

FARMINGTON CITY COUNCIL MEETING

Wednesday, July 7, 2004

CITY COUNCIL WORK SESSION/EAST CONFERENCE ROOM

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

Mayor Connors began discussion at 6:30 P.M. Items on the agenda were reviewed and information was given Council Members to aid their considerations and decision.

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 7:10 P.M. The invocation was offered by **Susan Holmes** and the Pledge of Allegiance was led by **Margy Lomax**.

APPROVAL OF MINUTES OF PREVIOUS MEETING

David Hale moved that the City Council approve the minutes of the June 16, 2004, City Council Meeting as corrected. **Larry Haugen** 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 June 24, 2004. He covered the following items:

- T-Mobile gained the Planning Commission's recommendation to locate a cellular phone tower on City shop property. A mailing of notification had been sent to property owners, however, no public input was offered. The City Council will consider the issue on July 21st.
- There was a great deal of public concern regarding the Davis School District proposal to build a bus compound in west Farmington. Mr. Petersen stated the Planning Commission requested an opinion from the City Attorney before making a recommendation. Any decision must be accompanied by findings.

- The Planning Commission voted to approve Larry Alsup's application to construct an attached garage located at 139 East 400 North. Mr. Alsup plans to retain the historic barn and home on the property.
- Utah Power and Light requested permission to expand a translator station. In exchange, they have offered to provide a trail easement and contribute funding to the City for landscaping of the property.
- Mr. Petersen stated there were used car sales events taking place on County property, sales taxes of which should be coming to Farmington City. With the permission of the City Council the City Planner will draft a letter to the County requesting that those conducting such activities be required to obtain a business license from the City.

PUBLIC HEARING: CONSIDERATION OF ORDINANCE REZONING 2.113 ACRES ON WEST SIDE OF CHERRY HILL/U.S.89 INTERCHANGE (1218 WEST/1875 NORTH) FROM "LR" AND "A" TO "C" (THORNBLAD PROPERTY) FOR PURPOSES OF ESTABLISHING A FUNERAL HOME (Agenda Item #4)

David Petersen introduced the agenda item. The property is located on the corner of 1218 West 1875 North next to an LDS Church building. The property was within an area that had been studied for General Plan amendment for months. It is currently considered for mixed use zoning. It was suggested that a reverter clause be attached to any approval should the funeral home not go through for any reason. Mr. Petersen suggested that approval should be granted for funeral home use only. City Staff and the Planning Commission felt that it would be fair not to charge extra application fees to the Russon Brothers over and above the fees already submitted for other possible sites. The site plan for the Thornblad property had been submitted.

Public Hearing

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

Brent Russon spoke on behalf of the Russon Brothers Mortuary. He expressed appreciation to City Staff for their help with the application. They were asking that the Thornblad property be rezoned to allow the funeral home. It was the intent of the Russon Brothers to rezone the property to the new mixed use designation once the MNU zone was approved. In deference to Mr. Thornblad and his desire to move the application along, Russon Brothers were willing to take the risk that the MNU would fit the funeral home use.

Public Hearing Closed

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

Mr. Dutson expressed his appreciation for the professionalism maintained by the Russon Brothers through the rezoning process.

Motion

Rick Dutson moved that the City Council approve Ordinance No. 2004-40, an ordinance amending the Zoning Map to show a change of zone for property located at 1218 West 1875 North from LR and A to C. **David Hale** seconded the motion, which passed by unanimous vote.

PUBLIC HEARING: CONSIDERATION OF SCHEMATIC PLAN APPROVAL OF PROPOSED SUBDIVISION ADJACENT TO 475 SOUTH STREET WEST OF 1100 WEST/MICHAEL BROWN (Agenda Item #5)

Mr. Petersen reviewed the agenda item. The applicant had applied for schematic plan approval previously but had been denied. The current plan requested fewer lots than the original. The Planning Commission recommended that in lieu of conservation land requirements for conservation subdivisions as required in Chapter 12 of the Zoning Ordinance, the applicant be required to place a deed restriction and/or conservation easement acceptable to the City on all lots in the subdivision to prevent the further subdivision thereof, and provide a trail in fee title consistent with the Farmington City Master Trails Plan on the north side of Farmington Creek away from the existing Nelson home.

Public Hearing

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

Mike Brown (208 North Kingston) stated the original reason the application was rejected was because citizens felt there were too many lots. The reason there were 8 lots on the roadway to the north was to pay for the road which the City wanted to be stubbed to the north for safety reasons. The Planning Commission requested a trail easement be placed along the creek bed to connect the system through to the Great Salt Lake.

Mr. Petersen stated that in lieu of conservation property, the City Council could require other things such as a trail easement.

Mr. Brown stated there had been several changes made in the current plan. He had reduced the number of lots and given the trail corridor. There was also a flood plain across portions of the property. Davis County would be given an easement in the area for the purposes of maintenance.

Ken Williams (344 South 1100 West) wanted to know about the stub street to the north. He wondered if the road could really go through where it was planned. He felt that it would intrude on his property and couldn't go anywhere. He expressed concern that the City and the property owners had agreed to one-acre lots. All the property owners felt good about that agreement. He felt that if this development was allowed then there could be as many as 80 lots developed. That would cause congestion and traffic problems. He also raised the issue about easements in the area which would diminish the size of the lots considerably. Doing so would set a precedent regarding lots sizes, which property owners have fought for years. The current owners are struggling to keep the lots to at least one-acre. Citizens have already accepted increased taxes, confiscated irrigation water, smaller lots, increased traffic, and noise. He strongly asked that the application be denied.

Mr. Petersen explained that the stub road to the north would connect with Mr. Williams property but from a planning perspective it would be a good thing.

Diane Williams (344 South 1100 West) presented a County map of the property. She said there was a dead zone along the northern end of the property under consideration. There is also a 50-foot right-of-way. Ms. Williams felt that the dead zone should not be included in the calculations for the lots. Without the easement the lots are even smaller.

Mr. Petersen said the easement was not a dedicated public street, but was an easement for all the property owners. He stated that the right-of-way could be included in the calculations. The easement influences the building pad but not the size of the lot. The private easement was not a City issue but would have to be resolved among private property owners.

Ms. Williams stated the Planning Commission did not address the easement issue. She felt those liking the rural atmosphere deserved to have a place in the City and should not be subjected to the high density of impending development. Several of the neighbors in the area had created a land use plan for the area, and they wanted to have the proposal considered by City officials before new developments were allowed. It was disheartening when developers purchased property solely for development when those living there wanted it left in large acre lots.

Maurine Benson (332 South 1100 West) stated she had moved to the area because of the rural atmosphere. The rural nature had deteriorated. It had become over-crowded and a traffic nightmare. The speed of vehicles was well over the posted rate of 35 mph. There had been a lot of near accidents. When roads were closed, traffic was diverted through her neighborhood. It was nearly impossible to ride horses, jog, or ride a bicycle on the streets. The quietness of the area was why people moved there. The development that had already been built in their area had changed the neighborhood from what it was. Many of the west Farmington residents built there because of open

space and the uniqueness of the area. When developments come in and build starter homes, they are not well kept. Farmington needs to protect the heritages of the City.

Dennis Oyler (property owner of 2 acres on 475 South) stated that when he and his family were first approached about annexation to Farmington City, they were told they would have utilities and a road. They were against it because of the potential of development. He could not afford the road even at \$7000 and stated the price had gone up considerably. Now Mike Brown would be receiving the benefit of the improvements and was getting a higher density than any of the neighbors wanted. Mr. Oyler felt the neighbors had been deceived.

Randy Cline (1713 Sweetwater Lane) stated he was representing the Farmington Trails Committee and appreciated the City's intent to keep the trail connection along Farmington Creek.

Ted Alexander (418 South 650 West) stated the development impacted the whole purpose for his purchase of property in the area. He felt he had been promised by the City when being annexed into the City, that the area would be kept as a rural atmosphere. The neighbors have fought developers for years. Developers have destroyed the unique character of the property. In Mr. Alexander's profession (a contractor) he had ruined such places and had made the decision to change the nature of his business because he did not want to have it happen to his neighborhood. He had been promised that the area would be kept to one-acre lots. None of the developments had been kept to that zoning requirement. Those in the neighborhood had moved there because they wanted horses and rural property. Eventually they will be run out because of subdivisions like the one being proposed. Mr. Alexander was in the process of looking for somewhere else to live because he didn't feel he could trust the Council. He hoped the City Council would stand up to developers and preserve the promises made to the existing property owners. The area being considered is near the Fair Grounds. If the development is allowed it will negatively affect the use of the Fair Grounds.

Cheryl Farnsworth (287 South 1100 West) had lived in high density subdivisions previously. When she saw 1100 West she said she fell in love with the area because of its quietness. That was the quality of life that was represented in west Farmington. She had invested time and money in her property. She wanted it to be preserved as a rural area with large acre lots. Ms. Farnsworth wanted the property to be kept as it was when she moved there. She asked that the area be kept at least in one-acre parcels. It was the last piece of rural area in the whole County. She felt the City Council were the elected officials who should represent the residents. She felt the Council should back the residents and not the developers.

Mayor Connors wanted to clarify that there were currently no zoning changes before the City Council.

Candice Oyler had bought the property 14 years prior for the express purpose of having horses there. Up until recently there had not been a lot of traffic. Now the traffic had increased dramatically. Mike Brown had told the property owners he had purchased the land to have horses

and to put a road through. Neighbors were not told it was for the development of a subdivision. There is a problem when there are a lot of houses with kids and traffic. The neighbors are paying for the road, and Mr. Brown was getting the benefit of the road while developing the subdivision against their wishes. Ms. Oylar did not want to have horse property across the street from the subdivision. She felt the property could be sold in one-acre lots.

Eileen Pitcher (2535 North 2300 East, Layton) stated that she had been Miss Davis County in 1970. She had a great interest in Farmington because it was where her ancestors came to settle. She talked about the Burkes and the Smiths. Ms. Pitcher had kept track of what was going on in the City and had discussions with City officials. Her ancestors were buried under the race track at Lagoon. She felt she had been promised by City officials that her family would be considered before changes were made in the area. She alluded to the fact that she might contact Indian Affairs because the property under consideration was an Indian burial ground. She felt strongly that the property should remain the way it is.

Glen Schimmelfennig (387 South 1100 West) was opposed to the development by Mr. Brown. He and his family had driven down 1100 West and felt it was beautiful. When a home on the street became available they purchased what they considered to be their dream home. Unfortunately, the nature of the area was changing. Farmington has a great trail system, but it isn't really important to everyone. If the trail system had been completed years ago, there would be a point to having it protected now. The small token of the trail given by Mr. Brown just would not make it worth giving up the large lots in west Farmington.

Nicole Hale (441 South 1100 West) said there have been many reasons for the opposition to the subdivision. Lagoon was one of the biggest draws of the area. However, the City needed to preserve all the gems that are in the City. West Farmington was one of those. There was development all over and that is OK because people need somewhere to live. But the City needed to draw a line. There needed to be a physical line where the urban sprawl stopped. The west Farmington area was quaint and must be protected. When there are subdivisions that do not have large animals there are divisions between neighbors. As those people come they will change the atmosphere of the large animal properties. Ms. Hale did not understand why the trail was an important issue for Mr. Brown, without the subdivision the trail could still go in. She and her neighbors were against the development. The Fire Chief stated safety was impacted negatively without the stub street. The stub street would not ensure a through street. The increase of density would impact the safety of the area negatively.

Public Hearing Closed

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

Ms. Holmes said she had lived on the west side of Farmington for 26 years. She lived there before most of the people who spoke. Development came and took out beautiful trees to make road improvements. The last year and a half Ms. Holmes had spent on a subcommittee for land use planning regarding things that property owners could and could not do with their land. Neighbors could not legally stop property owners from doing what they want to do if legally allowed. The property under consideration was zoned AE. The lots proposed are over ½ acre. They have a trail system there so that there is open space available to the public. Ms. Holmes was in favor of the road because of the danger dead-end roads pose. She felt comfortable with approving a little more density in order to get the road improvements. There will be development on the property adjacent to the area being considered. Hopefully, such development would be done according to the General Plan. Both 650 West and 1100 West are planned for major roads. They had been planned that way for years. Ms. Holmes stated that traffic in the area does speed and the City had been trying to solve that problem. It was a person's right to do certain things with his property. In west Farmington it will always be the right of property owners to own horses. The only thing west Farmington residents were promised when they were annexed was water. There were never other things promised. The current City Council cannot bind future Councils. However, there can be planning for the future such as providing for safety by improving roads and transportation needs.

David Hale asked regarding deed restrictions that could possibly be placed on developments. He suggested that wording be placed on the plat indicating that this area is considered horse property and is of a rural nature.

Mr. Petersen stated a note could be placed on a plat indicating restrictions.

Mr. Young asked for clarification regarding the requirements of the A and AE zones.

Mr. Petersen reviewed the requirements of both zones. He stated there were advantages and disadvantages on both sides of the argument before the Council. He reported that the properties in question were annexed into the City as AE. It was done to allow the property owners to development far enough to pay for road improvements. Mr. Petersen explained the waiver provision as stated in City ordinances. The wavier was to allow for compensation to the City in exchange for any open space being eliminated.

The City Manager recommended that if the City Council approved the application that they require the applicants to sign the necessary S.I.D. consent and waiver documents which would enable the improvements in the subdivision to be made by means of the Special Improvement District. Engineering and public improvements to be installed would be assessed under the S.I.D. In which case the schematic plan should give the binding clearance for the signing of the S.I.D. document and the design of the subdivision (construction drawings) which would be presented at the final approval hearing. Mr. Forbush also recommended that the applicant be required to be responsible for securing the necessary public utilities along 475 South Street, i.e., power, gas, and telephone, and to pay to the City \$2,298.29 which would be used to cover the cost of additional S.I.D. interim warrant interest

that had accrued for a period of three months. It was the City Manager's opinion that Mr. Brown should pay the interim warrant cost accrual for this time period since there would be a three-month delay in finalizing the S.I.D. It was not fair that everyone in the Special Improvement District pay the extended interim warrant interest costs. Mr. Forbush also suggested the developer provide land in fee title for the trail corridor.

Mr. Dutson stated the issues posed a very difficult decision. He was very concerned about the safety issues regarding the long dead end street and felt the north stub street would help resolve those issues. He also appreciated that Mr. Brown reduced the number of lots in the current schematic plan. Mr. Dutson stated there were also legal concerns regarding the rights of private property owners.

Mr. Young asked if it were possible to reduce the number of lots even further and still be able to fund the road improvements.

Mr. Brown said that Mr. Dixon had done the calculations. They tried to design the subdivision with fewer lots, but doing so would not pay for the road.

Motion

Susan Holmes moved that the City Council approve the schematic plan for the proposed subdivision adjacent to 475 South Street west of 1100 West as presented subject to the conditions as set forth by the Planning Commission in their letter of July 1, 2004, and on condition that the applicant secure the necessary public utilities along 475 South Street, i.e., power, gas, and telephone, and that Michael Brown, the applicant, pay to the City \$2,298.29 to be used to cover the cost of the additional interim warrant interest that had accrued for the period of three months because of the delay in finalizing, and that the developer provide fee title for the trail corridor and that the applicant follow other applicable City development policies and laws. Some of the conservation restrictions would be waived for this subdivision. **Rick Dutson** seconded the motion.

In discussion of the motion, **Mr. Hale** suggested an amendment to the motion which would restrict further subdivision of the lots and that a note be placed on the plat indicating the area was to be maintained as rural property allowing large animals. Also, that impact fees and other charges be required at the time of building permit issuance and that improvements to the lots would be assessed under an S.I.D. Both Ms. Holmes and Mr. Dutson concurred with the amendment.

Mr. Young wanted the record to reflect that the development met the requirements of the Zoning Ordinance and that the developer had considered developing 6 or 7 lots but was unable to do so because of the cost of the road improvements.

Mr. Forbush stated that whether the motion passed or not, the S.I.D. would move forward and no building permits currently under consideration would be delayed as a result of the subdivision

approval process.

Mayor Connors clarified procedural issues by explaining that the motion must pass with an affirmative vote of 4 of the 5 City Council members because of the waiver provision. Also, the City Council would have to provide findings for the record for either approval or denial of the motion.

Mr. Forbush said the intent of the motion was also to include property owned by both Ms. VanWagoner and Mr. Brown in the S.I.D. Signing of the consent and waiver documents would allow engineering to begin. This means the schematic plan is more concrete than others. The improvements on 475 South Street could be completed quickly. The other streets could be completed at a somewhat later time and should not delay work on 475 South.

Ms. Lomax called for a roll call vote: Mr. Haugen voted yes, Mr. Dutson voted yes, Mr. Hale voted yes, Ms. Holmes voted yes, Mr. Young voted nay. Mr. Young stated his opposition vote was due to that fact that he felt the City had an opportunity by ordinance to keep the lots at a minimum of ½ acre.

The motion passed by a 4 to 1 vote.

Findings

1. The motion was passed with good cause due to specific special circumstance to benefit the citizens because the neighborhood would be provided with a stub street which would eventually furnish a second access for emergency vehicles and a looped water source for fire fighting.
2. The developer will provide comparable compensation for the open space by providing a trail corridor and by reducing the number of lots below the number allowed by ordinance.
3. The developer will provide the stub street to the north giving the opportunity to create a conforming dead end street.
4. The development was not contrary to public safety interests.
5. The yield plan provided was consistent with underlying zone requirements. The developer did not maximize the allowable yield plan nor was the developer obtaining a bonus for the number of lots being developed.
6. The developer agreed to conservancy lot restrictions.

7. The developer agreed to provide land in fee title for the trail corridor.
8. The developer agreed to pay the City \$2,298.29 to be used to cover the cost of the additional interim warrant interest that had accrued for the period of three months because of the delay in finalizing the S.I.D. Doing so would mitigate the negative effect on other property owners.
9. The developer agreed to secure the necessary public utilities along 475 South Street, i.e., power, gas, and telephone.

PUBLIC HEARING: CONSIDERATION OF SCHEMATIC PLAN APPROVAL FOR SILVERWOOD ESTATES AT APPROXIMATELY 2800 WEST 2400 NORTH (NORTHWEST OF OAKRIDGE FARMS SUBDIVISION) AMERICA WEST DEVELOPMENT/RON MARTINEZ (Agenda Item #6)

Mr. Petersen introduced the agenda item. When it was originally presented to the Planning Commission the plan had some difficulties with the transportation plan. The street through the subdivision may have become a major collector connecting Kaysville with I-15. If the connection was not made, Farmington Public Works would have had to go through Kaysville to maintain the roads of the subdivision. Neither Farmington nor Kaysville were happy with that prospect. The current plan connects the roads but was designed in a winding manner which would discourage speeding traffic. The subdivision was a conservation development. A berm is planned as part of the development. The developer also provided a trail corridor through the open space. The Planning Commission had recommended approval of the schematic plan.

Public Hearing

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

Ron Martinez (developer) had taken a lot of time to design an attractive, cohesive plan that matched the needs of the City.

Randy Cline (Farmington Trails Committee) appreciated the fact that the trail was being incorporated into the design as recommended by the Planning Commission.

Rick Wyss (1442 North 1670 West) owns property just east of the proposed development. He stated he had been shown at the time of his purchase a plat map approved by the Planning Commission and the City Council. He was not opposed to development, but had some questions regarding open space and its maintenance.

Mr. Petersen stated it was planned that a home owners' association would be organized which would be required to landscape and maintain the open space.

Mr. Wyss asked about the road stubbed to the east. He stated if the road went through it would be in his front yard. He also felt the area was being developed piece meal, which was contrary to original plans. Property to the east was County property and would probably need to be annexed into Farmington before development could go forward.

Mr. Petersen stated that adjacent property owners had met and discussed transportation plans. The stub roads seemed to meet with what they were all planning and with the location of existing structures. As preliminary plans come forth, details will be confirmed.

Mr. Wyss wanted to have the stub street to the east moved further to the north and asked about the opportunity to give input during preliminary plat before the Planning Commission.

Mr. Martinez stated he wanted to leave the road where it was because he had gotten consensus from other developers.

Eileen Pitcher (2535 North 2300 East, Layton) reported she had talked to the City Manager who suggested she could write a letter requesting some subdivision in the City be named "Burke" after her Farmington ancestors.

Public Hearing Closed

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

Mr. Dutson asked about the average lot sizes proposed for the subdivision.

Mr. Petersen reported the largest lot was over 15, 000 square feet; the smallest was just over 6,000 square feet. The average was over 9,000 square feet. There were only four lots below 8,500 square feet. There were 21 lots in the subdivision.

Mr. Hale raised the concern of traffic patterns. He felt there was a concern about looping the road and connecting to 1800 South in Kaysville. He was also concerned about potential development on the Jeppson property and the need for access through that subdivision.

Mr. Petersen stated the property to the east would eventually have access coming from the east.

Mr. Hale asked if there were any agreements regarding the land with Kaysville.

Mr. Petersen stated that from a planning stand point the property should be annexed into Farmington because of transportation and other infrastructure needs.

Motion

Sid Young moved that the City Council approve the schematic plan for Silverwood Estates located at approximately 1800 West 1400 North (northwest of Oakridge Farms Subdivision) subject to the conditions set forth in the Planning Commission letter of July 1, 2004. **Susan Holmes** seconded the motion

In discussion of the motion, **Mr. Hale** asked regarding the provision of sound mitigation for the subdivision to protect residents from U.S. 89 and I-15 noise. It was agreed the issue would need to be studied before further approvals.

The motion passed by unanimous vote.

PUBLIC HEARING: CONSIDERATION OF ORDINANCE VACATING A PORTION OF THE 600 NORTH STREET RIGHT OF WAY PETITIONED BY WAYNE AND SHERIDEN HANSEN (Agenda Item #7)

Mayor Connors indicated the applicant had requested the agenda item be delayed until August 4th. He asked if anyone in the audience had come to make comment on the item. There were none.

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

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

1. Ratification of Construction Bond Agreements previously signed by Mayor Connors.
2. Award of Street Resurfacing & Road Maintenance Bid to Kilgore Paving.
3. Approval of House Rental Lease Agreement with Kathryn Fenton. The City is subleasing this house that it has a free lease on from UDOT. The home is located near the Cherry Hill interchange.
4. Authorize extension of contract deadline with Nix Construction to October 15, 2004, as requested.
5. Approval of Employee Education Assistance Application for Kelly Liptrot as recommended by the Public Works Director and City Manager.

6. Ratify approval of City Manager to add warning surface product at handicap access ramps in Tuscany Cove Subdivision. The new ADA law requires that warning surface devices or products be placed on wheel chair ramps. The City adopted its new standards after Tuscany Cove Subdivision was approved. The City will eventually be required to put these warning devices on existing handicap ramps. Hence, it was deemed appropriate to pay a little extra money so that they could be installed with the sidewalks.
7. Approval of use of Museum "Collection Policy" statement and "Declaration of Gift" form for Museum operations as enclosed.

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

ORDINANCE AMENDING CHAPTER 11 OF THE CITY'S GENERAL PLAN AND FUTURE LAND USE MAP (Agenda Item #9)

Mr. Petersen briefly reviewed the agenda item. The City Council had discussed the land use map in detail for many months. The draft included in the packet was the result of work by a citizens committee, City consultants, City Staff, and City officials. All changes suggested by the City Council had been incorporated in the draft.

A brief discussion ensued, including the following points:

- Mayor Connors felt that a more thorough mission statement should be drafted that would indicate the unique and special character of the west Farmington area intended for retail, business park, mixed use development (the Rich Haws development in particular). The statement should be written to protect and promote the area as a showcase and treasure for the City.
- Mr. Haugen noted errors made in the document regarding "Burke Lane" and "Park Lane" designations.

Motion

Larry Haugen moved that the City Council approve Ordinance 2004-41, an ordinance amending Chapter 11 of the Farmington City Comprehensive General Plan and amending the Future Land use Map related thereto by re-designating several acres adjacent to both sides of the U.S. 89 corridor from Lagoon to the Cherry Hill interchange including large portions of west Farmington with changes as discussed. Said motion includes the two points as specifically stated hereinabove. **Rick Dutson** seconded the motion.

In discussion of the motion, **Susan Holmes** expressed gratitude for all the work by City staff

and **Rick Dutson** agreed, adding many citizens had also contributed greatly. **Sid Young** stated the document was the formalization of many discussions and a great deal of effort. **Mayor Connors** stated the work had taken years of tremendous energy and effort. He would draft a new mission statement and circulate it for the consideration of the Council members.

The motion passed by unanimous vote.

ASSUMPTION OF RISK AGREEMENT WITH WOODSIDE HOMES (Agenda Item #10)

Mr. Petersen reviewed the proposed risk agreement with Woodside Homes. The City cannot allow Woodside Homes to move forward with final designs without the agreement. City Staff recommended approval of the agreement.

Motion

Susan Holmes moved that the City Council approve the Risk Agreement with Woodside Homes as presented. **David Hale** seconded the motion, which passed by unanimous vote.

DAVIS CHAMBER OF COMMERCE AGREEMENT REGARDING ESTABLISHING DAVIS COUNTY CABLE CHANNEL 17–FIRST READING (Agenda Item #11)

Mr. Forbush stated he had received some input from the Council Members. He asked for any further input to be given to him at which time he would forward it to the Davis Chamber of Commerce and the City Attorney for their review.

Ms. Holmes stated she and Keith Johnson attended a training meeting where the Cable 17 TV Station had been discussed for 3 hours. It was planned the station would be up and running by fall. There was a lot of input regarding how to organize the station and how to have cities provide their fair share of the costs. She felt there had been good work done on the project and that there had been some good marketing done. The web page of the channel was available. Keith Johnson will be the contact person for the City.

PLANNING COMMISSION MEMBER SELECTION (Agenda Item #12)

Mr. Petersen requested that the City Council designate a City Council member to serve with the Mayor, Chairman Cory Ritz of the Planning Commission, and himself to interview Planning Commission candidates for appointment to the Planning Commission. The interviews were scheduled for July 21st at 5:00 P.M. Larry Haugen accepted the assignment to represent the City Council on the review committee.

AGENDA AMENDMENT

Motion

Sid Young moved that the agenda be amended by having the City Council consider a request by Seven and Lisa Anderson ahead of Agenda Item #13. **David Hale** seconded the motion, which passed by unanimous vote.

STEVEN AND LISA ANDERSON REQUEST

Mr. Petersen explained the request. Steven and Lisa Anderson own two lots – #10 and #11 in the Oak Lane Subdivision #2. They want to build a single family home which would straddle both lots. They are requesting that the 10 foot utility easement running between the two lots be abandoned. There are no current utilities running through the easements. The easement on the outer boundaries of each lot would remain in place.

The Council discussed the possibility of combining the two lots into one, to which the applicants agreed.

Motion

Susan Holmes moved that the City Council abandon the 10-foot easement running through Lots #10 and #11 of Oak Lane Subdivision #2 on condition that the property owner combine the two lots and have them recorded as such with the County Recorder and that the house be built on the single lot. The motion included that if the two lots were not combined and the house was not built, the easement would be reinstated. **David Hale** seconded the motion, which passed by unanimous vote.

FOREST SERVICE DEBRIS BASINS WITH ASSOCIATED FOREST SERVICE SPECIAL USE PERMIT APPLICATION/LETTER FROM TIFFANY AND RICHARD STOLL REGARDING FLOOD PROTECTION AT STEVEN'S CIRCLE IN POINTE OF VIEW, PHASE I SUBDIVISION (Agenda Item #13)

The City Manager reported that the Forest Service would not fund debris basins if there was any possibility that such could be accomplished on private property. He stated a basin should be constructed in the Steven's Circle area to de-silt any run off coming down that ravine. He suggested the City work with Davis County to come to a cost sharing agreement. He asked the Council to ratify action taken by himself in submitting permit requests to get funding. He had done so earlier in order to meet deadlines. He was also asking permission to pursue development of the small basin in Steven's Circle.

Motion

David Hale moved that the City Council ratify action taken by the City Manager in filing the

Application for Transportation and Utility Systems and Facilities on Federal Lands. **Susan Holmes** seconded the motion, which passed by unanimous vote.

By consensus, the City Council approved pursuit of constructing a small basin above Steven's Circle.

Mr. Forbush gave the City Council a report regarding drainage in the area and efforts by the City to protect citizens and property. It is planned that the City would divert the flow into a basin on Parcel A, which has an existing debris basin. The owner of Lot #304 has requested the City convey part of Parcel A back to him so that he can maintain it. A ditch was planned for the area along Lots #304 and #305 to convey water. A new plan is being formulated to bring ravine flow directly into Steven's Circle instead of using the ditch along the back lot lines of Lot 304 and 305 of Pointe of View Subdivision.

After a brief discussion, **Mayor Connors** suggested City Staff may want to consider drafting a standard letter regarding what can and cannot be done on easement property. All effected property owners could then be informed and held accountable.

Ms. Holmes suggested perhaps inspections could be conducted once a year to maintain the easements protection.

REQUEST TO PURCHASE A PARCEL NEXT TO HERITAGE PARK FOR A BUILDING LOT/DAVID AND AMY BRADSHAW (Agenda Item #14)

Mayor Connors asked if the public had been notified that the City may be considering selling the parcel next to Heritage Park as a building lot.

Mr. Forbush stated he wanted to know if the City Council was open to the idea before pursuing the sale. He stated the Council had previously declared the property as surplus. There was not utilitarian use for the lot. The usability of the park would not be affected by the having the lot sold. There would be less of an effect by having the lot used as a single-family dwelling building lot than anything else. The lot could be sold for approximately \$40,000 - \$50,000.

Packet information provided further information: The City Manager had recommended that the City Council declare the parcel of undeveloped land on the northeast corner of Heritage Park as "surplus" and that the he be authorized to print a notice in Farmington's August Newsletter advertising the property for sale at a minimum acceptable bid of \$50,000. In purchasing the lot, the owner would be required to install the necessary fencing and fencing mow edge around the lot perimeter; the purchaser would be required to install utility laterals (water, sewer, and pressure irrigation) to the site; and the purchaser would be required to pay all related building permit fees, impact fees, etc. The owner would also be required to do what was necessary to adhere to the local

homeowners association requirements, to agree to become a member of the homeowners association, to pay whatever fees were required, and to follow whatever rules that were required of them by the homeowners association.

By consensus, the City Council directed the City Manager to move forward with the public hearing and give notice to the public surrounding Heritage Park regarding consideration to make the lot available for purchase as a building lot for a single-family dwelling.

DAVE DIXON'S LETTER REQUESTING ARCHITECTURAL FEE REIMBURSEMENT FOR SERVICES TO DAVID ALLEN (Agenda Item #15)

Mr. Forbush explained the agenda item. Mr. Dixon had assisted in the design of the David Allen home proposed for Main Street. The original design had been deemed inappropriate for the historic nature of the downtown area and was opposed by the surrounding neighbors. Mr. Dixon helped with the redesign at a reduced cost and had suggested the City reduce impact fees and other permit costs. The City Manager proposed the City pay Mr. Dixon \$2,600 with no implied obligation. Mr. Dixon had paid his employees to complete the work. Mr. Forbush stated that Mr. Dixon had helped resolve a problem in a manner that benefitted the neighborhood. The remaining \$1,700 requested by Mr. Dixon could possibly be obtained through refunds from the Central Davis Sewer District. The City could assist in obtaining the refund. In doing so, however, the City would not assume any obligation but would merely be aiding in the process.

Motion

Susan Holmes moved that the City Council approve payment in the amount of \$2,600 to David Dixon in consideration of his redesign work for the David Allen home and that City Staff be directed to assist in obtaining a refund in the amount of \$1,700 for Mr. Allen from the Central Davis Sewer District which would then be remitted to Mr. Dixon. **David Hale** seconded the motion, which passed by unanimous vote.

AMERICA'S NIGHT OUT AGAINST CRIME EVENT (AUGUST 3RD) (Agenda Item #16)

Mr. Forbush explained that the Farmington Police Department was hesitant about the event given the amount of work that it would take to sponsor it. By consensus, the City Council decided to postpone consideration of City involvement until next year.

TRAFFIC ENGINEERING STANDARDS AND OPINIONS RELATING TO SPEED CONTROL MEASURES AND TO CHILDREN WARNING SIGNS (Agenda Item #17)

Mr. Forbush introduced the agenda item. The packet contained Horrocks Engineering's

response to common requests made by citizens. From a risk management perspective, the City should not tamper with street signage or traffic control devices without first consulting with qualified traffic engineers. Mr. Forbush requested that the Council Members become familiar with information contained in the packet regarding the commonly requested transportation changes.

MISCELLANEOUS

Farmington Museum

Mr. Haugen reported there would be an Ribbon Cutting Ceremony open house held at the new City Museum on Friday, July 9th. Work done by citizens involved was extraordinary. Mr. Haugen felt the Museum would be a great addition to the City.

Festival Days

Mr. Dutson asked Council Members to be in attendance at the Festival Days breakfast. The flag ceremony would be held at 7 A.M. at the new Community Center. They would receive tee shirts for their ride in the parade. Mr. Dutson reviewed the schedule for the day.

Frontage Road Property

Ms. Holmes reported that property behind Ed Johnson's home was being used as a garbage dump.

Mr. Forbush stated the property should be a City project and that the Council should consider funding the project during the next fiscal year.

Newsletter printing

The Council briefly discussed the possibility of finding a printer who would give the City a quicker turn around for the *Newsletter*. In the meantime, Ms. Holmes asked that all information for the *Newsletter* be submitted by the 16th of the month.

[Mr. Haugen left the meeting at 10:40 P.M.]

New City Staff position

Mr. Forbush, the Mayor, and Council members briefly discussed the need for more help in the City offices. Mr. Forbush stated there were challenges regarding office space and job descriptions, but that he was moving forward with the project.

600 North Bridge

Mr. Forbush reported on the progress made on the new bridge. He stated the Mayor had requested UDOT finish the project before Festival Days. He was hopeful that would happen but there were no promises made. There had been a suggestion that a ribbon cutting ceremony take place for the new bridge on August 21st.

Murri Construction Equipment Damage

Mr. Forbush stated that the City Attorney felt the City had no obligation to pay the damages of the equipment and materials experienced by the Murri Construction company when Public Works officials responded to the mudslide on April 6th. The materials and equipment were blocking access by emergency vehicles. He suggested the company be contacted and that there be an offer made that the City would split the costs with the construction company.

Meeting of the Personnel Committee

Mr. Forbush requested there be a meeting of the City Council Personnel Committee, consisting of Mr. Young and Mr. Hale. He would call and arrange a time.

CLOSED SESSION

David Hale moved that the City Council adjourn to closed session for the purpose of discussing strategy pertaining to pending litigation and the performance of an individual as allowed by law. **Susan Holmes** seconded the motion, which passed by unanimous vote. The Council adjourned to closed session at 10:50 P.M.

ADJOURNMENT

At 11:05 p.m. a motion to go back into open session was made by **Susan Holmes**. The motion was seconded by **Sid Young**. The motion passed unanimously.

There being no further business and upon motion by **David Hale** to adjourn, the meeting was adjourned at 11:05 p.m.

Margy Lomax, City Recorder
Farmington City