

FARMINGTON CITY COUNCIL MEETING

Wednesday, May 19, 2004

CITY COUNCIL WORK SESSION/EAST CONFERENCE ROOM

PRESENT: Mayor David M. Connors, Council Members David Hale, Larry W. Haugen, Susan T. Holmes, Sid Young, and Rick Dutson, City Manager Max Forbush, City Planner David Petersen, and Deputy Recorder Jeane Chipman. [Mayor Connors arrived at 6:30 due to his attendance at a South Davis County Council of Governments meeting.]

Mayor Protem Holmes began discussion at 6:00 P.M. The following items were reviewed:

Chris Roybal was present and led a discussion regarding economic development in Farmington. As a member of EDCU, Farmington City was entitled to services of that organization. EDCU could provide the City with specific economic impact information about development projects being considered. They have the tools needed for research and survey and could run analyses higher density housing of retail, office, recreational, and various markets and other commercial proposals. Council members discussed specific possibilities with Mr. Roybal. It was suggested that a packet of information about Farmington could be prepared to give information to potential developers. The packet should be up-dated at least once a year and perhaps more often. Mr. Roybal informed the Council members there was a grant available from EDCU that could help fund a brochure project.

Mr. Forbush briefly reviewed the items on the evenings agenda. Regarding Agenda Item #9 (Reconsideration of Ordinance Adjusting Municipal boundary Line with Fruit Heights), Mr. Forbush stated that the City Attorney recommended tabling the item until an interlocal agreement could be reached.

The City Council discussed Agenda Item #10 (Ordinance Prohibiting Fires within City Parks During 2004) and felt more information may be needed before an appropriate decision could be made.

The City Council planned to hold a budget study session after the business of the regular session was completed.

REGULAR CITY COUNCIL/CITY CHAMBERS/CALL TO ORDER

PRESENT: Mayor David M. Connors, Council Members David Hale, Larry W. Haugen, Susan T. Holmes, Sid Young, and Rick Dutson, City Manager Max Forbush, City Planner David Petersen, City Recorder Margy Lomax, and Deputy Recorder Jeane Chipman.

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

APPROVAL OF MINUTES OF PREVIOUS MEETING

Larry Haugen moved to approve the minutes of the May 5, 2004, City Council Meeting with corrections as noted. **Susan Holmes** seconded the motion. The voting was unanimous in the affirmative.

Susan Holmes moved that the City Council approve minutes for the special City Council meeting (budget work session) held Wednesday, May 12, 2004. **Larry Haugen** seconded the motion, which passed by unanimous vote.

PRESENTATION OF DONATION TO AMERICAN CANCER SOCIETY FROM CITY PIONEER CHRISTMAS SPECIAL EVENT/PAT SORENSON AND MAYOR CONNORS (Agenda Item #3)

Mayor Connors commended Ms. Sorenson for her work with Pioneer Christmas. Among the goals of the event they raised funds for charitable donations.

Ms. Sorenson introduced Kathy Gibbons as the new chairman of Pioneer Christmas. She presented a check for \$3000 to representatives of the American Cancer Society to go toward research on cancer.

REPORT OF PLANNING COMMISSION (Agenda Item #4)

David Petersen reported proceedings of the Planning Commission meeting held May 13, 2004. He covered the following items:

- After a two hour study session and a detailed discussion in the regular session, the Planning Commission recommended to the City Council that they approve the amendment to Chapter 11 of the General Plan, amending the Future Land Use Plan related thereto by re-designating scores of acres to other various designations along the U.S. 89 and I-15 corridors from the Cherry Hill interchange and the Shepard Lane overpass to the Burke Lane interchange and the general vicinity of the Davis County Justice Complex as presented in draft B of the document as discussed in their May 13th meeting along with the General Plan Land Use Map.
- The Planning Commission recommended to the City Council they deny the proposed lot split by metes and bounds located at the south end of Davis Creek Drive (50 East) at approximately 1025 South. Alternative designs options existed which had not been pursued which would not require the creation of flag lots. Several unresolved issues still existed between the applicant and the Creekside Estates Subdivision HOA.

- The Planning Commission tabled the request to gain a recommendation for schematic plan approval for the Silverwood Estates subdivision containing 21 lots on 7.359 acres located at approximately 1800 West 1400 North in an LR zone in order to allow time for the applicant, adjacent property owners, Farmington City, and Central Davis Sewer District (CDS) to meet together and develop a plan that represented the most advantageous development of adjoining areas and the entire neighborhood or district.
- The Planning Commission approved Doug Decaria's request for a two lot subdivision (lot split) located at 475 South 650 West in an AE zone.
- The Planning Commission approved a recommendation for a two-lot subdivision located at 318 Oak Lane and also a recommendation to rezone the same property from R-2-F to LR-F.
- The Planning Commission approved a recommendation for a two-lot subdivision located at approximately 1700 West Burke Lane and also a recommendation to rezone the same property from A to AE.
- The Planning Commission tabled consideration of a recommendation to amend the General Plan by redesignating several acres in southwest Farmington from "RRD" to "AG," and to further add to, or change, any related text. Further, the Planning Commission recommended to the City Council that they authorize additional funding and direct Bear West consultants to review and further develop the plan submitted by west Farmington residents.
- The Planning Commission tabled Agenda Items #9 and #15 (Kent Buie's request for a recommendation to the City Council to amend the Farmington City Zoning Ordinance by allowing apartment dwelling groups as a conditional use in the General Commercial Zone) for two weeks until legal consent issues could be resolved.
- The Planning Commission tabled consideration of a recommendation to the City Council to rezone property located at approximately 275 South 1100 West from A to AE.
- The Planning Commission recommended to the City Council they rezone property located west of the Farmington Ranches Subdivision from A to AA. and to make a text change allowing accessory living units in the AA zone.
- The Planning Commission tabled the application for conditional use and site plan approval to establish a bus compound located at approximately 500 South Glover Lane in an AE zone to allow time for the applicant to submit architectural plans, landscaping plans, lighting plans, site plans meeting City screening requirements,

grading and drainage plans, traffic and circulation plans, and water and sewer plans, to allow the City to determine whether or not a truck haul route permit is necessary, to assure a broad range of notification to property owners regarding the request, and to allow time for the District to submit drainage plans for any potentially hazardous material.

- Jordan White made the announcement that he will be moving from Farmington, necessitating his resignation from the Planning Commission.
- Mr. Petersen discussed an issue regarding a non-buildable parcel in the McOmber Subdivision located at 146 South 1525 West. He stated that in his discussions with the City Attorney, Mr. Mazauran cautioned the City not to treat Mr. Ho any differently than previous owners. He also cautioned against entering into some agreement that would lift the “non-buildable” status of the lot until one of the three alternatives set forth in Mr. Petersen’s December 11, 2003 letter to Jill Hedberg was met.
- Mr. Petersen reported the street sweeper cannot get around some of the basketball standards which are located on the streets. Those standards which are movable have been sited because they can be considered a “conveyance.” The City’s ordinance is not clear about the basketball standard poles which are set permanently in the park strip. Mr. Petersen asked if the City Council would like the City Attorney to investigate writing a City ordinance restricting the poles. By consensus, the City Council approved the investigation.
- Mayor Connors reported there would be a meeting at Clearfield City Hall on May 27, 2004, at 7 P.M. which was being held to consider the use of a portion of the RAP tax for trails improvements. He encouraged the attendance of someone from the City to represent Farmington’s interest in the proposal.

PUBLIC HEARING: CONSIDERATION OF PUBLIC COMMENTS, PETITIONS AND/OR PROTESTS REGARDING FARMINGTON CITY’S INTENT TO ISSUE UP TO \$1.5 MILLION IN SALES TAX REVENUE BONDS TO FINANCE THE COST OF CERTAIN FLOOD MITIGATION AND STORM SEWER IMPROVEMENTS THROUGHOUT THE CITY (Agenda Item #5)

Information was included in the City Council packets regarding the issuance and sale of not more than \$1,600,000 aggregate principal amount of sales tax revenue bonds. The bonds are being considered for the purpose of financing storm drainage and related improvements. By law, the City is required to hold a public hearing and establish a date, time, and location for said public hearing; provide for publication of a notice of public hearing and bonds to be issued; provide for a pledge of sales tax revenues for repayment of the bonds, fix the maximum aggregate principal amount of the

bonds, the maximum number of years over which the bonds may mature, the maximum interest rate which the bonds may bear, and the maximum discount from par at which the bonds may be sold; and provide for the running of a contest period.

The City Manager, **Max Forbush**, introduced the agenda item. He stated that the City Council had been considering issuing sales tax revenue bonds for the purpose of funding flood mitigation improvements throughout the City. In the past several years the City has experienced severe storm events that have produced flooding in certain areas of the City. There are four or five areas within the City that had been designated as potential benefactors of the improvement funds. He said the actual bonding would be for \$1.1 million, not the \$1.6 million. The repayment period will be 12 years or possibly 10 years.

Public Hearing

Mayor Connors opened the meeting to a public hearing in order for the City Council to receive input from citizens regarding the agenda item.

Jean Evans of 713 Springwood Drive asked where funds for the storm sewer utility fee would be spent and if the action would increase fees to citizens over and above the storm sewer fee already being collected by the City.

Mayor Connors stated that the City's intent to issue sales tax revenue bonds is being considered in order to allow the City to borrow money to do the improvements immediately. The storm sewer utility fees would not be increased nor would there be an additional fees to citizens. The bonds would be repaid by the storm sewer utility fee and not from sales tax revenue.

Public Hearing Closed

With no further comments, **Mayor Connors** closed the public hearing.

PUBLIC HEARING: REQUEST TO AMEND FARMINGTON RANCHES PHASE V SUBDIVISION (Agenda Item #6)

According to packet information, the reason for the proposed amendment was to relocate a street stub farther to the west which would then allow access to the Rodney Hess property on the north of the Farmington Ranches Phase V Subdivision. The Boyer Company and partners may develop the Hess property to the north. They were anxious to amend the plat while they were still owners of all of the lots.

Mr. Petersen explained the agenda item. The existing Farmington Ranches Phase V does not stub access to the Hess property to the north. The Boyer Company would like to amend the plat to allow room for a stub road. The effect of proposed amendment would be minimal. Only one lot

would be eliminated (Lot 504) to extend Stampede Drive north to the Hess property. Furthermore only three other lots would be impacted: Lots 502 and 503 would become larger and Lot 505 would become slightly smaller. All lots would still comply with the subdivision ordinance.

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

Susan Holmes moved that the City Council approve the request to amend the Farmington Ranches Phase V Subdivision as requested and to approve Ordinance No. 2004–25, an ordinance authorizing the Mayor to enter an order vacating and amending Lots 502,503, 504, and 505 of the Farmington Ranches Phase 5 Subdivision and directing that the same be recorded with the Davis County Recorder’s Office. **Rick Dutson** seconded the motion, which passed by unanimous vote.

AGENDA AMENDMENT

Mayor Connors requested that Agenda Items #8 and #9 be addressed prior to Agenda Item #7. By consensus, the City Council agreed to do so.

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

Rick Dutson moved to approve the following items by consent as follows:

1. Ratification of Construction Bond Agreements previously signed by Mayor Connors.
2. Approval of March’s Disbursement List as enclosed.
3. Approval of Change Orders on 475 South Street S.I.D. project and on the Glover’s Lane sewer line S.I.D. project.
4. Approval of June’s *Newsletter* as enclosed.
5. Approval of letter to be mailed to community and business leaders announcing BRT “Community Leaders Workshop.”

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

RECONSIDERATION OF ORDINANCE ADJUSTING MUNICIPAL BOUNDARY LINE WITH FRUIT HEIGHTS CITY AND RELATED SCHEMATIC SUBDIVISION APPROVAL AND ZONE DESIGNATION (Agenda Item #9)

Mr. Forbush introduced the agenda item. On May 5th the City Council considered an ordinance to amend the municipal boundary line between Fruit Heights and Farmington City. Fruit Heights had already passed an ordinance on May 4th, and the following night Farmington City Council decided to table the issue to give time to consider all the facts. Due to Attorney counsel, the City Council was advised to table the ordinance one more time. The inter-local agreement needed to be passed prior to the boundary line adjustment. There are also several issues involved, including drainage, open space, trails, road improvements, emergency access easements, public utility fee disbursements, and other related matters.

Mayor Connors had met with the mayor of Fruit Heights. It was the view of the Fruit Heights mayor that his city council had no strong feelings whether or not the subdivision was annexed into their city. They did, however, recognize some of Farmington's concerns. They also recognized the importance of having an interlocal agreement between the two cities to address issues of both cities.

Bart Longson (Hawkins Company) stated he understood there would need to be an interlocal agreement between Farmington and Fruit Heights. He asked that the process be moved forward as soon as possible and felt that all the issues could be quickly resolved.

Motion

David Hale moved that the City Council table the agenda item to allow time for consideration of an interlocal agreement with Fruit Heights and set up ad hoc committee consisting of Rick Dutson, Sid Young, members of the Farmington City staff, representatives of Fruit Heights, and the developer for the purpose of resolving issues regarding the contested emergency access easement, open space, drainage, utility fees, road improvements, trail location, and other related issues. **Rick Dutson** seconded the motion, which passed by unanimous vote.

GENERAL PLAN AMENDMENT (DRAFT–FIRST READING) (Agenda Item #7)

Mr. Petersen led a discussion of the General Plan Amendment draft including the following comments:

- The Planning Commission had requested that staff set up a working committee to consider the proposed General Plan Amendment. The committee had been organized and had spent a great deal of time and effort in working through details of the

proposed amendments. Mr. Haws had expressed his feeling that since he had not been invited to participate on the committee, his concerns had not been represented. However, Mr. Petersen explained to the Planning Commission that he and the consultant had met with Mr. Haws on a one-on-one basis several times and had received Mr. Haws' input. Mr. Petersen stated that because of the one-on-one input, Mr. Haws had been given substantial attention. Since that had been the case, the Planning Commission felt that all of Mr. Haws' comments had been given due consideration.

- It was a strong feeling by Planning Commission members and property owners along the U.S. 89 corridor that they be given equal opportunity for commercial development along with the property owned by Mr. Haws in the west part of Farmington.
- Mr. Petersen detailed the changes suggested by the Planning Commission. He stated that the text always supercedes the map. The General Plan is a suggestive plan, not a set boundary for uses.
- The Plan intended that the Main Street corridor be protected for residential use. It was recommended that text should stipulate that the CMU designation north of the Lagoon Drive extension shall exist on both sides (east and west) of the future road depending on the alignment of the road and that the CMU designation for that parcel shall be decreased and moved away from the Main Street corridor.
- The CMU zone language has not been drafted as yet.
- The working committee suggested that the funeral home use be allowed as a conditional use in the LR zone.
- Mayor Connors raised several concerns. For example, he felt the TMU descriptions should include a specific mission statement for the use area.
- Mr. Petersen discussed the Thornblad property in the northern part of the City. Ms. Roybal of the Planning Commission (neighbor to the property in question) suggested the property be master planned as NMU. She felt commercial development should be allowed there, but that it should be a very low impact type of commercial use. Surrounding properties were large residential. Some Planning Commission members stated that also the Thornblad property did not have appropriate access for a high impact commercial use.
- City Council members were asked to get their comments to Mr. Petersen as soon as possible. There was a June 2nd public hearing planned. It was suggested that a joint

City Council/Planning Commission work session be scheduled after the June 2nd meeting, possibly on June 9th.

ORDINANCE PROHIBITING FIRES WITHIN CITY PARKS DURING 2004 (Agenda Item #10)

The City Council conducted a brief discussion of the issues. A letter received from Neil Miller, Parks Superintendent, indicated fires had been allowed within City parks in designated areas. Mr. Miller believed that if the City Council decided to ban all fires in the City parks, all fire pits and cookers would need to be removed. If, however, the City continues to allow fires, then fire pits in high risk areas would need to be cleaned up and prepared for safe use. City Council members felt they wanted more information before making a decision.

AWARD OF FLOOD MITIGATION PROJECT CONTRACT TO CLAUDE NIX CONSTRUCTION CO. (Agenda Item #11)

Mr. Forbush reviewed the details of the storm drain modifications and other flood mitigation projects. Four areas were involved: Main Street and Moon Circle, North Compton Road, Bennett Circle area, and 1470 South. Mr. Forbush stated that Claude Nix Construction was the low bidder for the project. The award should be made contingent on two issues: 1) the City Council finalizing the final bond resolution and the closing on the sale of the bonds scheduled for June 8, and 2) the contractor be willing to accept a change order to reduce the scope of the work. Mr. Forbush stated the bond would be for 1.1 million dollars. Mr. Forbush reported that should the bid be awarded, City staff be authorized to order certain inlet box grates that would take several months for delivery.

Motion

Susan Holmes moved that the City Council award the flood mitigation contract to Claude Nix Construction Co. contingent on two issues: 1) the City Council finalizing the final bond resolution and the closing on the sale of the bonds scheduled for June 8, and 2) the contractor be willing to accept a change order to reduce the scope of the work as suggested by the City Engineer. The motion was to also include authorization allowing City staff to order certain storm sewer inlet box grates to expedite manufacturing and delivery date and other related work. **Sid Young** seconded the motion, which passed by unanimous vote.

MISCELLANEOUS

Rick Dutson had attended the Wasatch Regional Council. Regional water concerns were discussed. Conservation needs to be a constant vigilance, not just during drought conditions.

David Hale stated that Clint Walker (professional who works with the sound system of the Conference Center in Salt Lake City) has volunteered to help the City with the sound system in the Community Center. Mr. Hale suggested having his help on the Arts Council.

Mr. Hale also reported there had been no action on his previous request as yet to evaluate safety on 1500 West at Shepard Lane. He believed it may be necessary to stripe, or other wise alter the intersection to make it safer for traffic and pedestrians in the neighborhood. Max Forbush said he would have the traffic engineer evaluate the concept.

Susan Holmes asked for confirmation regarding contents of the upcoming *Newsletter*. She also suggested that if the Council would like to submit a paragraph or two along with a picture she would add the article to forthcoming *Newsletters*.

Ms. Holmes stated that it is important for the City to gain 501c3 approval. There are citizens who may be willing to make contributions to the City's arts programs. The 501c3 is needed to be in place before such donations occur.

Sid Young was appreciative that the City had passed a "child appropriate" ordinance protecting certain standards within the City. He was aware that the sexually oriented business ordinance recently drafted needed to be moved forward for review and action.

Mayor Connors asked if there were specific Council members who wished to attend the meeting in Clearfield regarding the RAP tax and trail improvements. It was decided to inform the Farmington Trail Committee of the meeting. The Mayor stated that there was a need to have the City make a concerted effort to pass the RAP tax, which will be placed on the November ballot. The meeting scheduled for May 27th is being held to identify specific projects for the RAP tax.

Mayor Connors reported that on Saturday, May 22nd a meeting will be held to consider commuter rail environmental impact study process. The meeting will begin at noon and run until 4 p.m at the Davis County FairPark. Council members can email public comment or submit a written comment.

BUDGET WORK SESSION

The City Council convened into a work session to consider the FY 2004-2005 Farmington Budget at 9:20 p.m. During the work session the capital improvement list was again reviewed. Personnel policy issues pertaining to funding level were discussed. The enterprise funds were also discussed. The work session adjourned at 10:45 p.m.

Margy Lomax, City Recorder, Farmington City

