

FARMINGTON CITY COUNCIL MEETING

Wednesday, July 10, 2002

CITY COUNCIL WORK SESSION/EAST CONFERENCE ROOM

PRESENT: Mayor Connors, Council Members Hale, Hasenyager, Haugen, Holmes and Johnson, City Manager Forbush, City Planner Petersen, and Deputy Recorder Chipman.

The City Council began their work session with a tour of the new Public Works/Leisure Services Building at 6:00 P.M. They arrived at the City Offices at 6:45 P.M. and briefly discussed the following items:

- Increasing culinary water rates had been discussed during public hearings in conjunction with the budget hearings. However, the City Council decided to open the issue again for a special public hearing in order to provide ample time for citizen input.
- David Griffin's request for approval of lots less than two acres off a non-conforming street would be considered during the regular Council meeting. The Fire Chief had responded that he was in favor of the development because it would bring water to the area which at present has no fire protection. Access roads were considered.
- The City Council would be considering the certified tax rate during the regular session.

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, Edward J. Johnson, 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 David Hale and the Pledge of Allegiance was led by Margy Lomax.

APPROVAL OF MINUTES OF PREVIOUS MEETING

The minutes of the June 12, 2002, regular City Council Meeting were read and corrected. **Larry Haugen** *MOVED* to approve the minutes as corrected. **Susan Holmes** seconded the motion. The voting was unanimous in the affirmative. Ed Johnson abstained due to his absence during the June 12th meeting.

Minutes of the special City Council meeting held June 24, 2002, were considered. Mr. Forbush was asked to add information regarding the informal review of a proposed minor

change to the Farmington Greens, Phase I, plat as presented by Jerry Tulley who showed up at the beginning of the Special meeting. **David Hale** *MOVED* to approve the minutes with additions as suggested. **Larry Haugen** seconded the motion, which passed by unanimous vote.

REPORT OF PLANNING COMMISSION (Agenda Item #3)

David Petersen reported proceedings of the Planning Commission meeting held June 24, 2002. He covered the following items:

1. The Planning Commission granted temporary use approval to allow a three-day car sale in the parking lot of K-Mart. It was not known whether or not the sale was successful.
2. The Horton Bourne family is planning to restore their property to a working farm for their family. The Planning Commission approved a height variance for the new barn.

PUBLIC HEARING: CONSIDERATION OF RESOLUTION INCREASING CULINARY WATER RATES (Agenda Item #4)

Mayor Connors introduced the agenda item. The increase in culinary water rates had been discussed in public forum during the budget public hearings. The budget process had taken several months of work, and the Council had approved a tentative budget including the water rate increase. However, the Mayor and City Council wanted to be sure that citizens had ample opportunity to express their concerns regarding the culinary water rate increase, therefore a special public hearing was being conducted. The Council was interested in gathering as much input as possible.

Max Forbush explained in detail the changes in the culinary water rates for the City, including the reasons behind the changes. Proposed increase would bring revenues in line with expenses. The 2002 budget saw a \$48,000 deficit. Mr. Forbush stated the percentage of increase was the same for residential, commercial, and Lagoon. Most residential users average 7000 gallons per month. He discussed a chart comparing Farmington charges with nearby communities.

Mayor Connors opened the issue to a *PUBLIC HEARING*.

Kay Ortin (139 North Main Street) had lived in Farmington for 16 years. She objected to the water rate increase and felt that reasons given for the increase were invalid. She also complained about the taste of the water, citing what she thought were additives as the reason for the decrease in culinary water quality. She felt if the meters were going to be read automatically in the future, that would eliminate personnel and thus save money, thus showing another reason the rates should not be increased. Ms. Ortin was also strongly opposed to fluoridation and felt that the issue would be reintroduced during the up-coming November elections and be defeated. Therefore, she felt public money should not be spent fitting the water system for fluoridation. She stated that residents of

Davis County are against prescribed drugs in the water. Ms. Ortin felt that the economy is no longer in an inflationary period where money could be spent freely. The economy is currently in a recession and therefore public officials need to be like everyday citizens and cut back. She stated that her City bill is the highest utility bill she pays.

With no further forthcoming public comments, **Mayor Connors** *CLOSED* the public hearing and responded to Ms. Ortin's concerns about fluoridation. Farmington City is under edict from the Davis County Health Department to move forward with plans to fluoridate the water.

Mr. Forbush commented that the City had requested and was granted an extension regarding fluoridation until September. The City had no choice but to go forward at this time. He also stated that the automated meter reading system would only effect about half of the City for some time to come. It would take time to convert the City's entire culinary water meter system to automation.

Mayor Connors reported that within City limits the vote for fluoridation was 58 percent in favor, 42 percent against. Therefore, the majority of citizens in Farmington did want to have the water fluoridated. The vote indicated a political mandate according to the vast majority of Farmington citizens, regardless of the County Health Department mandate.

Max Forbush said that much of the work needed for fluoridation had already been completed.

After a brief discussion by the Council, **David Hale** *MOVED* to approve Resolution 2002-31, a resolution amending and increasing the residential and commercial culinary water service rates charged by Farmington City for culinary water service. **Larry Haugen** seconded the motion.

In discussion of the motion, **Mr. Hasenyager** expressed his concern that there was a chance that the November revote may defeat fluoridation. He wanted to know if there was any way another extension could be obtained until after the election.

Mr. Forbush said he would inquire about another extension. He also stated that if Weber Basin Water Conservancy District decides to fluoridate the water, there will be no other choice but to have fluoridated water.

Mr. Johnson cautioned that inquires should also be made regarding possible cost increases incurred if a delay is imposed.

Susan Holmes stated there may be some cost associated with cancellation if the City had a contract, verbal or otherwise, with the contractors doing the work for fluoridation. That also needed to be checked.

Larry Haugen stated that he hated to increase taxes or water rates but the citizens needed to realize that the City is in a position that its revenues do not meet expenses and that the City must work together to keep Farmington what it is. Citizens and City Officials need to work to make Farmington the best that it can be.

The Mayor stated that officials had worked hard to minimize costs to keep the increase as low as possible, especially for fixed and lower income residents. He called for a vote on the motion, which was unanimous in the affirmative.

RESOLUTION APPROVING LOTS LESS THAN TWO ACRES IN SIZE OFF A NON-CONFORMING STREET (SHIRLEY RAE DRIVE) - DAVID GRIFFIN (Agenda Item #5)

David Petersen reviewed the agenda item for the Council. Shirley Rae Drive is a non-conforming street which was constructed prior to 1991. Aerial photos taken in 1982 clearly show it existed at that time. When considering Mr. Griffin's request, the Planning Commission saw benefits for the area by allowing the subdivision to go forward because the development would bring water to an area that currently has no fire protection. Mr. Petersen reported the City attorney had reviewed the resolution under consideration and saw no problems. There were some typos in the resolution that would be corrected. It was important to consider approval of the resolution at this point because it will allow Mr. Griffin to move forward with his final plat request.

Mayor Connors inquired about set back requirements for lots 4, 5 and 6, which all have double frontages. He felt there should be requirements for the rear of those lots in consideration of the major collector road (1100 West) which would be improved at some point in the future.

Mr. Petersen concurred and said that there would be a 30 foot rear set back for those lots. Fencing and other conditions for the 1100 West frontage of lots 4, 5, and 6 could be considered during final plat approval.

Susan Holmes *MOVED* to approve Resolution 2002-32, a resolution approving the extension of Shirley Rae Drive into the proposed Griffin Subdivision located in Farmington City, Utah, with the following change: The original Section I, B was deleted and replaced with:

2. The property owner shall comply with all conditions of preliminary plat approval for any portion of the property described in Exhibit A.

David Hale seconded the motion, which passed by unanimous vote.

Council Member Hasenyager and others expressed concern about the potential for a second access from the end of Shirley Rae Drive. It was pointed out that in fact there was a dirt roadway in place from the cul de sac north along the dedicated 1100 West right-of-way to a point where it

turned east into Candland Olsen's development (Farmington Creek Estates). There is a gap of undedicated street from 1100 West east about the depth of one building lot to the fully dedicated and improved subdivision street in Farmington Creek Estates which does provide a second access except it is not dedicated and not improved. Under a future phase, the one-lot depth street will be dedicated and improved. In the meantime, City staff was instructed to request a temporary right-of-way easement across this parcel and to improve the driveability with road base if Mr. Olsen grants the easement.

ADEQUACY OF ■REQUEST FOR PROPOSAL• DOCUMENT FOR SALE OF CANNON (Agenda Item #6)

Mayor Connors stated major reasons the Council had decided to sell the cannon, including the fact that it was not the ■pioneer• cannon originally thought and that the proceeds from the sale would greatly aid the establishment of a Farmington museum. The cannon is a Civil War cannon and should be preserved in an appropriate manner.

The Council discussed the issue briefly, including the following points:

- Bidder should be given adequate time to consider their options and respond.
- Since the cannon did become a part of more recent Farmington history, a replica would be a benefit to the City.
- By consensus, the Council directed Mr. Forbush to move forward with the bid process and to ask for a replica from the purchaser.

POSITION CLARIFICATION REGARDING COUNTY DEMOLITION OF RED BARN SOUTH OF JUSTICE COMPLEX (Agenda Item #7)

Mr. Petersen reported having met with County Officials and interested citizens regarding the Red Barn south of the justice complex which may be in danger of demolition at the time the County expands the complex. The trail system in the area is very close to the historic barn, which may be an amenity if properly restored for safety. Several options were discussed in the meeting with the County. Mr. Petersen said if the building was to be reinforced, it would be good to do it before construction begins. Heavy construction nearby may negatively impact the old structure.

By consensus, the Council decided there should be an effort to explore possibilities of preserving the building, especially since it would not impede the justice complex expansion and because it could be a benefit to the trail system.

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

Larry Haugen *MOVED* to approve the following items by consent as follows:

- 8-1. Approval of May's Disbursement List.
- 8-2. Approval of the culinary water reservoir change order as presented by CRS Engineers.
- 8-3. Approval and authorization to increase final budget on Capital Streets Budget by \$5,000 to accommodate a more thorough traffic calming plan for the upcoming Master Transportation Plan update. These costs will not be paid out of the General Fund, but will be paid out of the Transportation Impact Fees.
- 8-4. Reverse previous City Council decision regarding speaker location for summer play. Previously the City Council wanted the speakers pointing away from property owners south of Woodland Park. Susan Holmes has been in touch with JoAnn Callahan and Mr. Wheelwright, the sound person, and evidently it is impossible to do what the City Council asked at a previous City Council meeting.
- 8-5. Approval of Public Improvements Extension Agreement between Farmington City and Charles and Debbie Wilcock as enclosed.
- 8-6. Approval of Benefit Protection Contract between the Utah Retirement System and Farmington City. This contract poses no economic concern to the City. It simply permits the Utah Retirement Board to continue giving time-of-service credit to any employee who may become disabled during the time of his temporary or permanent disability.

The motion was seconded by **Ed Johnson**. The vote was unanimous in the affirmative.

UDOT CORRESPONDENCE REGARDING CHERRY HILL INTERCHANGE POSITION, U. S. 89 SOUTHBOUND OFF RAMP REQUEST AND POSSIBLE RESPONSE, PUBLIC OPEN HOUSE EVENT ABOUT U.S.89 IMPROVEMENT ON THURSDAY, JULY 18, AT 5:00 P.M. (Agenda Item #9)

Mr. Forbush reviewed the agenda item regarding the Cherry Hill Interchange. A meeting between City officials and UDOT officials regarding a line-of-sight problem at the intersection of Northridge Road and the Mountain Road was discussed. Recommendations by UDOT were reviewed. The safest and best way to improve the intersection was to create a three-way stop. UDOT will pay all costs for this project.

Susan Holmes *MOVED* to approve the Cooperative Agreement between the City and UDOT related to funding for the relandscaping in and around the brick house and the landscaping of the corner requested by the home owners' association. **Larry Haugen** seconded the motion, which passed by unanimous vote.

Mr. Forbush summarized UDOT plans for extension of the Legacy Project along U.S. 89 to the Cherry Hill interchange. As indicated in packet material, the City Council had invested a substantial amount of funds to encourage UDOT to install a tunnel for better traffic circulation under U.S. 89 between Burke and Shepard Lane. As reported, UDOT had said they would not fund a tunnel but would look very closely at permitting an off-ramp south of Shepard Lane in the southbound lanes that would connect to the Burke Lane interchange. Recent correspondence from UDOT indicated they would not permit the direct off ramp, but were planning to construct one-way frontage roads that would provide an indirect connection to the interchange.

Prior to City Council meeting, the Mayor and City Manager with area developers, had met with UDOT officials to express displeasure over the current plan. However, according to Mr. Forbush and the Mayor during this meeting with UDOT, it seemed UDOT officials were beginning to better understand the urgent need for the City to have direct access to the Burke Lane interchange. City officials were somewhat encouraged by UDOT officials' indications that they may conduct further studies. By consensus, the City Council decided to spend \$2,000 more for Horrocks Engineers to review all UDOT studies as they pertain to the issue of denial of the southbound direct access and to promote the City's traffic solution preference for the area. The money will come from impact fees.

Mr. Forbush also informed the City Council of the public open house regarding U.S. 89 improvements to be held at Knowlton Elementary on Thursday, July 18, beginning at 5 P.M. It was important the Council Members attend.

SETTING OF PUBLIC HEARING TO RESOLVE ALLEN/NEBEKER ACCESS TO FOREST SERVICE LAND ISSUE (Agenda Item #10)

Mr. Forbush briefly reviewed the issue regarding public access to Forest Service land east of the City through the Hughes Estates property. August 21, 2002, was tentatively set as the date for a public hearing regarding the issue.

SCHEDULING DATE FOR WORK SESSION FOR UTOPIA PROPOSALS (Agenda Item #11)

By consensus, the City Council approved a two-hour work session on September 4, 2002, beginning at 4:00 P.M. to discuss issues regarding UTOPIA proposals. The **Mayor** suggested that an ad hoc committee be organized to help evaluate UTOPIA proposals. The City Council agreed. They are to come with names of individuals who may wish to serve on such a committee to the City Council meeting.

CONCEPTUAL APPROVAL/SCHEDULE OF UPCOMING BOND ELECTION (Agenda Item #12)

Mr. Forbush briefly reviewed the time line for the Bond Election action items.

David Hale *MOVED* that Zion's Bank Public Finance department be Farmington City's fiscal advisors regarding the Bond Election issues and that Ballard Spahr be appointed to be the City's legal consultant. **Larry Haugen** seconded the motion, which passed by unanimous vote.

Mayor Connors reported meetings held by the South Davis County mayors wherein Bountiful's Mayor Johnson has indicated his city would like to build a new recreational center that would function as a County-wide facility. Ideas for funding could include requesting that Davis County participate.

Mr. Forbush referred to a Bond Election issue fact sheet included in the packet and asked for Council input to be gathered during the next City Council meeting.

CLARK LANE FAILURE ISSUES BETWEEN SCHOOL DISTRICT AND FARMINGTON RANCHES DEVELOPERS/SCHOOL IMPACT FEE ISSUES (Agenda Item #13)

Mr. Forbush briefly reviewed the agenda item and requested Council direction regarding a draft response letter included in the packet. The letter had been reviewed by the City attorney. By consensus, the Council approved the letter.

MISCELLANEOUS

Farmington Festival Days Parade/Mayor and Council participation

The Council members were asked to meet before 10 A.M. on Saturday, July 13, at 4th North and Main Street to ride in the Farmington Festival Days parade. T-shirts were being provided by the Festival Days Committee. The Council will not be riding on the Fire Engine. The Committee will provide cars.

Appreciation Night for Volunteers/Employees, August 15th

The Council decided they would like to serve the dinner during the City's appreciation night as a gesture of thanks for volunteers and employees. The event will be held at the City's swimming pool.

Chamber of Commerce Survey, Input requested

Mr. Forbush asked for Council input regarding a sample chamber of commerce survey which could be provided business owners at the time they apply for business licenses.

Susan Holmes written report regarding Utah League of Cities and Towns

Ms. Holmes's report of her attendance at the Utah League of Cities and Towns was included in the packet for the evening.

Strategic Plan Update

Mr. Hasenyager expressed concern that plans and action items discussed at the beginning of the year be continued. Issues especially regarding economic development in the City were pending and the Council should follow up by gaining more information and education for the sake of the City.

Mr. Forbush said he would include information regarding the City's Strategic Plan in the next meeting's packet.

City Council Picture

A picture of the City Council members will be taken July 17th at 6 P.M. Council members decided to dress in a somewhat formal manner.

City to honor Rick Robinson

Larry Haugen reported that Mr. Robinson, who had done a great deal of work on City trails, recently learned that he has cancer. Mr. Hale and Mr. Haugen will suggest a way to honor Mr. Robinson during some upcoming City Council meeting.

Certified Tax Rate

Bob Hasenyager *MOVED* to approve Option A of the Certified Tax Rate presented by the City Manager wherein the tax rate was set at .002160. **Ed Johnson** seconded the motion which passed by unanimous vote. It was noted that the rate was lower than the 1994-95 certified tax rate.

City Manager Reports.

Mr. Forbush reported the following:

- A water flow feeding Farmington Pond had been dammed by children to create a swimming hole. Public Works crews had unplugged the dam and the pond was being supplied water as agreed in previous discussions with the Department of Wildlife Resources.
- Gregg Fager had been asked to sign a General Release and Settlement upon the City's offer to contribute \$200 towards repair of damaged sod. Mr. Fager had rewritten the settlement. Mr. Fager's draft was unacceptable to the City.

- Mr. Forbush reviewed the letter from Creekside Land Development LLC, requesting re-payment by the City for funds advanced for the Shepard Heights water reservoir. Mr. Forbush said he will be very careful about issuing any repayment until the City is assured all of its costs for correcting warrantee items are covered. Creekside has defaulted on its loan to Barnes Bank. The City is using its loan obligation to Creekside (estimated \$107,000) as a bond for warrantee on the public improvements.
- Mr. Hirst, City Engineer, sent a letter along with a check donating funds to the Festival Days breakfast.
- The west Shepard Lane improvement project was reviewed by the City Manager. The engineer's estimate exceeds available funds by \$85,000. Max Forbush indicated there was unappropriated RDA funds available for the extra cost. He also recommended funding traffic calming devices through transportation impact fees; asking Oakridge Country Club to pay the costs of modifying their entrance to enhance safety; and to delay improving the north side of Shepard Lane west of the Oakridge Country Club entrance since that area already has sidewalk and curb and gutter although the sidewalk is 4 feet wide and not the planned 6-foot width. By consensus the Council approved the recommendations.

Committee Members for Ad Hoc Committees

The Mayor and Council discussed possible names for inclusion on the two County councils formed by the County Sheriff. They also considered members for an ad hoc committee which would be asked to evaluate the UTOPIA proposals. He asked Council Members to supply names at the next City Council meeting.

Agenda item for joint meeting with School District and County Officials

The Mayor asked Council members for ideas regarding items to be included in the agenda for the City's joint meeting with the School District and Davis County Officials. Suggestions should be submitted during the next City Council meeting.

ADJOURNMENT - **Bob Hasenyager** *MOVED* that the meeting adjourn at 10:40 P.M.

Margy Lomax, City Recorder
Farmington City