

FARMINGTON CITY COUNCIL MEETING

Wednesday, May 4, 2005

CITY COUNCIL WORK SESSION/EAST CONFERENCE ROOM

PRESENT: Mayor David M. Connors, Council Members Richard Dutson, David Hale, Larry W. Haugen, Susan T. Holmes, Sidney C. Young, City Manager Max Forbush, City Planner David Petersen, Zoning Administrator, City Recorder Margy Lomax, Recording Secretary Jill Hedberg and Cindy Morrow (citizen), who was accompanied by her attorney.

Mayor Connors began discussion at 6:30 P.M. The following items were reviewed:

Agenda Item #4 - Public Hearing: Appeal of Planning Commission's Decision to Modify the terms of a Conditional Use Permit for the construction of an attached garage located at 139 East 400 North in the OTR Zone (C-8-04) - Cindy Morrow. **Dave Petersen** informed the Council Members that the procedural outline would be the same as the previous meeting. **Max Forbush** asked **Ms. Morrow** if the appeal was based solely on Condition #2 (facade easement / conservation easement). **Ms. Morrow** stated that was her only appeal item.

Mayor Connors adjourned the meeting to closed session at 6:50 P.M. to discuss the advice received from the City's legal counsel.

Agenda Item #6 - Request to Waive "Conservancy Lot" size Requirement in Miller Meadows Subdivision - Rainey Homes. The Planning Commission recommended granting the exemption.

Agenda Item #8 - Signage Enforcement Considerations. This was an item that needed to be considered in order to avoid conflict with economic development.

Agenda Item #9 - City Council Contingency Expenditure Request for Leisure Services Advertising. Leisure Services was requesting \$1,500 to promote the summer play. There was money available in the contingency fund.

Agenda #10 - Request for Increase in Garbage Collection due to Increase of Fuel Costs. Robinson Waste Services requested a .15 cent increase due to increased fuel costs. The staff was impressed with Robinson Waste Services and the City would be able to absorb the cost without raising garbage collection fees. Council Members questioned whether the increase could be reversed if gas prices decreased.

Agenda Item #12 Adoption of Tentative Budget/ Establishment of Time and Place of Budget Hearing Prior to Final Adoption of the Budget. It was recommended that Council Members adopt the tentative budget and set June 15th as a public hearing date to consider adopting the budget. The only proposed fee increase would be in the transportation impact fees.

Agenda Item #14 - Award of Bid for Community Center Basement Completion / Remodel of Museum Building (2nd Phase). Two out of the five bids were eliminated. It was recommended that Skyline Construction be awarded the bid. The project would be financed through the issuance of sales tax revenue bonds. Council Members were advised as to how the bonds would be repaid. The completion date would be scheduled for mid-July to early August.

Agenda Item #13 - Review of Proposed Changes to Draft School District / City Inter-local Agreement Pertaining to proposed Bus Compound at Glover's Lane west of I-15. The District could not guarantee that the building permit would be pulled in ten years but the process would begin within twelve years. Paul Waite had been advised as to the concerns regarding the students who walked by the jail on their way to school. It was suggested that the issue be linked to the Agreement and that a meeting be scheduled with the Sheriff and the District.

The meeting adjourned to private session at 6:50 P.M. to discuss advice received from the City's legal counsel.

REGULAR CITY COUNCIL/CITY CHAMBERS/CALL TO ORDER

PRESENT: Mayor David M. Connors, Council Members Richard Dutson, David Hale, Larry W. Haugen, Susan T. Holmes, Sidney C. Young, City Manager Max Forbush, City Planner David Petersen, City Recorder Margy Lomax, Recording Secretary Jill Hedberg and, Ken Klinker.

Mayor Connors called the meeting to order at 7:00 P.M. **Larry Haugen** offered the invocation. The Pledge of Allegiance was led by **Sid Young**.

APPROVAL OF MINUTES OF PREVIOUS MEETING

Rick Dutson moved to approve the minutes of the April 20, 2005, City Council meeting. **Larry Haugen** seconded the motion. The voting was unanimous in the affirmative.

David Hale moved to approve the minutes of the April 27, 2005, Special Farmington City Council meeting. **Susan Holmes** seconded the motion with changes as noted. The voting was unanimous in the affirmative.

REPORT OF PLANNING COMMISSION (Agenda Item #3)

David Petersen reported the proceedings of the Planning Commission meeting which was the Master Transportation Plan public hearing that was held on April 28, 2005, at the Community Arts Center. He covered the following items:

- Bus Rapid Transit - Citizens were informed that the City was attempting to keep the BRT system as non-intrusive as possible. The BRT would not extend traffic lanes and would run with regular traffic. It would be quieter than Route 70 and would have fewer stops. There were still a lot of negative comments received.
- West State Street / South Interchange - It was proposed that an at-grade intersection be incorporated to calm traffic. The proposal was favored by West State Street residents but received opposition from Lagoon. The south Farmington interchange was also discussed. Many residents were unaware that there were plans to remove the bridge. Horrocks Engineering informed citizens that Glover Lane would not be an option.
- North Main (north of Shepard Lane and south of the Cherry Hill Interchange) - Citizens gave a lot of negative feedback regarding the roundabout. There were also complaints about the roundabout at 1075 West and Shepard Lane.
- Northwest Farmington/Oakridge area - Most citizens were becoming more accepting of the proposed changes. Although, there were a few Burke Lane residents who were strongly opposed to the road extension.
- South Farmington - It was suggested that a major collector be constructed along the east side of the Denver Rio Grande from the Fairgrounds to Glover Lane. This would cause some of the Fairgrounds parking to be eliminated, which a Fairgrounds planner said would make the Fairgrounds inoperable. The possibility of utilizing the Cattle Road and 650 W going into Centerville was very well received. It would be advantageous to have balanced roads on the east and west side to exit the City.

PUBLIC HEARING: APPEAL OF PLANNING COMMISSION'S DECISION TO MODIFY THE TERMS OF A CONDITIONAL USE PERMIT FOR THE CONSTRUCTION OF AN ATTACHED GARAGE LOCATED AT 139 EAST 400 NORTH IN THE OTR ZONE (C-8-04) - CINDY MORROW (Agenda Item #4)

According to packet information, the Planning Commission approved a motion on March 24, 2005, to modify the Conditional Use Permit C-8-04 for an attached garage located at 139 East 400 North. Certain conditions were set forth which were not satisfactory to Cindy Morrow. She requested the Planning Commission reconsider their decision but they elected not to reconsider their previous motion. Therefore, Cindy Morrow will appeal the Planning Commission's decision pertaining to condition #2.

Mayor Connors introduced the Item stating that there was a certain procedure that needed to be followed during the appeals process.

Dave Petersen stated that the Planning commission voted in favor of modifying the site plan subject to three conditions. Ms. Morrow was appealing the following condition:

Condition #2: The applicant must grant a facade easement (or conservation easement) acceptable to the City to the Utah Heritage Foundation (or some other nonprofit group acceptable to the City) to preserve in perpetuity the two remaining buildings in the front yard area of the property adjacent to 400 North Street.

Larry Moore introduced himself as a Salt Lake attorney representing Ms. Morrow.

Mayor Connors informed **Mr. Moore** that based on information received from the City Attorney, he was anticipating a motion to grant the appeal and eliminate condition #2.

Mayor Connors asked **Mr. Moore** if the appeal was limited to condition #2. **Mr. Moore** stated that it was limited to condition #2.

Public Hearing

Mayor Connors opened the meeting to a public hearing.

Public Hearing Closed

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

Motion

David Hale moved that the City Council grant the appeal to modify the required conditions eliminating Condition #2 which was set by the Planning Commission on February 23, 2005, but kept Conditions #1 and #3 in place. **Sid Young** seconded the motion which passed by unanimous vote.

CONSIDERATION OF RESOLUTION ACCEPTING FOR STUDY THE GLOVER/TURNER PETITION TO ANNEX 12.9637 ACRES NORTH OF LUND LANE BETWEEN I-15 FRONTAGE ROAD AND 200 EAST - RAINEY HOMES (Agenda Item #5)

David Petersen asked that the Council Members refer to the map which was included in the packet. **Mr. Petersen** recommended that the Council Members accept the petition for study.

Motion

Susan Holmes moved to accept the petition for study. **Rick Dutson** seconded the motion which passed by unanimous vote.

REQUEST TO WAIVE “CONSERVANCY LOT” SIZE REQUIREMENTS IN MILLER MEADOWS SUBDIVISION - RAINEY HOMES (Agenda Item #6)

According to packet information, the Planning Commission approved a motion on April 14, 2005 to recommend that the City Council grant a waiver to allow one of the four conservancy lots in the Miller Meadows subdivision to be under 4.0 acres in size (Lot 225). Normally, all conservancy lots in the AE zone must be at least 4.0 acres in size. The required open space for this subdivision is 16.2837 acres. The remaining conservancy lots (Lots 305, 324, and 437, which each meet the 4 acre minimum), conservation land, and Lot 225, altogether exceed this requirement.

Dave Petersen referred to the map included in the packet. Lot 225 on the preliminary plat would be the lot that would be slightly under four acres. However, the other conservancy lots combined exceeded the amount required for the subdivision. The Planning Commission recommended waiving the lot size requirement for Lot 225 to under four acres.

Motion

Susan Holmes moved to waive the conservancy lot size requirement in Miller Meadows Subdivision - Rainey Homes as outlined by **Mr. Petersen**. **Larry Haugen** seconded the motion which passed by unanimous vote.

REQUEST FOR “EXEMPTION STATUS” FOR SALES TRAILER AT FARMINGTON RANCHES EAST SUBDIVISION - RICHMOND HOMES (Agenda Item #7)

On April 14, 2005, the Farmington City Planning Commission reviewed and approved Richmond American Homes application for a temporary use permit to establish a temporary sales office in a trailer on property located at 1523 West Longhorn Drive subject to four conditions that must be met.

David Petersen stated that the Planning Commission approved a recommendation as part of the temporary use permit which would include restrooms, additional landscaping, etc. An agreement needed to be approved by the City Council which would then be subject to final review by the City Attorney.

Motion

Susan Holmes moved to grant the exemption of the sales trailer at Farmington Ranches East with the conditions outlined and contingent upon the City Attorney's review of the Agreement. **Larry Haugen** seconded the motion which passed by unanimous vote.

SIGNAGE ENFORCEMENT CONSIDERATIONS (Agenda Item #8)

According to packet information, Fitness Zone received two Notices of Violation of Zoning and/or Nuisance Regulations pertaining to banner signs on 1075 West and one on Shepard Lane and 1075 West. Fitness Zone addressed a letter to Mayor Connors and the City Council asking for assistance regarding the placement of their temporary banners.

Ken Klinker stated that he had worked with **Ralph Gibbons** to enforce sign ordinances within the City. Businesses such as Fitness Zone, Rose Cove Senior Housing, and Utah First Federal Credit Union were utilizing off-premise signs. If the sign ordinances were to be enforced, it could jeopardize economic development. **Mr. Klinker** invited the Council Members input regarding the City's sign ordinances.

David Hale suggested allowing exceptions based on specific cases. He was not in favor of altering the ordinance.

Susan Holmes questioned whether the ordinance allowed companies to place signs on other individuals property if they had received permission.

Ken Klinker said the property owner had to give permission but that the current issue was that the signs could not be on the public right-of-way.

Council Members agreed that the ordinance should be strict due to aesthetics but that economic development also needed to be considered.

Rick Dutson questioned how long it had been since the sign ordinance had been reviewed.

Dave Petersen stated that specific parts of the ordinance had been reviewed but that the ordinance had not been reviewed in its entirety.

Larry Haugen stated that Station Park would have a large number of businesses whose storefront would be facing away from the main road so off-site signage would be required. He felt the sign ordinance should be rewritten in order to prevent future conflicts.

Council Members agreed that a committee should be created in order to do a comprehensive review of the sign ordinance. A consultant could be hired utilizing the Planning Commission budget. A public hearing was encouraged in order to represent the opinions of the entire community. The staff was asked to submit a proposal outlining the process. Larry Haugen and Rick Dutson volunteered to serve on the ordinance review.

Mayor Connors suggested informing businesses that the sign ordinance would be studied to determine if changes were necessary but until that time, the current sign ordinances would remain in affect.

CITY COUNCIL CONTINGENCY EXPENDITURE REQUEST FOR LEISURE SERVICES ADVERTISING - VIOLA KINNEY (Agenda Item #9)

Viola Kinney submitted a written request to the City Council requesting advertising money for the Woodland Summer production of "Sound of Music". Various forms of advertising would be used and could include banners, posters, newspaper advertisements, and flyers. The Farmington City Newsletter, City web page, and utility bills would also be used.

Max Forbush informed the Council Members that the 2006 budget proposed significant increases for Leisure Services advertising. The request to be considered would be for advertising the summer program. He recommended the approval of the City Council.

Motion

Susan Holmes moved to authorize \$1,500 out of the Council contingency account for Leisure Services advertising. **Sid Young** seconded the motion which passed by unanimous vote.

REQUEST FOR INCREASE IN GARBAGE COLLECTION DUE TO INCREASE OF FUEL COSTS - ROBINSON WASTE SERVICES (Agenda Item #10)

Robinson Waste Services submitted a letter to Farmington City dated April 27, 2005 stating that the rising costs of fuel were causing a substantial expense to their business. They request a .15 cent increase effective for June's billing. Walt Hokanson submitted a memo to the City Council which stated that Farmington residents were receiving excellent service and recommended that the increase be met.

Mr. Forbush informed the Council Members that the fee increase could be absorbed without increasing the monthly collection charge to residents.

Mayor Connors stated he did not want a specific “statute” to the Agreement but wanted Robinson Waste to show “good faith” that if fuel prices decreased, the fee could also decrease.

Motion

Sid Young moved to authorize the City Manager to evaluate the request against the budget to make a determination if fees needed to be increased to offset the rising cost of fuel. **Larry Haugen** seconded the motion, which passed by unanimous vote.

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

Rick Dutson moved that the City Council approve the following items by consent as follows:

- 11-1. Ratification of Construction Bond Agreements previously signed by Mayor Connors.
- 11-2. Approval of Surety bond Agreement for improvements on 50 East Street extension with Commercial Design and Construction, Inc.

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

ADOPTION OF TENTATIVE BUDGET/ESTABLISHMENT OF TIME AND PLACE OF BUDGET HEARING PRIOR TO FINAL ADOPTION OF THE (Agenda Item #12)

According to packet information, the City Manager recommended that the tentative budget be adopted as required by State statutes with the intent that the City Council will be reviewing the budget thoroughly during the month of May and will likely make a number of adjustments thereto.

Max Forbush advised the Council Members that a public hearing was scheduled for the City Council meeting to be held on June 15, 2005 at 7:00 P.M. to consider amending the this years fiscal year budget and next years fiscal year budget. The law requires that by the first meeting of the year, the Budget Officer should present a tentative budget which should be adopted by a Minute Motion. During the month of May, the Council Members would review the budget and make the required adjustments. There was budget work sessions scheduled for May 11, May 18, and May 25, 2005.

Motion

Rick Dutson moved to adopt the tentative budget and to schedule June 15, 2005, at 7:00 P.M. as a public hearing to consider adopting the final budget and to consider amending the current budget. **David Hale** seconded the motion, which passed by unanimous vote.

REVIEW OF PROPOSED CHANGES TO DRAFT SCHOOL DISTRICT / CITY INTER-LOCAL AGREEMENT PERTAINING TO PROPOSED BUS COMPOUND AT GLOVER LANE WEST OF I-15 (Agenda Item #13)

Max Forbush reminded the Council Members that the Agreement had been revised by the City Attorney and approved by the Council Members. The draft was submitted to the School District. The Agreement was returned to the City with changes that needed to be addressed by the City Council. **Mr. Forbush** highlighted the salient points:

- 1.c. *Bus Compound.* The District altered the paragraph to allow twelve years until the process be under way.
3. *Recreation Fields and Facilities.* The District rewrote Paragraph 3. A significant change was that they would not utilize the fields until the high school had been built. They would like the City to maintain the fields the majority of the time until the school was constructed. They also requested that the City participate financially in the parking lot that was associated with the playing fields. **Mr. Forbush** recommended that Council Members meet with a Leisure Services director and a member of the Public Works department to evaluate the impact it would have on their maintenance schedule. It would then be advised that the Council Members meet with the District to discuss the issue further.

Council Members felt there had been conceptual agreement reached on certain items that were now being altered.

Max Forbush stated that he would first meet with the City staff. **Mayor Connors, Susan Holmes** and **Mr. Forbush** would then meet with the District.

AWARD OF BID FOR COMMUNITY CENTER BASEMENT COMPLETION / REMODEL OF MUSEUM BUILDING (2ND PHASE) - (Agenda Item #14)

Max Forbush passed out bid summary sheets to be added to the packet. There were five contractors who submitted bids: Skyline Construction, R Ray Ward Construction, Arnell-West Inc., Commercial Design & Construction, and Ascent Construction. Arnell West was considered non-responsive as they did not properly execute bid documents. Commercial Design withdrew their bid due to bidding irregularities. Each contractor was to

submit two separate bids - one for the Community Center basement and one for the Museum remodel. The cost breakdown for both projects is as follows:

Skyline Construction:	\$475,100.00
R Ray Ward Construction:	\$500,000.00
Ascent Construction:	\$484,000.00

Max Forbush recommended awarding the bid to Skyline Construction whose bid included adding hard counter tops to the kitchen. The installation of a generator would not occur until the grant had been received, although the generator wiring would be funded by the following:

Bond Proceeds Budget:	\$533,931.00
Total Construction Costs:	<u>\$526,250.00</u>
<i>Electrical Wiring for Generator:</i>	<i>\$7,681.00</i>

Rick Dutson noticed a discrepancy in the museum basement bid amounts. He recommended requesting a cost breakdown to insure the bid was estimated correctly.

Motion

David Hale moved to award the bid for the Community Center basement and the Remodel of the Museum Building (2nd Phase) to Skyline Construction. **Sid Young** seconded the motion, which passed by unanimous vote.

“REVISED” SPECIAL IMPROVEMENT DISTRICT 2003-01 CLOSE-OUT SCHEDULE

As per the packet, at the last City Council meeting the City Manager handed out a time schedule for completing the computation of the assessment schedules, mailing them out, etc., for 2003-01. The time schedule would have to be moved back two weeks. The first resolution appointing the Board of Equalization would be at the City Council Meeting on May 18, 2005.

Max Forbush informed the Council Members that three City Council Members would need to attend the Board of Equalization hearings which were scheduled for June 21-23, 2005.

REPORTS

Meeting with Davis County Commission Regarding Request for Participation in Farmington Creek Piping Project

Sid Young reported to the Council Members regarding the meeting with the Davis County Commission. Council Members advised the County Commission that the \$80,000 expenditure represented a little less than 10% of Farmington's annual property tax budget. The City Council Members questioned UTA's involvement. It was also discussed that the railroad would not contribute additional funds. City Council Members informed the Davis County Commissioners that Farmington City would participate but would like the number to be less than \$80,000.00.

Mayor Connors advised County Commissioners that they would like further analysis as to how the money contributions should be divided. If the determined number was rational, Farmington would be willing to contribute its share. City Council Members emphasized that any contribution higher than \$80,000.00 would not be considered. City Council Members asked the County Commission to conduct further research and to advise them of their findings.

Max Forbush stated that the City Council Members requested assistance from the Davis County Commission to widen the 1100 West and Clark Lane intersection, as well as 1100 West on the Legacy Center side. The County Commission stated they would be willing to use their crews to re-grade the asphalt and possibly lay the pipe. City Council Members also discussed the Master Transportation Plan with the County Commissioners regarding the two alternatives for the west collector on 1100 West. One alternative would be to travel south on Glover Lane, turning east to 650 West or to go south on the Sheep Road. They were in favor of the Sheep Road.

Mr. Forbush advised the County Commissioners that 1100 West residents who attended the Planning Commission hearing would like the speed limit to be 25 mph with a narrower road to shift the major collector from their frontage to the east side of the old B&RG tracks which runs in front of the Legacy Center Bldg. County Commissioners input was requested. **Commissioner Page** was the least in favor. **Mr. McConkie** said it would be an option if the City would be willing buy the land on the triangle across the street and then trade the County Commission. **Max Forbush** did not think it was a likely alternative.

Mayor Connors did not think the road would be able to be moved near Legacy Center because it would conflict with their parking area. There was consensus with the County that there was a need to upgrade the intersection and to increase the Legacy Center parking capacity.

Mr. Forbush and **Russell Youd** had discussed the option of shifting the major collector to the east side of the old D&RG tracks. **Mr. Youd** did not think Federal Funds

could be obtained to make the turn through the County Property which was classified as 4F property (recreational property).

Meeting with Farmington Ranches Homeowners Association with related correspondence

Susan Holmes, Max Forbush, Sid Young, and Neil Miller met with the Farmington Ranches Homeowners Association. **Susan Holmes** stated the Farmington Ranches Homeowners Association was made up of more than 500 homes with 200 more being added in the future. She thought the Homeowners Association was relieved that the City Council Members were willing to consider their concerns. She outlined the concerns that were discussed in an email which was included in the packet. The HOA requested that a certain piece of property that is within the Home Owners Association, be placed on the Parks Capital Improvements plan for a park in order to be financed with Park Improvement Impact Fees.

Max Forbush felt the creation of a park would be appropriate. He suggested that an agreement be created to outline the responsibilities of the HOA and the responsibilities of the City. Open space in the Ranches was one of the biggest issues. A possible solution would be to make the open spaces building lots in exchange for the HOA funding some of the City's improvements. An agreement between the City and the HOA would be the beginning of negotiations as to how to best solve the maintenance in that area. He suggested the City take a proactive part to clean up the mess.

Council Members stated that water rights issues existed in certain areas of the Ranches making it difficult for the HOA to maintain. It would be a difficult issue to resolve due to conservation easements.

SCHEDULE OF UPCOMING MEETINGS (Agenda Item #17)

- **Tuesday, May 20 - 8:30 a.m. - 10:30 a.m.** RDA Taxing Entity Committee (Mayor Connors and Council Member Dutson)
- **Tuesday, May 17 - 6:00 p.m.** Master Transportation Plan presentation and hearing at the Community Arts Center. (Please be there a few minutes before 6:00 p.m)
- **Wednesday, May 18 - 6:00 p.m.** - Budget Work Session.
7:00 p.m. Regular City Council meeting, and budget work session if time permits.

- **Wednesday, June 1 - 6:00 p.m.** Regular City Council meeting, but starting at 6:00 p.m. and will be finished by 8:30 p.m. to permit the RDA meeting and public hearing on the Plan and Budget to begin at 8:30 p.m.

MISCELLANEOUS (Agenda Item #18)

Rick Dutson updated the Council Members regarding the Neighborhood Mixed Use meetings. They covered much of the zone text. Sharon Treu, who represents the citizens in that community, was not aware of the meeting so their input had not yet been received. **Dave Petersen** said he would invite her in to hear their input.

David Hale stated that he had met with **Tom Morgan**. He questioned if the city could participate in doing landscape design around the falls to enhance the area as a gateway to North Compton.

Mr. Forbush stated that he had received an email from Anne Martinez stating that she was not impressed with the manner in which the trail had been constructed. She felt the developer should do more.

Mr. Hale said that Anne Martinez had requested that Tom Morgan include rock walls and retaining that would cost around \$15,000.00.

Susan Holmes informed the Council Members that she had just returned from Washington on behalf of the Sewer District to receive their 3rd National Award in six months. They received the Platinum Award for not having a sewer spill in the past five years. While she was in Washington, she met with one of Senator Bennett's representatives regarding the Great Salt Lake study that the Central Davis Sewer District was overseeing. The study would insure that the EPA would not impose rules and regulations that would be harmful to the nine cities that discharge into the river or the other four to five cities that discharge straight into the lake.

Sid Young informed the Council Members that **Flora McMullin**, who had been nominated as the Davis County Clipper's Mother of the Year, would not be able to attend the luncheon so her daughter, **Laurie Clegg**, would accept the award on her mother's behalf.

ADJOURNMENT

David Hale moved that the meeting adjourn at 8:45 P.M. **Larry Haugen** seconded the motion, which passed by unanimous vote.

Margy Lomax, City Recorder
Farmington City