

FARMINGTON CITY COUNCIL MEETING

Wednesday, April 17, 2002

CITY COUNCIL WORK SESSION/CITY CHAMBERS

PRESENT: Mayor Pro Tem Larry W. Haugen, Council Members David Hale, Bob Hasenyager, Edward J. Johnson, City Manager Max Forbush, City Planner David Petersen, and Deputy Recorder Jeane Chipman. Mayor Connors and Council Member Holmes were excused. Also present were Planning Commission Chairman Linda Hoffman and Planning Commission Members Kent Forsgren, Larry Jensen, and Cindy Roybal. Members of the Planning Commission who were excused were Bart Hill and Syd Young. Cory Ritz attended later in the meeting. Viola Kenney, Police Chief Wayne Hansen, and Fire Chief Larry Gregory were in attendance. Don Adams and Mark Eastmon representing Riverton City were also present.

Mayor Pro Tem Haugen began discussion at 5:30 P.M. Mark Eastmon (Riverton City Council Member) and Don Adams (Riverton City Economic Director) were in attendance to present information regarding the process they used to develop Riverton's general economic development plans. The following items were reviewed:

- In analyzing resources for their city budget, Riverton City officials realized much of the revenue would be lost at build out. If the City were to maintain level of services, they had to provide for future needs while maintaining citizen values and goals.
- Riverton officials spent a great deal of time and effort in evaluating citizen values, funding resources, land use, nearby communities, build out potentials, positive and negative, and infrastructure, among other things.
- Past Riverton officials had not annexed land prime for tax base revenues near the I-15 corridor, which was somewhat of a disadvantage when considering funding for city functions.
- It was important to the Riverton officials to determine how much tax base revenue generating business to allow into the rural area to provide for what the city needed while being sensitive to citizen wishes. Citizens were strongly opposed to high density residential and commercial development. Citizens had told city officials that they had moved to Riverton to live in a rural atmosphere.
- Riverton officials conducted several surveys of citizen opinions, including telephone surveys (they felt this was the most accurate) and numerous public meetings. The public meetings were held both during the evening hours and in the morning to allow access to many different people. There was a total of about 1000 people who attended the 16 public meetings. Meetings were held with ■major stakeholders• to inform and gain input. They wanted ■no surprises. Without the public input they felt

they could be debating subjective issues with no real facts nor information about what the majority of their citizens really wanted.

- Riverton City officials traveled to California (South Bay) and talked to many different city councils and businesses to determine needs, goals, solutions, and possibilities. They learned a great deal.
- Riverton City officials set goals, one of which was to have the city provide one stable job for each household. Each of those jobs would be within the city limits. They also wanted to help their labor talents diversify. Another goal was to renovate the city's downtown area.
- Mr. Adams and Mr. Eastmon talked about the Intel Corporation which had located in the city and about the partnerships they had formed with major universities to locate campuses near the Intel facility. It was their goal to provide labor users and labor suppliers with a place that would be ideal for both. It was commented that California's silicon valley was too expensive for teachers to live in.
- The Riverton officials stated they had discovered there was a direct correlation between their investment in bringing economic development to their city and percentage of return in tax revenues. Economic development would not come to the city without expenditure by the city.
- Another determination the officials made was to spend 80 percent of their city costs on what they called hard costs, those items that would last such as infrastructure.
- Riverton City studied land use possibilities for each area of the city. A grid was created which reflected their need for revenue while maintaining the rural atmosphere. Each area in the city was restricted to types of use, density, etc. When developers applied for permission to locate (whether residential or commercial), the predetermined restrictions directed decisions.
- Transportation planning was a high priority. Transportation was designed in connection with economic and residential land uses.

REGULAR CITY COUNCIL/CITY CHAMBERS/CALL TO ORDER

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

Mayor Connors called the meeting to order at 7:20 P.M. The invocation was offered by

Jeane Chipman and the Pledge of Allegiance was led by Troop 534.

APPROVAL OF MINUTES OF PREVIOUS MEETING

The minutes of the April 3, 2002, City Council Meeting were read and corrected. **David Hale** *MOVED* to approve the minutes as corrected. **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 Thursday, April 11, 2002. He covered the following items:

1. The Planning Commission engaged in a discussion of proposed strategic planning issues. Mr. Petersen had asked for Planning Commission input regarding specific Planning Department goals and specific action programs. A lengthy discussion ensued resulting in suggested priorities of preservation, development, and planning strategies which would be presented later in the evening.
2. The Planning Commission recommended approval of the Black Dog GLB LC request for the City Council to rezone 4.51 acres of property located at approximately 321 South 1100 West from A to AE.
3. The Planning Commission considered a possible General Plan amendment regarding property around the Cherry Hill interchange. They will revisit the issue when they address General Plan amendments later in the year.
4. Public Hearing dates were set. April 25, 2002, they will meet with residents near the Rock Chapel to discuss neighborhood conservation issues.

PUBLIC HEARING: PERFORMING ARTS REQUEST TO ADD ADDITIONAL DAYS TO LIST OF APPROVED COMMUNITY EVENT DAYS AT WOODLAND PARK/OTHER USE CONSIDERATION (Agenda Item #4)

Max Forbush reviewed the agenda item. JoAnn Callahan, Performing Arts Director, had requested three additional days on the schedule for Woodland Park to be able to use amplified sound and lighting. Such an addition would allow her to increase participation in the City's productions during the summer. Mr. Forbush briefly reviewed the rules of the park as negotiated with nearby citizens. He had also received a significant amount of requests for weddings at Woodland Park which he had turned down. On one occasion a request came from a couple whom he advised to contact the Arbuckles to see if they would permit an exception. They did, but informed the City

Manager not to refer requests to them again. In the meantime, others made requests with a very strong desire to have wedding receptions at Woodland Park with amplified sound and lights. The neighbors' strong feelings in the past indicate they are not able to use their backyards when amplified sound and lights are permitted. Action before the Council currently, however, had to do with the three additional days requested by Ms. Callahan.

Mayor Connors opened the meeting to a *PUBLIC HEARING*.

John Checketts stated he had reserved Woodland Park for his wedding reception to be held on the 14th of May. He had only recently discovered the restriction that he would not be allowed to have amplified music at the reception because of the restrictions. He understood the issues raised by the nearby neighbors but felt the park was a public facility that should be allowed for use by the tax payers. Woodland Park is a beautiful facility and ideal for wedding receptions. He felt music used at receptions would not be that loud.

JoAnn Callahan discussed decibel levels which are closely monitored by the performing arts group. Any decibel level over 100 is considered a noise problem. Normal conversation is usually around 70 decibels. The City's productions are held to around 90 to 95 at the stage. She stated she did not want to infringe on neighbors' use of their backyard, but the addition of the three days to the schedule would permit a great increase in the amount of citizens allowed to participate in the City's summer theater production.

Blake Court (387 East 750 South) stated his appreciation for the service rendered by the City Council. He had brought his Scout Troop to the meeting to help earn their Citizenship in the Community Merit Badge. He felt that wedding receptions in Woodland Park would be a good use of City assets. Amplified sound and lighting could be controlled and directed for low impact on the border of the Park. Mr. Court was an engineer for the State of Utah and was aware of techniques to accomplish such control. He said the sound could be held to 75 decibels which would not impact the neighbors. Mr. Court also endorsed the addition of three more days to the performing arts schedule. His family was active in the programs, and he felt the performances were a great benefit to the City. He asked, however, that the City Council use caution when scheduling the performances and the practices. It was difficult with active families to find time to be together. He asked that Monday nights be reserved for family time as had been done in many areas of the nation.

With no further forthcoming comments, **Mayor Connors** *CLOSED* the public hearing. He inquired about the notification given to nearby neighbors. Several weeks prior to the meeting, a letter had been sent to nearby neighbors which contained the current planned performing schedule including the 3 additional days. No neighbors had responded.

In discussion of the issues, **Mr. Forbush** commented that the City's sound ordinance was

specifically written not to include any reference to decibels levels because of enforcement complications.

The City Council discussed several options especially regarding the request to use the Park for wedding receptions. Concerning the wedding plans of Mr. Checketts, the Council decided to notice neighbors of another meeting wherein such events would be further discussed.. The notice would be mailed on April 18 and the meeting would be held May 8. The notification would inform neighbors that the City Council would be addressing amendments to the Woodland Park rules which would include, among other possible issues, the inclusion of allowance for wedding receptions in the Park in addition to the performance schedule.

Bob Hasenyager *MOVED* that the City Council approve the three additional days for the performing arts schedule to be considered City-approved events as requested by JoAnn Callahan. **Larry Haugen** seconded the motion, which passed by unanimous vote.

Mayor Connors directed City Staff to contact Blake Court and request help in designing Park facilities to control light and sound at the border. He asked that the public hearing scheduled for May 8 be conducted a 9:00 P.M. to allow for the budget session to continue as planned.

PUBLIC HEARING: CONSIDERATION OF PLANNING COMMISSION RECOMMENDATION TO REZONE PROPERTY AT SOUTHEAST CORNER OF 700 WEST/SHEPARD LANE FROM LS TO A (Agenda Item #5)

David Petersen briefly reviewed the agenda item. Richard White had requested the zone change to accommodate moving his veterinary hospital. The move was due to UDOT highway improvements wherein his current location will be eliminated. It was requested that the property be down-zoned from LS to A. The LS zone does not allow veterinary hospital land use. The A zone does.

Mayor Connors opened the meeting to a *PUBLIC HEARING*.

Clayne White (Richard White's son) stated that the Planning Commission had recommended the request and that neighbors were supportive.

With no other comments, **Mayor Connors** *CLOSED* the public hearing and asked for consideration by the Council.

Mr. Johnson noticed a typo in the ordinance and asked that the zone designation be corrected.

David Hale *MOVED* that the City Council approve Ordinance No. 2002-22, an ordinance

amending the zoning map to show a change of zone for property located near the southeast corner of Shepard Lane and 700 West from Zone LS to Zone A. **Larry Haugen** seconded the motion, which passed by unanimous vote.

INTER-LOCAL AGREEMENT WITH DAVIS COUNTY REGARDING PROPOSED EXPANSION OF THE JAIL (Agenda Item #6)

Mayor Connors and the Council discussed issues regarding the amendment to the Inter-local Agreement with Davis County regarding proposed jail expansion, including the following points:

- Mayor Connors expressed gratitude because of the cooperation and positive nature of the negotiations between the City Council and the County Commission regarding the jail and related issues. He said that there had been open communication, that the County officials had attended Farmington City meetings and listened to concerns and issues, that County officials had sincerely addressed those issues, and that courtesy and sensitivity had been demonstrated. He felt the exercise recently experienced had strengthened City-County relationships.
- Mayor Connors reviewed details of the most recent draft of the Agreement including issues that had been changed, deleted, or moved and why. He felt all issues had been addressed either in the Agreement document itself or provisions had been established to address them in other arenas (e.g., the Sheriff's Council).
- If the Agreement is ever to be amended again, provisions had been made so that the County must apply to the City for a hearing and due process. The original agreement provided for that benefit, which was an advantage to the City despite the fact that the jail population cap was being increased.
- City Attorney Mike Mazuran had suggested a term limitation of 50 years for legal reasons.
- An Inter-governmental Coordination Committee is being established to handle issues between Davis County and its host City, Farmington.
- One area of concern not addressed in the Agreement was the request by citizens to be notified of any problem at the jail (an escape, etc.). Mr. Forbush stated notification and other concerns would be addressed through a letter to the Sheriff requesting the issues be placed on the Sheriff's Council agenda. If the Sheriff's Council does not handle such issues in a sufficient manner, the City has the option of taking matters to the County Commission.

- The Farmington Planning Commission will also consider the request as a conditional use application. They will consider the appearance of the building, landscaping, and other similar issues. If the Planning Commission takes action not considered appropriate by the City Council, the City Council has the option of appealing the action to themselves.
- Approval of the Inter-local Agreement should be subject to the County's adoption of the resolution supporting a rail stop at Farmington.

Ed Johnson *MOVED* to approve the ■Interlocal Cooperation Agreement between Farmington City and Davis County for Davis County Correctional Facility Expansion (version 04-17-02 [D])• subject to Davis County's adoption of the resolution supporting a commuter rail stop at Farmington, the establishment of the Inter-governmental Coordination Committee, and including the letter to Sheriff Cox outlining areas of concern for inclusion on the Sheriff's Council agenda. The motion included authorization for Mayor Connors to sign the letter to Sheriff Cox. **David Hale** seconded the motion, which passed by unanimous vote.

CONCERN OVER CLOSED TRAIL AREA WITHIN HUGHES ESTATES DEVELOPMENT/VERTIS ANDERSON/RICHARD SHIPLEY (Agenda Item #7)

Mr. Forbush explained the agenda item. Richard Shipley and Vertis Anderson, who live in the vicinity of the Hughes Estates development, have expressed concern with the closure of the access road leading to and from the pump house that has been replaced by the new Hughes Estates street and road alignment. The City has requested an easement and an opening of the old road area, but the Hughes Estates developers, to this point in time, have not complied. Mr. Forbush and Mr. Petersen showed maps of the area under consideration and illustrated the location of the jersey barriers used to close access to the hillside. The jersey barriers were located on FAPID property. Mr. Forbush also remarked on a hand-written note on the plat which stated the ■public utility and trail easement to be conveyed to Farmington City.• The conveyance had not taken place.

Although the agenda item had not been noticed as a public hearing, **Mayor Connors** invited Mr. Anderson and Mr. Shipley to address the Council.

Vertis Anderson stated he had been a member of the community for 34 years and had taken Scout Troops to the foothills for hikes and other activities. He stated the public access road had been available to the public for many years. The developer had committed to opening the access but as yet has not done so. Mr. Anderson felt strongly that citizens should be allowed access to the public property in the foothills. He said that a great many people in the community felt the same way. He recommended prompt action by the City. The closed access would also impact negatively the Bonneville Trail project. Mr. Anderson stated that Mike Dunn of Congressman Hansen's office has documentation showing legal public access routes. Mr. Anderson asked that private property be clearly marked so that people can observe no trespassing rules.

Richard Shipley stated the Master Trail Plan included the trail which is now closed to the public. He felt the Master Plan should be honored. The City Council had a responsibility to protect Farmington citizens and their rights. The developer had told neighbors the access would be provided, and they have not done so. The developers need to open the road which they have no right to close.

Doug Allen (developer) stated he and his associates appreciated hearing the opinions of the neighbors. However, they were not going to open any area not intended for trail use. It was vital to the development to keep motorized vehicles out of the area. There had been a great deal of erosions because of vehicles and poor use. Drainage issues existed which would impact the new homes. The jersey barriers were placed on the property in cooperation with FAPID officials. Mr. Allen stated that because Mr. Shipley owned property adjacent to the access he should be provided with a key to the gate. The developer was waiting for a more substantial gate to be constructed. Keys would be given to the Fire Department so that they could have access in case of emergencies. Mr. Allen stated the upper trails as designed on the approved plats would remain as is. He also stated that the handwritten note on the plat was not there when he signed the document and he knew nothing of the intent to convey the property so designated. The trail as shown on Parcel A was on private property. Mr. Allen stated that problems caused by erosion, motorized vehicles, and liability issues were the reasons for the road closure. He was willing to accommodate citizens who would not put the development at risk on a case by case basis.

Mr. Anderson stated that by law access to the public road could not be denied. He said motorized vehicles were a problem but other means of resolution should be found.

Mayor Connors asked the City Manager to study the concerns of both parties, hold a meeting with all interested people, and come back with more information and possible resolutions.

Mr. Hasenyager asked that the Development Agreement with Hughes Estates, provisions of which had not as yet been complied with by the developer, be addressed.

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

Larry Haugen *MOVED* to approve the following items by consent as follows with the corrections in the newsletter as noted:

- 7-1. Ratification of Construction Bonds previously signed by Mayor Connors.
- 7-2. Approval of CLG History Grant Agreement pertaining to the City Museum.
- 7-3. Approval of May's Newsletter.

David Hale seconded the motion.

In discussion of the motion **Mr. Johnson** asked if the City's web page was near completion.

In response, **Mr. Forbush** stated the Staff would complete the web page project as soon as possible. The current work load amongst City Department heads had not permitted time for completion of the web page. He said the goal deadline on the City's strategic plan is September 2002.

The vote was unanimous in favor of the motion.

RESOLUTION ACCEPTING FOR STUDY ANNEXATION PETITIONS FROM THE LDS CHURCH, MCKITTRICK FAMILY, ET AL, CONSISTING OF 443 ACRES IN WEST FARMINGTON ADJOINING KAYSVILLE CITY'S SOUTH BOUNDARY (Agenda Item #9)

After a brief discussion, **Bob Hasenyager** *MOVED* that the City Council accept for study the annexation petitions from the LDS Church, the McKittrick family, et all, for property consisting of 443 acres in west Farmington adjoining the south boundary of Kaysville City. **Larry Haugen** seconded the motion, which passed by unanimous vote.

REVIEW AND DISCUSSION OF THE BALANCE OF BROAD ACTION GOALS WITHIN CITY'S STRATEGIC PLAN (Agenda Item #10)

Mayor Connors, the City Council, the City Manager and the City Planner discussed items regarding broad action goals within the City's Strategic Plan. The Planning Commission had reviewed items related directly to the Planning Department and had made several suggestions. The plan will be up-dated according to Council direction and presented for consideration in its final form.

CITY STAFF/COUNCIL REPORTS (Agenda Item #11)

Progress on Brass Comb, Celey Baum House, and Museum Restoration Project.

Mr. Forbush said the three projects will be ready for bid award by June 1st. It was estimated that work on the projects could begin as soon as the beginning of the next fiscal year.

Report on Shepard/Main Street Signalization Project meeting with Residents

UDOT has committed to placing a signal at the intersection of Shepard Lane and Main Street.

Centerville/Farmington Staff Discussion Regarding Frontage Road Connections and Standards

Work is progressing on master planning of common cross section improvements along the I-15 frontage road. It was commented that standards for the frontage road on the east side of the freeway is very inconsistent. A letter to Steve Thacker, Centerville City Manger, dated April 10, 2002, regarding the frontage road cross sections was contained in the packet. Mr. Forbush said an engineering proposal would be forthcoming from Gerry Tulley, Traffic Engineer.

Somerset Homeowners Issues

Mr. Forbush stated that the wall being constructed near the entrance to the Somerset Farms subdivision may have line of sight difficulties. He asked the Public Works Department to check for safety problems and correct them if necessary. Part of the wall is being redone.

DISCUSSION OF LETTER TO UDOT REGARDING CHERRY HILL INTERCHANGE ISSUES/MISCELLANEOUS ISSUES (Agenda Item #12)

Mr. Forbush stated that the Public Works Department feels that maintenance of the bottom part of the retention basins is expensive and time-consuming. They have suggested that cattails be allowed to grow. Cattails help remove impurities from the water and do not require a high degree of maintenance.

The letter to Ahmad Jaber, dated April 18, 2002, as presented in the packet was discussed. Council members asked that item # 2 in the letter be reworded because the work is in progress.

CONCEPTUAL AUTHORIZATION TO APPLY FOR SIDEWALK PEDESTRIAN SAFETY AND TRAIL RIGHT-OF-WAY REQUISITION GRANTS (Agenda Item #13)

Packet information indicated the City Manager would like to apply for Pedestrian Safety funds to install sidewalk and curb and gutter in sections of north Main Street near Shepard Lane on the west side of the street and also on Shepard Lane. This project would fit in with the new Shepard Lane/Main Street signalization project. This area may be prime for inclusion in a S.I.D. The grant would help reduce the cost to abutting property owners. A second grant would apply to right-of-way acquisition on the last 600 feet of properties next to Glover's Lane and south of that area of trail right-of-ways to be acquired from Alan Bangerter.

After a brief discussion, **Bob Hasenyager** *MOVED* that the City Council direct Staff to apply for the sidewalk pedestrian safety and trail right-of-way requisition grants. **Larry Haugen** seconded the motion, which passed by unanimous vote.

CONTRACT AWARD FOR NEW PUMP HOUSE AND FLUORIDATION EQUIPMENT INSTALLATION (Agenda Item #14)

After a brief discussion, **Ed Johnson** *MOVED* to authorize the award of contract to Nelson Brothers for construction of the new pump house and for the installation of fluoridation equipment at Well No. 2 and the C-5 pump house. **David Hale** seconded the motion, which passed by unanimous vote.

MISCELLANEOUS

Mr. Forbush presented the name of Mark McKenna as the City's nomination as youth citizen of the year. The City Council approved by consensus.

Three additional members are needed to serve on the Oakridge Committee so that the community center project can go forward concurrently. Several names were suggested.

Mr. Haugen stated that UDOT and/or the City needs to address making speed limits consistent along north Main Street. He also asked about the large poles being installed near the Oakridge Golf Course.

Mr. Forbush said the poles are to hold a net that will be placed to protect homes from golf balls.

David Hale stated that Valoy Richards had complained of speeding and possible racing on 1500 West.

Ed Johnson said a member of the Historical Preservation Committee was resigning and asked if applications should be made available for a new member. In response, Mr. Haugen said there was time to wait until the next City Newsletter was published.

Bob Hasenyager felt that the presentation done by Don Adams and Mark Eastmon was very helpful, though they could have used more time. He expressed his feelings that the issue should be considered during the up-coming budget hearings. It may be wise to hire a consultant to help Farmington City go through the same process that Riverton City had gone through.

Mr. Forbush said he had talked to a consultant and because so much work had already been done by the officials, it may not cost the \$200,000 that Riverton had to pay.

Mr. Forbush talked about the taxes being used to raise revenue and said one tax that should be studied is the **zap** tax. Counties are in charge of levying such taxes. Davis County has not done so to date. However, it may be possible to ask them for consideration.

Mayor Connors said a sub-committee of the Davis County COG has been addressing the zap tax. Mayors in south Davis have formed a coalition who are in favor of the tax.

Mr. Johnson asked if the Council could receive copies of the presentation given by Mr. Adams and Mr. Eastmon. It was stated that the City Planner had copies of the information.

David Hale reported that the Mosquito Abatement Department have fish that eat mosquitoes and their lava. If requests are made, the Department will plant the fish even in private ponds. It was suggested that the information be placed in the Farmington City Newsletter.

Mayor Connors asked that a substitute take his place at the Miss Farmington pageant. Mr. Haugen, as Mayor Pro-tem, said he would take care of the function. The pageant will be held on May 4, 2002.

The Mayor inquired about the Olympic memorabilia that was displayed in the City. In response, Mr. Forbush said it had been paid for by the County, who had sold it to bidders.

The Mayor said a letter inviting interested Farmington residents to a meeting regarding the Alliance for Unity will be forwarded to several citizens.

The Mayor also asked if there was a way to find out which denominations would have interests in Farmington residents. He would like to have information for new move-ins as a service.

CLOSED SESSION

Bob Hasenyager *MOVED* that the meeting adjourn to CLOSED SESSION for the purpose of discussing pending litigation and other items at 10:50 P.M. **Larry Haugen** seconded the motion. The vote was unanimous in the affirmative.

RECONVENE

Bob Hasenyager *MOVED* to reconvene into open session at 11:05 P.M. **David Hale** seconded the motion, which passed by unanimous vote.

Mayor Connors stated that the Watsatch Front Transportation Committee would be conducting a primer on funding and have invited interested city officials. More information will be forth coming.

On May 17, COG will sponsor a reception to promote businesses in the Davis County area. More information on that will also be forth coming.

The meeting on April 24, 2002, will begin at 6 P.M.

ADJOURNMENT

Bob Hasenyager *MOVED* to adjourn at 11:06 P.M. **Larry Haugen** seconded the motion, which passed by unanimous vote.

Margy Lomax, City Recorder