

FARMINGTON CITY COUNCIL MEETING

Wednesday, June 18, 2003

CITY COUNCIL WORK SESSION/EAST CONFERENCE ROOM

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

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

- ⌞ Agenda Item #5–Farmington City Budget. Mr. Forbush reviewed some of the budget elements such as the increase for the Fire Department. Some requests for budget increase had been denied to keep the City’s expenses down. Increases included in the budget were deemed necessary for the safety and welfare of citizens.
- ⌞ Agenda Item #6–Consideration of Amendment to Development Plan for Farmington Creek Estates, Phase II PUD. Mr. Petersen explained that the developer may have problems obtaining a CLOMAR (documentation from FEMA releasing a specific area from flood plane designation).
- ⌞ Agenda Item #8 – Mr. Forbush detailed the line of credit needs and that much of the loan could be paid by future impact fees.
- ⌞ Agenda Item #9 – Review of Community Center Color Board/Review of Bid Alternates. Mr. Forbush stated Denis Butler will be available with choices for the City Council.
- ⌞ Agenda Item #10 – Reconsideration of Zoning Text Change to Permit Small Auto Sales in BR Zone. Mr. Petersen reported he had reviewed the application with the City Attorney.
- ⌞ Agenda Item #13 – Fencing Issue at Brass Comb Building. Negotiations with an adjacent neighbor and consultation with members of the Historical Preservation Committee would be reported during the regular session.
- ⌞ Agenda Item #11-4 – Ambulance Fee Write-off Issue. Council Members felt any write-offs would need to be justifiable under careful scrutiny before approval.

REGULAR CITY COUNCIL/CITY CHAMBERS/CALL TO ORDER

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

Mayor Connors called the meeting to order at 7:15 P.M. The invocation was offered by Susan Holmes and the Pledge of Allegiance was led by Keith Johnson.

APPROVAL OF MINUTES OF PREVIOUS MEETING

Susan Holmes moved to approve the minutes of the May 14, 2003, Special City Council Meeting. Larry Haugen seconded the motion. The voting was unanimous in the affirmative.

Susan Holmes moved to approve the minutes of the June 4, 2003, City Council Meeting as corrected. Larry Haugen seconded the motion. The voting was unanimous in the affirmative.

Larry Haugen moved to approve the minutes of the June 11, 2003, Special City Council Meeting. David Hale seconded the motion. The voting was unanimous in the affirmative.

INTRODUCTION OF MISS FARMINGTON/CAMI HARBERTSON (Agenda Item #3)

Ms. Harbertson told about the opportunities afforded through the Farmington Scholarship Program. Her service project for the year was to help school children become acquainted with special needs children. She reviewed her goals for the year and stated that she would be raising funds for her service projects by giving hair cuts at a Festival Days booth.

REPORT OF PLANNING COMMISSION (Agenda Item #4)

David Petersen reported proceedings of the Planning Commission meeting held June 12, 2003. He covered the following items:

1. The Planning Commission recommended final plat approval for Phase 5 of the Farmington Ranches Subdivision consisting of 67 lots on 27.32 acres located at approximately 2000 West 200 North.

2. The Commission tabled consideration of Hawkins Companies request for final plat approval for the proposed Tuscany Cove at Lake Pointe Subdivision consisting of 25 lots and 2 parcels all on 15.156 acres located at approximately 1700 South (Lund Lane) and 300 East. The Planning Commission felt there were too many unresolved issues. Two substantial issues involved receipt of acceptable forms confirming off-site easements and the fact that some of the lots may have below 60 psi culinary water pressure. The City Council briefly discussed the water pressure issue. The new water reservoir tank does not provide service to Tuscany Cove. The new tank was constructed mainly for the large developments in the west part of Farmington. The new tank was located where it would provide the most service for the most citizens of Farmington. Council Members felt potential homes owners in the Tuscany Cove Subdivision would be very displeased paying for the up-scale homes and then finding the water pressure was not good. Mr.

Petersen stated there were options for individual homes. Special pumps can be installed to increase the pressure. The City Council was also concerned that potential buyers be fully informed of the situation. Mr. Petersen stated the Planning Commission also felt the same way and required the developer to place a note on the plat, the title documents, and the CC&Rs. Mayor Connors felt that even though State law requires only 20 psi, the City should look into increasing the standards to at least 60 psi.

3. Mr. Petersen reported the Planning Commission denied Bill Peterson's request for conditional use and site plan approval to remove an existing billboard and construct 2 new billboard signs at the southwest corner of Glovers Lane and the Frontage road.

4. Harv Jeppson had requested a recommendation to the City Council to amend the zoning ordinance to allow "Bed and Breakfast/Inn" as a conditional use in residential zones. The discussion revolved around whether such uses would succeed better as single building facilities or whether Mr. Jeppson's concept of a multi-building facility would be viable.

5. The Planning Commission wanted more time to thoroughly consider ramifications of enacting Chapter 40 of the Zoning Ordinance regarding drinking water source protection zones and regulations. They will consider the issues on June 26th.

6. The Planning Commission reviewed in detail the text change recommendation for Farmington City's OTR Zone. More information will be coming to the City Council in future meetings.

7. The Planning Commission realized that they would need to consider the Woodland Park recommendations in a public hearing and so delayed the issue until proper notification could take place.

PUBLIC HEARING: CONSIDERATION OF AN ORDINANCE FOR THE FOLLOWING: AMENDING THE FARMINGTON CITY BUDGET FOR FY ENDING JUNE 30, 2002; ADOPTION OF THE FARMINGTON CITY BUDGET FOR FY ENDING JUNE 30, 2004; PROPOSED CERTIFIED TAX RATE; AND SPECIFYING PUBLIC OFFICIALS' COMPENSATION (Agenda Item #5)

Mr. Forbush reviewed salient elements of the 2004 FY budget, including the following points:

- ▮ An increase had been made in the budget to expand Fire Department in-station coverage from 60 hours to 84 hours per week. The department is still not covered 24 hours a day, seven days a week by full-time employees. With the expanded hours of in-station coverage, the percentage will still only amount of 35%. About 65% of the time firefighters will have to be called into the station before they respond out to emergency situations.

- ▮ The storm sewer and flood mitigation systems in the City must be improved. A new storm water utility fee is being proposed to cover those costs. The fee has not yet been officially set, but will likely be around \$5.50/month per residential customer. Mr. Forbush briefly reviewed elements of the Federally mandated Clean Water Act guidelines, including the “Utah Pollutant Discharge Elimination System” (UPDES) which calls for measurable goals and best management practices to reduce pollutants in receiving waters. Storm drainage maintenance practices in the City have not been the best due to lack of manpower and finances. The fee will help pay for the improvements as well as increased maintenance.
- ▮ The proposed budget includes the hiring of two new employees. One of the employees will be the inspector and staff review expert to help implement the City’s proposed Storm Water Management Plan. The second employee will be hired to enhance compliance and record keeping for the Human Resource function. Paying more attention to employment laws and practices is good risk management recommended by Utah Risk Management Association, the City’s liability insurance provider. This new employee will also manage the City’s website and provide additional clerical support to the Planning Department.
- ▮ There will be a slight property tax increase to retire Parks & Recreation General Obligation Bonds as authorized in last November’s bond election.
- ▮ The proposed budget includes an overall 4% increase for employee wages. The Mayor requested he not receive an increase in his compensation. However, he was supportive and in fact encouraged the City Council to vote for a slight increase in their compensation (\$50 each/month). The recommendation for City Council increases was based on a compensation survey of other Utah similarly-sized cities. Farmington’s elected officials’ compensation was below the other cities. The budget includes a capital reserve amount for economic development activities. It has been recognized that the City must broaden its commercial tax base in order to provide services from sources other than the residential property tax.

Public Hearing

Mayor Connors opened the meeting to a public hearing.

Gene Lisonbee (1319 North 1700 West) felt that sweeping the streets of Farmington four times a year as called for in the budget was excessive. He felt there would be more important issues to address than street sweeping. He noted the Fire Department hours had been increased from 60 hours to 84 hours and questioned the legitimacy of that increase. He felt there were probably not many calls made during the off hours.

Paul Hayward (1663 West 1410 North) noted the property tax increase in regards to the Federally unfunded mandate. He also noted that it was a very difficult thing to have public officials vote for a raise for themselves. It had not been done in 12 years. He commented that he felt City employees were hard working and underpaid and was supportive of their pay increase. He felt there were storm drainage fee equity issues that needed to be addressed. Mr. Hayward said there were residential properties that kept storm water runoff on site. Those properties should receive UPDES credits just as were suggested for non-residential properties. He also noted that most storm drainage systems in the City were originally installed by subdividers. The lot purchasers paid for the improvement when they bought the lot. Residents in unimproved areas have not been required to pay for similar installations. Paul felt that this inequity should be resolved. A fee is an easy fix for governments, but it should be researched and if other ways can be created, the home owner should not be burdened. Mr. Hayward applauded the increase of the Fire Department from 60 hours to 84 hours. He also noted the possible creation of a Fire Service Steering Committee and volunteered as a member. He questioned the item in the budget that referred to the City maintaining open space in the Somerset Farms area. Standards within private developments should be built to City standards because many times the City is left to maintain such areas. Doing so would be in the best interest of the City in the long run.

Public Hearing Closed

Mayor Connors explained that the open space in question was a parcel of State-owned remnant land in the vicinity of the east side of the interchange. The Somerset Homeowners Association had requested the City to do something. It received a grant from UDOT to install landscaping. The agreement required the Homeowners Association to perpetually maintain one area.

With no further comments Mayor Connors closed the public hearing and asked the City Council for their consideration. The City Council discussed the issues including the following points:

- ⌞ The Fire Department is manned by part-time employees who have full-time jobs elsewhere. They are to be commended for their service to the City.
- ⌞ There will be further public discussion at a later City Council meeting to study and discuss details of the Storm Water Utility Fee.
- ⌞ Compensation for members of the Farmington City Council even with the increase still lags behind those of other similar municipalities.
- ⌞ The Storm Water Utility Fee will provide a source of funds to not only comply with the Federal mandate but to improve the City's storm drainage system and help with possible flood mitigation projects. It is something the City has needed for a long time.
- ⌞ Sweeping the streets in the City is not essentially for beautification. Cleaning the

streets will be a significant way of keeping the storm drainage system unplugged. It will decrease the level of pollution that enters the system. The comment was made that keeping the streets swept is more cost effective than cleaning siltation from storm sewer piping.

Motion

Bob Hasenyager moved that the City Council approve Ordinance No. 2003-24, an ordinance amending the municipal budget for fiscal year ending 6-3-03; adopting the municipal budget for fiscal year ending 6-30-04; adopting a compensation schedule for City officials and employees and adopting a proposed property tax for fiscal year ending 6-30-03. **Larry Haugen** seconded the motion, which passed by unanimous vote.

INTER-LOCAL COOPERATION AGREEMENT BETWEEN DAVIS COUNTY AND FARMINGTON CITY FOR THE STORM WATER UPDES PERMIT (Agenda Item #12)

Motion

Larry Haugen moved that the City Council approve the Inter-local Cooperation Agreement between Davis County and Farmington City for the Storm Water UPDES Permit, authorizing the Mayor to sign the same. **Bob Hasenyager** seconded the motion, which passed by unanimous vote.

PUBLIC HEARING: CONSIDERATION OF AMENDMENT TO DEVELOPMENT PLAN FOR FARMINGTON CREEK ESTATES, PHASE II PUD (Agenda Item #6)

David Petersen reviewed the history behind the application to have the City Council amend the development plan for Farmington Creek Estates, Phase II PUD. The original plan had been approved several years ago. It includes a small parcel of land owned by George Diument. Mr. Diument did not want his parcel included in the development which forced the developer to redesign the plans. The developer approached the Planning Commission with several changes to the development plan. When discussed in a public hearing, citizens had strong feelings against the new plan. The developer responded to the wishes of the citizens and came back with a revision, which was much closer to the original plan. Mr. Petersen discussed a chart showing the differences between the 3 plans. Mr. Petersen stated the current plan was much improved.

Mr. Petersen also rehearsed conditions suggested by the Planning Commission. Condition #9 placed of the development by the Planning Commission stated the developer shall comply with the existing Development Agreement regarding obtaining a conditional letter of map revision (CLOMR) or letter of map revision (LOMR) from the Federal Emergency Management Agency (FEMA), thus removing the flood plain designation from the entire subdivision. Mr. Petersen explained how different culverts in the area needed to be upgraded in order to receive the required documents. He also mentioned that obtaining the letters may take a great deal of time and may not be done until after the developer is ready to proceed with Phase II.

Public Hearing

Mayor Connors opened the meeting to a public hearing.

Debbie Wilcock (716 South 650 West) stated she did not receive notification for the public hearing during the Planning Commission consideration of the agenda item. Ms. Wilcock stated the back of her property is a marshy area that may be negatively impacted by the construction of the subdivision. She wanted assurances that the drainage system currently running through her property west under the D&RG tracks would not be blocked or impeded in any way by the proposed development.

Public Hearing Closed

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

Mr. Petersen reported another citizen, Tonna Bounds, had also registered concern over the drainage system for the subdivision. The Steed Creek drainage corridor comes through the area and under the railroad track and flows to a ditch. There is a flow in the ditch even in low water years. The Planning Commission was concerned about the drainage. They recognized the flow was an off-site problem that would likely not be impacted by the subdivision, but required the developer to maintain historic flows.

David Hale stated he felt the latest plan was an improvement and commended the developer for cooperating with the nearby residents. He asked that Staff make sure the drainage system in the

area was kept in tact and that the proposed development would accommodate historic flows coming through the development from the area east of the D&RG tracks.

Motion

Susan Holmes moved that the City Council approve the amendment to the development plan for Farmington Creek Estates, Phase II PUD subject to conditions 1 through 10 of the June 6, 2003, letter from the City Planner with the addition of condition #11: the developer shall provide an acceptable upgrade to the culvert under the railroad track to prevent water backing to the area east of the D&RG tracks. **David Hale** seconded the motion, which passed by unanimous vote.

CONSIDERATION OF REVOCATION OF ABANDONMENT OF EASEMENT DOCUMENT TO NARROW OR VACATE THE REAR PROPERTY LINE EASEMENT ON LOT 203 OF PARKLAND SUBDIVISION, PLAT B (Agenda Item #7)

Mr. Petersen explained the request. He stated the property owner would like to build a detached garage on the requested vacation property. When questioned, Mr. Petersen stated that the plat design would be of benefit to the neighborhood. Since the detached garage could be

constructed at a less conspicuous location on the lot. Moreover, vacation of the easement would not affect the location of future utilities since such could be installed within City park property located adjacent to Lot 203.

Motion

Bob Hasenyager moved that the City Council approve the revocation of abandonment of easement document to narrow or vacate the rear property line easement on Lot 203 of Parkland Subdivision, Plat B. **David Hale** seconded the motion, which passed by unanimous vote.

RESOLUTION APPROVING LEASE/PURCHASE AGREEMENT WITH ZION'S BANK IN THE AMOUNT OF \$1,160,000 (Agenda Item #8)

Mr. Forbush outlined the Lease-Purchase Agreement with Zion's Bank. The "line of credit loan" provides financing for a number of projects including (1) the Fire Station expansion; (2) the Brass Comb restoration; (3) the proposed flood mitigation projects phase I; and (4) extra expense required for the Community Center/Park Improvements Projects. Most of the projects, except for the Brass Comb improvements, will be refunded by impact fees.

Susan Holmes moved that the City Council approve Resolution 2003-25 and the Lease/Purchase Agreement with Zion's Bank in the amount of \$1,160,000. **David Hale** seconded the motion, which passed by unanimous vote.

REVIEW OF COMMUNITY CENTER COLOR BOARD/REVIEW OF BID ALTERNATES (Agenda Item #9)

Denis Butler (Community Center architect) reviewed choices regarding flooring, doors, wall colors, carpet, etc, for the new building. He showed samples for the basic interior color scheme and made recommendations. By consensus, the City Council approved what was being suggested.

RECONSIDERATION OF ZONING TEXT CHANGE TO PERMIT SMALL AUTO SALES IN BR ZONE AS REQUESTED BY DON HOKANSON AND ALTERNATIVE COURSES OF ACTION (Agenda Item #10)

The applicant was not present. The agenda item was deferred until a future meeting.

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

David Hale moved that the City Council approve the following items by consent as follows:

18. Declaration of Surplus City Equipment/Authorization to Sell the same.

19. Approval of Agreement with Somerset Homeowners Association Pertaining to Open Space Maintenance. This item was discussed previously with the City Council. The City received a grant from the State to finish the east side of the Cherry Hill interchange as requested by representatives from the Somerset Homeowners Association. The City Council previously said the City would spend the money on the project if the Homeowners Association would maintain the improvements. The agreement formalizes the previous discussion.
20. Approval of Agreement between Farmington City and Craig Holmes, et al, regarding property line adjustment. This agreement was also discussed previously. It has been signed by Craig Holmes and others.
21. Approval of Software Maintenance Agreement with Vermont Systems, Inc. The approval includes authorization for the Mayor to sign this Agreement. It pertains to the maintenance of software which was purchased for the Leisure Services Department for sign-ups., etc.

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

**FENCING ISSUE AT BRASS COMB BUILDING WITH ADJOINING NEIGHBOR
(Agenda Item #13)**

Mr. Forbush briefly reviewed the agenda item. The City Manager received input from Alysa Revell, Mark Brezoff, and Custom Fence Company. The cost of installing the vinyl picket fence is about \$15.00 a running foot.

Motion

David Hale moved that the City Council approve the vinyl fencing for the rear Brass Comb property, adjacent to the Mark Brezoff property. **Susan Holmes** seconded the motion.

In discussion of the motion, Mr. Hasenyager acknowledged the input given by members of the Historical Preservation Committee. Their help in renovating the Brass Comb building had been very helpful. It was also noted that when members of the Committee were informed that the fence would be in the back of the building they were not as opposed to vinyl.

A vote was taken, indicating unanimous approval.

**UTAH LEAGUE OF CITIES AND TOWNS/NOMINATIONS FOR NOMINATIONS
COMMITTEE (Agenda Item #14)**

Motion

Bob Hasenyager moved that the City Council designate Susan Holmes as the City's recommendation to participate on the Utah League of Cities and Towns "Nominations Committee." **David Hale** seconded the move, which passed by unanimous vote. Ms. Holmes indicated she was willing to serve.

LETTER FROM CITIZEN EXPRESSING INTEREST IN FIRE SERVICE STEERING COMMITTEE (Agenda Item #15)

Arlene Bettingfield had sent a letter of interest volunteering to serve on the committee. The City Council discussed the creation of the Fire Service Steering Committee. By consensus, they directed the City Manager to have the open positions announced in the City's Newsletter. City Council members were asked to give thought to names that may be of service on the Committee. It was also decided that applicants would be interviewed.

MISCELLANEOUS

Community Center Information Sign

Mr. Hasenyager suggested the City should erect a sign on the Community Center site that could give the public information regarding the new building and what it will be. This should be done prior to Festival Days.

Drinking Fountain Installation

Mr. Hasenyager complimented the Public Works Department for their rapid installation of the drinking fountain at the cemetery.

Response to Scout Letters

In response to a question by Mr. Hasenyager, Mayor Connors stated that he usually tried to write back to letter for boy Scouts regarding City issues.

Mayor Connors Pictures

It was noted that Mayor Connors needed to have his picture added to those of mayors' pictures already hanging in the Council Chambers.

ATV Use on Foothills on Private Property

The use of ATVs on the hillside has caused erosion problems. Where it has been done on private property needs to be brought to the attention of the Police Department to enforce trespassing laws. The City needs to address use of ATVs on City owned property.

Drainage Problems Near the Cemetery

Mr. Hasenyager reported drainage problems on the east side of 200 East at the Cemetery. Storm run off is not drainage properly.

Fire Hazard in the Foothills

Susan Holmes reported a concern by Dick Shipley that the Fire Department does not have immediate access to parts of the foothills should a fire start in that area. Developers have closed off access to the foothills in part of south Farmington. Mr. Forbush agreed to speak with Fire Chief about this.

Scooter Road Safety

Larry Haugen asked that the Police Department enforce laws limiting the use of motorized scooters on public roads. A safety problem exists. It would also be helpful to inform the public of the laws through an article in the City's Newsletter.

City Museum Near Completion

Mr. Forbush reported the Museum is nearly completed. He asked Council members if they wanted to approve an increase in funding in order to repair wiring in the building. The foundation plaster also needed to be redone. At some future point, the doors will also need to be replaced. Mr. Hasenyager commented that if the City will be housing irreplaceable items, the building should be as safe as possible. Mr. Haugen also felt there should be a security system installed. By consensus, the City Council approved.

Community Planning and Information Committee for EIS Review on Legacy Highway.

The Army Corp of Engineers had invited the City Council to send representatives to participate in projects being undertaken by a newly formed Community Planning and Information Committee. After discussion, David Petersen and David Hale were asked to represent Farmington on the Committee.

Garbage Collection Problems

Mayor Connors reported garbage collection problems in his neighborhood. It was evident by the response from other Council members that the problems exist in several areas of the City. Mr. Forbush stated he was aware of the difficulties and was working with the contractor to resolve the problems. If resolution cannot be found, the City may have to go with a different contractor. Mr. Forbush was directed to evaluate the collection contract to see what could be done.

ADJOURNMENT

Bob Hasenyager moved that the meeting adjourn at 9:50 P.M.

Margy Lomax, City Recorder
Farmington City