David Petersen reported proceedings of the Planning Commission meeting held January 27, 2005. He covered the following items:

- The Planning Commission recommended the City Council rezone 111.15 acres located at approximately 1650 West 950 North from A to AE rezone property as requested and further recommend that the Planning Commission table consideration of the schematic plan until a yield plan and schematic plan are prepared in accordance with Farmington City ordinances and the Master Transportation Plan for the area.
- The Planning Commission approved conditional use and site plan to establish a temporary sales office in a trailer located at approximately 975 North Shepard Creek Parkway.
- The Planning Commission approved conditional use and site plan approval to establish a temporary sales office in a model home located at approximately 1625 South 200 East.
- The Planning Commission recommended that the City Council annex property located on the northeast corner of Lund Lane and the Frontage Road.
- Mr. Petersen reported the meeting held to discussed the Neighborhood Mixed Use zoning draft. The meeting was a productive, open meeting with representatives from all interested parties. The main issue was focused on the size of potential commercial

“big boxes.” Development of a commercial box store depended on UDOT allowances for access to the property. The committee wanted a few more details of information before they made a final decision. One of the items needed was a detailed study of future traffic models. There may be a need for one or two more meetings. City staff had been directed to approach UDOT officials to see if access for the north main property could be increased.

- The Planning Commission recommended that the City Council grant a waiver for the rear set backs of lots 105 through 109 being built by Rainey Homes in the Miller Meadows Subdivision and that the developer receive approval for a lot line adjustment for lots 118 and 199 so that lots 103 and 104 become compliant with the ordinance.

ABANDONMENT OF PUBLIC UTILITY EASEMENT REQUEST/RICHARD AND DORIS PIERCE (Agenda Item #6)

David Petersen explained the request by Richard and Doris Pierce to have the City vacate a 7 foot easement in the rear of their property at 816 South 250 East. Utah Power and Light, Questar Gas Company, and Quest Communications had granted approvals to vacate the easement. The Pierces planned to build a garage in the rear of their home, thus the request for the vacation. Staff recommended approval of the request.

Motion

Sid Young moved that the City Council approve the revocation and abandonment of the public utility easement document for property located at 816 south 250 East as requested and authorize Mayor Connors to sign the same. **Rick Dutson** seconded the motion, which passed by unanimous vote.

CONSIDERATION TO AUTHORIZE “EXEMPTION” OF SALES OFFICE IN A MODEL HOME OUTSIDE BOUNDARIES OF A SUBDIVISION/RAINEY HOMES (Agenda Item #7)

Mr. Petersen stated the Planning Commission had granted temporary use for a sales office in a model home outside the boundaries of the Tuscany Cove Subdivision subject to a number of items, including approval by the City Council granting “exemption” status. The City Council approved a similar request one year ago. Rainey Homes had previously built a sales office in a model home and wished, at this point, to sell that model home after a new model home is constructed on property adjacent to the home for sale. Both lots were off site from the Tuscany Cove Subdivision. The new model home will be for newly constructed homes in a subdivision other than Tuscany Cove.

Motion

Rick Dutson moved that the City Council authorize “exemption” for a sales office in a model home outside the boundaries of Tuscany Cove Subdivision according to the recommendations from the Planning Commission in the letter of January 22, 2005. **David Hale** seconded the motion, which passed by unanimous vote.

REQUEST FOR WAIVER OF REAR YARD SETBACKS FOR 7 LOTS IN MILLER MEADOWS SUBDIVISION/RAINEY HOMES (Agenda Item #8)

Mr. Petersen reported that when Chris Balling agreed with Randy Rigby to have Rainey homes build on lots in Miller Meadows he found that conservancy subdivision requires a 30 foot set back from the road which is different from other subdivision ordinances. However, the conservancy ordinance provides for a waiver for the set back requirements in specific cases. The purpose of the conservancy ordinance was to provide for open space preservation. On 5 lots in the Miller Meadows Subdivision being considered by Rainey Homes, the planned houses encroach on the rear yard. However none exceed 6 feet.

Chris Balling stated that the homes on the 5 lots being considered had rear yards abutting the conservancy lot. The other lots impacted by the set back requirement could be rectified by a simple lot line adjustment.

Motion

Susan Holmes moved that the City Council approve the wavier for rear yard setbacks of up to 6 feet for 5 lots in Miller Meadows Subdivision (lots 105 to 109) as requested by Rainey Homes. **Sid Young** seconded the motion, which passed by unanimous vote.

REQUEST FOR PERIMETER TRAIL AND ENHANCED FISHING POND BE ADDED TO THE CITY’S PARKS & RECREATION CAPITAL FACILITIES PLAN (Agenda Item #9)

Mr. Forbush introduced the agenda item. He covered the following points as presented in the packet:

1. Presently neither the pond nor the perimeter trail was included in the Capital Facilities Plan adopted by the City Council. This Capital Facilities Plan was the basis upon which the City established its Parks & Recreation impact fees.
2. There was \$68,000 set aside by the developers of Farmington Preserve in an escrow account to build the perimeter trail from the cul de sac at Set Court southeasterly along I-15, thence northwesterly along U.S. 89, thence north to Shepard Lane. Garbett Homes was requesting that their portion of the trail be included in the Capital Facilities Plan because it appeared that there would not be enough money in the set-aside escrow to build the trail.

3. The Davis County Public Works Department was planning on using the trail for access to maintain the streams in the area. It was likely heavy 10-wheel dump trucks would be traversing the trail from time to time. Hence, there was a need for greater stability on the trail that would accommodate bikers but also 10-wheel dump trucks.
4. Because City staff was unsure as to who had the obligation to build the perimeter trail and if there were sufficient funds to pay the same, staff members were negotiating with the developers.
5. It appeared that the Farmington Preserve Development Agreement was silent as to what type of a trail was to be built. The Developer had also contacted the Utah Division of Wildlife Resources asking them to plant fish in a pond that was to be enlarged by Davis County for flood control. The water from Spring Creek runs in this area year round and the habitat appears to be ideal for fish. Hence, the developers were asking the City to participate in the development of another urban fishery. Farmington Pond is an urban fishery. A public contribution of \$3,200 annually would be required by the City payable to the State Division of Wildlife Resources.
6. It was the City Manager's recommendation that the City Council deny the developer's request for City participation by adding the fishing pond to the Capital Facilities Plan. It was the City Manager's opinion that the fishing pond would primarily benefit abutting property owners and would generally would not be widely used by the general public. However, it may be appropriate for the City to accept maintenance on the facility once it was developed since it would enhance the neighborhood and the public trail in the area. The question that Council Members may want to ask themselves was, "How does this project rank with all of the other projects yet unconstructed in the Capital Facilities Plan?"
7. More research needed to be completed by the City Attorney to determine who should pay the additional cost for the perimeter trail.
8. Garbett Homes had been meeting with City staff to address a number of issues. The City Manager, City Planner, and City Attorney met with Garbett Homes to hammer out appropriate agreements with the developers. Garbett Homes indicated a willingness to construct a 6 foot perimeter trail but likely not the 10 foot, hard surface access trail/road needed by County trucks for maintenance. With the conditions of the soil, such an access may need to be 12 inches of road base with 3 inches of asphalt.

Noel Balstead (Sandy, Utah, representing Garbett Homes) wanted to take the advantage of what could be an amenity for the subdivision. The developer liked the idea of the trail and wanted to add benches and possibly lighting. The pond would also be a good amenity. Mr. Balstead wanted to explore the fishing pond idea to see if it could be made to work. Staff had a concern about creating an attractive nuisance. The County was interested in having a detention basin of significant size.

Tom Smith (County Public Works Department) stated that in order to be able to maintain the area the trail must be at least 10 feet wide to be able to get the necessary trucks in the area.

Mayor Connors said there were obviously some more discussion that needed to take place regarding cost sharing and specific needs of the County. He suggested that the fishing pond be discussed at a later time.

Motion

David Hale moved that the City Council grant conceptual approval to continue negotiations with the County and to authorize the City Manager to schedule a public hearing for the amendment of the City's Capital Facilities Plan for the purpose of adding to the Capital Facilities Plan the perimeter trail originally planned for construction around the Farmington Preserve development in the Oakridge area Plan. **Larry Haugen** seconded the motion, which passed by unanimous vote.

GREG AND KATE DANIELS REQUEST FOR GATES AND SIGNS RESTRICTING MOTORIZED VEHICLES ON THE FIRE BREAK ROAD NEAR HUGHES ESTATES SUBDIVISION (Agenda Item #10)

Mr. Forbush reported the City had installed signage along the existing road which says "No Motorized Vehicles Beyond This Point." The City Council previously had concerns regarding a gate because of liability issues.

Greg Daniels said indeed the signs had been installed, but citizens had removed them. Saturdays and Sunday see a great deal of motorized traffic in the foothills, some of which is damaging to private property and some which has been threatening to local residents. The reason Mr. Daniels was trying to stop the flow of traffic across his property was because of obvious liability problems. He would not mind having equestrian use or hiking use, but the motorized vehicles cause a great deal of problems. In the past there have even been people with guns in the area. He felt that the signs were ineffective and that there needed to be a gate across the access point.

Jonathan Hughes stated he and his wife had spent a great deal of money to landscape their property. The motorized vehicles were very damaging and presented a safety hazard for property owners. He would appreciate the help of the City with the situation.

Mr. Forbush said that the realignment and improvements of the fire break road would likely solve the problem. Part of the resolution would include working with Brent Armstrong to gain an acceptable right-of-way for the new fire break road.

Ms. Holmes felt that something needed to be done for the residents in the short term. She suggested having an officer in the area on Saturday and Sunday to ticket violators. That would help educate the public to the proper use of the trails on the hillsides.

Mr. Young said he had talked with Kim Wallace of Davis County. The County is making progress with the realignment of the fire break road. Mr. Young felt that the reported use of guns in the foothills so close to residents was a serious problem that needed to be addressed. He felt that quick response from law enforcement would be of help.

Mr. Forbush stated that law enforcement was of some concern because there was a question as to whether such problems were under the jurisdiction of the City, the County, or the Forest Service.

Mayor Connors asked that the Problems Resolutions Committee take the issues under advisement and return to the City Council with recommendations. The Problems Resolutions Committee consists of Sid Young and David Hale.

Larry Haugen suggested the Fire Chief Larry Gregory also be consulted regarding possible resolutions.

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

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

1. Ratification of approval of construction bond agreements.
2. Approval of December's disbursement list as enclosed.
3. Approval of improvements agreement with Patriot Capital, LLC, for storm sewer facilities across Cornerstone Subdivision. This agreement pertains to Deer Crest Subdivision in Fruit Heights. A portion of the drainage comes into Farmington. Those public improvements to be installed will lead from the development through Cornerstone Subdivision into the Somerset Hollow ponds.
4. Assignment of Police and Fire Departments to participate in developing an Emergency Response Plan for Davis county Fair Park as requested by Commissioner Dannie R. McConkie.

Rick Dutson seconded the motion. The motion passed by unanimous vote.

RESOLUTION ADOPTING THE NATIONAL INCIDENT MANAGEMENT SYSTEM/LARRY GREGORY (Agenda Item #12)

Fire Chief Gregory presented information regarding the National Incident Management System. He said that in cities where the management system was in place, lives were saved and the different emergency response agencies were better prepared to cooperate, share information, and become more effective and efficient. He strongly recommended that Farmington adopt the management system.

Motion

Susan Holmes moved that the City Council adopt a resolution adopting the National Incident Management System. **Larry Haugen** seconded the motion, which passed by unanimous vote.

ORDINANCE ADOPTING WATER CONSERVATION PLAN (FIRST READING)/MAX FORBUSH (Agenda Item #13)

Mr. Forbush led a discussion of the Water Conservation Plan. The Plan would eventually need to be formally accepted by the City Council. He noted several points of interest in the document and requested input from the Council Members. Several Council Members had suggestions, which were noted. Mr. Forbush stated he would continue work on the document and bring it back to the Council for final consideration.

Mayor Connors noted he did not feel the City was ready to have every newly constructed commercial building in the City landscape with zero-scape designs at this point. It would be necessary to conserve water wisely and prudently at every opportunity. The City Manager was directed to prepare adjustments to the plan and to bring it back for formal approval.

INTER-LOCAL AGREEMENT WITH DAVIS SCHOOL DISTRICT/FIRST READING (Agenda Item #14)

Mr. Forbush introduced the agenda item. There had been some confusion regarding what the District was being asked to do. Some points in the document could be left for future negotiation, such as deadlines. In discussion of the issues, it was noted that Council Members wanted to protect the west side of the City from any significant negative impact by the school buses. The City Manager was directed to forward the draft with changes to the School District.

BUS RAPID TRANSIT (BRT) HEARING, COMMENTS AND RESULTS/GENERAL DISCUSSION/DAVID PETERSEN (Agenda Item #15)

Mr. Petersen reviewed the summary of comments given by the citizens in a recent BRT public hearing. According to UTA official, Greg Scott, even when the BRT is in place and functioning at a successful rate, there will still be empty buses because the BRT and the traditional bus system service two different types of customers. Mr. Petersen reported that the route of the BRT through Farmington would be influenced by the decision of Centerville for the route through their city. The City Council discussed the issues, including the following points:

- The frontage road route has not been completely evaluated.
- The stops planned for the BRT include one at Glover Lane, one on State Street, one at the Justice Center, and one at Lagoon (during the summer season).
- It may be that citizens had misunderstood who was building the BRT. They may have thought it was Farmington funding, when in reality the BRT is a UTA project.
- Several options for routing were discussed. Council Members were interested in being sensitive to the residents along the currently proposed route.
- It may be of helpful to have a survey done of the entire City regarding potential users and most advantageous routes.
- It would also be helpful to educate the public regarding the future needs of such a transportation system in the City.
- Mr. Petersen said it would be important to meet with Centerville officials to determine their favored routes.
- The proposed commuter rail stop and the future Legacy Highway will not resolve all the future transportation needs of Farmington citizens.
- The Mayor and City Council members asked that UTA officials be contacted and asked to give in-depth consideration to the frontage road as a favored route. Staff to report back after this step is accomplished.

1075 WEST ROUNDABOUT LANDSCAPING ALTERNATIVES/MAX FORBUSH (Agenda Item #16)

Mr. Forbush described three landscaping designs which had been proposed for the Shepard Lane round about. Council Members discussed the advantages and disadvantages of each. By consensus, Council Members felt that landscape design #3 consisting of raised flower beds was the best option. They wanted to have more information regarding cost differences. Installation costs were not as significant as maintenance costs would be. However, most Council Members felt that because

the round about would be the first of its kind in the City, it should be aesthetically pleasing and well done.

STATION PARK DISCUSSION (Agenda Item #17)

Packet information indicated that the City Manager and Finance Director had met with representatives of UTA, Dave Dixon and Michael Haws. Dave Dixon had presented the layout of the potential first phase of development. Paul Hirst had given a report on estimated costs of building the first phase of the commuter rail access road with cost estimates. Michael Haws had delivered a copy of the Master Development Guidelines for Station Park. Accordingly, these copies were provided to Council Members for perusal and suggestions.

A general discussion was held with UTA. They shared their concern that the Union Pacific Railroad was not sure if they would permit a tunnel to go under their tracks. The tracks had to remain in operation while the tunnel was built. The cost of this tunnel had not been determined. There was a general discussion that these costs were to vague at present. UTA objected somewhat to building an overhead access because they feared that overhead access to the commuter rail station would inhibit ridership. Some numbers were thrown around that the cost of this underground tunnel could be as much as \$5 to \$6 million.

The City Manager made the statement at this meeting that commuter rail stations do not create economic development opportunities, and even though the City was excited about having a commuter rail site in Farmington, it was not fair to expect local public entities to pay for the cost of basic infrastructure of having a commuter rail station installed. Any local public dollars contributed to the project ought to be for enhancements not the basic costs for creating access to the loading/unloading platform. Since these statements were only his opinions, he believed these were concepts that really ought to be decided upon by the Governing Body. It would be appropriate for the Governing Body to take some preliminary positions on this particular matter.

It was the City Manager's recommendation that the City, for the sake of encouraging economic development, front the cost for an access road. It appeared that such a road with engineering would cost less than one-half million dollars. The City would have to find a revenue source to provide debt service on this construction project. If development did occur, which it likely will, it would be expected that these funds would be reimbursed by tax increment. No additional construction of the connecting road between Clark and Park could be undertaken until such time that a participation agreement was signed and the developer could indicate that development would be forthcoming as would tax increment. The City Manager recommended that UTA should pay basic costs of the commuter rail station. It would be hoped that they would advance the costs of betterments to the station to be paid back by tax increment. The City Manager asked for general direction and opinions from the Governing Body concerning these matters.

Mayor Connors wanted to know what the next step should be in resolving the issues.

Mr. Forbush suggested that a list of possible expenses to be reimbursed by potential tax increment should be created. The access road would likely cost as much as half a million dollars. How to fund the debt service should also be studied.

Ms. Holmes felt that the City should spend a study session to determine steps, priorities, how to work with UTA officials, and a time line for achievement. It would also be helpful for the Council to discuss the importance of the rail stop in the City and policies regarding the rail stop.

DR. SEUSS READING PROGRAM INVITATION (Agenda Item #18)

Mayor Connors reminded Council Members that it had been a yearly practice for City officials to participate in the reading program. Farmington City Police Officer Brett Winkelman will call the City Council and Mayor Connors to schedule them for reading assignments.

INVITATION TO ATTEND ICSC EVENT (ECONOMIC DEVELOPMENT FROM EDC UTAH) (Agenda Item #19)

This invitation was to participate in a booth for the economic development conference in Las Vegas in the spring. Mayor Connors expressed concern as to if the City were ready to participate at this time. He felt it would be a good thing to do in the future when there is a product to sell or the City has a developer. The City Manager will research how much it will cost to go; the exact dates; and any other costs involved.

MISCELLANEOUS ITEMS

Rick Dutson reported that he had accompanied the Youth City Council on a tour of the Burn Plant. He stated that the youth had enjoyed it; that it was a very impressive plant.

Susan Holmes stated that interviews had been held by Leisure Services to hire an individual for creating programs; working with Arts Council; and upgrading what programs are offered. Leisure Services would like to hire this individual for six months to see how she works out.

A motion was made by **Susan Holmes** to find \$2,500 to retain the individual as a consultant suggested by Leisure Services until July 2005. The individual would receive a contractual per diem of \$500 per month. The individual and Viola Kinney would work out the job duties or “scope of work”. There are actually two positions to be filled – one position to replace Jo-Ann Callahan – and the other to enhance the arts. The motion died for lack of a second.

Discussion followed the motion with **Rick Dutson** questioning “What do we get at the end of the day?” He felt it is difficult to find that understanding; being able to get the job done.

It was felt that Viola should develop a proposal and then have it presented to the Council for further consideration.

Mayor Connors felt there needed to be a better definition of goals to be accomplished then go forward with that. He felt the City should get some benefit in return.

Sid Young reported that he had met with George Chipman and the Trails Committee. He felt it would be helpful to identify tie-ins with the cities to the north and south of Farmington. He said he would like to begin working with Mr. Chipman; to attend their meetings. He also reported that the Trails Committee is working on a draft to bring before the Council to formalize their relationship with the City.

Sid Young stated that he had spoken to Kim Wallace of Davis County and that the County had not approved a budget for the fire break road at this point in time. However, the County is willing to provide labor and machinery to work on the road.

Mayor Connors stated that he would be happy to meet with the County on this issue.

A motion to adjourn for a brief period was made by **Susan Holmes**. The motion was seconded by Larry Haugen with all Council Members voting in the affirmative.

At 10:25 p.m. the City Council meeting was reconvened.

ADJOURNMENT TO CLOSED SESSION

Susan Holmes made motion to go into closed session to discuss strategy as it relates to pending litigation. The motion was seconded by **Rick Dutson** with all Council Members voting in favor.

Susan Holmes moved to go back into open session. The motion was seconded by **Rick Dutson** with all Council Members voting in favor.

LARRY ALSUP APPEAL HEARING

Susan Holmes moved to authorize the City Attorney, Lisa Romney, to address issues to review the City ordinances as they pertain to appeals related to the Board of Adjustment. The motion was seconded by **Sid Young**. The voting was unanimous in the affirmative.

Susan Holmes moved to have the City Manager contact the City Attorney, Lisa Romney, to have her determine who is the appropriate appeal board to hear the Larry Alsup matter – the Board of Adjustment or the City Council. The motion was seconded by **Larry Haugen** and passed unanimously with all Council Members voting in favor.

The City Manager was given direction to go ahead with the appeal hearing scheduled for February 16, 2005, at 7:00 p.m. contingent on the City's legal counsel saying it is appropriate for the Council to hear it.

ADJOURNMENT

There being no further business to bring before the Council, **Susan Holmes** moved that the meeting adjourn at 10:55 p.m. **David Hale** seconded the motion, which passed by unanimous vote.

Margy Lomax, City Recorder
Farmington City