

FARMINGTON CITY COUNCIL
April 2, 2003

CITY COUNCIL WORK SESSION

Present: Mayor Pro Tem Larry W. Haugen, City Council Members David Hale, Bob Hasenyager, Susan T. Holmes, and Edward J. Johnson, City Manager Max Forbush, City Planner David Petersen, and Deputy City Recorder Jeane Chipman. Mayor David M. Connors was excused.

Mayor Pro Tem Haugen began discussion at 6:45 P.M. The City Manager discussed several items to be covered in the regular session, including proposed S.I.D. project areas, the line of credit loan from Zions Bank, and a request for a flag lot by David Webster.

REGULAR SESSION/CITY CHAMBERS

Present Mayor Pro Tem Larry W. Haugen, City Council Members David Hale, Bob Hasenyager, Susan T. Holmes, and Edward J. Johnson, City Manager Max Forbush, City Planner David Petersen, City Recorder Margy Lomax, and Deputy City Recorder Jeane Chipman. Mayor David M. Connors was excused.

Mayor Pro Tem Haugen began the meeting at 7:05 P.M. He offered the invocation and Kevin Goodrich of Scout Troop 945 led the audience in the Pledge of Allegiance.

APPROVAL OF MINUTES

Ed Johnson moved that the City Council approve the minutes of the March 19, 2003, meeting with corrections as indicated. **David Hale** seconded the motion, which passed by unanimous vote.

PLANNING COMMISSION REPORT (Agenda Item #3)

David Petersen reported the Planning Commission held March 27, 2003, as follows:

- ▮ The Commission approved Rainey Homes request for a recommendation regarding preliminary plat approval for the proposed Tuscan Cove at Lake Pointe Subdivision consisting of 25 lots and 2 parcels all on 15.156 acres located at approximately 1700 South (Lund Lane) and 300 East. The request was a resubmission which had been previously reviewed and approved by both the Planning Commission and the City Council. However, the original preliminary plat approval had expired. All conditions originally applied to the application were attached to the current recommendation from the Planning Commission.
- ▮ The Planning Commission denied the request by David Webster for a recommendation to the City Council to develop a flag lot located at 717 South

200 West in an AE zone. The item would be covered later in the regular session.

- ▮ Smith Food & Drug and Golden West Advertising, Inc., requested and obtained conditional use and site plan approval to relocated the existing Smith's sign approximately 30 feet east of the present sign location.
- ▮ The Planning Commission denied a request by HHI Corporation for a recommendation to the City Council to amend the Zoning Ordinance to allow a "Small Auto Dealerships" as a conditional use in the BR zone. The Planning Commission felt there would be a precedence set whereby several businesses along Main Street could open auto dealerships. They felt the auto dealership business would not be appropriate for the downtown area.

CONGRESSMAN BISHOP'S OFFICE VISIT/BEN HORSELY

Ben Horsley was present to represent Congressman Bishop as his city/constituent liaison. Mr. Horsley said he would be available to City officials and constituents regarding issues of concern. He raised the concern the City has had about the proposed new Post Office Building. The City's preferred design was being changed by the federal officials. Mr. Horsley suggested the City write a letter including the information that the design was strongly preferred because it fits the downtown master plan and is acceptable to surrounding residents. Also, Mr. Horsley suggested the federal officials be reminded that the City had contributed significantly to make the Post Office possible.

PUBLIC HEARING: CONSIDERATION OF SCHEMATIC PLAN APPROVAL FOR MILLER MEADOWS (Agenda Item #5)

Mr. Petersen introduced the agenda item. The application showed an excellent example of a conservation subdivision containing four large conservancy lots. The wetlands illustrated on the schematic plan have not been officially delineated, but it is very likely that the wetlands are indeed located as shown on the plan. The developer is only proposing to cross the wetlands in one spot and will likely do so with a box culvert thus not impacting the wetland area. If no wetland areas are impacted, the developer may not have to obtain a 404 Permit from the U.S. Army Corps of Engineers. The Legacy Highway is proposed east of the site UDOT is planning for a long, linear trail running adjacent to the Legacy Highway corridor. There will also likely be a high school constructed to the south of the subdivision. A pedestrian connection between the subdivision and the trail along the Legacy Highway and between the subdivision and the high school would be beneficial to the residents. Mr. Petersen also suggested that a stub road be placed on the north side of the subdivision to provide access for any future development. As

discussion progressed, it was felt that having the developer place a stub street to the south may be a good thing also, especially if the high school does not materialize.

Public Hearing

Mayor Pre Temp Haugen opened the meeting to a public hearing. He invited the applicant to address the Council.

Keith Russell (Ensign Engineering) stated the developer would be amenable to stubbing a road for access to the north. He mentioned that the wetland proposal was currently being reviewed by the Army Corp of Engineers. However, whether or not the Corp designated the property as wetlands would not impact the subdivision because the design worked around possible wetland problems. Mr. Russell stated that he felt the pedestrian access to the high school property was a good idea.

Randy Rigby stated that the land in question had been owned by his family for many years and the family wanted to leave a legacy of quality on the land they had cared for for so many years.

Neils Plant (311 South 650 West) said he liked the plans for the subdivisions but wondered if it may be possible to consider rearranging the lots in order to gain more ½ acre lots. Currently, there are 8 total lots over ½ acres, including the conservancy lots. West Farmington is largely a community supportive of horse property, and residents would like to have it remain such. Mr. Plant asked regarding the conservancy lots and if they would be available for public use.

Mr. Petersen stated that the conservancy lots would be privately owned. They would be dedicated so that no future subdivisions could take place.

Mr. Plant continued by asking if the plat would indicate that future residents would be moving into large animal area with noise and smells and other inconveniences. People owning horses do not want to be displaced by high density residential uses.

Public Hearing Closed

With no further forthcoming comments, **Mayor Pro Tem Haugen** closed the public hearing. The City Council discussed the issues, including the following points:

- ▯ The developer was willing to allow horses on to the conservancy lots.
- ▯ The design called for 4 conservancy lots and 4 lots of ½ acre or more.
- ▯ The developer was not taking advantage of all the lots possible due to available to the developer with ordinance bonuses.

Motion

Bob Hasenyager moved that the City Council approve the schematic plan for the Miller Meadows Subdivision on property located at approximately 600 South and 650 West subject to all applicable Farmington City development standards and ordinances and the following

conditions:

1. The applicant shall prepare an acceptable wetland delineation plan. Said plan shall be reviewed and approved by the Army Corps along with any appropriate permits from the Corps for the project.
2. Developer shall provide fee title pedestrian access to the Legacy Highway Trail. This trail is proposed to run adjacent to the west side of the Legacy Highway located east of the project.
3. A fee title pedestrian way shall be provided to link the subdivision to the high school campus area located south of the proposed development.
4. The developer shall include a stub access road to the north in the preliminary plat plan.

In discussion of the motion, Ms. Holmes stated that it would be a good idea for the developer to look at consolidating a few lots in an attempt to gain a few more ½ acre lots. However, she felt the suggestion should be a strong recommendation but not part of the motion. When a vote was taken, the motion passed by unanimous vote.

**PUBLIC HEARING: CONSIDERATION OF WEBSTER FLAG LOT PROPOSAL/
DAVID WEBSTER (Agenda Item #6)**

Mr. Petersen reviewed the agenda item. He reviewed the history of the application, stating that the Planning Commission had tabled the agenda item to allow time for the City Planner to research other flag lot approvals and other development options. Mr. Petersen contacted Symphony Homes (a developer who previously had possible options on land east of Websters owned by Rawl Rice) to ask regarding potential schematic plans for the property. Symphony Homes was reluctant to share a schematic plan because he felt it would signal to others imminent plans to develop, which was not necessarily the case, because Symphony Homes had no option to purchase the property. They did indicate, however, if they owned the property, they would lose building lots and thus property value if they were to bend the road through a

future subdivision to give access to the Webster's eastern property line. Symphony Homes felt they would need compensation for that loss.

Regarding flag lot development along the frontage road, Mr. Petersen reviewed neighboring lots. Most, if not all, could request flag lot development because they met set back requirements. If the Websters were granted permission to subdivide into a flag lot, precedence would be set for nearby property owners.

The City Planner stated access from 200 East to the frontage road had been studied as a part of the City's Master Transportation Plan and that it was necessary for several roads to

eventually be constructed between the two arteries for commuter traffic. One such road was 620 South (already improved), another was proposed through Rawl Rice's property. If that road were to be improved, it may be possible to gain access to the north and create a cul-de-sac through the frontage road properties, allowing all those property owners to subdivide with several, non-flag lot properties. Doing so would not compromise property value or City ordinances. Such a development would likely be beneficially to all interested parties including the Websters.

Mr. Petersen then reviewed previous flag lot approvals in the City gained over the past several months. Flag lots had only been approved when lots were very large, did not negatively impact surrounding property owners, and where there was no other way to develop the ground. Approvals had never been granted for the economic benefit of the property owner. In one case, the flag lot was approved to protect a historic home and where potential for another access was imminent, eliminating the need for the stem. One flag lot was requested by the City to reduce curb cuts on a high traffic road. A flag lot was also approved in a case where the Sewer District would have had to install pumps for two homes located downhill from the sewer lines. The Sewer District required the design change. Flag lot requests where special conditions were not present had been denied.

David Petersen distributed a letter from Paul Radcliffe (owner of property directly south of the Webster property) which indicated strong concern regarding the flag lot request. Mr. Radcliffe informed Mr. Petersen that he disputed the boundary line between the two properties and that he would require a steel reinforced solid block wall the full length of the joint property line at that expense of Mr. Webster, otherwise he would adamantly oppose the flag lot. Mr. Petersen told Mr. Radcliffe that the boundary line and the fencing issue were civil matters and the City would not become involved.

Public Hearing

Mayor Pro tem Haugen opened the meeting to a public hearing and invited the applicant to address the Council.

Mr. Webster (717 South 200 West) stated his opinion that the ordinance restricting flag lot approval for economic gain was not enforceable. There were no flag lots developed in Farmington that had not been done for the economic benefit of the property owner. He stated his request met all other City criteria. He told the City Council that 5 years ago he had put in water lines at great expense and had installed a fire hydrant in anticipation of a second lot on his property. There had been another water line stubbed in the event another lot was developed. The reason he had not continued his quest for the second lot was because he had a heart attack right after the first denial. Currently, there was a buyer interested in the second lot, but the land needs to be subdivided before he can legally sell the property.

Public Hearing Closed

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

Susan Holmes stated she saw no good reason to deny the request for the flag lot. She felt that development to the east should be required to leave access to all the frontage properties. The City Council could approve the flag lot initially and then require the property owner to eliminate the stem at the time the eastern property develops, giving the needed access. She also felt that it would be beneficial to have homes on the land as opposed to weeds. In her opinion, Mr. Webster had met conditions for flag lot approval and had invested in water lines and other improvements with the understanding he would be allowed to subdivide.

Mr. Hasenyager stated he had discussed the issues with Mr. Webster along with Ms. Holmes. No promises had been made regarding City Council action on the request at the time of the meeting. The City Council member was sympathetic to the request, however, since his discussion with Mr. Webster, Mr. Hasenyager felt that he had gained more information and was not sure it was still in the best interest of the City to approve the request. He was especially concerned about the precedence the action would create.

Mr. Hale felt it would be worth looking at other alternatives for development from the east.

Ms. Holmes stated that since the property to the east was not yet developed and no officials applications had been submitted the City should not hold existing property owners hostage.

When asked, **Mr. Petersen** stated that it would not be possible to allow a lot split without a right-of-way access. Too many problems had been created in the past by doing so. Ordinances no longer allowed the practice.

Mr. Forbush researched the original agreement with Mr. Webster wherein he had participated with the City to bring City water to the Webster property. No implied promises had been made regarding subdivision. Mr. Webster had paid a normal water impact fee of \$1,300 which helped finance the extension of the water line and placement of the fire hydrant.

Mr. Petersen suggested that it may be possible to request the applicant to show how the land to the east could be planned to bring access to the eastern boundary of the Webster property. Designs had always been the responsibility of the developer.

Motion

Susan Holmes moved to table the request to allow the applicant the opportunity to work with City Staff and look at potential access designs through the property to the east. **Ed Johnson** seconded the motion. A roll call vote was taken indicating unanimous approval of the motion.

REVIEW OF THE BOYER COMPANY PROPOSAL/EXTRA LOTS FOR HIGHER ROAD STANDARDS (Agenda Item #7)

Mr. Forbush reviewed the agenda item. He referred to a letter sent by Lynn Summerhays regarding the City's request to upgrade the roads through the Farmington Ranches development. The estimated cost of upgrading the roads would be \$0.21 per square foot which would result in a cost of between \$300,000 to \$450,000. The letter stated the developer would agree to construct roads to the new standard if the City would grant the addition of 30 more lots to the development.

Mr. Hasenyager stated he would not want to vary the subdivision plans as approved through public hearings and a great deal of hard work unless there was a very good reason. The City Council discussed the agenda item, including the following points:

- ▮ The Public Works department had determined standards in the development would be adequate, but not as good as the new standards. The City's Engineer had reviewed the situation, and Public Works was confident the Engineer would agree that 12 inches of road base would be superior to 8 inches.
- ▮ The City conducts a "proof rolling" and compaction test on all street. If the roads do not pass the tests, the developer must redo the work.
- ▮ The City will be burdened with maintenance of the streets no matter what the standard.
- ▮ By consensus, the City Council felt they did not want to allow the increase of lots in the development. They asked that staff be sure standards are upheld that were in place when the current development agreement was signed.

PROPOSED S.I.D. PROJECT AREA DISCUSSION (Agenda Item #8)

Mr. Forbush recommended the deletion of a part of one of the proposed S.I.D. project areas previously recommended. He recommended deleting the 10" water line on Glovers Lane located west of the D&RG tracks. Legal descriptions of the project areas would be forthcoming. He reviewed the time line included in the packet. The Time Line scheduled public notification, public hearings, construction, and funding.

Mr. Haugen asked that unimproved property on the east side of 100 West north of State Street be considered for inclusion in the list of S.I.D. proposed project areas.

SHOW PRIDE IN UTAH PROJECTS, SPROCESS AND SCHEDULE (Agenda Item #9)

In response to a letter submitted by the Farmington Trails Committee, the City Council discussed possible participation in the annual "Take Pride in Utah Month." The Trail Committee had suggested the City Council declare May 17, 2003, "Show Pride in Farmington Day." **Mr. Forbush** reminded the City Council of the heavy work load currently required of the Public Works Department. They are currently working on City park construction and improvements and are preparing property for the City Community Center soon to be constructed. The heavy work

load will continue throughout the year. It would not be possible for them to participate in the "Show Pride in Farmington Day." Mr. Forbush said there could be free passes to the landfill made available for private citizen groups to take loads of clean up debris to the landfill should they desire.

Megan Crowley (member of the Farmington Trails Committee) asked if the City Council could support the special day if the emphasis was placed on trails with no participation from the Public Works Department. The Trails Committee could organize the projects. City Council members were in favor of such action.

Motion

Susan Holmes moved that the City Council declare May 17, 2003, "Show Pride in Farmington Day" and that the Farmington City Trail Committee be supported in their efforts to organize efforts of volunteers with focus on trails in the City. **Bob Hasenyager** seconded the motion, which passed by unanimous vote.

Mr. Forbush mentioned that it would be helpful if there were volunteers that could help with landscaping new projects in the Fall.

PIONEER CHRISTMAS COMMITTEE REQUESTS (Agenda Item #10)

Mr. Forbush reviewed the agenda item. He asked City Council members regarding the Pioneer Christmas Committee requests. By consensus, the City Council agreed that proceeds for the event could be used to finance specific projects in the City, such as purchases for the City Community Center. It was acceptable to the Council to have the event extended an extra day. The Council also approved a special Pioneer Christmas concert at the Legacy Center as long as the concert paid for itself. It was mentioned that the event needed to compensate the City for resources used. None of the City Council members wanted to commit themselves nor their spouses to participate on one night of the event by demonstrating favorite family holiday foods.

FIRE DEPARTMENT FUND RAISING REQUEST (Agenda Item #11)

Mr. Forbush stated the Fire Chief, Larry Gregory, had requested permission from the City Council to conduct fund raising efforts to purchase physical conditioning equipment for department personnel.

By consensus, the City Council were supportive of the request, but asked that guidelines be followed and that overlapping activities with other fund raising efforts of the City be avoided.

LINE OF CREDIT LOAN FROM ZIONS BANK (Agenda Item #12)

Packet information stated that the agenda item included a plan developed by Keith Johnson and the City Manager for the temporary and perhaps long-term financing of some of the

City's ongoing projects. It was suggested by the Finance Director and City manager that the projects be completed, after which permanent financing could be arranged. Should this occur, the temporary debt would be paid by long-term financing proceeds. It was anticipated that not all of the letter of credit authorization would be used. The City should only borrow as much as it needed. The Letter of Credit loan proposal amounted to around \$1.1 million which included financing the Fire Station expansion (to be paid back by Fire Impact Fees); flood mitigation work (to be paid off with Storm Water Utility Fees); Park & Community Center Improvements (to be paid from Park Impact Fees); and Museum and Brass Comb projects cost overruns (to be paid off with General Funds).

Mr. Forbush reviewed in detail suggested expenditures. He reminded City Council members that receipt of the credit limit did not indicate that the full limit must be used.

Susan Holmes felt that commitments made to the public needed to be fulfilled. Such commitments included the Heritage Park and the Community Center. Other suggested park-related projects could be delayed until a thorough study could be made.

Mr. Hasenyager stated that the Council needed to be careful about extending the City's financial commitment too far. Approval of projects could be made as they come along.

Mr. Forbush stated he would wait for bids to come in on the Park and Community Center projects before bringing a final proposal to the Council.

BUSINESS OF CONSENT (Agenda Item #13)

Susan Holmes moved that the following items of consent be approved:

- 13-1. Ratification of approvals and construction bond agreements as indicated.
- 13-2. Approval of February's List of Disbursements.
- 13-3. Approval of Budget Review and Adoption Schedule as enclosed in the packet.
- 13-4. Request for Youth City Council to Recommend "Youth Citizen of the Year."
- 13-5. Approval of Cash Bond Improvements Agreement for Farmington Greens, Phase I, as enclosed.
- 13-6. Approval of Paying for Culinary Water Contract from Weber Basin with Water Revenues.
- 13-7. Approval of Ordinance Amending R-2 Zone Text adding Secondary Dwelling Units as a Conditional Use.

13-8. Approval of Emergency Preparedness Proclamation authorizing the Mayor Pro Tem, Larry Haugen to sign the same.

Bob Hasenyager seconded the motion, which passed by unanimous vote.

INTER-LOCAL COOPERATION AGREEMENT WITH DAVIS COUNTY RELATED TO CULINARY WATER MAIN RESPONSIBILITY AND MAINTENANCE (Agenda Item #14)

Mr. Forbush stated he had review the inter-local cooperation agreement with the City Attorney and recommended approval with changes as presented in the packet.

Motion

Bob Hasenyager moved that the City Council approve the Inter-local Cooperation Agreement with Davis County related to culinary water main responsibility and maintenance and authorize the Mayor Pro tem to sign the same. **Susan Holmes** seconded the motion.

In discussion of the motion, **Mr. Johnson** noted a language problem on page 5 (7c) wherein it was stated that the agreement would be terminated with or without cause. He suggested the City Attorney review the agreement and that the City Council give approval subject to the City Attorney's review. Mr. Hale and Ms. Holmes concurred.

A vote was taken which indicated unanimous affirmative vote.

STREET DEDICATION AGREEMENT WITH GARY GINES AND KENT GINES (Agenda Item #15)

Mr. Forbush stated the agenda item was not ready for review.

REVIEW OF PERSONNEL POLICIES & PROCEDURES/PROPOSED AMENDMENTS (Agenda Item #16)

Mr. Hasenyager said there had been an opportunity to review some of the elements of the policies and procedures amendments. He was generally comfortable authorizing the distribution of the draft to employees to gain their input.

Motion

Bob Hasenyager moved that the City Council authorize the City Manager to distribute the proposed amendments to the Policies and Procedures to employees to receive their input before the City Council takes formal action. **Susan Holmes** seconded the motion, which passed by unanimous vote.

PARKS/COMMUNITY CENTER PROJECTS/REVIEW & BUSINESS ITEMS (Agenda

Item #17)

Mr. Forbush reviewed options for fencing the expanded Main Park to mitigate impact on nearby neighbors. He presented four different options and the excused himself from any further participation in the discussion. His property was adjacent to the fencing in question. He left the Council Chambers during discussion of this item.

The City Council discussed advantages and disadvantages of the different options presented. They wanted to have the fence match the new building, be economically feasible, and be an appropriate buffer for the nearby residents. The Council decided to install sound wall fencing for the Schulties, Forbushes, and Hatches and to install grey vinyl for the Hatch property along the 50 foot east/west fence. They felt a precedence would not be set because other residents in other parks had moved there knowing a park would be constructed. The Main Park expansion improvements were an impact on existing residents. Ms. Holmes and Mr. Hasenyager would research the necessity of fencing that portion of the Schulties' property located east of the sound wall fence which was not part of the park expansion and which abuts the balance of the property formerly owned by Mary Myers.

Mr. Forbush re-entered the City Council Chambers and was asked to review lighting options for the Main Park. The City Council chose the "Granville" style for decorative lighting. The Council also authorized by consensus the purchase of three picnic bowery kits for South and Main Parks.

Mr. Forbush reviewed changes in the design of the Main Park site plan. More concrete collar area would be added to the water play ground and the easterly fence of the expanded park areas would be moved closer to the house previously owned by Mary Myers.

FARMINGTON POST OFFICE CORRESPONDENCE (Agenda Item #18)

As had been discussed during the visit from Congressmen Bishop's liaison (agenda item #4), Mr. Forbush was directed to draft a letter regarding the Post Office construction.

GENERAL PLAN AMENDMENT SCHEDULE AND PROCESS (Agenda Item #19)

By consensus, the City Council decided to hold a discussion of general concepts on April 16 at 5 p.m. The City Manager was directed to notify all participants.

MISCELLANEOUS**Wishes for Recovery**

Mr. Hasenyager moved that the City Council approve a resolution to send George Chipman best wishes for his recovery. Mr. Chipman had been aided by Farmington's Fire Department Sunday night when he had serious health problems. **Susan Holmes** seconded the motion, which passed by unanimous vote.

Buffalo Ranch Questions

Mr. Johnson asked about possibilities of the proposed Buffalo Ranch endeavor to change from a horse breeding business to a cattle ranch and what impact that would have on the community. That possibility had been raised by a neighbor who was concerned. The Council discussed the question. Other Council members stated that a cattle ranch would likely not be a negative impact on the area.

Ordinance Amendments to Require Landscaping

Mr. Johnson raised the issue of finished homes which go without landscaping for years. The Council discussed the option of amending City ordinances to require landscaping within an acceptable amount of time after a house is constructed. Mr. Forbush said he would have City staff evaluate ordinances from neighboring cities.

Fire Department Issues

Ms. Holmes suggested that the City Council require fire sprinklers for all new construction to assist the Fire Department in their efforts to improve fire safety in the City. She also commended the Fire Department for their quick efforts with Mr. Chipman and other emergencies they regularly handle. She reported that in a meeting with the South Davis Fire District officials, she felt it was important to keep an open mind, but also felt that Farmington may not receive the same priority they now enjoy. The City Manager stated he should have the Chief evaluate the sprinkler ordinance request.

Commemoration Plaque

Mr. Hale suggested a plaque be placed on the new City Community Center to commemorate the construction. Council Members also wanted the City Manager to evaluate the feasibility of adding a plaque to the Fire Station expansion and the new Public Works building.

Rich Haws Development

Mr. Haws has requested a meeting with City officials and UTA and UDOT officials. Mr. Hasenyager and Ms. Holmes stated they would meet with the developers regarding what it would take to get a development agreement in process. A suggested meeting time for the two Council Members was Tuesday, April 22, between 5:00 and 7:00 p.m.

Chamber Meeting

Mr. Haugen stated there would be a meeting regarding the Legacy Highway at Woods Cross High on April 17th from 4 to 8 P.M. City Council members were encouraged to attend.

MOTION TO ADJOURN

Bob Hasenyager moved to adjourn at 10:40 P.M. **Susan Holmes** seconded the motion, which passed by unanimous vote.

Margy L. Lomax
City Recorder