

# FARMINGTON CITY COUNCIL MEETING

Wednesday, February 6, 2002

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## CITY COUNCIL WORK SESSION/WEST CONFERENCE ROOM

**PRESENT:** Mayor Pro-tempore Haugen, Council Members Hale, Hasenyager, Holmes, and Johnson, City Manager Forbush, City Planner Petersen, and Deputy Recorder Chipman. Mayor Connors was excused.

**Mayor Pro-tem Haugen** began discussion at 6:40 P.M. The following items were reviewed:

1. Mr. Hale and Ms. Holmes interviewed James Short in reference to an opening on the Leisure Services Board. Their recommendation would be heard in the regular session.
2. Agenda Item #6 regarding consideration of an ordinance annexing property of approximately 96 acres in the southwest area of Farmington and zoning the same Light Manufacturing & Business (LM&B) as per petition will be considered. Mr. Forbush asked that the Council be aware of concerns by Dale Clark who wants to create a water skiing park south of the area to be annexed.. Mr. Clark may feel the LM&B zone will not be compatible with recreational uses.

3. Mr. Petersen reported the Board of Adjustment had met on January 5, 2002, and clarified findings regarding the denial of Gary Packer's original request for use of an accessory building as a dwelling. Mr. Petersen said that Mr. Packer had signed a document canceling his law suit against the City, but asked that the papers not be filed until the appeal period had expired on February 23, 2002. Mr. Packer was concerned that some of his neighbors may file an appeal to action recently taken by the Planning Commission under new ordinance provisions to grant conditional use for the accessory building.
  
4. Agenda Item #7 regarding consideration of an ordinance rezoning 7.115 acres owned by David Griffin at 711 South 1200 West from Agriculture (A) to Agriculture Estates (AE) was recommended by the Planning Commission. The Council briefly discussed placement of a trail in the area.
  
5. Lori Conover's request to modify the previously approved ■Dyches Subdivision• was reviewed. It would be necessary to move drainage system pipes and inlet boxes as the subdivision is improved. Fill necessary to make Lot 2 buildable will cover the existing drainage system with about 25 to 30 feet of dirt. Since the project is necessary to the development, Mr. Forbush felt the developer should share in the cost.

6. Item # 10, review of Ken Hardy's letter about the proposed letter to UDOT, raised the issue of conceptual consideration regarding a transition zone for the LM&B zone. Mr. Forbush reviewed suggestions for such a transition zone in southwest Farmington along Glover and 650 West. Discussion of truck traffic was considered.

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

**PRESENT:** Mayor Pro-tempore Larry W. Haugen, Council Members David Hale, Bob Hasenyager, Susan T. Holmes, Edward J. Johnson, City Manager Max Forbush, City Planner David Petersen, City Recorder Margy Lomax, and Deputy Recorder Jeane Chipman.

**Mayor Pro-tempore Haugen** called the meeting to order at 7:10 P.M. following the work session. The invocation was offered by David Hale and the Pledge of Allegiance was led by Margy Lomax.

### **APPROVAL OF MINUTES OF PREVIOUS MEETING**

The minutes of the January 16, 2002, City Council Meeting were read and corrected. **Ed Johnson** *MOVED* to approve the minutes as corrected and subject to the review of tapes. **David Hale** seconded the motion. The voting was unanimous in the affirmative.

**Bob Hasenyager** *MOVED* to approve the minutes of the January 24, 2002, special City Council Meeting as corrected. **Susan Holmes** seconded the motion which was passed by unanimous vote. **David Hale** abstained due to his absence during the January 24<sup>th</sup> meeting.

**PRESENTATION OF SERVICE RECOGNITION PLAQUES TO SUSAN HOLMES**

**AND DAVID HALE (Agenda Item #3)**

**Mayor Pro-tempore Haugen** presented plaques to both David Hale and Susan Holmes for their service as members of the Farmington City Planning Commission and commended them for their work and devotion. Ms. Holmes had served for 3 . years. Mr. Hale had served for five years.

**REPORT OF PLANNING COMMISSION (Agenda Item #4)**

**David Petersen** reported proceedings of the Planning Commission meeting held January 24, 2002. He covered the following items:

7. The Planning Commission recommended an ordinance rezoning 7.115 acres owned by David Griffin located at 711 South 1200 West from Agriculture (A) to Agriculture Estate (AE).

8. The Sunset Hills Subdivision proposal was recommended and will be coming to the City Council within the next few meetings.
9. The request by Gary Packer to gain conditional use permission for use of an accessory building as a dwelling was approved.
10. The Planning Commission spent some time on goals for the year. Some were covered at the recent retreat taken by City Officials.

**CONSIDERATION OF ORDINANCE ENACTING NEW CHAPTER 26 OF ZONING  
ORDINANCES/LIGHT MANUFACTURING & BUSINESS (LM&B) (Item #5)**

**Mr. Forbush** stated the new Chapter 26 of the Zoning Ordinances had been reviewed and that the required public hearing had been held previously. All suggested changes had been made.

**Mr. Johnson** asked that another change be made on page 26-5, item #15. He felt the statement should include the word *safety*.

**Mr. Hasenyager** suggested the text may be more inclusive if specifics were eliminated.

After discussion, by consensus it was decided the sentence would read:

(15) Compliance. All buildings, uses, development and activities conducted within the LM&B Zone shall be constructed, maintained, pursued and/or conducted in accordance with all applicable State, federal, and local statutes and regulations, including health, safety, and environmental.

**David Hale** suggested a change in Section 11-26-040 item (8) which originally read ■Golf courses and/or related uses. • Mr. Hale suggested changing the phrase to read ■Golf courses and/or other related recreational uses. •

**Susan Holmes** *MOVED* that the City Council approve Ordinance 2002-15, an ordinance repealing Chapter 26 of Title 11 of the Farmington City Municipal Code establishing and providing for the manufacturing M-1 Zone and recodifying and enacting the same as the Light Manufacturing and Business Zone with changes as discussed. **David Hale** seconded the motion which passed by unanimous vote.

**PUBLIC HEARING: CONSIDERATION OF ORDINANCE ANNEXING PACK  
PROPERTY OF APPROXIMATELY 96 ACRES IN SOUTHWEST AREA OF  
FARMINGTON AND ZONING THE SAME LIGHT MANUFACTURING & BUSINESS  
(LM&B) AS PER PETITION. (Agenda Item #6)**

**Mayor Pro-tempore Haugen** announced the agenda item was a *PUBLIC HEARING* and invited Mr. Forbush to give a summary of background information.

**Mr. Forbush** stated the annexation petition had been reviewed and recommended by the Planning Commission.

**David Petersen** described the proposed annexation property and said it was the petitioners' request to have the property zoned LM&B upon annexation.

**DeVan Pack** (owner of the annexation property) was in favor of the annexation. He thanked City officials for their help with the proposal and said he felt the LM&B zoning was appropriate for the use of the land. He and his family plan to farm the property for several years to come, but they do have future plans for development within the new zoning restrictions.

**Dale Clark** (owner of property south and adjacent to the Pack property) stated he wanted to see a water skiing recreational park on his property at some future date. He felt that would be a good use for that area and wanted the City Council to have such a plan in mind when considering development for the area. In order to have enough property for the project, several adjacent owners would have to cooperate, including the Pack brothers. Mr. Clark said the project would enhance the area and be a beautiful addition to the City.

Seeing no further forthcoming comments, **Mayor Pro-tempore Haugen** *CLOSED* the public hearing and asked the Council for their consideration.

**Susan Holmes** *MOVED* that the City Council adopt Ordinance 2002-16, ■An Ordinance Extending the Corporate Limits of Farmington City to include the Annexation of a Part of Southwest Farmington two blocks south of Glovers Lane, west of I-15, and east of the D.R.G.W. Railroad Tracks and Amending the Farmington City Zoning Map to Zone and Designate the area as ■LM&B• upon its Annexation to the City•. **David Hale** seconded the motion. In discussion, Ms. Holmes commented on the work done by the Pack brothers, complimenting them on their cooperation with City officials. She also mentioned to Mr. Clark that the LM&B zoning may be compatible with his possible water skiing park project. The vote was unanimous in the affirmative.

Packet material noted that the ordinance would not become effective until five days after the action was taken to permit affected entities to file protest if desired.

**PUBLIC HEARING: CONSIDERATION OF ORDINANCE REZONING 7.115 ACRES OWNED BY DAVID GRIFFIN AT 711 SOUTH 1200 WEST FROM AGRICULTURE (A) TO AGRICULTURE ESTATE (AE) (Agenda Item #7)**

**Mr. Petersen** reported that the application presented by David Griffin to have his 7.115

acres in west Farmington rezoned as AE came before the Planning Commission and was recommended. Agenda Item #8 presented Mr. Griffin's schematic plan, which had been changed from 11 lots to 6 one-acre lots.

**Mayor Pro-tempore Haugen** opened the meeting to a *PUBLIC HEARING*. He invited Mr. Griffin to address the Council, but Mr. Griffin declined saying what been presented was sufficient. The Mayor Pro-tempore *CLOSED* the public meeting and requested action by the Council.

**David Hale** *MOVED* that the City Council approve Ordinance 2002-17, ■An Ordinance Amending the Zoning Map to Show a Change of Zone for Property Located at 711 South 1200 West (Shirley Rae Drive) from Zone A to zone AE. **Susan Holmes** seconded the motion, which passed by unanimous approval.

**PUBLIC HEARING: CONSIDERATION OF DAVID GRIFFIN'S REQUEST FOR SCHEMATIC PLAN APPROVAL FOR SIX (6) ONE-ACRE PLUS LOTS AT 711 SOUTH 1200 WEST (Agenda Item #8)**

Packet material indicated Staff had originally recommended the development of half-acre lots on this 7.115 acres. Mr. Griffin wanted to do the same but his plan fell short of the required conservation easement area. Staff recommended ways to compensate for this shortage with other

proposed actions he could take. The Planning Commission disagreed and believed that the alternative one-acre plan submitted by Mr. Griffin was preferable. It was the Planning Commission's belief that staff should maintain a very high standards in meeting the open space requirements under a conservation subdivision.

In reviewing the agenda item, **Mr. Petersen** said Davis County had vacated a portion of 66-foot right-of-way which was needed if the area were to development. Mr. Griffin and other property owners had made it possible for the City to acquire a full width 80-foot right-of-way. Mr. Griffin also worked with the City to provide a much needed sewer pump station on his property.

**Mayor Pro-tempore Haugen** opened the meeting to a *PUBLIC HEARING*.

**David Griffin** distributed maps and presented information to the City Council including the following points:

- The yield plan allowed him to develop into 14 lots if he decided to use the conservation easement option. He had originally wanted to develop only 11 lots on the 7.115 acres but in doing so found that hardships due to the ordinance would not allow it.

- He felt the conservation requirement was not filling the original intent because of the restrictions on the property, i.e., no basements because of the water table and building height restrictions. Because of set backs and the high water table, houses on the lots would have to be smaller than desired if the 25 percent were taken from buildable property.
- Whether he developed into 8 or 11 lots, the conservation requirement was still 25 percent. Mr. Griffin felt the City should consider requiring conservation easements on a graduating scale for such small developments on such restricted property. He was not asking for the maximum yield, but was required to give the maximum conservation.
- Mr. Griffin felt the best option for a proposed trail in the area was through the Candland Olsen property which had already been acquired. There had been concern by the Trail Committee that the creek may not stay within its existing boundaries and therefore there should be a wider creek corridor preserved. Doing so would take out the building pad on one of the lots.
- Options had been considered. Mr. Griffin said that even though he would not be required to plant trees on the property if he went with the 1-acre lots, he would do so and chose the variety of trees himself. He had been given the option of

providing something of equal value to compensate for the 25 percent open space, but felt he had already given a great deal to the City in helping to make the area developable.

- With the 1-acre lots being presented he would not be required to maintain any conservation property, including the trail.

With no further discussion, **Mayor Pro-tempore Haugen** *CLOSED* the public hearing.

**Mr. Hasenyager** requested information regarding conservation easement and creek corridor protection. He felt feasibility should be maintained by the City in regard to providing a trail along the creek corridor. The trail was a very important link to the other trails in the City. Options needed to be preserved in order to get the trail constructed.

**David Hale** expressed his feeling that Mr. Griffin had been very generous in his cooperation with the City in providing the right-of-way and the location for the sewer pump. He liked the one-acre schematic plan. One advantage was that no lots fronted 1100 West. All lots would front the interior cul-de-sac. Traffic in the area would be helped. Mr. Hale also expressed confidence that the trail would still have options even if it was not placed on the Griffin property. Since the option chosen by Mr. Griffin did not require conservation easements, Mr. Hale felt the application should be approved as outlined.

**Mr. Hasenyager** stated he felt that the trail location through the Olsen property would be an urban type trail rather than a natural trail. The ambiance of the trail along the stream channel would be superior to the trail planned adjacent to the Candland Olsen property..

**Mrs. Holmes** stated the situation with the Griffin property made her think the conservation ordinance option requiring the full 25 percent open space on all sizes of lots should possibly be revisited. She had seen the previous applications by Mr. Griffin because of her former seat on the Planning Commission and noted that he had tried to make the 11-lot subdivision work, but was not able to do so. The trail issue was one of concern for several reasons. The Farmington Creek corridor west of Mr. Griffins property included trees where American bald eagles perch. It was Mrs. Holmes hope that the City Council could treat Mr. Griffin fairly and still maintain the integrity of the City ordinances. The current one-acre application was within all requirements and should be approved. But again, the conservation ordinance should be reviewed in light of west side conditions.

**Mr. Hale** agreed with Mrs. Holmes and said another consideration was that Mr. Griffin is the owner of Shire horses which are very large animals that would not be wise to have too close to public trails. He felt the 25 percent requirement should be look at again.

**Mayor Pro-tempore Haugen** stated the west area was difficult to work with because of

its unique qualities. Mr. Griffin had come with a schematic plan for 1-acre lots which would work for the City.

**Susan Holmes** *MOVED* the City Council approve the schematic plan for six one-acre lots at 711 South 1200 West as request by David Griffin subject to compliance with all applicable ordinance requirements and development standards and the following conditions:

1. The notice for the preliminary plat application shall be posted as a public hearing to allow adequate public input by interested citizens.
2. The applicant must apply for a flood control permit with Davis County and report to the Planning Commission the width of the flood control easement that the County will require for this development.
3. The developer or property owner shall enter into a development agreement with the City regarding the proposed subdivision.

**David Hale** seconded the motion which passed by unanimous vote.

**CONSIDERATION OF LORI CONOVER'S REQUEST TO MODIFY PREVIOUSLY**

**APPROVED ■DYCHES SUBDIVISION• (Agenda Item #9)**

Packet information indicated that Lori Conover, daughter to Merrill Dyches, wants to immediately begin construction on her home on one of the four lots of a subdivision previously approved by the City Council. None of the other children of Merrill Dyches wants to begin building on the other lots. The Dyches family does not want to front the costs for all of the impact fees and all of the development costs at this time. They have asked staff to come up with a different plan permitting Lori Conover and her husband to build their home immediately and for delaying development of the other lots. She wanted to do this without throwing away all of the engineering costs for the previously approved subdivision.

Staff recommendation to solve this problem was as follows:

1. Amend the plat to permit two lots. One lot would be for the Conovers, one other lot would be where the existing Dyches home is located. Two parcels would be identified as Parcel ■A■ and Parcel ■B■ with a note stating that Parcel A and Parcel B are ■non-buildable■ until the plat is amended.
2. Staff recommended that two extension agreements be required for this development. One extension covering the improvements along Main Street, i.e., curb, gutter, sidewalk and appropriate storm sewer extensions. The second extension agreement would be for improvements along 440 West Street. This would require the installation of sidewalk and the modification to the storm sewer

pipe coming out of the Hidden Quail Cove detention pond. These extension agreements would be recorded with the plat.

3. After the plat is recorded with the adjustments noted above, Lori Conover and her husband could take out a building permit, pay the impact fees for their lot and construct improvements along 440 West that fronts just their lot.

**Mrs. Holmes** suggested a "no dumping" clause be added to the development agreement to preclude any fill being placed on the parcel south of the Conover lot before the drainage system could be moved. Other options were discussed which would possibly help the Conovers gain approval to build.

**Mr. Hasenyager** remembered that the original approval of the subdivision included preservation of trees on the property. He asked that Staff be sure to check on the requirement and follow through with the preservation.

**Mr. Hale** asked about the participation of the City in the improvements.

**Mr. Forbush** responded that the City would help pay for removal of the storm sewer system. He asked if the Council would like him to work out the development agreement details and bring it back for their official consideration. By consensus, the Council gave conceptual

approval to the action.

In light of recent storm drainage damage especially to hillside property, **Mr. Hasenyager** and **Mr. Hale** asked several questions regarding the ability of the relocated drain system to handle large amounts of run off.

**Mr. Haugen** also asked questions and wanted to make sure the drainage corridor further down the hill would not be negatively impacted .

**Mr. Forbush** stated the small creek running through the property would still be left open. He said that the City Engineer would review the plans. Mr. Forbush said work on the channel would likely not occur until the adjacent lot to the south was developed.

**REVIEW OF KEN HARDY LETTER/REVIEW OF LETTER TO UDOT PERTAINING TO THEIR LEGACY HIGHWAY REMNANT PARCEL ADJACENT AND SOUTH OF GLOVER'S LANE/REVIEW OF CONCEPT FOR CREATING TRANSITION ZONE FOR AREA SOUTH OF GLOVER'S LANE**

Packet information indicated that Ken Hardy's had made a written request for a zone change at the east end of 250 South to permit him to build a house and operate his construction business in the rear of his home. Mr. Hardy owns an existing vacant lot at that location. The

existing M-1 zone in this area will be eliminated with construction of the Legacy Highway. Mr. Forbush reported that Mr. Hardy's request to construct a residency and a business on the same property within the same zone is one that has been voiced by others in the past. He said if there was any area in the City that could accommodate construction of a home and an LM&B-type business, it would be the area south of Shepard Lane going south to the Pack property. There are others in the City who might want to relocate their business and to rebuild a home adjacent to their business for security reasons. Such residences /businesses could be: Lake Welding, Craig Bush storage business, Ken Hardy Backhoe, Zack George Excavation business, etc. Mr. Forbush suggested that the area south of Glover's Lane seems to be ideal for such a transition zone, because much of that use exists there anyway. It would seem important that nice looking frontages on Glover's Lane and 650 West be encouraged by permitting nice looking residences along such frontages with screening fences to block off unsightly areas. If the City Council feels that this is a legitimate need, staff could consider an ordinance that would be similar to the BR Zone for this particular area.

In reference to the proposed letter to UDOT, the City Manager recommended in the past that the City buy the UDOT remnant parcel formerly the Elliott property to be used as an asset to correct inappropriate zoning sites within the City. This might be an ideal site to move H.H.I. from downtown. Preliminary discussions have been held with Mr. Hokanson in the past. He wants about five acres of property. The resources to buy this property could come from the sale of the City's 7.5 acres of property located at the north end of 1525 West which Woodside Homes

is willing to purchase as part of their development proposal with the LDS Church property.

**Mayor Pro-tempore Haugen** stated he felt it was important for such businesses to have a place in the City. They should be encouraged to stay and provide needed services to citizens.

**Mrs. Holmes** suggested that a RDA Project Area be considered by the City's Redevelopment Agency to help fund and improve the area described by Mr. Forbush. There was likely sufficient evidence of ■blight• (a legal term denoting criteria for an RDA) in the area and it may be one helpful option.

**Mr. Hasenyager** stated he felt it would be wise for the City Council to conduct a study to determine if such an area was successful in other communities. He felt the Council did not have enough information to make an informed decision. He also felt there should be extended citizen input to determine their feelings about the land use.

By consensus, the Council directed Mr. Forbush to work with Mr. Hardy to find options for potential relocation. They asked that Mr. Hardy be informed that the City Council is not in favor of his proposal to rezone his vacant lot on 250 South to accommodate his request.

Regarding the letter to UDOT, **Mr. Hasenyager** expressed his concern that the City does not have a ■rainy day• fund. He posed the question about using funds from the sale of 7.5 acres to

create such an emergency fund rather than the purchase of property.

**Mr. Forbush** said if the Council decided to do that monies could be placed in the general fund and reserved for emergencies. He explained, however, that his letter to UDOT is not a commitment to the purchase of property. It suggests UDOT give the City a three-year option to purchase the land.

**Susan Holmes** felt the property would be a good investment and could possibly be used to trade. The Council discussed other uses for the money and/or land if purchased. By consensus, Mr. Forbush was directed to send the letter to UDOT.

### **CONCEPTUAL APPROVAL OF PROPOSED PROPERTY TRADE WITH JERRY**

#### **STEVENSON (Agenda Item #11)**

Packet material indicated that the ■First Amendment to Settlement Agreement• had been included in the packet along with a drawing of proposed exchange of City property, vicinity map showing the area to be added to Lot 1 in Lakeview Hills Plat F, and a letter to Max Forbush from Paul Hirst stating it appeared to a be safe to allow 30 feet of the side yard at Reservoir C-2b to be traded as the City deems appropriate. Mr. Hirst's letter included reasons for his opinion. A note by the City Manager had been added to the map showing the area to be added to Lot 1. The note reflected a conversation that the City Manager had with Jerry Stevenson who paid \$50,000 for the lot. The City Manager suggested that the additional 3, 250 square feet that Mr. Stevenson would like to acquire from the City ought to be valued at the same cost/square footage rate at

which he bought his lot. Jerry Stevenson said ■no,• but he is willing to increase his offer from \$5,000 to \$6,000, but not from \$5,000 to \$10,432.50.

The City Manager suggested there was some value in settling on the \$6,000 figure with this caveat: that another requirement for the additional 25-foot wide public utility and trail easement along the old Armstrong road be part of the deal. Even though the City Council approved the Amended Hughes Estates Plat back in November 2001, the amended plat has not been recorded because the Hughes Estates owners have not complied with the requirements of a December 12, 2001, letter sent to the developers by the City. Jerry Stevenson may become a majority owner of Hughes Estates and therefore ought to be able to push the requirement of the fourth paragraph of the December 12<sup>th</sup> letter. Mr. Forbush said that having Mr. Stevenson follow through with the recording of the 25-foot wide public utility and trail easement along the old Armstrong road would help resolve the complaints of neighbors over the closed trail access located east of the Spencer reservoir.

**Mayor Pro-tempore Haugen** stated doing so would make many citizens happy.

**Mr. Hasenyager** stated that given the history with the current owners it seemed obvious they do not want the trail in the area. If Mr. Stevenson acquires the property, it should be requisite that the trail be proposed as part of the amended settlement agreement. In order for him to dedicate the trail property, Mr. Stevenson would have to be a majority land owner.

**Mr. Forbush** stated that if the City Council agrees to the concept, he would have the amended agreement adjusted to include the conveyance of the 20-foot trail easement to the City.

By consensus, the Council agreed to the proposal by Mr. Forbush.

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

**Ed Johnson** *MOVED* to approve the following items by consent as follows:

- 12-1. Ratification of Construction Bond Agreements previously signed by Mayor Connors.
- 12-2. Approval of December's list of disbursements.
- 12-3. Approval of FAPID/City Interlocal Agreement. This arrangement is satisfactory with Walk Hokanson of Public Works and it is okay with the City Manager.
- 12-4. Authorization to mail letter to UDOT regarding Clark Lane and Burke Lane interchange issues. This is a formal follow-up of previous City Council decisions.

- 12-5. Approval of rental agreement with Davis County for Leisure Services to use Fairgrounds. The City Manager recommends this.
- 12-6. Authorization for Community Suicide Prevention Training Program Thursday, March 21, 2002. The training would help interested citizens understand techniques to and persons who have suicidal tendencies. The City's Police Department is to work jointly with Camille Ward and Diane Olsen who are part of a County-wide team whose goal is to reduce the number of suicides in the area.

**Susan Holmes** seconded the motion which passed by unanimous vote.

**TRUCK HAUL ROUTE PERMIT ISSUANCE CONSIDERATION FOR FAK (Agenda Item #13)**

Packet information indicated that Council Member Susan Holmes reported Fluor-Ames-Kraemer (FAK), contractor for Legacy Highway, using 650 West Street. FAK reported they use the route for fueling their large trucks at Glover Lane. Presently the FAK trucks are hauling material to and from the existing and new Shop area. This work is related to the installation of the 20" Weber Basin water line and the relocation of the Central Davis Sewer line.

The material being hauled off is material that is unsuitable for stability under City streets.

The material hauled in is the stabilizing materials to be placed in the trenches where these utilities are being placed. The material being hauled off or in has to cross some City streets, either 650 West or west State Street. It is likely that the number of loads for this project will exceed 100 loads and will last more than two weeks. Therefore, the activities fall under the requirements of the new haul route ordinance.

The City Council discussed the issue including the following points:

- **Susan Holmes** reported damage to City streets caused by the trucks on 650 West. Her biggest concern was the speed at which the trucks traveled, especially considering the children in the area.
  
- **Bob Hasenyager** asked if it would be feasible have FAK relocate their fuel storage area to the north near the Burke Lane interchange.. **Max Forbush** stated FAK had a sizable investment in the field office and a large fueling tank that would be very difficult to relocate. Both UDOT and FAK share the field office location.
  
- A discussion of rerouting the trucks ensued. The trucks will have to traverse either west State Street or 650 West to get where they need to go.

- The question was raised about charging a fee to use City roads in order to have funds to repair the damage. It was also discussed that the current state of the roads should be documented in order to prove damage done.
  
- Mr. Forbush was asked to discuss the issues with FAK. Susan Holmes asked to be invited to the meeting.
  
- Speed limits should be enforced and possibly even reduced for the trucks.
  
- **Mrs. Holmes** stated that in defense of FAK, they had anticipated having the frontage roads complete before this phase of the construction. When the plans changed FAK had no other real option.

**FURTHER INFORMATION/REPORT ON ■CONTRIBUTION AGREEMENT.**

**APPROVED AT JANUARY 24<sup>TH</sup> SPECIAL CITY COUNCIL MEETING (Agenda Item #14)**

Packet material indicated that on January 25<sup>th</sup> following the Special City Council Meeting, bond attorneys stated that IRS rules would not permit the City to issue \$717,000 in RDA bonds if its intent was to immediately reduce its indebtedness by redeeming part of the proceeds. The City Council had instructed the City Manager and Mayor to redeem the \$220,000

in proceeds since Kmart has filed for Chapter 11.

On the morning of the 25<sup>th</sup> the City Manager and City Finance Director received word from the Davis County Treasurer's office that a mistake had been made in anticipated tax increment for this year and coming years. The previous report indicated the City's revenue would be lower than what was expected. In reality, the revised report states tax increment for 2002 will be higher than what was projected. The difference in the amount of the preliminary indication and the new indication is \$25,000.

It was Mayor Connors's recommendation and decision that the bonds be issued in the full amount of \$717,000; that retirement of \$220,000 in bonds paid by excess proceeds be delayed for a few months to determine what actually happens with the Kmart bankruptcy. Delaying the decision to retire \$220,000 in bonds satisfies the IRS law. The cost of paying the additional interest for the three or four months is far less than starting over with the bond attorneys and reissuing the bonds for a lesser amount. Hence, the bonds have been issued for \$717,000 with the stipulation that the decision on the retirement of \$220,000 in bond principal with excess proceeds be delayed for three to four months until we hear word on the effects of the Kmart Chapter 11.

Keith Johnson had prepared revised estimates on RDA tax increments which are higher. The effect of the higher increment makes it easier for the City's RDA to make annual debt service payments. Mr. Johnson had also prepared a document showing the effects of reduced

debt service should the City in three or four months decide to redeem \$220,000 worth of those bonds.

**Mr. Forbush** reviewed a report he had prepared regarding Farmington's sales tax revenues. The report showed point of sales revenues being generated from Lagoon, Kmart, and Smith's.

By consensus, the Council agreed with the Mayor's direction in taking a wait-and-see approach before a final decision is made on early redemption of the \$220,000 in RDA bonds.

**AUTHORIZATION TO REMOVE PLAY STRUCTURES AT MAIN PARK, MOUNTAIN**

**VIEW PARK AND LUPINE PARK (Agenda Item #15)**

**Mr. Forbush** reviewed the condition of some of the play equipment found in the City parks. Some is very old and was constructed before rigid safety restrictions. In reviewing the information with the Mayor, Mr. Forbush said the Mayor was somewhat reticent about having all the structures removed for risk management purposes. He felt there was a recreation value for children.

The City Council briefly discussed the issue. There was concern about the Lupine equipment which appeared to be a possible risk.

**Susan Holmes** suggested that since the parks were neighborhood parks, citizens should become involved in funding the replacement of the equipment.

**Bob Hasenyager** asked if the City was covered by insurance in the case of an accident and whether or not the rates for the insurance would increase given the condition of the equipment.

**Mr. Forbush** stated that the City does have insurance and that the premiums would not increase because of the equipment.

**Mr. Hale** stated insurance rates will increase upon claim and suggested that averting such would be the wise course. He felt the equipment should be rectified or that a disclaimer should be posted.

**Mr. Hasenyager** felt there would be more citizen outcry if the equipment was removed than if it were left in the current condition.

**Mr. Johnson** asked if there were some repair or remodeling that could be done to improve the safety of the equipment.

**Mrs. Holmes** suggested an article in the Newsletter regarding the equipment.

However, **Mr. Forbush** felt a public announcement would be problematic.

By consensus, the Council decided to leave most of the equipment in place, but that the Lupine equipment should be removed because it seemed the most dangerous.

**REPORT ON PROPOSED EXTENSION OF LEGACY PROJECT TO CHERRY HILL INTERCHANGE (Agenda Item #16)**

The Mayor felt it was important that the full City Council be brought up to speed regarding the UDOT project to improve the stretch of U.S. 89 from Burke Lane to the Cherry Hill Interchange, i.e., frontage roads, grade separations at Shepard lane and U.S. 89 and the proposed tunnel under U.S. 89 south of Shepard Lane. The Mayor, City Manager, and City Engineer had met with some of the property owners near the proposed tunnel and received input from them.

**Mr. Forbush** stated the intent was to use money being spent due to the stay while Legacy issues are being decided in court for projects on U.S. 89. Legacy Highway and U.S. 89 are funded by the same source. He explained details of the plan to the Council. Regarding the proposed tunnel, Mr. Forbush said that UDOT has declared Farmington would have to pay at least half the cost, which could amount to as much as 2.5 million dollars. The City is asking engineers to study the benefits of the tunnel not only to Farmington citizens but to the public as a

whole, which would indicate that UDOT would be responsible for the entire cost. Mr. Forbush said that Mr. Hirst will be invited to the next City Council meeting to further explain the issue.

**Vince Hess** was present and addressed the Council as a property owner near the proposed tunnel. He stated it was his long term hope that the land would be used for commercial endeavors. Having a road 25 to 30 high would make residential development very difficult. At first he was not convinced that the tunnel would be a good idea, but after seeing the beneficial effects on traffic he supported the plan.

**Mr. Hasenyager** remarked that he had serious doubts whether or not the City really needed the road.

**Mr. Forbush** stated the tunnel was the idea of former Council Member Dixon. At the time it was proposed, the Council responded in a favorable manner. The road would help reduce congestion in the area. Traffic engineers are currently studying the effects of the plan and will report their findings at a later meeting.

**Mr. Hasenyager** discussed the possible effects of the transportation plans as he felt they were unfolding and made the following points:

- If the road is constructed as planned it will place strong pressure on the area to

develop into commercial properties.

- If plans move forward as potential indicates, Farmington will have commercial development from Cherry Hill all along the freeway corridor to the Centerville border.
- Looking at existing commercial areas, the City has carefully prepared buffer zones to keep a distance between residents and businesses. There have been parks to separate the two. Or in the case of Smiths, the buildings themselves were designed as a barrier on the back side to reduce sound and sight of commercial endeavors.
- If the road goes in as presented in the meeting, there will be a great deal of pressure to have all corners commercial.
- It was not Mr. Hasenyager's impression when campaigning and meeting with citizens that such a large amount of commercial area would be the desire of most Farmington residents.
- We do not have to fill the entire stretch of property next to the road with commercial developments if we are creative.

- Decisions regarding the traffic pattern in the area is a bench-mark decision for the City which must be made with care.
- Citizen involvement must be considered for this kind of project.
- The road projects are a catalyst for the discussion, but there are bigger issues at risk which need to be thoroughly investigated.

In discussion, most City Council members agreed that there could be too much commercial area for the City to support if care was not taken. **Mr. Forbush** stated that traffic reports would be forthcoming from the traffic engineers at which time the Council could consider all options.

**Mr. Hale** stated that just because businesses are built doesn't necessarily mean that the market will follow.

**Mr. Johnson** was concerned about the height of the road and what else could be developed if not commercial.

**Mr. Haugen** felt there needed to be a place for service-oriented businesses which could

provide needed service for Farmington citizens.

### **MISCELLANEOUS**

**Mr. Johnson** asked if the brainstorming priorities discussed at the retreat during the last weekend could be continued and when.

**Mr. Forbush** asked Council members regarding funding a facilitator to help the City Council in the process. A discussion ensued. The consensus of the Council was that there was a great deal of talent in Farmington City that could possibly be used on a volunteer basis to help facilitate brainstorming and project prioritizing. Also, that the Council could meet for a few hours on a couple of Saturday mornings by themselves and accomplish a great deal.

**Mr. Forbush** suggested that a few broad categories be established and prioritized and then smaller specific steps could be identified to accomplish the goals set. He did want to see the facilitator hired finish what he had started during the retreat. Several suggestions were made regarding possible citizens who could help, including the Utah League of Cities and Towns.

**Mrs. Holmes** reported that she and Mr. Hale had interviewed James Short who was interested in becoming a member of the Leisure Services Board. He is a highly qualified member of the community who has retired from his profession and would like to serve in the

community.

**Susan Holmes** *MOVED* that the Council recommend to the Mayor that he appoint James Short to the Leisure Services Committee. **David Hale** seconded the motion, which passed by unanimous vote.

**Mr. Hasenyager** stated it was likely that decisions for location of commuter rail stops are being made now. He felt it was important for Farmington to have specific representation with those kind of decision-making officials. He suggested that a citizen or citizens be asked to focus on the effort so that Farmington City can be heard and seen as being competitive. He said the City needs to take action to assure that a rail stop would be in Farmington to provide service throughout the area.

**Mr. Hale** suggested involving Lagoon in the process because of their keen interest in the project.

Several names were suggested to Mr. Forbush for formation of such a committee.

**Mr. Hasenyager** reported a school boundary meeting he had attended. It was likely Monta Vista would be closing within the next year. Students attending that school would be transferred to either Knowlton or Farmington Elementary. The new boundary would be 675

North. Children in west Farmington would be attending the new elementary by about 2003. Students north of Stayner Avenue in north Farmington would attend Windridge Elementary. Mr. Hasenyager felt the plan was a logical plan. It met with little opposition in the meeting that he attended. The Monta Vista building will be used for technical support offices.

Mr. Hasenyager asked if a permit had been issued for the gravel pit in north Layton.

**Mr. Forbush** was not aware of permits issued at the time. He discussed the need to begin construction on the Fire Station improvements as quickly as possible. It would not be necessary to bid the architectural work because the cost was too low. He would like to use David Dixon for that work. The construction would need to be bid, however. It was Mr. Forbush's hope that E K Bailey could do the work of construction. More information will be forthcoming.

### **ADJOURNMENT**

**David Hale** *MOVED* that the meeting adjourn at 10:45 P.M.

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Margy Lomax, City Recorder

Farmington City