

# FARMINGTON CITY COUNCIL MEETING

Wednesday, June 2, 2004

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## CITY COUNCIL WORK SESSION

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

### Agenda Item # 7– consideration of a schematic plan review for 475 South Street

Mr. Forbush reported that the Planning Commission recommended denial of the schematic plan. He also stated that the neighborhood was opposed to the increased density that would be brought about by the development. However, the AE zone would allow the development to go forward with the density requested. City Staff was recommending approval of the plan because of safety and traffic circulation issues.

### Agenda Item #6– consideration of the ordinance to amend Lot 9 of Oak Lane No. 2 Subdivision Plat

Mr. Forbush explained the reason for the request was to widen the lot to allow for the new home. It would not be spot zoning because the request was consistent with the General Plan for the area and because there was a LR zone across the street.

### Agenda Item #8– consideration of the General Plan amendment

The City Council discussed the possibility of holding a joint study session with the Planning Commission to discuss the amendment in detail before final approval.

## 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. The invocation was offered by **Max Forbush** and the Pledge of Allegiance was led by **Sid Young**.

## APPROVAL OF MINUTES OF PREVIOUS MEETING

**Susan Holmes** moved that the City Council approve the minutes of the June 2, 2004, City Council Meeting. **David Hale** seconded the motion. The voting was unanimous in the affirmative.

**REPORT OF PLANNING COMMISSION (Agenda Item #3)**

**David Petersen** reported proceedings of the Planning Commission meeting held May 27, 2004. He covered the following items:

- The Planning Commission recommended that the City Council rezone 6.8 acres located at approximately 850 North Shepard Creek Parkway as requested subject to an agreement with the applicant that the property shall be rezoned CMU upon the preparation and adoption of the CMU zone text by the City.
- The Planning Commission granted preliminary development plan and preliminary plat approval for a planned unit development located at approximately 275 East 100 North.
- The Planning Commission denied the request for a recommendation for schematic plan approval to develop a subdivision located on 475 South west of 1100 West in an AE zone
- The Planning Commission tabled consideration of the agenda item requesting a recommendation to the City council to vacate a portion of right-of-way on the north side of 600 North Street located at 23 East in an OTR zone.

**PUBLIC HEARING: CONSIDERATION OF ORDINANCE TO REZONE 282.437 ACRES AT BUFFALO RANCHES AT APPROXIMATELY 2200 WEST CLARK LANE IN WEST FARMINGTON FROM “A” TO “AA” AND CONSIDERATION OF ORDINANCE AMENDING THE “AA” ZONE TEXT TO PERMIT ACCESSORY LIVING QUARTERS AS A CONDITIONAL USE. (Agenda Item #4)**

Packet information included the following information: David Plummer received conditional use approval from the Planning Commission on April 10, 2003, to develop the Buffalo Ranch horse operation west of the Farmington Ranches Subdivision adjacent to the Great Salt Lake. Recently, Mr. Plummer submitted an application to the City requesting conditional use approval to construct an accessory building to house farm employees. The definition for “Accessory Living Quarters” is set forth in Section 11-2-020(2) of the zoning Ordinance as follows: “A dwelling unit within an accessory building to a non-residential use located on the same premises with the main building or within the main building to be used solely for persons employed on the premises, not rented or otherwise used as a separate building.” The request appears to be consistent with the conservation easement recorded on the property, but is not allowed by the underlying zone.

Chapter 10 of the Zoning ordinance consists of three zoning classifications: AE, A, AA. It is proposed that the City amend Chapter 10 of the Zoning Ordinance to allow “Accessory Living Quarters” as a conditional use in the AA zone only.

It is further proposed that the City rezone the entire area encompassed by the Conservation Easement, 282.437b acres, from A to AA. The development agreement for the entire Farmington Ranches Project, including the Buffalo Ranch property, states: “Developer hereby agrees that, upon completion of the Project, all portions of the Property not included within public rights-of-way, single family lots, the church site, and the school site may be rezoned by the City to AA.” (Paragraph 2, Agreement #2000-32). This statement from the development agreement should not preclude rezoning all or portions of this area prior to completion of the project.

**Mr. Petersen** reviewed the agenda item for the City Council and explained the information found in the packet. City Staff recommended approval of the application. The likelihood of setting a precedence was negligible. The Planning Commission also recommended approval of the rezone. The “AA” zone allows one dwelling unit per acre.

### **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.

**Mr. Duston** asked what the “bunkhouse” would look like.

**Mr. Petersen** stated that it would look much like a duplex. However, elevations have not yet been submitted.

### **Motion**

**Susan Holmes** moved that the City Council approve Ordinance No. 2004-26, an ordinance amending the Zoning Map to show a change of zone for property located west of the Farmington Ranches Subdivision from A and AE to AA. **Sid Young** seconded the motion, which passed by unanimous vote.

**Susan Holmes** moved that the City Council approve Ordinance No. 2004-27, an ordinance amending Section 11-10-020 of the Farmington City Zoning Ordinance establishing accessory living quarters as a conditional use in the AA zone. **Sid Young** seconded the motion, which passed by unanimous vote.

**PUBLIC HEARING: CONSIDERATION OF ORDINANCE TO REZONE 3.7 ACRES AT APPROXIMATELY 1700 WEST BURKE LANE FROM “A” TO “AE”/ J.R.WARNER (Agenda Item #5)**

Packet information indicated the minimum lot size in the A zone under conventional standards is 2 acres, and the minimum lot size in the AE zone is 1 acre. Therefore, in order to approve the applicant’s request, the property must be rezoned to AE. This zoning designation exists across the street on an adjacent parcel.

**Mr. Petersen** briefly reviewed the issues regarding Agenda Item #5.

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

**Mr. Hale** asked questions regarding access to the property.

**Mr. Petersen** felt that probable transportation plans for the future will provide adequate access to the property.

**Motion**

**Rick Dutson** moved that the City Council approve Ordinance No. 2004-28, an ordinance amending the Zoning Map to show a change of zone for property located at 1774 West 650 North (Burke Lane) from A to AE. **Larry Haugen** seconded the motion, which passed by unanimous vote.

**PUBLIC HEARING: CONSIDERATION OF ORDINANCE TO AMEND LOT 9 OF OAK LANE NO. 1 SUBDIVISION PLAT WITH RELATED VACATION ORDER/ CONSIDERATION OF ORDINANCE REZONING LOT 9 OF OAK LANE NO. 12 SUBDIVISION FROM “R-2-F” TO “LR-F” (Agenda Item #6)**

Information in the packet indicated the applicant’s property, approximately 27,900 square feet in size and 180 feet in width, is large enough and wide enough to create two building lots. The minimum lot size in the R-2 zone is 10,000 square feet and the minimum lot width is 85 feet. An existing home on the property is located on the easterly half thereby making it possible to do a lot split. However, a prospective buyer, the Rumsey family, is requesting a narrower easterly lot (75 feet in width) to accommodate a wider proposed home on the westerly lot. Even though the proposed lot size of the easterly lot is equal to or greater than 10,000 square feet, the R-2 zone does not permit lot widths less than 85 feet.

Notwithstanding the forgoing, the 75 foot wide lot width may be allowed if the City considers the proposed lot split as a conservation subdivision. To accomplish this the property must be rezoned to LR and a restriction must be placed on the larger lot preventing the future subdivision thereof.

**Mr. Petersen** presented information about the agenda item. It would be necessary to approve the application in order to give the width needed to achieve the desired building pad. The Planning Commission recommended approval of the rezone. They also recommended that an extension agreement be required rather than the immediate construction of a sidewalk. Construction of a sidewalk would require removing mature trees and altering the character of the street.

**Mayor Connors** opened the meeting to a public hearing. With no forthcoming comments, **Mayor Connors** closed the public hearing.

**Mr. Young** asked if this action would be the same as “spot zoning.”

**Mr. Petersen** stated that it was not, because the zone was consistent with the General Plan for the area and the same zone existed across the street.

### **Motion**

**Sid Young** moved that the City Council approve Ordinance No. 2004-29, an ordinance amending the Zoning Map to show a change of zone for property located at 318 Oak Lane from R-2-F to LR-F. **David Hale** seconded the motion, which passed by unanimous vote.

**Sid Young** moved that the City Council approve Ordinance No. 2004-30, an ordinance authorizing the Mayor to enter an order vacating Lot 39 of the Oak Lane No. 1 Subdivision and directing that the same be recorded with the Davis county Recorder’s Office. **David Hale** seconded the motion, which passed by unanimous vote.

**David Hale** moved that the City Council approve the ordinance amending Lot 9 of the Oak Lane No. 1 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.

### **PUBLIC HEARING: CONSIDERATION OF SCHEMATIC PLAN REVIEW FOR 475 SOUTH STREET (Agenda Item #7)**

The packet stated that improvements along 475 South Street were presently being constructed under a Special Improvement District (S.I.D.) #2003-1. Michael Brown wanted to divide his parcels into additional lots. The property owners in the area want to keep lot sizes to one acre or more. However, most of the area had previously been rezoned to “AE.” What is being proposed by Michael Brown, Jim Dixon and Ms. VanWagoner complies with City code. At issue, in the opinion of the City Planner and the City Manager, was a public safety matter. Members of the Governing Body were encouraged to seek a recommendation from the Fire Chief before making a final decision. The potential number of lots being developed on this property without the excess subdividing is probably going to be in the vicinity of 38. The number of lots if additional subdividing is permitted will probably be in the vicinity of 48 or 40 lots. A 48 or 49 lot subdivision, however, provides future

access both on the south and north sides of this street. There is also a potential extensions across the Swedin property on the far west end to 1525 West. No one knows for sure when and if any property beyond the proposed street stubs would develop. It appears that Mr. Swedin has one lot now. Additional lots should not be permitted without another access.

The City Manager recommended that the City Council approve the schematic plan conditional on Michael Brown, Jim Dixon, and Ms. VanWagoner developing the lots as shown on the schematic plan. In other words, they need to do all or nothing. There is no advantage to additional lots on 475 South Street unless potential for creating a second access, or even a third, is enhanced. Requests for additional lots are being submitted because of the high costs of improvements being installed under a special improvement district.

**Mr. Petersen** explained the agenda item. He also told the City Council that local citizens had taken time to work on a General Plan amendment for portions of west Farmington, which has been submitted for City consideration. A thorough study would be undertaken by the consultant (Rulon Dutson) hired by the City as soon as the current General Plan amendment study is completed. Mr. Petersen also stated that the application for schematic plan review for 475 South was compliant with the current AE zone requirements. The Planning Commission recommended that the City Council deny the application because it was in conflict with the desires of the local property owners and with the aforementioned pending General Plan amendment for portions of west Farmington.

### **Public Hearing**

**Mayor Connors** opened the meeting to a public hearing.

**Cory Ritz** (903 West 500 South) stated he was speaking as a resident of the neighborhood. He said that he is a member of the Planning Commission but would only speak for the Commission as indicated by that body. He felt the action under consideration by the City Council was in conflict with the desires of the neighborhood and their hopes to keep the area rural and friendly to horse owners. Development that would come to west Farmington should be buffered by large lot development. He felt that if the Planning Commission had seen only the northern stub street proposal, it may have been approved. However, the stub to the south seemed to be unneeded and undesirable. The neighborhood had tried to create an area of open space and large lots. Mr. Ritz was not really sure that there was a true safety issue involved. The greater safety issue was the increase of traffic caused by the higher density development.

**Chief Gregory** stated that a long, dead-end street has a potential of creating a very dangerous safety issue for any neighborhood, especially if the density increases. If there is a blockage on the street, emergency personnel cannot get needed vehicles in to take care of any emergency. He also stated that a looped water supply significantly improves the Fire Department's ability to properly fight fires. Any time he can get 2 or 3 accesses and a looped water system, he can better provide better safety for the citizens.

**Mr. Forbush** stated that the water line would not be looped until the system is connected to 1525 West. He reported that even with what is being proposed by Mr. Brown, the water system will still not be completely resolved for quite some time.

**Glen Schimmelpfennig** (387 South 1100 West) wanted to know why the road was approved if there were so many problems as raised by the different City departments. Shouldn't the City carry the burden to correct the road if indeed the mistake was the City's? Mr. Schimmelpfennig felt he had not been listened to by the City Manager. He also felt that neighborhood input was not being given consideration. Mr. Schimmelpfennig felt that the area should be protected for large animal owners. The City needs to be more consistent in their planning. He asked that the City Council deny the current application and find other solutions.

**Nicole Hale** (441 South 1100 West) said she and her husband moved to the neighborhood because of the rural area. It is quiet and not crowded. It is understandable that there needs to be some development, and it is important to have safety issues addressed. However, she was very concerned that the lots were being made smaller simply for financial reasons. People live in areas because they enjoy it. It was very important to Ms. Hale to have the area kept in at least 1-acre lots. If smaller lots are allowed, it will change the life-style of those who have existing homes.

**Joel Cook** is a property owner on 475 South street. He and his family had looked forward to building on the lot and wanted to have horse property. He had been waiting for the building permit which had been delayed because of the current proposal. He had quit his job in another state and moved his family with the promise that he could build on the property. Now with the changes, he is being held up. He did not want to have to pay the increase that would be caused by the delay of the construction.

**Diane Williams** (344 South 1100 West) had lived in the area for about 12 years. She felt that there was a misconception that the neighbors were against development. She felt that was not true. The neighbors are against increased density. She hoped the land use plan (General Plan amendment for west Farmington) being proposed would be considered before the proposed subdivision was considered. Ms. Williams also stated that the Fairgrounds was an amenity for the west Farmington citizens which was being placed at risk. High density will bring in traffic which will hamper the use of the Fairgrounds. Some people have purchased land in the area with the understanding that it was zoned A and that it would be kept rural. Ms. Williams felt that the Planning Commission decision was a conscientious action of people who care about the feelings of the citizens.

**Ken Williams** (344 South 1100 West) stated it had been a long hard fight. Citizens in west Farmington were looking for consistency. They know that development will come but are hoping for one-acre lots. Property owners feel that development of one-acre lots will protect the characteristics and life style of their community. When subdivisions come in they want the live stock to be removed. At least one acre of land is needed to support a horse. The group of property owners who had been working so hard to accomplish improvements on 475 South had agreed on 15 lots;

now there is more being proposed and the citizens are against the increase of density. Mr. Williams asked that the lots be kept to a one-acre minimum.

**Mike Brown** (201 North Kingston) responded to the concerns of the citizens who live in the west Farmington area. He stated there are other perspectives to consider. He said that the one acre lots had been proposed so that the property owners could pay for the road which runs down through the development. The reason that they have come back to redesign the subdivision was to provide the stub street to help the access and public safety issues. The additional lots were proposed in order to pay for the extra stubs. Mr. Brown wanted to propose that he have 6 half acre lots if the current application was not approved. He would not develop anything less than one-half acre lots even though the zone would allow for the increase. He said he was concerned about the neighbors but he was also concerned with his rights as a property owner and his right to optimize his opportunities.

**Dan Cook** (Kaysville resident, owner of property on 475 South Street) said that sometimes developments were designed and then at the last minute there were unforeseen problems which delayed the construction. With the delays, costs are increased. He asked that the City move forward to save on unnecessary expenses.

**Lyn Gee** (owner of west Farmington property, waiting for a building permit) stated that he was agreeable to the two cul-de-sacs as proposed. He was opposed to the stub streets. He felt that individual property rights should be upheld as long as they are within legal restrictions. He wanted CC&R's on the property so that his property was protected.

### **Public Hearing Closed**

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

**Mr. Hale** asked what the zone would allow.

**Mr. Petersen** stated that much of the restriction depended on frontage. Because some of the lots were very deep, they did not have frontage which would allow them to subdivide.

**Ms. Holmes** stated that it was the City Manager who gets blamed for many of the problems experienced in the City. The City Staff works very hard on behalf of the City. It is highly unfortunate when some citizens cast a dispersion on members of the City Staff and the elected officials. City officials are trying the very best that they can and are working hard for the best of the City. Farmington has the best people available working for the benefit of all citizens.

**Mr. Hale** stated that there was a need to move forward with efficiency.

**Mr. Forbush** stated that he had been anxious to get this proposal finished because of the increase in costs due to the delay. It is an issue of public safety for the City. If another access was

going to be obtained, it would be better to do it with the current opportunities. There may or may not be another alternative. Presently there is no guarantee that property owners on the west end of 475 South would be willing to let a road through their property.

**Mr. Dutson** stated he was sensitive to the density issues that had been raised. He was equally concerned about the need to care for public safety issues. If the long, dead-end street were to be blocked, there could be a very difficult situation. However, he was more sympathetic to the needs of the residents to maintain the rural nature of west Farmington.

**Ms. Holmes** felt there needed to be a stub road constructed because of safety. If the dead end road were blocked it would be very dangerous. The AE zone would allow what is being proposed. There does need to be great care taken in deciding what kind of development is allowed.

**Mr. Hale** would really like to get a looped water line without increasing the density, however, it may not be possible. He was uncomfortable with increasing the density. He hoped there was another way to gain the advantages without changing the nature of the area.

### **Motion**

**David Hale** moved that the City Council deny schematic plan for additional lots and for creating lots for a north access between the VanWagoner and Dixon properties at the west end of 475 South Street as proposed by Michael Brown. This motion follows the Planning Commission and supports a search for another alternative to existing safety and transportation needs. **Rick Dutson** seconded the motion.

In discussion of the motion, **Mayor Connors** stated that it must be assumed that if the current application is not approved which would provide the stub streets, it may never be accomplished.

**Mr. Forbush** alerted the City Council that Mr. Gines would be coming in with an application for a subdivision development on nearby property which would add about 4 more lots. The subdivision would be submitted within AE zone limitations

A roll call vote was taken. The City Council voted unanimously in favor of the motion.

### **PUBLIC HEARING: CONSIDERATION OF ORDINANCE AMENDING CHAPTER 11 OF THE FARMINGTON CITY GENERAL PLAN AND AMENDING THE FUTURE LAND USE MAP PERTAINING TO PROPERTIES IN THE VICINITY OF PARK LANE (FORMERLY BURKE LANE) AND ALONG THE U.S. 89 CORRIDOR. (Agenda Item #8)**

**Mayor Connors** complemented all the citizens involved and City staff for the hard work and great amount of time that had gone into the proposal.

**Mr. Petersen** introduced the agenda item. He stated that the City had had the help of the City's consultant, Rulon Dutson, of Bear West in creating amendments to the General Plan. Mr. Petersen presented the land use map as currently being proposed.

**Mr. Rulon Dutson** addressed the text portion of the General Plan. The Plan includes mission, goals, area-specific and general land use plans for the future as reflected by the interests of the community. The purpose of the Plan is to provide general direction. Mr. Dutson stated that every comment made had been considered by staff and/or citizen committee members. He said there were two objectives that seemed in opposition with each other. One is that the community wants to promote economic development for a better tax revenue base; and the other is that the community wants to protect its rural nature.

### **Public Hearing**

**Mayor Connors** opened the meeting to a public hearing and invited those present to give input.

**Harv Jeppson** (1717 North Main) stated he was a member of the citizen committee that helped prepare the amendments. He had concerns about changes that had been made since the committee had done its work. The General Plan was extremely important because it will direct the future of the City. Mr. Jeppson did not want the City to limit economic development only to one area in the City. He wanted to have the property just north of Lagoon for commercial development. If residential uses are put in that area it would eliminate very productive economic property from the future tax revenue potential of the City. Mr. Jeppson felt that the CMU zone to the north of Lagoon should be extended further to the east than it was on the current map. He did not propose taking the CMU zone all the way to Main Street.

**Mr. Petersen** submitted letters as received by Staff from citizens wishing to comment on the proposed General Plan amendment.

**Sheldon Kilpack**, representative of Lagoon, stated that there seemed to be a unanimous voice of the citizens about the use of the CMU north of Lagoon. He felt that Lagoon would be negatively impacted by residential use of the property to the north.

**Stuart Adams** (Kaysville resident) knew that the citizen committee was unanimous about having the CMU line on the property north of Lagoon moved further to the east.

**Kent Sulser** (Davis County) spoke in favor of Class A office development in the area just north of the commuter rail stop and proposed language that would provide flexibility in expanding the TMU in the western part of Farmington if deemed necessary in the future.

**Mr. Petersen** stated there were recent development pressures that may suggest support of what Mr. Sulser was suggesting.

**Mr. Sulser** stated that the current text combines office use in with other types of commercial uses. Office use is unique enough that it should be kept separate in the Plan. He felt that a line item should be added that would address office use specifically. Davis County development is trying to create family sustaining income opportunities within its boundaries.

**Rick Mayfield** (Davis County) stated he was an economic development consultant for the Davis County Council of Governments. He reminded the City Council of obligations to look at economic development from a broad perspective. There needs to be employment centers in places appropriate for that kind of development. He was not referring to “big box” retail, but areas for office development and other family-sustaining income opportunities. General Plans set goals and Class A trends for the future. Mr. Mayfield stated that instead of designating areas as CMU, areas should be designated as income sources. He cautioned that language in the plan be flexible toward office use and not just retail development.

**Robert Thornblad** (1218 West 1875 North) stated that he owned the last house going north in Farmington. When road improvements were being proposed, he was told that the connection between Shepard Lane and Cherry Hill were constructed it would be on the east side of his property. It was changed to go on the west side. Improvements also took much more room because of the need for utility easements. At that time, he met with the City Council and discussed the situation. Mr. Thornblad said he was threatened with a “taking” of his property. The City decided to recompense him and he was promised that he could live on his property under residential zoning until he decided to move. Then the land would be zoned commercial. Now, it seemed the City was changing its mind again and would not honor the promises made.

**Mayor Connors** stated that the road improvements and the negotiations related thereto that were held concerning right-of-way through the Thornblad property were done by the Utah Department of Transportation and not by the City. The Mayor was on the City Council at the time and did remember some discussion pertaining to zoning referred to by Mr. Thornblad. Even though the current City Council is not bound by past Councils’ actions, it would be wise to consider carefully changing the zone designation of the Thornblad property to allow non-residential uses in context of the commitment as understood by Mr. Thornblad.

**Mr. Petersen** rehearsed his understanding of what had been promised Mr. Thornblad by the past City Council. The property was not ideal for residential use because of the location between two major streets. Because of that, the City Council had master planned the property as General Commercial. At Mr. Thornblad’s request, the property was not rezoned so that Mr. Thornblad would not have to pay higher property taxes. When the Planning Commission reviewed the current General Plan amendment regarding the Thornblad property, they felt it was a matter of fairness to treat it the same way that similar property across U.S. Highway 89 had been treated. Text for the NMU

(neighborhood mixed use) had not been written. NMU, however, would allow for low impact commercial use. The Planning Commission felt the low impact use would protect the surrounding residential properties.

**Mr. Haugen** stated that land use to the north of the Thornblad property was commercial. Mr. Thornblad deserved to have the promises kept.

In response to questions about NMU uses, **Mr. Petersen** said the text of the NMU had not been created. However, discussion and intention indicated that commercial use would be allowed, but it was likely that gas stations would be excluded.

**Rulon Dutson** stated that it would be wise to keep the planned use of any property in appropriate scale to what the land could sustain.

**Mr. Petersen** stated that the neighbors had requested fairness.

**J.R. Warner** (1285 South Buena Vista Way) said he had not received sufficient information regarding the proposed land uses. Speaking of the proposed TMU zone in west Farmington, he said he would like to see the commercial use boundary moved north of where it was currently located.

**Matthew Hess** (attorney for the Hess and Leonard families) said that he had been invited to be a member of the steering committee. He felt the committee had been composed of a good balance between residential property owners, City staff, and development representatives. He was opposed to having the line of the CMU to the north of Lagoon moved to the west. He felt it should remain further to the east to provide the needed flexibility for commercial use on the property.

**Chadwick Greenhalgh** (208 West State Street) suggested that wording be added to the TMU text that would strengthen protection for residential areas. He felt that the work already done had been very good. It was a community policy that primary traffic access not go through residential neighborhoods, and he was in support of that concept. In reality, traffic due to development on the west side of Farmington had impacted west State Street to a great degree. Safety in the area had suffered. He asked that language be added guaranteeing the maintenance of safety, comfortable traffic levels through residential neighborhoods.

**David Potter** (1745 North Main Street) stated he had also served on the committee. It had been a consensus of the committee that it would work for the best good of the entire City. The boundary line of the TMU had been set because of the wetlands. The original location of the CMU eastern boundary (north of Lagoon) was decided out of respect for the traffic flow and how it would impact the neighborhoods. Mr. Potter encouraged approval of the General Plan amendment.

**Public Hearing Closed**

With no further comments, **Mayor Connors** closed the public hearing. He discussed the process by which the City officials could move forward.

**Mr. Petersen** stated that the City Council had wanted to receive public comment. It would now be possible to evaluate the input through a draft form of the text. The City Council could review the draft and then consider it for approval.

**Mayor Connors** reviewed the general issues as raised through public input and as raised by City and County officials. A discussion ensued, including the following points:

- The northern boundary of the TMU was discussed. Most City Council members were in favor of moving the TMU boundary north.
- The eastern boundary of the CMU zone north of Lagoon was reviewed. The Planning Commission had been influenced by the residents in the area. It was the consensus of all involved that the Main Street residential nature needed to be protected. The City Council by consensus did not want the CMU line moved all the way to Main Street. It was, however, also the Council's consensus that the line be moved to the east and that the text be carefully written to make sure there is a buffer for the homes along Main Street.
- The Thornblad property was discussed. Even if the property were to be designated General Commercial, many uses allowed in the GC zone would not be suitable for the property. The property itself is limited by size for what commercial use could be sustained there. However, a gas station may be allowed under GC and that would be strongly opposed by neighbors. The land probably doesn't have proper access for a station. There had been a "gentlemen's agreement" to have the property used for non-residential uses. NMU would not be inconsistent with that agreement. It was decided to have City Staff meet with Mr. Thornblad to ascertain his intended use of the property and if NMU would be appropriate and still maintain the agreement.
- The City Council approved in concept the addition suggested by Mr. Greenhalgh regarding the protection of residential neighborhoods from high traffic volumes. Doing so was not an attempt to thwart development on the west side of the City. The Council wished to address commercial development that would be friendly to residential areas.
- The Council discussed the TMU zone on the west side of Farmington. A brief discussion was held suggesting that the TMU zone be kept to within a half mile radius of the commuter rail stop and that surrounding areas be designated CMU or some other appropriate zone.

- A joint study session with the City Council and Planning Commission was scheduled for 6:30 P.M. on Wednesday, June 9<sup>th</sup>.

**RECESS/RECONVENE**

**Mayor Connors** called for a brief recess at 10:20 P.M. The City Council reconvened at 10:40 P.M.

**REQUEST FOR APPROVAL OF APPLICATION FOR SPECIAL TRUCK ROUTE PERMIT/M.C. GREEN AND SONS, INC. (Agenda Item #9)**

**Max Forbush** reviewed the agenda item. There was a concern regarding the quality of the roads which may be needed for the haul route and reviewed those being suggested. The application indicated that the trucks would be hauling 60 to 70 loads daily for approximately 150 days.

**Ms. Holmes** raised the concern about the safety of children in the area of 650 West which was part of the requested route.

After a brief discussion, by consensus, the City Council felt they had not received enough information to make an appropriate decision.

**CELL TOWER LEASE/REZONE/GENERAL DISCUSSION/ PATTY THORTON, T-MOBILE (Agenda Item #10)**

According to packet information, T-Mobile had requested the City to consider a lease for a cell tower site behind the metal shed and within the fenced pump house area by Woodland Park. The City Manager and City Attorney suggested that the term of the lease be no more than 10 years with the possibility of extending the lease two additional 5-year periods. In order for T-Mobile to place the cell tower at the site, a rezone is required.

**Max Forbush** introduced the issue. The area by Woodland Park is an alternative site to other sites that had been considered by T-Mobile but which had not been acceptable to the nearby property owners and the City. He reviewed the suggested terms of the lease. The City Attorney suggested a 10 year lease with two 5-year lease options to follow.

**Patty Thorton** (T-Mobile representative) reviewed the history of the application. T-Mobile had originally worked with the Davis School District to find a location for the cell tower, but had not been acceptable to the City. Building a tower is expensive, therefore, T-Mobile wants to make sure that all elements of the project (costs, complains, needs, growth, etc.) have been thoroughly studied. The School District had been willing to give T-Mobile a 30 year lease. T-mobile would not be willing to do a 10-year lease.

The Council briefly discussed the issue. It was decided to offer T-Mobile a 15-year lease with one, 5-year renewable option at the sole discretion of the City.

**Mayor Connors** suggested that the Planning Commission be asked to review the the location near Woodland Park and that a public hearing be held regarding the proposal to gain input from neighbors.

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

**David Hale** moved to approve the following items by consent as follows:

1. Ratification of Construction Bond Agreements previously signed by Mayor Connors.
2. Appointment of Max Forbush and Keith Johnson to fill assignments with the Utah Risk Management Mutual Association.
3. Approval of Public Improvements Extension Agreement with Mark Soelberg.

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

**CONSIDERATION FOR ADOPTION OF RESOLUTION TO FINALIZE TERMS AND CONDITIONS FOR THE ISSUANCE AND SALE OF \$1,121,000 IN SALES TAX REVENUE BONDS, SERIES 2004; AWARDING AND CONFIRMING THE SALE THEREOF; AUTHORIZING THE EXECUTION OF A GENERAL INDENTURE OF TRUST, A SUPPLEMENTAL INDENTURE OF TRUST, AND OF THE DOCUMENTS RELATED THEREWITH; AUTHORIZING AND APPROVING A BOND PURCHASE CONTRACT AND TAKING OTHER ACTION NECESSARY FOR THE CONSUMMATION OF THE TRANSACTION AND RELATED MATTERS (Agenda Item #12)**

**Motion**

**Susan Holmes** moved that the City Council adopt Resolution No. 2004-31, a resolution to finalize terms and conditions for the issuance and sale of \$1,121,000 in sales tax revenue bonds, Series 2004; awarding and confirming the sale thereof; authorizing the execution of a general indenture of trust, a supplemental indenture of trust, and the documents related therewith; authorizing and approving a bond purchase contract and taking other action necessary for the consummation of the transaction and related matters. **David Hale** seconded the motion, which passed by unanimous vote.

**AN ORDINANCE ESTABLISHING A TAX ON THE GROSS RECEIPTS OF TELECOMMUNICATION SERVICE PROVIDERS; SETTING THE RATE FOR SUCH TAX; AND ESTABLISHING THE EFFECTIVE DATE OF THE TAX (Agenda Item #13)**

**Motion**

**Susan Holmes** moved that the City Council approve Ordinance No. 2004-32, an ordinance establishing a tax on the gross receipts of telecommunications service providers; setting the rate for such tax; and establishing the effective date of the tax; and directing City staff to send the ordinance, with the related inter-local agreement, to the Utah State Tax Commission. **Sid Young** seconded the motion, which passed by unanimous vote.

**AN ORDINANCE PROHIBITING FIRES IN WOODLAND PARK AND FARMINGTON POND PARK DURING A DESIGNATED FIRE SEASON (JUNE THROUGH OCTOBER (Agenda Item #14)****Motion**

**Larry Haugen** moved that the City Council approve Ordinance No.2004-33, an ordinance prohibiting fires within Woodland Park and at Farmington Pond during designated fire season (June through October) to protect the City and its citizens from potential fire damage. **Rick Dutson** seconded the motion, which passed by unanimous vote.

**BID AWARD/RESIDENTIAL GARBAGE COLLECTION (Agenda Item #15)**

**Mr. Forbush** explained that a committee had been organized to review bid submittals. The committee was comprised of Council Members Holmes and Haugen and several City Staff members. The committee assigned a weighting factor of 60 percent to service quality, 20 percent to equipment quality, 15 percent to cost, and 5 percent to financial capacity. Based on the weighting factors of the criteria, the committee recommended awarding the bid to Robinson Waste. The committee also recommended an increase in user fees, evaluating the use of smaller containers for elderly citizens, and evaluation of the spring cleanup.

**Motion**

After some discussion, **Susan Holmes** moved that the City Council award the residential garbage collection contract to Robinson Waste Company. **Rick Dutson** seconded the motion, which passed by unanimous vote.

**Larry Haugen** moved that the City Council increase the first garbage container fee to \$15.00, and \$8.00 for the second container. **David Hale** seconded the motion.

A substitute motion was made by **Susan Holmes** that the City Council increase the fee for first garbage container to \$15.25 and to \$8.00 for the second container. **Rick Dutson** seconded the motion.

**Mayor Connors** called for a vote on the substitute motion. The motion failed with a 3-to-2 vote in opposition.

The Mayor called for a vote on the original motion. The motion passed with a 3-to-2 affirmative vote. The collection fees monthly will be \$15.00 for the first container and \$8.00 for the second container.

By consensus, the City Council directed staff to make a feasibility study regarding the use of smaller containers by some citizens.

The City Council discussed the spring clean up. Three or four of the Council members were supportive of spring clean up, even in light of the cost. They felt citizens are appreciative of the service. Mr. Haugen reported that all other cities in surrounding areas have a spring clean up program.

## **MISCELLANEOUS**

### **475 South**

Mr. Forbush stated the S.I.D. along 475 South will move forward.

Mr. Mike Brown addressed the Council and asked what they would be willing to approve regarding development of subdivisions along 475 South. He reviewed several options. He felt the best interests of the City would be served by developing a cul-de-sac which would keep the house density off the main road. After a brief, non-binding discussion, Mr. Brown stated he would come back to the Planning Commission with development plans that would comply with the AE zoning requirements.

Mayor Connors commented that no matter what the design of a subdivision, the neighbors would have a negative reaction to an increase in density.

Mr. Dutson stated it was obvious that neighborhood concern was traffic and the negative impact on the rural nature of the west part of Farmington.

### **Museum Projects**

Mr. Haugen asked Staff to look into installing a “no roller blading” sign outside the Museum. He also asked that there be an outside light installed for security and that the sidewalk be repaired to a level condition, especially in regard for the elderly. He inquired about insurance coverage of items being loaned to the City for display in the Museum. The Historical Preservation Commission had discussed the possibility of organizing a fund raiser for the benefit of the Museum.

By consensus, Mr. Haugen received the approval of the City Council to spend \$2000.00 to have the “flag rock” flag preserved. The flag was the one which survived last summer’s hillside fire. The funding will come from the City Council contingency fund.

### **Fruit Heights Meeting**

Mr. Dutson had met with city officials from Fruit Heights. He commented that the effort had been worthwhile because several misunderstandings existed which had been resolved. Storm drainage issues had been discussed, and after the City Engineer approves the plans, Farmington residents should be protected from non-historic, off-site water flows. It is possible that the land may be annexed to Farmington. However, the developer had stated that there was a cost difference to them of about \$100,000, for which they wanted Farmington to make concessions. One major concern of Fruit Heights was that the road connection between North Compton Road and Mahogany be accomplished.

### **Zoning Information**

Mr. Dutson requested that a brief summary of zone designations and definitions be included in their packet for the use of the City Council in their deliberations.

### **Issues regarding motor scooters and soft pellet guns**

Mr. Hale reported that some areas of the City have experienced problems with the use of motor scooters and soft pellet guns. Safety issues are a concern. He asked if the Council would consider ordinances controlling such uses. Mr. Forbush stated he would research the issues.

### **Web information**

Ms. Holmes reminded the Council members they needed to have their email addresses on the City’s website.

### **501C3**

Ms. Holmes inquired about the progress of the 501C3 for fund raising for City purposes.

Mr. Forbush reported that the City Attorney had some concerns regarding the project. He will get more information and get it to the Council members.

### **Deer/residential conflicts**

Mr. Young reported that citizens had asked if the City could place feed on the hillsides for the deer to eat so they wouldn’t consume property owners’ landscaping.

**Firebreak road improvements**

Mr. Young stated he had been working with Kim Wallace of Davis County. Mr. Wallace indicated the improvements on the fire break road should be completed sometime this fall.

**Post Office**

Mr. Forbush informed the Council members that there would be a meeting with L.T. Johnson regarding the Farmington Post Office. It seemed the new building had been delayed even further. However, Mr. Johnson would be looking at increasing parking for the current building to better serve the community. Susan Holmes and Larry Haugen stated they would meet with Mr. Johnson at 4 P.M. on Thursday, June 3<sup>rd</sup>.

Mayor Connors stated that they also needed to improve the landscaping so that the area was no longer such an eye sore.

**Brass Comb property**

Mr. Forbush reported that Jim Lasson (the buyer for the vacant lot next to the Brass Comb) had requested an extension of time to close on the property.

**Motion**

**David Hale** moved that the City Council approve an extension of time to close on the sale of the vacant lot located next to the Brass Comb property. The closing date will be June 15, 2004. **Susan Holmes** seconded the motion, which passed by unanimous vote.

**CLOSED SESSION**

**Susan Holmes** moved that the City Council adjourn to closed session at 12:10 A.M. to discuss strategy as it pertains to pending litigation. **Larry Haugen** seconded the motion, which passed by unanimous vote.

At 12:15 a.m. a motion was made by Susan Holmes to go back into open session. The motion was seconded by Larry Haugen. The motion passed by all members of the City Council voting in favor.

**ADJOURNMENT**

There being no further business the meeting was adjourned at 12:15 a.m. upon motion by Susan Holmes.

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Margy Lomax, City Recorder  
Farmington City