

FARMINGTON CITY COUNCIL MEETING

Wednesday, May 21, 2003

CITY COUNCIL WORK SESSION/WEST CONFERENCE ROOM

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

The City Council met at the City's Municipal Swimming Pool at 6:00 P.M. to see the new water park amenity. They met back at the City Hall where **Mayor Connors** began study session discussion of agenda items at 6:30 P.M. The following items were reviewed:

- ▮ Item #15 – Storm water utility fee study with associated ordinances. Mr. Forbush stated the City Engineer and himself had utility fee information he wished to review in the regular session, after which he would ask for conceptual approval prior to drafting a final ordinance.
- ▮ Item #8 – Consideration of proposed amendments to Farmington City's Master Trails Plan. Members of the Farmington Trail Committee, along with the City Planner, would present an updated Master Trails Plan for Council consideration.
- ▮ Mr. Forbush informed Council Members that there had been concerns raised regarding the amount of restrooms planned for the Community Center. He said, however, that the current plans complied with code and also that the unfinished basement would have roughed-in plumbing for additional future restrooms.
- ▮ Item #11 – Resolution of intent to adjust common boundary line with Centerville City/first reading. Mayor Connors asked that staff research original agreements with Centerville regarding the amount of impact fees from the Tuscany Cove subdivision which had been earmarked to be given Centerville for use in park construction on Centerville property adjacent to the Tuscany development. The original agreement was established in the year 2000.
- ▮ Mr. Forbush reported a minor dispute with the Boyer Company regarding water fee reimbursements. He explained the issues and stated further information would be forthcoming.
- ▮ Mr. Forbush asked that an agenda item be added. The item involved a presentation of donations collected during Pioneer Christmas to the American Cancer Society. The presentation would be made by the Mayor and Pat Sorenson, Chairperson of the Pioneer Christmas committee.
- ▮ Item #9 – Consideration of Request for Special Truck Route Permit to Construct

Public Improvements in Farmington Ranches, Phase IV Subdivision by M.C. Green. Mr. Forbush stated the packet contained several conditions for the truck route permit and recommended the Council approve the request subject to the conditions.

- ▮ Item #12 – Amendment #1 to agreement with Oakridge Country Club/first reading. The Chairman of the Oakridge Country Club would be present in the regular session to discuss the issues.
- ▮ Item #14 – Ordinance enacting provisions to restrict customer parking in certain residential areas. The provisions were similar to those enacted for other parts of the City.
- ▮ Item #13 – Property line adjustment agreement with Craig C. Holmes pertaining to common property line between Precision Windshield and the old Brass Comb Building. Mr. Forbush briefly reviewed the issues involved in the consideration.

REGULAR CITY COUNCIL/CITY CHAMBERS/CALL TO ORDER

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

Mayor Connors called the meeting to order at 7:00 P.M. The invocation was offered by David Hale and the Pledge of Allegiance was led by William Cox and Sterling Ward of Scout Troop 904.

APPROVAL OF MINUTES OF PREVIOUS MEETING

Larry Haugen moved to approve the minutes of the May 7, 2003, Special City Council Meeting. **Susan Holmes** seconded the motion. The voting was unanimous in the affirmative.

David Hale to approve the minutes of the April 30, 2003, City Council Meeting. **Larry Haugen** seconded the motion. The voting was unanimous in the affirmative.

AMERICAN CANCER SOCIETY DONATION (Additional Agenda Item)

Pat Sorensen, Chairperson of the Pioneer Christmas committee, was present to give representatives of the American Cancer Society \$3000 collected from the 2002 Pioneer Christmas

activity. Representing the American Cancer Society was Donna Heiner, Susan Price, and Dr. and Jacie Richman. Ms. Heiner presented Mayor Connors with a plaque in appreciation for the donation.

“YOUTH OF PROMISE” MEMORIAL TO BE CONSTRUCTED AT THE BOTANICAL GARDENS IN KAYSVILLE/MARGARET BROUGH (Agenda Item #3)

Margaret Brough, representative of the “Youth of Promise” organization, explained the memorial planned for construction at the Botanical Gardens in Kaysville. The memorial would honor fallen heroes from the attack on September 11 and those who had lost their lives during the war with Iraq, specifically those with connection to Davis County. Funding for the project would come from donations and fund-raising by the “Youth of Promise” group. She asked for representatives from the Farmington Youth Council to serve in the group and for help in advertising activities.

WEST NILE VIRUS/GENERAL INFORMATION/GARY HATCH (Agenda Item # 4)

Gary Hatch (Manager of the Mosquito Abatement District) covered the following points:

- ▭ The Davis County Mosquito Abatement District is focusing on issues related to the possible incursion of the West Nile Virus into Utah. The work will be done in coordination with the yearly abatement work.
- ▭ There has been misinformation regarding the virus. The disease is a bird infection. Mosquitos are vectors for the virus. The virus originated in Uganda.
- ▭ Only four western states have not seen the virus to date: Nevada, Arizona, Oregon, and Utah.
- ▭ Migratory birds are the vehicles by which the virus has been spread. Some birds suffer a high mortality rate from the disease. Horses are vulnerable to fatal infections. When contracted by horses in the U.S., between 30 and 35 percent suffer mortality.
- ▭ The Abatement District has an ornamental pond program whereby mosquito-eating fish are planted free of charge. The fish eat the mosquito larva and help eliminate the insects near residences. The District is currently serving 750 ponds in the Davis County area.
- ▭ The District also has several sentinel chicken flocks which are tested for virus antibodies on a weekly basis. These flocks will help alert officials to the presence of West Nile Virus. District officials also conduct dead bird surveillance.
- ▭ The effect of the virus on humans is noteworthy. The elderly are especially hard hit.

- ▮ The District is preparing to keep the mosquito population even lower than normal this year. Mr. Hatch stated that if Farmington residents asked the District to spray for special events, they would do so if given ample notification.

PLANNING COMMISSION REPORT (Agenda Item #5)

Mr. Petersen reported the Planning Commission meeting held May 8, 2003.

- ▮ The Planning Commission denied the application by Blakewood Development, LLC, for a recommendation to the City Council to amend the Farmington Creek Estates, Phase II, Planned Unit Development Master Plan located southwest of Country Lane, north of Glover's Lane, and west of the old Denver & Rio Grande railroad tracks. The reason for the denial was because the developer asked for an increased density over the number locked in by the original development agreement. Mr. Petersen said, however, that there were some advantages that came with the higher density. For example, the developer would pay for trail and park amenities for the area. Also, the planned homes in the subdivision would be stick built, high quality. The item was planned for the evenings' agenda, but the applicant withdrew in order to have time to resubmit to the Planning Commission. The resubmittal included compromises brought about by public input. Susan Holmes asked about the problems left in the area by previous developers and if those would be resolved before approval. Mr. Petersen stated that conditions would be in place including resolution of unfinished piping, removal of flood plain designation, and drainage issues.
- ▮ The Planning Commission approved Glenda Rigby and Randy Rigby's request for preliminary plat approval for the Miller Meadows subdivision located at approximately 600 South and 650 West.
- ▮ The Planning Commission approved the site plan for the Buffalo Ranch, an upscale commercial thoroughbred horse breeding operation, on 287.695 acres located west of the Farmington Ranches subdivision at approximately 2100 West Clark Lane. Included in the plans for the ranch is a perimeter trail.
- ▮ The Planning Commission heard issues related to their previous approval of an application for conditional use and site plan to establish a temporary retail nursery sales business located at 630 West Shepard Lane. An appeal had been filed in opposition to the approval given by the Commission possibly because of internal problems within the adjacent office condominium. The appeal had been withdrawn.

PUBLIC HEARING: CONSIDERATION OF AMENDMENT TO FARMINGTON CREEK ESTATES, PHASE II, PLANNED UNIT DEVELOPMENT MASTER PLAN (APPLICATION HAS BEEN WITHDRAWN) (Agenda Item #6)

Packet information indicated that the Planning Commission had recommended against an amendment to the Farmington Creek Estates, Phase II, Planned Unit Development Master Plan.. Therefore, the developer planned to resubmit an application more consistent with the existing Master Plan. Since this matter was advertised prior to the decision, the hearing was posted, and the Mayor proceeded according to legal requirements.

Public Hearing

Mayor Connors opened the meeting to a public hearing and asked if anyone in the audience would like to comment on the agenda item.

Public Hearing Closed

With no forthcoming comments, the Mayor closed the public hearing.

PUBLIC HEARING: APPEAL OF RUBY'S BEGONIAS TEMPORARY USE APPROVAL BY THE PLANNING COMMISSION (APPEAL HAS BEEN WITHDRAWN) (Agenda Item #7)

Packet information indicated that no action was required since the applicant for the appeal had withdrawn his protest of Planning Commission action. Since this matter was advertised prior to the decision, the hearing was posted, and the Mayor proceeded according to legal requirements.

Public Hearing

Mayor Connors opened the meeting to a public hearing and asked if anyone in the audience would like to comment on the agenda item.

Public Hearing Closed

With no forthcoming comments, the Mayor closed the public hearing.

PUBLIC HEARING: CONSIDERATION OF PROPOSED AMENDMENTS TO FARMINGTON CITY'S MASTER TRAILS PLAN (Agenda Item #8)

Mr. Petersen introduced the agenda item. The Master Trails Plan had been developed after years of work. Recently, the Farmington Trails Committee had worked to refine and update the Plan with more accurate and expanded information. Trails were identified as existing or proposed. Some mountain trails had been added. Trail heads and access points were added. The only substantial change to the map was the addition of the Haight Creek Trail. The Haight Creek Trail traversed a scenic area between Farmington and Kaysville and was located on land within annexation areas planned for Farmington.

Public Hearing

Mayor Connors opened the meeting to a public hearing.

George Chipman (433 South 10 West) member of the Farmington Trails Committee, made the following points:

- ▮ He complimented current and past City Councils for their foresight in planning for trail connections, open space, and the preservation of the unique character of Farmington City. The trails through the City were an important element of the pastoral feel of the City.
- ▮ The Council's support of the Master Trails Plan was evidenced as developers submitted plans for subdivisions and were asked to develop trails as an amenity for residents. Mr. Chipman recommended that the Master Trails Plan be considered as part of the check list used for development approval.
- ▮ Each trail on the map is part of a network of trails through the City and as such each is dependent one upon another. Connectivity was important to the successful use of the trail system. The trails through Farmington were a valuable amenity and would likely prove to be a show piece for open space and community trails. They would also increase property value within the City.
- ▮ Mr. Chipman indicated the Trail Committee was eager to help citizens gain information about the trail program. Education included distribution of a map with explanations similar to the one distributed to the City Council, a proposed web site to be updated regularly, and a pamphlet now being written.
- ▮ Mayor Connors asked Mr. Chipman to report activities held on SPIF Day (Show Pride in Farmington Day). Mr. Chipman said work had been done in Farmington Canyon. Two truck loads of debris had been removed. Mr. Chipman thanked the Mayor for his support of the project. Another project will be conducted with the Rotarians on May 31st. The Trail Committee planned several work projects throughout the year.
- ▮ Work had been done with the National Forest Service to include several hillside trails on their System Trail List. Four additional trails had recently been added to the list. Mr. Chipman stated that others were being submitted. He detailed trails that had been added and reasons others had been denied. According to the Forest Service, there were three designations for trails: game, user, and system. If a trail is considered as "system" trail, the Forest Service would erect signage and help maintain the trail. Some trails and portions of trails had not been designated "system" because they were not clearly defined. Others were near private property or water sources. Mr. Chipman felt those issues could be resolved and stated the Trail Committee would continue working with the Forest Service.

Public Hearing Closed

With no further comments, **Mayor Connors** closed the public hearing. He asked if appropriate notification of the public hearing had taken place.

Mr. Petersen stated that usual and legal notification had been observed. He said that because there were so few changes to the Master Trails Plan, notifications had not been mailed directly to property owners.

Susan Holmes expressed appreciation that a web site would be established with trail information included. She also reported that the non-profit status sought by the Trail Committee and other City entities was proceeding. The Trail Committee would need to have board members approved by the City Council to be included in the City's umbrella 501 (c) 3 now under consideration. Funds raised for trail work would go directly to that work.

Ed Johnson was impressed by the listing of trails and trail chiefs where more information would be available. He made suggestions regarding symbols and accuracy of the information.

Motion

Ed Johnson moved that the City Council approve Ordinance No. 2003-18, an ordinance amending the Trail Master Plan for Farmington City, Utah, as an element of the Farmington City General Plan and associated map with revisions as discussed. **Susan Holmes** seconded the motion, which passed by unanimous vote. **Mayor Connors** thanked members of the Trails Committee for their work and service to the City. He felt the current and past City Councils had done excellent work with regards to creating the trail plan. It had been a difficult road but had proved very valuable.

CONSIDERATION OF REQUEST FOR SPECIAL TRUCK ROUTE PERMIT TO CONSTRUCT PUBLIC IMPROVEMENTS IN FARMINGTON RANCHES, PHASE IV SUBDIVISION /M.C.GREEN (Agenda Item #9)

Mr. Forbush reviewed the truck route permit application and summarized the description of conditions being proposed by Staff. Discussion ensued, including the following points:

- ▭ The applicant would need to submit a flagging and traffic control plan for the intersection of 400 West and Sate Street depending on the frequency of trips. The City reserved the right to suspend haul operations should traffic stacking on State Street or 400 West be too severe.
- ▭ The applicant was asked to provide a schedule for hauling and to be mindful that no hauling should occur on special events and holidays. The City Council asked that Festival Days be added to the list of special events.

- ▮ Susan Holmes made specific mention of past problems experienced by residents living on the east side of the “Jug Handle” (400 West). Because of the curve at that point, previous haulers had created an extra amount of dust and gravel. The applicant was asked to take special care to clean up such problems.
- ▮ Bonding was also being required of the applicant in the amount of \$5000 to cover the potential need for any street repairs and/or street cleaning along the haul route.

Mayor Connors invited the applicant to address the Council if he wished.

Mark Green (applicant) stated he was willing to comply with all conditions required by the City. He did have questions regarding the bond and felt some concern that he would be asked to pay for damages caused by previous haulers. He also mentioned occasional loads that would be coming from a different direction than described in the permit application.

Motion

Susan Holmes moved that the City Council approve the application for special truck route permit to construct public improvements in Farmington Ranches Phase IV Subdivision as discussed subject to conditions 1 through 8 as recommended by the City Manager and that the City Council authorize the City Manager to negotiate minor changes to the permit as the need may arise. **Ed Johnson** seconded the motion, which passed by unanimous vote.

MINUTE MOTION APPROVING BUSINESS OF CONSENT (Agenda Item #10)

Motion

Susan Holmes moved to approve the following items by consent as follows:

33. Ratification of construction bond agreements previously signed by Mayor Connors.
34. Approval of Public Improvements Extension Agreement between the City and Garvin W. Jones. This extension agreement pertains to construction of a home in west Farmington along 650 West.
35. Approval of Viola Kenney’s request to have an open house for the new water playground and second to contract out swimming pool cleaning to Shellie Reich.
36. Approval of a contract for engineering and technical service between the City and Sunrise Engineering, Inc. The specific services being contracted for will be building inspection services. It has been very difficult to find inspectors to fill in when Eric Miller is in training or off on vacation. Sunrise Engineering provides this type of service. Other cities are using them. The City Manager supports this concept. The charges for the services are set forth in a related document to the agreement entitled “Work Release No. 1” cover sheet.

David Hale seconded the motion. In discussion of the motion, it was noted that Sunrise Engineering (mentioned in item 10-4) would be used on an occasional basis and that the contract could be terminated at any time. A vote was taken. The motion passed by unanimous vote.

RESOLUTION OF INTENT TO ADJUST COMMON BOUNDARY LINE WITH CENTERVILLE CITY/FIRST READING (Agenda Item #11)

Packet material indicated the adjustments being considered pertained to the development of Tuscany Cove which is on the boundary between Centerville and Farmington. The boundary adjustments only affect the areas east of 200 East or Highway 106. The City managers and planners between the two cities had talked about these necessary changes for the last couple of years. Farmington's City Manager and City Planner recommended approval or passage of the resolution.

Mayor Connors noted that the action requested of the City Council was to adopt a resolution of intent and asked that Staff review original agreement details.

Motion

Larry Haugen moved that the City Council adopt Resolution No. 2003-19, a resolution of intent to adjust the common boundary line existing in certain areas between Farmington City and Centerville City subject to an accurate and legal boundary description. **Ed Johnson** seconded the motion, which passed by unanimous vote.

AMENDMENT NO. 1 TO AGREEMENT WITH OAKRIDGE COUNTRY CLUB/FIRST READING (Agenda Item #12)

Mr. Forbush stated that the amendments to the agreement with Oakridge Country Club were being considered by the Oakridge Country Club officials. The changes related to the Special Improvement District now under consideration by the City. The changes also pertained to finding a solution to traffic patterns should a signal be placed at 1075 West Shepard Lane.

Kent Forsgren (978 North 100 West) president of the Oakridge Country Club, stated the Oakridge Country Club was in favor of participation in the Special Improvement District. They did have issues regarding insurance liability and which elements would be the responsibility of the City and which would be the responsibility of the Club. The issue regarding acquisition of real property on page 2 of the Amendment was a problem for the Club officials.

Mr. Forbush asked if it might be wise to remove item 1B from the amendment list for now in order to move forward with the S.I.D., to which Mr. Forsgren agreed. Negotiations could continue pertaining to the item. Mr. Forbush suggested that City Staff would redraft the amendments and bring it back to the City Council for consideration. By consensus, the City Council agreed.

**PROPERTY LINE ADJUSTMENT AGREEMENT WITH CRAIG C. HOLMES
PERTAINING TO COMMON PROPERTY LINE BETWEEN PRECISION
WINDSHIELD AND THE OLD “BRASS COMB” BUILDING (Agenda Item #13)**

Motion

Larry Haugen moved that the City Council approve the property line adjustment agreement with Craig C. Holmes pertaining to common property lines between Precision Windshield and the old “Brass Comb” Building as presented and further that the City Council authorize Mayor Connors to sign the same. **Ed Johnson** seconded the motion, which passed by unanimous vote.

**ORDINANCE ENACTING PROVISIONS TO RESTRICT CUSTOMER PARKING IN
CERTAIN RESIDENTIAL AREAS (14-5-106.2) (Agenda Item #14)**

Packet material indicated that provisions of the ordinance enacting Section 106.2 fulfills part of the City Council’s commitment to soften the impact of traffic of the Courthouse and the Richard E. Kendall building. The signage scheme presented represented types of signs, absent any arrows, found on west State Street. The same would be used along south Main Street and 100 North. The City Attorney had drafted the ordinance.

Motion

Susan Holmes moved that the City Council approve Ordinance No. 2003-20, an ordinance restricting commercial and/or institutional parking along certain residential frontages in Farmington City. **David Hale** seconded the motion, which passed by unanimous vote.

**STORM WATER UTILITY FEE STUDY WITH ASSOCIATED ORDINANCE (Agenda
Item #15)**

Mr. Forbush reviewed the agenda item. He and Paul Hirst and Bryan Harwood (both of CRS Engineers) discussed the following points:

- ▭ The Storm Water Utility Fee Study and the associated ordinance proposal was the result of an unfunded federal mandate. The City was under obligation to create a program of “best management practices” and to set up a system whereby the City could meet the goals of reducing polluted waters from entering the City’s water supply and other receiving waters. The federal government would monitor results.
- ▭ The program would cost approximately \$285,700.00.
- ▭ City Engineers and Mr. Forbush had studied residential and commercial property in the City to determine impervious surfaces. Equivalent service units (ESU) was equal to the average amount of impervious surface on the property in question. The monthly fee per ESU would be calculated by dividing the annual operation

and maintenance costs by the total number of ESUs and then dividing by 12 (months). It was hoped residential fees would not exceed \$5.00 per month.

- ▮ Commercial and public properties would also be charged fees. Several elements would be considered. Lagoon costs, for example, would be determined in part according to whether or not land was considered detention or retention. Several scenarios regarding Lagoon were reviewed.
- ▮ Several factors impacted determination of fees. Mr. Forbush reviewed possible exemptions, credit factors, and other special situations.
- ▮ Clearfield City's ordinance was included in the packet for review as an example of what could be done.

By consensus, the City Council directed Mr. Forbush to continue work on the draft ordinance and bring it back for consideration by the Council.

BUDGETARY UPDATES/PROPOSED CHANGES (Agenda Item #16)

Mr. Forbush covered the following budgetary updates and proposed changes to the 2003-2004 proposed budget:

- ▮ The \$30,000 needed for improving west Shepard Lane be taken from RDA budget and not Class C Road funds. The resultant \$30,000 extra in the Class C Road funds could then be used for unforeseen expenditures such as a dump truck if sales of backhoe and autocar are less than expected.
- ▮ It was proposed that the office personnel be increased. Mr. Forbush described duties of a new clerical worker to include a human resource coordinator and web site manager and the funding source for wages and benefits.
- ▮ A slight increase in the stipend given the mayor and members of the city council was discussed.
- ▮ Mr. Forbush suggested that a line of credit be approved for \$1,140,000 to be used for cost overruns in projects only if needed. This loan would be paid back from fire protection impact fees; from the General Fund for the Brass Comb building project; from Storm Water Utility Fund to pay for flood mitigation projects; and from the park improvement fees for cost overruns in the parks and Community center bonding projects.

Motion

David Hale moved to authorize the City Manager to arrange a line of credit up to

\$1,140,000 to be used if needed for items as discussed. **Susan Holmes** seconded the motion, which passed by unanimous vote.

MISCELLANEOUS

Road Damage

Mr. Johnson reported a sink hole on 1140 South.

Training for Council Members

Ms. Holmes stated there was an opportunity for city council training being held in July. The training would take place in Kansas City.

New Water Park Amenity

Mr. Hales complimented the Public Works Department on their fine work on the new water park amenity adjacent to the municipal swimming pool. He felt the addition would be a great thing for Farmington citizens.

Flags on Main Street

Mr. Forbush stated the flags on Main Street are subject to fading and damage the longer they are left up. He suggested taking them down after Memorial Day and putting them up again for the July holidays. By consensus, the City Council agreed.

Citizen of the Year

The Rotary Club has asked for nominations for Citizen of the Year. Those with nominations should call Mr. Forbush within the next few days.

CLOSED SESSION

David Hale moved that the City Council adjourn to closed session to discuss strategy as it pertains to pending litigation at 9:40 P.M.. **Larry Haugen** seconded the motion, which passed by unanimous vote.

At 9:48 p.m. **Larry Haugen** moved to go back into open session. **Ed Johnson** seconded the motion which passed unanimously.

ADJOURNMENT

There being no further business, upon motion of **David Hale** the meeting adjourned.

Farmington City Council

May 21, 2003

Margy Lomax, City Recorder
Farmington City