

FARMINGTON CITY COUNCIL MEETING

Wednesday, May 7, 2003

CITY COUNCIL WORK SESSION/SITE TOUR IN THE CITY AND STUDY SESSION IN THE KITCHEN AREA

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

Beginning at 5:30 P.M. the City Council toured the Fire Station, the Brass Comb building, H.H.I business area, and the Museum building. At approximately 6:30 P.M. they conducted a study session at the Farmington City Municipal Building. During the study session, they reviewed the following agenda items:

#8—Regarding amendment of the Farmington Ranches Development Agreement to allow the Buffalo Ranch development. City Council members wanted to have time to review the voluminous materials associated with the proposal in more depth before moving forward. The development previously approved had been carefully considered. The changes being presented needed equally careful scrutiny.

5 (Public Hearing: BR Zone Amendment) and #9— (Request to exclude Kin Dun proposed development from OTR Moratorium area) Both agenda items requested the City Council to make decisions in opposition to recommendations by the Planning Commission. Mayor Connors stated he preferred to defer final action on any such issues until a “conference committee” could be organized which could work toward a common consensus between the City Council and the Planning Commission. The committee would be made up of both City Council members and Planning Commission members.

#10— Mr. Forbush briefly reviewed the bid award for the bond election projects. He suggested if approved, the bid should be awarded subject to the approval of a pending federal grant. Mr. Forbush informed the Council there would be a need for an additional \$500,000 to be financed through Zion’s Bank line of credit program.

REGULAR CITY COUNCIL/CITY CHAMBERS/CALL TO ORDER

PRESENT: Mayor David M. Connors, Council Members David Hale, Bob Hasenyager, Larry W. Haugen, Susan T. Holmes, Edward J. Johnson, City Manager Max Forbush, City Recorder Margy Lomax, and Deputy Recorder Jeane Chipman. City Planner David Petersen was excused for the first part of the meeting.

Mayor Connors called the meeting to order at 7:00 P.M. The invocation was offered by Susan Holmes and the Pledge of Allegiance was led by Margy Lomax.

APPROVAL OF MINUTES OF PREVIOUS MEETING

Bob Hasenyager moved that the City Council approve the minutes of the April 16, 2003, City Council Meeting as corrected. David Hale seconded the motion. The voting was unanimous in the affirmative.

Susan Holmes moved that the City Council approve the minutes of the Special City Council meeting held April 22, 2003. Bob Hasenyager seconded the motion, which passed by unanimous vote.

REPORT OF PLANNING COMMISSION (Agenda Item #3)

Because Mr. Petersen was unable to attend the City Council, the Planning Commission report was omitted.

HISTORICAL PRESERVATION COMMITTEE CONTEST WINNERS

Annette Tidwell, chairman of the Historical Preservation Committee, was present to award prizes to children who had won the essay and the drawing competitions recently sponsored by the Committee. Local merchants had donated prizes for the children. Each was commended by the Mayor for their work.

AGENDA AMENDMENT

Mayor Connors suggested amending the agenda so that scheduled public hearings were conducted at the appointed time, allowing citizens who may wish to participate time to arrive at the meeting. Agenda Item #3 (Presentation by Pioneer Christmas Chairman Pat Sorenson to the American Cancer Society) was deleted.

BID AWARD: FARMINGTON COMMUNITY CENTER/PARKS DEVELOPMENT (Agenda Item #10)

Mr. Forbush stated bids had been opened on Tuesday, May 6, 2003, in the afternoon. He distributed copies of the "Bid Tabulation Report" and discussed what had been included in each alternative option. Of the 5 bidders for the projects, E.K. Bailey had the lowest bid at \$1,591,794. The City Manager explained his recommendations regarding the bid award, reviewed the Park Impact Fee and Bond Project Budget Estimates, and the Park Improvements Debt Analysis. He also covered the Capital Expenditures Budget. Mr. Forbush suggested there would be a need for an estimated increase of \$500,000 to cover the costs of completing all projects. He reported that the main reasons for the extra funding included: (1) The Myers property purchase; (2) the pier stabilization system under the community center due to poor soil conditions, and (3) the addition of the unfinished basement to the community center. He felt the amount could be repaid in at least 5 years from Park & Recreation impact fees if current building rates continue.

Motion

Susan Holmes moved that the City Council award the base bid for the Farmington Parks Improvements and Community Center to the E. K. Bailey Company for \$1,591,794 subject to Farmington City's ability to withdraw or affirm the Heritage Park element amounting to \$159,896 within a 90-day period, incumbent on receipt of federal grant funds. The motion to award the bid also included bid alternatives #2, #3, #5, and Electrical Alternative #1 and 2 with provision that alternative #4 (special interior doors) and sound alternative #1 (wireless microphones) be included also for now with an option of deleting some after further review. The motion also included approval of a line of credit in the amount of \$500,000 to be used only if needed to be paid back within a 5 years period with park impact fees. The motion was seconded by David Hale. The motion passed by unanimous vote.

PUBLIC HEARING: CONSIDERATION OF POSSIBLE AMENDMENT TO BR ZONE TEXT TO PERMIT SMALL AUTOMOBILE DEALERSHIPS (Agenda Item #5)

Mr. Forbush reported that Mr. Hokanson would like the City Council to consider a change to the BR zone text to allow small auto dealerships which would permit him to gain a licence to sell more than 2 vehicles at a time on his property at 49 North Main Street. The Planning Commission voted on March 27, 2003, to recommend that the City Council deny Mr. Hokanson's request because they felt it would set a precedence for other similar businesses in the downtown area.

Public Hearing

Mayor Connors opened the meeting to a public hearing and invited the applicant to address the City Council.

Don Hokanson stated if the BR zone were amended to allow the small auto dealerships it would allow him to get a license. He already sells fleet vehicles at the property, so nothing would change. The license would require him to conduct the sales attached to his established business. The size of the lot would also be regulated. Mr. Hokanson said that when he bought the property in question it was a different zone. He felt that the zone change had been disadvantageous for his business and wanted some consideration for the inconvenience he had suffered. He wanted to be able to sell the fleet vehicles as a continuing part of his business and stated he would comply with all Utah State laws.

In response to questions from the City Council and Mayor, Mr. Hokanson stated his fleet consisted of between 20 to 25 vehicles. Average yearly resale of the vehicles was between 5 and 10. He would not have more than 3 vehicles on the premises at any one time. The location at 49 North Main Street was his only place of business.

Paul Chase (1163 Alice Lane) stated he was not concerned with H.H.I. replacing his fleet vehicles. However, there were several concerns that should be considered by the City Council, including:

- ▭ The Planning Commission was very concerned about setting a precedence that would allow other businesses along Main Street to open a small auto dealership. If the BR zone text were changed, all BR zones would be allowed to include dealerships.
- ▭ The City Attorney had been asked if a special permit could be given H.H.I. The answer had been no.
- ▭ When the Planning Commission reviewed the request, no adjacent neighbors had been notified of the possible zone text change. Mr. Chase felt that neighbors should be informed of such possible changes.
- ▭ The proposal would affect the heart of downtown Farmington, with its sensitive historical nature.
- ▭ Mr. Chase cited environmental, parking, safety, and precedence concerns.

Public Hearing Closed

With no further forthcoming comments, **Mayor Connors** closed the public hearing. He mentioned that in the work session prior to the meeting, the City Council had toured the H.H.I. business site. There had also been a meeting held between H.H.I. representatives, the City Planner and the City Manager. The issue before the City Council was the proposed amendment to the BR zone text.

Mayor Connors stated that the Planning Commission had had no problem with the resale of the fleet vehicles if it was done within ordinance restrictions. He recommended that the City Council defer the decision on the issue and appoint a City Council committee to work with Planning Commission representatives in an effort to find an acceptable solution to H.H.I.'s needs without creating unwanted precedence.

After consideration of Mr. Hokanson's request and by consensus, the application failed for lack of a motion.

Mr. Hasenyager expressed his opinion that the auto dealership did not fit with the Downtown Master Plan nor with the General Plan.

David Hale stated such dealerships could be conducted from 2 different sites but that all paper work would have to return to the primary business.

Mr. Hasenyager said the committee assigned to review the request should also take into consideration limitations for the business if allowed, such as number of cars, signs, size of lot, etc.

Mr. Hale stated limitations should be placed on the number of cars to be displayed.

Mr. Hale and **Mr. Johnson** volunteered to serve on the committee assigned to resolve the issues with members of the Planning Commission.

Mayor Connors directed the City Manager to ask the Planning Commission Chairman for about 2 names from the Planning Commission to serve on the committee. He also asked that the City Planner be directed to set the meeting as quickly as possible.

PUBLIC HEARING: CONSIDERATION OF RESOLUTION AMENDING THE FARMINGTON CITY CAPITAL FACILITIES PLAN (Agenda Item #6)

Mr. Forbush explained that the Capital Facilities Plan measures demand for public facilities as a response to development. It had been recommended by the City Attorney that the City Council first adopt the Capital Facilities Plan, prepared by Tischler and Associates, before considering an Ordinance Adopting Amended Impact Fees for Farmington City. Mr. Forbush reviewed the “Summary of Level of Service Standards” in the plan for the City Council. The Level of Service Standards included such items as acquisition of park lands, park improvements, open space acquisition, acquisition of land and improvements for Police Headquarters, water system and storm water system improvements, and Fire and EMS protection services future needs.

Motion

David Hale moved that the City Council adopt Resolution No.2003-15, a resolution adopting an amended capital facilities plan for Farmington City. **Ed Johnson** seconded the motion, which passed by unanimous vote.

PUBLIC HEARING: CONSIDERATION OF AN ORDINANCE ADOPTING AMENDED IMPACT FEES FOR FARMINGTON CITY (Agenda Item #7)

Mr. Forbush briefly reviewed “Exhibit A” of the Amended Impact Fee Schedule. He discussed the “Impact Fees and Capital Facilities Plan” and stated that pages 2, 3, 4, 5, and 6 summarize the proposed fee changes. Pages 2 and 3 pertain to the current level of impact fees. Page 4 and 5 represent the proposed maximum supportable impact fees which could be adopted. Page 6 shows the changes in those fees should the Council adopt the same. Many of the fee rates go down in the non-residential areas. In the residential fee structures, the Parks and Recreation fee would go up as would the east Farmington storm sewer impact fee. However, the west Farmington storm sewer fee rate would go down significantly. The residential impact fees for transportation, police facilities, fire and EMS facilities would go down slightly.

Public Hearing/Public Hearing Closure

Mayor Connors opened the meeting to a public hearing. With no forthcoming

comments, he closed the public hearing and asked the City Council for their consideration.

Motion

Susan Holmes moved that the City Council adopt Ordinance No. 2003-16, an ordinance adopting an impact fee analysis and impact fees on development activities within Farmington City, Utah, with the “Exhibit A” fee schedule which summarizes pages 5 and 6 of the Impact Fees and Capital Facilities Plan, figures 3 and 4. **David Hale** seconded the motion, which passed by unanimous vote.

Mayor Connors expressed gratitude for developers who recognized and supported the need of the City to finance improvements of infrastructure to meet the needs of the developing City.

CONSIDERATION OF AMENDMENT TO FARMINGTON RANCHES DEVELOPMENT AGREEMENT PERMITTING THE BUFFALO RANCH DEVELOPMENT/ CONSIDERATION OF CONSERVATION EASEMENT APPROVAL FOR BUFFALO RANCH (Agenda Item #8)

Mr. Forbush introduced the agenda item. He stated there were two actions requested of the City Council: 1) to approve the amendments to the Development Agreement as contained in the packet, and 2) to approve the Conservation Easement to go across the Buffalo Ranch. He distributed information pertaining to the proposed City Council “Action List,” the draft Conservation Easement, maps showing the existing conservation easement and the proposed addition to the easement, including four proposed building lots on the Buffalo Ranch property, and a site plan of the equestrian operation.

The City Manager recommended approval of Amendment No. 2 to the Farmington Ranches Development Agreement subject to the following:

- Boyer Wheeler Farm LC must notify the City in writing of the sale and transfer of property to David Plummer in accordance with the provisions of the Development Agreement.
- The City must approve (or acknowledge in writing David Plummer as the new owner), and this must be accompanied by an Assignment and Assumption of Agreement in accordance with the provisions of the Development Agreement.
- Change the date on the amendment.
- Accept the new Project Master Plan, including a) receipt of recommendation from the Planning Commission on Master Plan Amendments, and b) the percentage of open space set aside via the proposed conservation easement must comply with provisions of the Development Agreement. Note: the present proposal meets and

probably exceeds the open space percentage agreed to in the original Development Agreement.

Mr. Forbush stated that Mr. Petersen had reviewed the agreement with the City Attorney. He then reviewed the two maps distributed earlier.

Lynn Summerhays was present and asked permission to address the City Council, which was granted by the Mayor. He stated the new plan calls for between 425 to 430 acres of land to be within the conservation easement. The requirement was 413. CC & Rs would be in place for the four building lots within the Buffalo Ranch property. Mr. Plummer had also committed to clean up the dilapidated existing farm buildings on the property.

Max Forbush stated that if the City Council decided to approve the Conservation Easement for the remainder of the Buffalo Ranch area not presently covered by previous conservation easements (approximately 99 acres) it should be approved subject to one of two alternative plans described in the packet. He reviewed both alternatives. An issue relating to both alternatives was that Mr. Plummer was desirous to allow “equestrian and related equine retail facilities” in the Conservation Easement as a permitted use.

Mr. Plummer explained what was meant by “equine retail” and said that there would be products sold on the property related to the equestrian business.

The City Council discussed the issues. By consensus they felt they needed more time to digest the large amount of information given them.

Mr. Plummer expressed frustration at the delay.

[David Petersen arrived at 9:00 P.M.]

Motion

Larry Haugen moved that the City Council table a decision on Agenda Item #8 until such time that the Council could study the proposals more fully and receive further information from the City Attorney. **David Hale** seconded the motion, which the City Council passed by unanimous vote.

DISCUSSION: KIM DUNN DEVELOPMENT REQUEST TO AMEND ORIGINAL TOWNSITE MORATORIUM ORDINANCE (Agenda Item #9)

Mr. Petersen stated there may be a few problems with the yield plan as submitted. The concept of the subdivision was to develop into two-family dwellings. Mr. Petersen had reviewed the proposed subdivision with the City Attorney, who had the request was within legal acceptance. Mr. Petersen had prepared the submission for review by the Planning Commission when he realized the property was within the boundaries of a building moratorium which will not expire until August 6, 2003. The Planning Commission heard the request as a discussion item and was not in favor of the application because they felt it would set precedence.

Kim Dunn (developer) stated his project was outside of what could be considered the original town site and therefore the intent of the moratorium would not be violated if the moratorium was amended to delete his property.

Mayor Connors stated that if the City Council was to consider adverse actions to Planning Commission recommendations, it would be well to create a “conference committee” to consider all issues and reach a common consensus. He stated the issue before the Council currently was not a site plan, rather just consideration of the moratorium amendment which would allow the developer to submit site plans.

Bob Hasenyager asked if the property was included in the moratorium with any special reason. He also asked for a description of surrounding properties—whether homes were new or part of the original town site. The response was that the boundaries of the moratorium had been set to include all property going east to the City limits. Homes surrounding the proposed site were mixed in nature.

Susan Holmes said it was her feeling that the moratorium should remain in place unless there were some overwhelming emergency to do with safety or other urgent reasons.

The City Council briefly discussed the issues. By consensus they felt the moratorium should remain in place unless there were urgent reasons not to keep it in place and that leaving the moratorium in place would allow time for the existing citizen steering committee to study all issues involved regarding the OTR.

After sufficient time, **Mayor Connors** declared the request failed for lack of a motion.

SHEPARD LANE/MAIN STREET SIGNALIZATION ISSUE (Agenda Item #11)

Mr. Forbush stated that he had heard from the engineer designing the signalization at Shepard Lane and Main Street. The engineer asked if the City wanted to develop a green space in the triangle area in the intersection. Mr. Forbush discussed the possibility with the Public Works Department, who confirmed landscaping would be possible.

Citizens in attendance requested permission to give input into the meeting. **Mayor Connors** concurred.

Julia Brown (1618 North Main) had several concerns:

- ▭ She wanted the “frontage” road behind Kmart reopened to relieve traffic congestion on Creek Lane. She said the amount of traffic on the road was dangerous and very difficult to maneuver.
- ▭ The speed limit along north Main Street was way too high. People trying to exist the Summerset area were at great risk. If the speed limit could be reduced, the

possibility of accidents could be lessened.

- ▭ She requested that the speed trailer be placed in the area to encourage people to slow down.

Lynn Smith (747 West Sharron Drive) was supportive of the traffic light at Shepard and Main to protect children walking to Knowlton Elementary.

Jack Cox (1677 Kensington) asked if there was anything that could be done about trucks parking along Creek Lane and Main Street. The trucks impair sight distance and cause a dangerous situation for drivers. He also asked if the signal lights being installed could be coordinated to permit smooth traffic flow.

Mayor Connors responded to the comments. He stated 1075 West (the road behind Kmart) was never designed to be a frontage road and could not handle the traffic flow coming from Kaysville as a result of road work. There were major safety problems at the intersection of 1075 West and Shepard. The City had requested a light there. However, traffic engineers indicated a light would cause further problems. The best answer was to close the road temporarily until road construction was complete.

The Mayor then discussed the problem with the inconsistent speed limits along Main Street. Until the City owns more of the street, it cannot control what speed limits are set. The City was aware of the problem and was trying to resolve it. He also indicated it was a good idea to have the speed trailer placed along Main Street to help inform citizens of their speed. He thanked the citizens for their comments and their concern.

MINUTE MOTION APPROVING BUSINESS OF CONSENT (Agenda Item #12)

Bob Hasenyager 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 Change Order on Museum Building as attached in the packet. The circled items are the additional items not heretofore approved.

12-3 Authorization of \$500 contribution to Bountiful/Davis Arts Center.

12-4. Approval of Maintenance Lease Arrangement on west Farmington park land with Bob Murray.

12-5. Ratification of nomination of “Youth Citizen of the Year” as recommended by the Youth City Council.

12-6. Support for two Mayoral Proclamations: May 10, 2003 as “Letter Carriers Food

Drive Day” and the Utah “Buckle or Busted” Campaign.

Larry Haugen seconded the motion, which passed by unanimous vote.

ORDINANCE AMENDING 7-4-102 OF CITY CODE PERTAINING TO ANIMAL CONTROL REGULATIONS (Agenda Item #13)

Motion

Bob Hasenyager moved that the City Council approve Ordinance No. 2003-17, an ordinance amending Section 7-4-102 of the Farmington City Municipal Code relating to animal control regulations of Farmington City. **Larry Haugen** seconded the motion, which passed by unanimous vote.

PROPOSED LETTER LOBBYING FOR CONSTRUCTION OF FARMINGTON POST OFFICE (Agenda Item #14)

Mayor Connors reported to the City Council that he had visited with Congressmen Cannon and Bishop regarding the construction of the new Farmington Post Office. Both Congressmen were supportive of the construction. The Mayor had written a letter in support of the construction and asked for suggestions from the City Council.

MAY 13TH MEETING TO CONSIDER CREATION OF FARMINGTON EMERGENCY AWARENESS COUNCIL (Agenda Item #15)

Mr. Forbush informed the City Council that Paul White was gathering a group of representatives from the different departments and interest groups to consider establishing a special council or board to deal with such things as emergency preparedness, CERT training, Neighborhood Watch, etc. He was asking that a representative be from the City Council be present at the meeting along with the City Manager and representatives from the Police Department, Fire Department, four District Coordinators, etc., It was hoped that from the meeting the group could recommend a name for the committee or board.

After discussion, David Hale volunteered to attend the meeting on May 13, 2003, at 7:00 P.M. to be held in the Farmington City Offices.

MINUTE MOTION RECEIVING FOR STUDY AND TENTATIVELY ADOPTING THE FYE 04 CITY BUDGET AND SETTING PUBLIC HEARING DATE FOR THE ADOPTION OF THE FYE 04 BUDGET (Agenda Item #16)

Motion

Susan Holmes moved that the City Council receive for study and tentative adoption the FYE 04 City Budget and set a public hearing date for the adoption of the FYE 04 Budget on June

18, 2003. **Bob Hasenyager** seconded the motion, which passed by unanimous vote.

MISCELLANEOUS

Use of City Water During Rain Storms

Mr. Hasenyager reported citizen concern regarding the sprinkling system in use on the cemetery during a rain storm.

Mr. Forbush reported that the Public Works Department was most likely testing the system and such events would likely continue throughout the summer.

Flags on Main Street

Mr. Johnson reminded the City Manager that the City Council would like to have the U.S. flags raised along Main Street.

Ms. Holmes as Member of the Policy Committee of the Utah League of Towns and Cities

Ms. Holmes informed the City Council that she would likely be renamed to the policy committee of the Utah League of Towns and Cities.

Monorail Update

Ms. Holmes reported there had been interest from around the world stirred concerning Farmington's inquiry about the possibility of constructing a monorail system to connect the commuter rail stop and points in the City.

City Council Matching Shirts

Members briefly discussed their preferences regarding having matching shirts.

Acoustics in the City Parks

In response to a question by Mr. Johnson, the City Manager reported a sound engineer was being used to determine property acoustics in the new Community Center.

By-laws for the Performing Arts/Community Center Organization

Ms. Holmes reported the committee studying 501C3 possibilities is in the process of creating appropriate by-laws. More information will be forthcoming.

Public Works Department Commended/Trench Concerns

Mr. Hale stated a yield sign had been erected in short order after he and citizens had requested it. He had contacted Public Works regarding a trench on 1500 West. He had been told the trench had to remain open until a gas line could be completed.

Clipper Mother of the Year

Mayor Connors asked that a member of the City Council attend the luncheon for the Mother of the Year in his place. He had two other appointments at the same time. Mr. Hale volunteered to attend the luncheon at the White House in Bountiful at 11:30 on May 8th.

Rich Haws Development Update

Mayor Connors reported that Mr. Haws had submitted a “terms sheet” which indicated Mr. Haws’ preferences regarding a preliminary development agreement. It would be a good place to begin work on the project.

Bountiful Regional Recreation Center

The Mayor stated that he and the other mayors of the south Davis area meet consistently to discuss matters of common interest. The regional recreation center proposed by Bountiful’s mayor had been discussed but not approved as indicated by a recent article in the newspaper.

Dinner to Honor Congressman Jim Hansen

Members of the Council were invited to a dinner to honor Jim Hansen. More information would be given those interested.

Brass Comb Remodeling Project Update

Mr. Forbush requested the City Council approve the list of extra expenses incurred on the Brass Comb project. He distributed a list of the extras including: insulated floor, removal of a tree stump, new plumbing, re-roofing and straightening the roof line, structural engineering on roof beams and insulation, curb wall.

Larry Haugen moved to approve the extra expenses, totaling up to \$3,000. **Susan Holmes** seconded the motion, which passed by unanimous vote.

ADJOURNMENT

Larry Haugen moved that the meeting adjourn at 10:20 P.M.

Farmington City Council
Farmington City

May 7, 2003