

# FARMINGTON CITY COUNCIL MEETING

Wednesday, February 4, 2004

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## **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, and Deputy Recorder Jeane Chipman.

**Mayor Connors** began discussion at 6:40 P.M. The following items were reviewed:

### **Consideration of Gary Gines' application to rezone approximately 3.7 acres located on the northwest corner of 1100 West and 475 South from A to AE. (Agenda Item #4)**

The agenda called for a public hearing during the regular session. Mr. Forbush explained a few of the issues relative to parcels fronting 475 South Street. Utilities, such as gas, electricity, and telephone, can not be installed until potential lot splits and the subdivision of large parcels can be planned or anticipated. The rezone request was necessary for the Gines' property to be subdivided.

### **Consideration of Planning Commission recommendation to rezone a parcel of Knowlton Elementary playfields (southwest corner) adjacent to U.S. 89 from LS to C to accommodate a Cellular Tower location. (Agenda Item #5)**

Council members had questions regarding the location of the cell tower and if there were better alternatives. Mr. Forbush briefly discussed reasons for placing the tower on the school site.

### **Consideration of Cable TV Government Access through the Davis County Cable channel in cooperation with Davis Chamber of Commerce/Chris Dallin (Agenda Item #6)**

Mr. Haugen and Ms. Holmes stated they had been in meetings where the cable channel had been discussed. Farmington's involvement in the TV channel opportunity would be a way to better inform citizens. There were many questions. Mr. Forbush remarked that revenues were probably available if the Council decided to request the TV access for local government use.

### **Request of Public Works Department to Declare as surplus property the 1989 Chev Topkick dump truck; authorizing its sale and approving an amendment to the Capital Equipment Purchase List. (Agenda Item #7)**

Mr. Forbush had discussed the agenda item with the Public Works Director. It was his opinion that the City's large truck fleet was aging and that the purchase of the new vehicle at an opportune time would be a wise investment. The purchase of a larger 10 wheel dump truck has been previously approved in the budget. The new request is to purchase a smaller one.

### **Items of Business of Consent (Agenda Item #8)**

Item 8-4 included authorization for the Mayor to sign a quit-claim deed to correct a surveying gap adjacent to the Bernard Thomas property at 98 East 200 South. The Thomases are selling the property to Brent Bishop. Before the property can be sold, survey conflicts need to be resolved. In this particular area of Farmington there are many conflicts. The City Manager and City Planner, as well as the sellers of the property, believed that this was a good opportunity for the City to correct the survey gaps and to adjust property lines. The title company suggested the City quit-claim any interest it may have in the 20 foot gap between the Litster and the Thomas properties. The City does not actually own the property, but any property not lotted was under the City's name initially when the original townsite was created.

Item 8-6 has been reviewed by the City Attorney who had no issues with the planning services consulting agreement with Bear West.

**Ordinance amending 3-3-113 of City Code related to the Disposal of Surplus Property (Agenda Item #9)**

The ordinance amendment was being considered due to the advise of the City's Attorney.

**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 7:10 P.M. The invocation was offered by **Susan Holmes** and the Pledge of Allegiance was led by **David Hale**.

**APPROVAL OF MINUTES OF PREVIOUS MEETING**

**Susan Holmes** moved to approve the minutes of the January 21, 2004, City Council Meeting with corrections as noted. **Larry Haugen** seconded the motion. The voting was unanimous in the affirmative.

**REPORT OF PLANNING COMMISSION (Agenda Item #3)**

**David Petersen** reported proceedings of the Planning Commission meeting held January 22, 2004. He covered the following items:

- The Planning Commission voted to approved Blakewood Developments request for preliminary plat approval for the Farmington Creek Estates Phase III Planned Unit Development consisting of 57 lots on 33.6927 acres located southeast of the Country

Lane, north of Glovers Lane, and west of the Old DRGW RR tracks in an AE (PUD) zone.

- Herald and Barbara Rice had requested approval to develop a two-lot subdivision by metes and bounds consisting of 3.71 acres located at the south end of Davis Creek Drive (50 East) at approximately 1025 South in an A zone and to vacate the southern end of Davis Creek Drive (50 East) in conjunction with the lot split. The Planning Commission tabled the agenda item to allow interested parties time to work out issues regarding trail placement, HOA membership, review of the CC&Rs, maintenance, and other issues. The Commission members also asked that the time be used to have the City Planner address the flag lot issue with the City Council. The City Council discussed issues regarding privacy and fire safety. The City Council felt they should receive an official recommendation from the Planning Commission before they address the question officially.
- The Planning Commission voted to grant a special exception decreasing the lot width from 85 feet to 82.5 feet and approve Jerry Preston's request for approval to develop a two-lot subdivision by metes and bounds located at 245 North 200 East in the OTR Zone.
- The Planning Commission recommended that the City Council approve the application to rezone property located on the northwest corner of 1100 West and 475 South from "A" to "AE."
- The Planning Commission reviewed in detail the General Plan amendment and the U.S. 89 corridor.

**PUBLIC HEARING: CONSIDERATION OF GARY GINES' REZONE APPLICATION TO REZONE APPROXIMATELY 3.7 ACRES LOCATED ON THE NORTHWEST CORNER OF 1100 WEST AND 475 SOUTH STREETS FROM "A" TO "AE" (Agenda Item #4)**

**Mr. Petersen** reviewed the agenda item. Gary Gines and his son Kent Gines own the property in question. The property had been annexed to the City prior to their neighbors' surrounding lots. The neighbors requested annexation as AE with the hope they would have an S.I.D. approved. The action allowed the property owners to divide their property to help pay for the S.I.D. Mr. Gines is within the S.I.D. area but because he is zoned A he can not currently subdivide in the same manner as his neighbors to help pay for the S.I.D. Mr. Gines has requested a rezone to allow him to do the same thing his neighbors can do. Yield plans for the AE would allow Mr. Gines to get as many as 6 lots if he fully developed his property.

**Public Hearing**

**Mayor Connors** opened the meeting to a public hearing.

**Public Hearing Closed**

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

The City Council discussed the issues briefly. **Ms. Holmes** commented that the issues involved have been discussed for several years. The action would resolve existing problems for the neighborhood.

**Motion**

**Susan Holmes** moved that the City Council approve Ordinance No. 2004-08, an ordinance amending the zoning map to show a change of zone for property located at 396 South 1100 West from Zone A to AE. **Rick Dutson** seconded the motion. The motion passed by unanimous vote.

**PUBLIC HEARING: CONSIDERATION OF PLANNING COMMISSION RECOMMENDATION TO REZONE A PARCEL OF KNOWLTON ELEMENTARY PLAY FIELDS (SOUTHWEST CORNER) ADJACENT TO U.S. 89 FROM “LS” TO “C” TO ACCOMMODATE A CELLULAR TOWER LOCATION (Agenda Item #5)**

**Mr. Petersen** reviewed the agenda item. Representatives of T-Mobile were unable to attend the meeting. T-Mobile proposed to put a tower at the southwest corner of the Knowlton Elementary School site. The height of the tower requested was 100 feet. The tower would be located in an LS zone which restricts any height to only 60 feet. The site is very close to C (commercial) zoning. There are existing lights poles for the ball diamonds in the area. Many other school sites have towers located on their property. The Planning Commission felt that the proposed construction site was close enough to the commercial area that it would be acceptable to rezone the 1600 square feet to allow the tower. The Planning Commission included conditions for approval.

**Public Hearing**

**Mayor Connors** opened the meeting to a public hearing.

**Public Hearing Closed**

With no forthcoming comments, **Mayor Connors** closed the public hearing and turned the meeting back to the City Council for consideration of the issues.

**Mr. Petersen** briefly discussed the issue of perceived “spot zoning.” The action would not be considered spot zoning if the City Council regarded the action as fitting and acceptable with the surrounding areas.

**Mr. Dutson** raised issues of safety, especially since school children would be so close. He also asked about possible dangerous emissions.

**Mr. Petersen** stated that the T-Mobile had discussed the safety conditions with the Planning Commission. The first climbing rung on the pole was twenty feet in the air. A security fence and locked housing surround the base of the pole. He stated he was not aware of emissions problems but would check.

### **Motion**

**David Hale** moved that the City Council approve Ordinance No. 2004-09, an ordinance amending the Zoning Map to show a change of zone for property located near the southwest corner of Knowlton Elementary School grounds at 801 West Shepard Lane from zone LS to C subject to conditions 1 through 6 set forth in the Planning Commission letter dated January 14, 2004. **Sid Young** seconded the motion, which passed by unanimous vote.

### **CONSIDERATION OF CABLE TV GOVERNMENT ACCESS THROUGH THE DAVIS COUNTY CABLE CHANNEL IN COOPERATION WITH DAVIS CHAMBER OF COMMERCE/CHRIS DALLIN (Agenda Item #6)**

According to packet material, Council members Susan Holmes and Larry Haugen had been assigned to evaluate having the City's own dedicated TV channel or going with the Davis County Cable channel sponsored through the Davis Chamber of Commerce. In November Ms. Holmes, Mr. Haugen, Mr. Forbush and Keith Johnson (City Finance Director) attended a meeting with the Chamber and their committee. Cisco Systems would be the operator of either channel, whether the City wanted to have its own channel or whether it went with the County. In the end the Farmington City representatives unanimously concurred that the most viable alternative was to be a part of the Davis County-wide channel with the narrow-casting option. Choosing this option will cost the City about \$10,500 for the current fiscal year and an additional \$5,000 per year thereafter.

**Chris Dallin**, representing the Davis County Chamber of Commerce, addressed the Council regarding possibilities of Farmington becoming a part of the Davis County Cable Channel 17. There would be no commercials allowed on the channel. Mr. Dallin reviewed possible uses for the channel by Farmington and neighboring communities in Davis County. He stated that one goal would be to provide Davis County voters with accurate and helpful information. The Cable Channel would partner with different entities in the County, such as the *Standard Examiner* and *The Clipper*, to provide information. The yearly contribution would be \$5,000. Mr. Dallin stated that would purchase 30 slates a year and a yearly "mayor's message." Additional menu items could be added at any time. The signal would also be available on the internet. "Narrow casting" would allow Farmington to broadcast specific items of interest just meant for its citizens during pre-determined time slots. It was

intended that the channel would begin operation in mid-2004. Mr. Dallin stated the Chamber would be happy to develop an agreement in cooperation with Farmington's City Attorney. By consensus, the City Council approved the concept of becoming involved in the channel work.

**REQUEST OF PUBLIC WORKS DEPARTMENT TO DECLARE AS SURPLUS PROPERTY THE 1989 CHEV TOPKICK DUMP TRUCK; AUTHORIZING ITS SALE AND APPROVING AN AMENDMENT TO THE CAPITAL EQUIPMENT PURCHASE LIST (Agenda Item #7)**

**Mr. Forbush** reviewed the agenda item. As indicated in packet material, Mr. Forbush recommended that the City Council authorize an amendment to the original budget equipment list evaluating Public Works to purchase the Sterling dump truck and attached bed without purchasing a sander and snowplow this year. The \$116,263 amount needed to include the sander and snowplow was more than the available \$100,000 in the current 2003-2004 fiscal year. Mr. Forbush also suggested that the City Council defer authorizing the purchase of the pickup truck for garbage service to another meeting until it could be studied further. The recommendation was to accommodate some changes in how the City monitors garbage collection, which needs further work. Mr. Forbush also suggested that the City Council defer purchase of the sander and plow and also the purchase of a pup trailer to be considered in the next fiscal year's budget. A pup is the pull-behind trailer that hauls as much material as a large 10-wheel dump truck. The price of the pup is approximately \$35,000. The current budget calls for the purchase of a large 10-wheel dump truck to replace the 1992 autocar dump truck. The current budget also calls for the purchase of a pull-behind pup. Revenues for these purchases include the use of \$65,000 from the Class C road funds, \$35,000 from the sale of the backhoe; and \$30,000 from the sale of the autocar dump truck. Since the autocar dump truck is not going to be sold, there is not enough money to fund all the items in the original Public Works equipment budget.

**Motion**

After discussion, **David Hale** moved that the City Council authorize the City Manager to pursue the purchase of the truck and attached bed as presented and to declare surplus the 1989 Chev Topkick dump truck authorizing its sale. **Larry Haugen** seconded the motion, which passed by unanimous vote.

**MINUTE MOTION APPROVING BUSINESS OF CONSENT (Agenda Item #8)**

**David Hale** moved that the City Council approve the following items of consent:

- 8-1. Ratification of Construction Bond Agreements previously signed by Mayor Connors.
- 8-2. Approval of December's list of disbursements as enclosed.

- 8-3. Approval of Leisure Services Director's Recommendation to Amend Program Services and fee for Tot and Level I Swim Lessons.
- 8-4. Authorization for Mayor to sign quit-claim deed to correct surveying gap adjacent to Bernard Thomas' property at 98 East 200 South.
- 8-5. Approval of resolution adopting and implementing an Employee Recognition Program.
- 8-6. Approval of planning services consulting agreement with Bear West.
- 8-7. Approval of Leisure Services Director's request to purchase tables, chairs, and custodial supplies for Community Center. This approval does not include the purchase of the scissor lift.

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

**ORDINANCE AMENDING 3-3-113 OF CITY CODE RELATED TO THE DISPOSAL OF SURPLUS PROPERTY. (Agenda Item #9)**

**Mr. Forbush** introduced the agenda item. According to packet information, the City Manager had received a letter making an offer on the City's 7.5 acres of land in west Farmington. The offer was made by Woodside Homes. Before the offer could be considered, the City Attorney advised the City to adopt the policy change which was consistent with recent case law requiring cities to have hearings prior to the disposal of property in excess of a certain value. The City Manger recommended adoption of the ordinance.

**Motion**

After a brief discussion, **Susan Holmes** moved that the City Council approve Ordinance No. 2004-10, an ordinance of the Farmington City Council amending Section 3-3-113 of the Farmington City Municipal Code relating to the disposal of surplus property. **David Hale** seconded the motion, which passed by unanimous vote.

**AUTHORIZATION FOR MAYOR TO SIGN MUTUAL CONSENT AND RELEASE DOCUMENT REGARDING COX DEVELOPMENT, INC. (Agenda Item # 10)**

**Mr. Forbush** introduced the agenda item. During 2001, the City improved its water system by installing a 12-inch line along 200 East by way of a contractor named Cox Development, Inc. This agreement was drafted to settle a dispute on a final payment for the project. After about a year of negotiations and legal discussions, it appears that the attorneys and City management concurred that the resultant release document should be recommended to the City Council.

**Motion**

**Rick Dutson** moved that the City Council authorize Mayor Connors to sign the Mutual Release and Settlement regarding the Cox Development issues. **Larry Haugen** seconded the motion, which passed by unanimous vote.

**CONCEPTUAL APPROVAL OF INTER-LOCAL AGREEMENT WITH DAVIS COUNTY REGARDING CROSS-PARKING ARRANGEMENT FOR NEW COMMUNITY CENTER (Agenda Item #11)**

**Mr. Forbush** reviewed the agenda item. The proposed Interlocal Cooperation Agreement between the City and Davis County had been prepared by Jerry Hess, Davis County Attorney. The City's Attorney had made suggestion, which had been included in the packet. The City Council briefly discussed the item. By consensus, the City Council gave conceptual approval to the agreement and directed that it be reviewed by all interested parties and finalized for their consideration.

**ORDINANCE AMENDING 9-1-113 PERTAINING TO WATER BILLING PROCEDURES/REQUIREMENTS FOR DEPOSITS IN CERTAIN INSTANCES (Agenda Item #12)**

**Mr. Forbush** introduced the agenda item. A number of citizen customers in the City had declared bankruptcies recently. Once bankruptcy is filed, the City has no claim on past-due water bills of those filing for the action. At times, individuals who have filed bankruptcy are still getting services. The requirement of a deposit before service continues of those who have filed for bankruptcy will help solve the lost revenues experienced heretofore because of the bankruptcies. The Council members had questions about the language of the amendment and directed the City Manager to confirm the intent with the City Attorney.

**SECONDARY WATER SYSTEM ORDINANCE/FIRST READING (Agenda Item #13)**

**Max Forbush** introduced the agenda item. The ordinance was a follow up to discussions held at the January 21, 2004, City Council meeting pertaining to the requirement for secondary water available on all new developments. The City Attorney Mike Mazuran prepared the draft enclosed in the packet for City Council review. Mr. Forbush asked that Weber Basin and FAPID officials be invited to review the document prior to consideration for approval by the City Council.

By consensus, the City Council agreed with the general concept of the secondary water system ordinance as presented. They discussed a few specific items, which will be included in a redraft by staff.

**RESOLUTION PERTAINING TO CITY COUNCIL APPOINTMENTS/ASSIGNMENTS  
(Agenda Item #14)**

**Mr. Forbush** stated that the City Attorney had provided the resolution regarding City Council appointments and assignments. The new resolution was briefly reviewed by City Council members. Where needed, members of the City Council were added to specific committees to bring the total membership for each committee to two.

**Motion**

**David Hale** moved that the City Council adopt Resolution No. 2004-11, a resolution providing for the appointment of City Council members to and delegating authority to various Council committees and providing for the appointment of certain individual to represent Farmington City on various boards, councils, and commissions subject to the changes as discussed. **Larry Haugen** seconded the motion, which passed by unanimous vote.

**MISCELLANEOUS****Burn Plant Report**

Mr. Haugen reported that there will be a possible reduction of rates to use the plant by \$1 for the first can user and a \$1 increase for additional containers. The Plant is considering adding pumps for methane gas, which will in turn be sold to HAFB. Mr. Forbush discussed the possibility of Farmington City having to raise rates on the second container to cover garbage collection fee increases on the second container. Additionally, the pass-through savings of \$1 on the first container may need to be decreased a small amount because the garbage fund has had a loss this past year. A careful evaluation is needed to make a determination of rates beginning July 1, 2004.

**Street Lighting Installation in North Farmington**

Mr. Dutson reported that the new, decorative street lighting is currently being installed in the Summerwood area.

**City Council Working Retreat**

Ms. Holmes commented on her appreciation for the work done by City staff during the recent City Council retreat. She felt the work done by the Council was very productive and the time was well spent. The Mayor commented that the Council members should feel free to continue giving input regarding the strategic plan.

**League of Cities and Towns**

There will be a conference held by the Utah League of Cities and Towns on April 15 and 16<sup>th</sup> in St. George. Council members were encouraged to attend if at all possible. There would be additional training for new City Council members on April 14<sup>th</sup>. The training would be the second half of training already received.

### **Hazard mitigation ordinances**

Mr. Young raised the issue of having the City Council study and consider possible ordinances which would help protect citizens as they build homes in possibly hazardous areas, such as fault zones. It may be possible to require contractors to comply with stricter construction codes in such areas. Mr. Forbush was asked to investigate ordinance models from other communities for consideration and possible implementation into City's review process.

### **Historic signs**

Mr. Young and Ms. Holmes had met with Steve Flanders, owner of the S&S Train Park and Museum regarding signage for his operation in locations in the City. A discussion of the possibility of having historic signs designed and standardized for use by entities in the City ensued. Mr. Forbush stated a previous City Council had discussed the possibility of historic signs several years ago. Members of the Council at that time liked the idea and even approved a design. It was not feasible, however, because of budget restraints. Council members asked the City Manager to research possibilities and add information about historic signs to the up-coming budget sessions.

### **MOTION TO ADJOURN TO CLOSED SESSION**

**David Hale** moved that the City Council adjourn to closed session to discuss strategy as it pertains to pending litigation at 9:10 P.M.. **Larry Haugen** seconded the motion, which passed by unanimous vote.

At 10:05 p.m. a motion was made by **Susan Holmes** to go back into open session. The motion was seconded by **Larry Haugen** with all Council Members voting affirmatively.

A motion was made by **Susan Holmes** to authorize Mayor Connors to sign a letter, with the advice of the City Attorney, to the Farmington Area Pressurized Irrigation District responding to their claim regarding a safety issue on Lot 69 Shepard Heights Subdivision. **David Hale** seconded the motion which passed by a unanimous vote.

**Susan Holmes** moved that the City Council authorize the City Manager to pursue amending the Farmington Greens agreement and investigating the feasibility of a special improvement district to secure construction of improvements on west Clark Lane. The motion was seconded by **Rick Dutson** which passed by a unanimous vote.

**475 South Street**

The City Manager reported on problems with the 475 South Street area in west Farmington. The property owners along this street recently dedicated the road to the City to enable them to develop their properties. Now, there are problems with Utah Power, Questar and Qwest in providing services to the area. The problem lies in the fact that not all potential lots have been platted. The City Manager stated that he would like to hold a meeting with all the property owners to try and resolve the issue of where the lots will be platted. After the lots are platted, then take it to the Planning Commission for review. The problem is that the City has assumed the role of a subdivider. The City needs to know what the property owners are planning.

The City Manager said each property owner will likely be required to sign a waiver and consent to add more improvements including the cost of platting the property, adding irrigation water laterals, and adding any cost of public utility charges. For example, Utah Power will likely want property owners to pay a portion of the cost to bring power to each lot. Mr. Forbush also added that trenching for power will need to be done by others. Utah Power won't do it. He suggested having the Public Works Department do the trenching as an incentive for property owners to cooperate.

Susan Holmes expressed the desire to add the cost of the City's time for planning.

Mayor Connors felt there is a problem with the City committing funds and manpower to the project. He asked, "What right do they have to look to the City to give these services to them?"

The City Manager felt the City has a moral obligation to process the project to completion since the City created the S.I.D. He explained initially that the City's motive for helping was to prevent blight on the properties in question. Creating the District and obtaining a dedicated street plan meant property owners would properly build on their properties. The City had committed to help as a condition to support annexation.

Sid Young felt the key is to get the property owners to come together to develop viable solutions

The Council gave direction to the City Manager to pursue these avenues in trying to resolve the issues.

**ADJOURNMENT**

**David Hale** moved that the meeting adjourn at 10:15 p.m. **Rick Dutson** seconded the motion, which passed by unanimous vote.

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Margy Lomax, City Recorder

Farmington City Council

February 4, 2004

Farmington City