

FARMINGTON CITY COUNCIL MEETING

Wednesday, July 21, 2004

CITY COUNCIL WORK SESSION/EAST CONFERENCE ROOM

PRESENT: Mayor David M. Connors, Council Members Richard Dutson, David Hale, Larry W. Haugen, Sidney C. Young, City Manager Max Forbush, City Planner David Petersen, and Deputy Recorder Jeane Chipman. City Council Member Susan Holmes was excused.

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

Agenda Item #7—consideration of schematic plan approval for six-lot subdivision adjacent to 475 South Street and 1100 West. Council Members expressed their concern regarding many west Farmington residents who wanted to keep the area as rural as possible. Many residents had expressed discouragement at the inevitable growth in the area. The Council felt, however, that as City officials they were working hard to control development in a way that would be fair to property owners, existing residents, and the community of Farmington at large.

Agenda Item #6—consideration of rezone application submitted jointly by Farmington City and T-Mobile to rezone property at 286 South 200 East from “LR” to “A” to accommodate the location of a Telecommunications Cell Tower. Mr. Petersen mentioned the packet was in error since the applicant was solely T-Mobile. Farmington City was the property owner. Representatives from T-Mobile would not be in attendance at the meeting. It was stated there may be discussion of possible development on Gunter Popp’s property and the tower’s possible negative visual impact on the Popp property.

Agenda Item #8—consideration of schematic plan approval for 3 lots subdivision near Fruit Heights boundary east of Somerset Farms. Council members discussed the pros and cons of requiring the developer to provide a parking trail head as originally called for in the Trails Master Plan. There was concern expressed that the developer may feel the expense excessive in light of his other concessions. The development was beneficial to the City because of the road connection with Fruit Heights that would be provided.

Agenda Item #17—Appointment of new Planning Commission Member. Mayor Connors reported there had been four very qualified applicants for the vacant position on the Planning Commission, and the decision had been difficult. He felt that in the end the decision had been a good one and that the other applicants should be offered other opportunities for service in the City.

Agenda Item #19—request to establish EDA project on Haws Development. Mr. Haws would be present to give information regarding the possible establishment of an EDA to help fund infrastructure on the Haws Development in west Farmington. An EDA is somewhat different than the RDA projects already created by the City.

REGULAR CITY COUNCIL/CITY CHAMBERS/CALL TO ORDER

PRESENT: Mayor David M. Connors, Council Members Richard Dutson, David Hale, Larry W. Haugen, Sidney C. Young, City Manager Max Forbush, City Planner David Petersen, City Recorder Margy Lomax, and Deputy Recorder Jeane Chipman. Council Member Susan T. Holmes was excused.

Mayor Connors called the meeting to order at 7:05 P.M. The invocation was offered by **Rick Dutson** and the Pledge of Allegiance was led by **David Spencer**, a Scout in Troop 1365.

APPROVAL OF MINUTES OF PREVIOUS MEETING

Larry Haugen moved that the City Council approve the minutes of the July 7, 2004, City Council Meeting as amended. **Rick Dutson** seconded the motion. The voting was unanimous in the affirmative.

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

Cami Harbertson has had a great experience with the service-oriented scholarship program run by the Miss Farmington Pageant and placed among the top 8 in the service category during the Miss Utah Pageant. She expressed appreciation for the opportunity she had to travel to Equador in March of 2004 with the support of the community. She was able to contribute to the welfare of the people of Equador because of the trip. Ms. Harbertson introduced Staci Bell, the new Miss Farmington, who would be working with the Red Cross to increase awareness of the need for blood donors.

Mayor Connors congratulated Ms. Harbertson for the fine work she had done during the year and thanked her for being such a great representative of Farmington City.

Staci Bell stated she felt it was a privilege to represent Farmington. Her service platform was to work with the Red Cross regarding blood donations. There were 400 pints of donated blood needed in Utah each day. Her goal was to educate and make people aware of the need for the donations. She distributed donation pledge cards to each Council Member and asked that they consider becoming donors.

Rick Dutson stated it was a pleasure to work with Ms. Harbertson during the last year. He was impressed with the caliber of young women in Farmington. He stated that they were a good group of youth who focus on service.

REPORT OF PLANNING COMMISSION (Agenda Item #4)

David Petersen reported proceedings of the Planning Commission meetings held July 13th and July 20th. He covered the following items:

- The Planning Commission tabled Symphony Homes' request for a recommendation to rezone 16.39 acres located at approximately 275 South 1100 West from A to AE, and a recommendation for schematic plan approval for a subdivision related thereto to allow time for the developer to prepare an acceptable schematic plan.
- The Planning Commission recommended that the City Council approve the request for a recommendation for schematic plan approval for a proposed six-lot subdivision located on the northwest corner of 475 South and 1100 West in an AE zone.
- The Planning Commission tabled consideration of a recommendation to amend the General Plan by redesignating several acres in southwest Farmington from "RRD" to "AG" and to further add to, or change, any related text in the Master Plan until the Planning Commission could review a report from Bear West (City consultants) regarding their revision of Chapter 10, at which time appropriate notification would be posted and public hearings would be conducted.
- The Planning Commission tabled the request for a recommendation to amend the General Plan on property located west of I-15, south of Shepard Lane, east of the old DRG&WRR tracks at approximately 950 North from Rural Residential density (RR) to Low Density Residential and to rezone the same property from A to LR until an acceptable schematic plan could be submitted for review. Mr. Petersen stated the land was a potential receiving area for the SAMP. He also indicated there needed to be a certain level of density in order to fund the needed road improvements through the area.
- The Planning Commission denied the Davis County School application for conditional use and site plan approval to establish a bus compound located at approximately 500 South Glovers Lane in an AE zone. The School District has 15 days in which to appeal the action to the City Council.
- The Planning Commission granted conditional use approval and site plan approval to construct a building for the Division of Motor Vehicles (DMV) located approximately a block west of 200 West at 200 South in a BP zone.
- The Planning Commission granted conditional use approval for a multiple family residential development consisting of 161 condominiums on 11.437 acres located at approximately 850 North Shepard Creek Parkway in a C zone. The request had been

tabled in previous meetings due to problematic consent issues. All involved parties had met and resolved the issues to the point that the project could move forward. Mr. Mazaran did not give a legal opinion regarding the consent issues. A compromise regarding density allowed the developer to go as high as 14 units per acre. There will be not rental units in the phase under consideration. The Developer was required to submit a drainage plan by August 26, 2004.

- The Planning Commission recommended that the City Council amend the Subdivision Ordinance regarding street cross section standards.
- The Planning Commission accepted the first draft of the Transportation Oriented Development ordinance for study.

PUBLIC HEARING: CONSIDERATION OF REZONE APPLICATION SUBMITTED BY HOWARD KENT TO REZONE 7.06 ACRES (MCKITTRICK PROPERTY) LOCATED AT THE SOUTHWEST CORNER OF BURKE LANE AND 1525 WEST FROM "A" TO "AE" AND TO CONSIDER APPROVAL OF SCHEMATIC DEVELOPMENT PLAN ON THE PROPERTY (Agenda Item #5)

Mr. Petersen introduced the agenda item. One piece of the property east of the rail road track remained under A zoning designation at the time of annexation into Farmington City. To complete the development of the larger parcel, the developer requested that the piece zoned A be rezoned AE. Mr. Petersen reported that the Planning Commission was not totally satisfied with the transportation plans in the south end of the development.

Public Hearing

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

Howard Kent (applicant) stated he had no comments but would be available for questions.

Public Hearing Closed

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

Sid Young asked if the traffic engineers had reviewed the project and were satisfied that transportation needs were being met.

David Petersen stated the project had been reviewed by Horrocks Engineers, and they had accepted the plans as being adequate. Timing for the road construction would work with the project.

The development would be participating in the improvements of a new road going north and south to reduce traffic load on existing roads.

David Hale raised a concern about ensuring that the road system would carry traffic south and reduce congestion on Shepard Lane, especially in light of the fact that this development would add significant traffic load to the area, to which Mr. Petersen responded in the affirmative.

Sid Young wanted clarification regarding the rezone of the “stranded” piece of land on the east side of the railroad tracks.

David Petersen stated the “stranded” piece would allow the developer more property for calculation in the yield plan and would in turn provide more open space. The “stranded” piece would have a conservation easement over it.

Motion

David Hale moved that the City Council approve an ordinance amending the zoning map to show a change of zone for property located on the southwest corner of Burke Lane and 1525 West Street from zone A to AE. **Rick Dutson** seconded the motion, which passed by unanimous vote.

David Hale moved that the City Council approve the schematic plan for a subdivision on the McKittrick property located primarily west of the old Denver & Rio Grand Western railroad tracks subject to establishing a more acceptable connection to the Howard Ford property located near the southeast corner of the site as indicated by the Planning Commission recommendation dated July 2, 2004. **Rick Dutson** seconded the motion, which passed by unanimous vote.

PUBLIC HEARING: CONSIDERATION OF REZONE APPLICATION SUBMITTED JOINTLY BY FARMINGTON CITY AND T-MOBILE TO REZONE PROPERTY AT 286 SOUTH 200 EAST (OLD CITY SHOP SITE) FROM “LR” TO “A” TO ACCOMMODATE THE LOCATION OF A TELECOMMUNICATIONS CELL TOWER (Agenda Item #6)

Mr. Petersen briefly reviewed the agenda item. The Planning Commission recommended approval.

Public Hearing

Mayor Connors opened the meeting to a public hearing.

Matt Leavitt (386 North 3425 West, West Point) stated he was representing Gunter Popp, who had a desire to develop his property located near the proposed tower site. Mr. Popp’s first choice was to have the old home currently existing on the property removed. However, City officials had strongly suggested looking into the historic preservation of the home. Mr. Leavitt said the

location of the cell tower so near the Popp property would seem inconsistent with the preservation of historic property.

Mayor Connors inquired if Mr. Popp were actually serious about the development of the property. There had been rumors of development for many years.

Mr. Leavitt stated he felt that Mr. Popp's intent to develop was sincere.

Public Hearing Closed

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

Mr. Young inquired about the notification process. He asked how many property owners had been notified about the proposed tower and related public hearings.

Mr. Petersen listed those notified, which included all property owners within 300 feet of the tower site according to information provided by the applicant. He stated that the applicant was T-Mobile and that the City was not a co-applicant as had been indicated in the packet. The City was the property owner. Mr. Petersen also stated the City Council had no ordinance requiring public notification. Notification was done by the City Council as a courtesy. The Planning Commission did have an ordinance requiring notification of property owners within 300 feet of the property boundary.

In discussion by City Council Members, there was a question as to whether or not the notification covered legal requirements when done for the Planning Commission. Was the notification from 300 feet from the boundary lines, or just from the construction site?

Mr. Petersen stated that it was the burden of the application to supply names and addresses of property owners within the 300 foot limit. If there was a question, then the public hearings are usually done over again.

Motion

Larry Haugen moved that the City Council table consideration of an ordinance amending the Zoning Map to show a change of zone for a portion of the property located 286 South 200 East from A to AE to allow time to substantiate the notification process for the hearing. **Rick Dutson** seconded the motion, which passed by unanimous vote.

PUBLIC HEARING: CONSIDERATION OF SCHEMATIC PLAN APPROVAL FOR A SIX-LOT SUBDIVISION ADJACENT TO 475 SOUTH STREET AND 1100 WEST/ GARY AND KENT GINES (Agenda Item #7)

Mr. Petersen introduced the agenda item. The applicant's yield plan illustrated that the property could accommodate 5 half-acre lots. A 20 percent bonus under Option 2 of the Conservation Subdivision Ordinance allowed for a six-lot subdivision if the applicant agreed to set aside 30 percent of the property as open space. The City may approve a Conservancy Lot as set forth in Section 11-12-110 of the Zoning Ordinance.

City Council Members asked questions regarding requirements for further development and conservation lots. They wanted to know if Lot #6 could be further developed or if restrictions could be placed on that lot.

Mr. Forbush reported that in a letter dated March 14, 2003, from Gary and Kent Gines, they requested the City consider their request to "have four lots on (475 South) street." The City Council took the request in consideration and on March 19, 2003, granted conceptual approval for the development. Minutes for the meeting stated "The Gines could be allowed to subdivide their property into four lots along 475 South Street." The Gines will dedicate additional property to widen the public right-of-way and will be part of the S.I.D. When the subdivision is recorded, Mr. Gines will be required to install the public sidewalk along his lots facing 475 South. As part of the negotiation with Mr. Gines, they also agreed to donate an additional 7 feet of street right of way along the west side of 1100 West.

Public Hearing

Mayor Connors opened the meeting to a public hearing.

Gary Gines (89 South 350 West) said he had met with City Staff and reviewed the proposal several times. His son, Kent Gines, was not in favor of dividing the parcel into smaller portions and wanted to keep it as large horse property. However, in order to contribute to road improvements the subdivision would have to take place. Lots #5 and #6 would act as a buffer for the large properties to the north. The smaller lots on the south side, which pay for the road, would be about 12,000 square foot lots. Mr. Gines and his son confirmed they would be dedicating an additional 11 feet for the right-of-way (along 475 South Street) and would extend a side walk along their frontage as part of the development requirements.

David Hale (441 South 1100 West) stated he lived across the street from the Gines property. He expressed his concerns about the number of lots along 475 South. He felt that the March 19th City Council minutes permitted the Gines to develop four lots total on the entire property. The smaller lots are not capable of allowing large animals. With the equestrian trails already in the area and the County Equestrian Park so close, the trail should continue along the creek. These smaller lots are not compatible with the intent of the rural area.

Public Hearing Closed

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

Mr. Dutson asked if the lot sizes took into consideration property needed for curb and gutter.

Mr. Gines responded that the 12,180 square foot lots took into consideration the land needed for curb and gutter. The square footage also took into consideration the 7 feet needed for 1100 West road improvements.

Mayor Connors had a concern with what appeared to be an inability to restrict future subdivision of Lot #6. Allowing further subdivision would be inconsistent with the desires of the existing residents and contrary to the goal of keeping the area as rural as possible. He asked Mr. Gines if he would consider voluntarily restricting Lot 6 by allowing a conservancy easement on the property.

Mr. Gines stated he felt he had met the requirements of City ordinances and should not have to place further restrictions on the land. He and his son Kent stated there was also a 50 foot private right of easement over the north side of Lot #6 that would naturally restrict development on Lot #6.

Mr. Petersen reported that Lot #6 could not be subdivided at this point because of current City ordinances. However, if future City Councils decided to change the ordinance it may be possible to further subdivide Lot #6.

Mayor Connors felt there should be no future possibility of subdividing Lot #6 because of the strong wishes of the current residents to maintain a rural atmosphere in the area.

Council Member Hale stated the City Council needed to be responsive to the many residents who had participated in past public hearings. He was very concerned that the 4 lots were only about 12,000 square feet in size. He also felt strongly that the City Council was obligated to protect the rural nature of the area. He agreed with the Mayor that Lot #6 should have restriction against future subdivision.

Mr. Petersen commented that in 2003, the Gines had felt there had been a good faith indication they could have four lots along 475 South. The Gines met the letter of the ordinance with the current proposal. The 12,000 square foot lots were not small lots.

Mayor Connors was not convinced that conceptual approval given in 2003 gave the Gines permission to develop more than four lots on the total property. He felt the Council was within their authority to require reasonable restrictions due to the fact that the ordinance stated "at the discretion of the City Council." He asked Gary Gines directly if he had plans in the future to further subdivide Lot #6.

Mr. Gines stated Lot #6 had a 50-foot easement on the north side which would limit building

capacity on that lot. Mr. Brown had gained approval for smaller lots just to the south of the Gines property. Mr. Gines did not need the extra lot from Lot #6 at this time.

Mayor Connors again asked Mr. Gines directly if he had a problem with a deed restriction on Lot #6.

Mr. Gines stated the smaller lots met City ordinances and that no public had come forth to dispute the site plan.

Kent Gines stated he was willing to move forward with whatever the City Council decided to do.

Mayor Connors said he felt that in principle the four lots on 475 South were considered appropriate in exchange for participation in the S.I.D. He acknowledged Mr. Hale's concern.

Mr. Petersen reported that there were advantages to smaller lots. Other communities had experienced difficulties with larger lots after time when residents began to neglect the yards because of their size. Experience had indicated that smaller lots or very large estate lots were well maintained. Large lots in between became a community problem.

Council Member Hale felt that the expressed concerns of the neighbors in the area implied a strong feeling to keep the lots as large as possible. Lots as small as 12,000 square feet did not respect that wish.

After a brief recess, **Gary Gines** reported to the City Council that both he and his son Kent would accept a deed restriction over Lot #6, meaning there could be no future subdivision of that lot.

Motion

Mayor Connors called for a motion by the City Council. With none forthcoming, he declared the request had died for the lack of a motion. In discussion between the property owner and the City Council, it was decided that the Development Committee (consisting of Susan Holmes and Sid Young) would meet with the Gary and Kent Gines and discuss possible solutions for the site plan. One suggestion was to enlarge the four lots by moving the property line to the north.

Council Member Hale commented he appreciated the efforts of Gary and Kent Gines, and he very much hoped there was a way to make the subdivision work while being sensitive to neighbors. He also suggested that members of the community of west Farmington be included in discussions with the Development Committee and the property owner.

Mr. Gines expressed frustration because he felt the site plan met with City ordinances and followed the direction he had been given by the City. He and his son had concurred with making Lot

#6 a conservancy lot and given land for road improvements.

Mr. Petersen stated there was not much room for creativity on the parcel in question. He concurred that the Gines had met ordinance requirements and had donated property for public improvements. He wondered if it would be possible to have Council Members express their thinking as to why a motion was not forthcoming.

Mr. Dutson referred to the yield plan which showed ½ acre lots and asked what the assumption was about the subdivision.

Mr. Forbush stated that the yield plan set up possibilities from which to begin negotiations for conservancy lots and open space. The property had been rezoned AE to allow property owners a way through conservation development to fund road improvements.

Mayor Connors stated it seemed the sense of the Council they could agree with four lots on 475 South if the size were larger.

Mr. Dutson stated the City Council was hypersensitive because of public reaction to the Mike Brown subdivision.

Mr. Gines stated he had no problem with moving the northern property line of the four smaller lots 20 feet to the north.

Mayor Connors requested that the Development Committee meet with the property owner and report back to the City Council on August 4th.

Motion

Rick Dutson moved that the City Council continue consideration of the schematic plan for a six-lot subdivision adjacent to 475 South Street and 1100 West until August 4, 2004. **David Hale** seconded the motion, which passed by unanimous vote.

PUBLIC HEARING: CONSIDERATION OF SCHEMATIC PLAN APPROVAL FOR 3 LOT SUBDIVISION NEAR FRUIT HEIGHTS BOUNDARY EAST OF SOMERSET FARMS/TOM MORGAN (Agenda Item #8)

Mr. Petersen introduced the agenda item. Background information provided in the packet indicated the applicant recently acquired the property, which was located adjacent to the north side of the Shepard Creek Flood Way, from Davis County. The Farmington City Master Trails Plan identified a trail head at this location. The property owner was willing to participate in trail improvements but recommended that the City establish the trail head for the area further east at the north end of Bella Vista Drive on National Forest Service property. The Planning Commission

recommended approval with three conditions as mentioned in a letter dated July 16th.

Public Hearing

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

Tom Morgan (1436 North 1670 West) described the site plan and the proximity of the property to Fruit Heights. Transportation needs are critical through the area. The property had been offered to the City to buy. The City had declined.

Mayor Connors stated the City was not in a position to buy the entire property, especially when only a small portion was needed. The County would not consider sale of anything but the entire parcel.

Mr. Morgan said that given the topography, the dimensions, and the surrounding conditions of the property, there were only three buildable areas. The proposal he presented was to put a flag lot on one parcel (which complies with flag lot ordinances) and to keep the other lots large enough to allow building pads. The access to the flag lot would have landscaping to protect privacy. The LR zone allowed more and much smaller lots. Mr. Morgan was not trying to maximize the potential of the property. He could get 8 or 9 lots but he was only proposing 3 lots. He wanted to preserve the green space and trees that existed on the parcel. He discussed how Farmington Creek would be crossed in an appropriate way. The one big issue seemed to be that at one time there was in the Trails Master Plan plans for a trail head on the parcel. He asked if there was really a need for trail head parking there. If there were people who used the trails, there would be parking there now to access the trails. That did not seem to be the case. He had contacted a local resident who stated he only saw one or two people using the trail. He had no knowledge of any people using the equestrian trail through Shepard Heights. The existing trail heads were currently handling what was needed. He listed the equestrian trail heads already constructed in other areas of the City. The specific area in question did not seem to be used by commuter hikers. The area where Bella Vista Drive dead ends would be a better place for a parking lot trail head. It connects to Forest Service property and it is right on the Bonneville Shore Line Trail. Mr. Morgan said that the City Manager and the City Planner had taken a field trip to look at the property. They felt that in exchange for the trail head parking he could do some needed trail improvements to off site trails. The Hawkins developers agreed to continue the trail on to their property. The cost to improve the road, cross the creek, make trail improvements, maintain the low density, and maintain the green space was a significant concession by him to the City. He asked that the City Council approve the application as requested. If trail head was still going to be required in addition to what had been offered, Mr. Morgan felt it would be a deal killer. He supported trails through the City but could not afford to improve a parking lot in addition to what he was already doing.

George Chipman (433 South 10 West, member of the Farmington Trails Committee) felt

the public hearing process was a good thing. Getting ideas and interests and public input on projects and development meant that the best could be done for Farmington citizens. He commended Mr. Morgan for his consent to improvement off site trails. He felt that the City was also giving concessions regarding the development in that they were allowing the creation of a flag lot, something that was rarely done. Mr. Chipman felt it would be appropriate to ask for one more concession of Mr. Morgan and that related to the trail head. In 1998 the City approved the Master Trail Plan. The Plan included a few parking areas at trails heads. There were not many of the parking trail heads included on the plan. There was only one such parking trail head in northern Farmington. The idea of the parking trail head was to make the beautiful trails in the area accessible to everyone. The trails near the Morgan property will likely be accessed mostly by people who live nearby those who will not have need for the parking lot. As to the current use of the trail, there are a great many people who use it but because they are courteous users they go unnoticed by nearby residents. There are those who would like to use the trail who would make use of the parking facility. Mr. Chipman reported having parked and hiked the trails 6 times in the last few months. The fact that there are not more people using the trail is an argument for the construction of the parking facility. If the parking facility were there, more people would use the trails. He did agree with Mr Morgan that a parking lot would be an undue burden on his development with only 3 lots. Mr. Chipman suggested a compromise that he felt would not be too big a burden on Mr. Morgan. The street standards of Fruit Heights were wider than those for Farmington at this location. If Mr. Morgan would improve the road through his development to match the Fruit Heights road all the way to the bridge, the extra shoulder space would provide moderate and possibly adequate parking. Trees in the area would hide the parked cars from residents. If the trail head were to be moved further up the mountain it would likely not be developed due to the lack of interest on the part of the Forest Service in providing such developed access.

Public Hearing Closed

With no further comments, the **Mayor** closed the public hearing. The City Council discussed the issue, including the following points:

- The width of the street standard in the area for both cities was discussed. Mr. Morgan reported that his engineer had called for a 37 foot width of asphalt. The City would require 36 feet, which would accommodate enough shoulder for parking.
- The City could waive the requirement to install sidewalk, curb, and gutter on the east side of the road, providing increased room for parking and reducing the cost of road improvements to the developer.
- The County easement for the road was 70 feet because of the historic rock dike in the area.
- The best place to make the transition of the road width between the two cities was the

bridge across the creek.

- Mr. Hale felt the flag lot issue was not a true concession because Mr. Morgan could develop the lot without making it a true flag lot, therefore eliminating the need for special City approval. He expressed concern that Mr. Morgan not be required to carry an undue burden of expense for developing trail improvements.
- The subdivision development was important to the City because of the road connections it provided Farmington going to the north.
- The right-of-way was a dedicated City street and the City could determine what should be done with it.

Motion

Sid Young moved that the City Council approve the schematic plan for a 3 lot subdivision near Fruit Heights Boundary east of Somerset Farms subject to conditions set forth in the Planning Commission letter dated July 16, 2004 and subject to the developer matching the road width of the Fruit Heights street coming from the north until it reaches the bridge across the creek. No sidewalk shall be required on the east side of the street. The approval is subject to the execution of the interlocal agreement between Farmington City and Fruits Heights regarding the area. **Rick Dutson** seconded the motion, which passed by unanimous vote.

FINAL PLAT APPROVAL REQUEST FOR FARMINGTON CREEK ESTATES III PUD/CONSIDERATION OF AMENDED DEVELOPMENT AGREEMENT/ BLAKE MATTHEWS (Agenda Item #9)

Mr. Petersen reviewed the agenda item. Staff recommended the City Council follow Planning Commission recommendations. He noted that the Planning Commission recommended that the developer or Candland Olsen be required to resolve the drainage problem.

Mr. Haugen felt that the City should not be involved in the resolution process and that it should be handled by the developer or Candland Olsen.

Mr. Petersen stated that the simplest solution would be to extend the drainage pipe another 200 feet.

Motion

Larry Haugen moved that the City Council approve the amended development agreement for the Farmington Creek Estates III PUD and grant final plat approval for the same subject to conditions as set forth in the Planning Commission letter dated July 1, 2004, and conditional on the

developer or Candland Olsen fixing the problems as illustrated by John Coyle's letter in a previous phase of the development. The resolution shall be reviewed and found acceptable to the City Engineer. **David Hale** seconded the motion, which passed by unanimous vote.

REQUEST BY CITY PLANNER FOR FINAL DECISION ON EARLIER APPLICATION FOR AMENDING THE LR ZONE TEXT BY ADDING "FUNERAL HOMES" AS A CONDITIONAL USE (Agenda Item #10)

Packet information indicated that on March 3, 2004, the City Council had tabled consideration of amending the City's Zoning Ordinances by allowing "funeral homes" as a conditional use in all single family residential zones "pending the report from the Master Plan committee to gain a broad understanding of what is being designed for the entire area rather than looking at a single parcel." The funeral home zone text change issue should be resolved because the General Plan (or "Master Plan") was approved by the City Council on July 7, 2004. Alternatives available to the City Council include, among other things, 1) adopting the enclosed ordinance, 2) adopting the ordinance with changes, or 3) approving a motion to deny the proposed ordinance.

Mr. Forbush stated Staff was following the direction of the City Council in bringing the issue back for consideration. However, because the funeral home was now likely going to a different location, the application was no longer an issue.

Motion

Mayor Connors called for a motion. With none forthcoming, the request to amend the "LR" zone text by adding "funeral homes" as a conditional use died for lack of a motion.

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

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

- 11-1. Ratification of construction bond agreements previously signed by Mayor Connors.
- 11-2. Establishing the date of Saturday, August 21, at 8:30 A.M. for the ribbon cutting ceremony for opening of trail tunnel under State Road 106 (Farmington Creek Bridge).
- 11-3. Approval of August's *Newsletter* for printing.

Sid Young seconded the motion.

In discussion of the motion, **Mr. Forbush** discussed the possibility of asking UDOT officials for the \$3000 budgeted for landscaping on the trail tunnel under State Road 106. If the City were

permitted to do the landscaping with City crews, the money could be stretched and more landscaping and improvements could be accomplished. Mr. Forbush stated vine growth along the underpass retaining walls and fences would be a great improvement. There also needed to be lights installed for safety reasons and graffiti resistant coating on the concrete. By consensus, the City Council agreed with the recommendations of Mr. Forbush.

A vote was taken on the motion which indicated a unanimous affirmative vote.

AGREEMENT WITH DAVIS COUNTY CABLE CHANNEL 17 (Agenda Item #12)

Mr. Forbush stated that both the Mayor's and Ms. Holmes' suggestions and comments had been incorporated in the agreement. The City Attorney had written the agreement and was therefore aware of and in agreement with its contents.

Motion

David Hale moved that the City Council approve the Agreement with Davis County Cable Channel 17 as presented in the packet. **Larry Haugen** seconded the motion. The motion was approved by unanimous vote.

AGREEMENT WITH DAVIS COUNTY PERTAINING TO MAINTENANCE EXCHANGE ON RUDD CREEK DEBRIS BASIN FOR CITY'S OWNERSHIP OF CLARK LANE (Agenda Item #13)

Mr. Forbush reminded the City Council the agenda item had been reviewed in detail in passed meetings. The agreement had been reviewed and approved by the City Attorney.

Mr. Haugen commented that weeds in the basin area were way too high. If citizens were expected to keep weeds under control, then the City should do the same.

Motion

David Hale moved that the City Council approve the Agreement with Davis County pertaining to Maintenance Exchange on Rudd Creek Debris Basin for City's Ownership of Clark Lane. **Larry Haugen** seconded, discussion unanimous vote

RESOLUTION ESTABLISHING AND ADOPTING POLICIES AND PROCEDURES FOR THE FARMINGTON HISTORICAL MUSEUM/APPOINTMENT OF OFFICERS (Agenda Item #14)

Mr. Forbush reviewed the agenda item. He stated membership of the Farmington Historical Preservation Commission had read and made suggestions regarding the Policies and Procedures. All

input had been incorporated. Compensation for the paid Board Member would be \$200 per month..

Motion

Rick Dutson moved that the City Council adopt Resolution No. 2004-31, a resolution establishing and adopting policies and procedures for the Farmington Historical Museum Board. **Larry Haugen** seconded the motion. The motion passed by unanimous vote.

David Hale moved that the City Council appoint Julia Haugen as a member of the Historical Museum Board. **Rick Dutson** seconded the motion. The motion was approved by unanimous vote.

David Hale moved that the City Council appoint Annette Tidwell as a paid Executive Director to the Historic Preservation Commission and the Museum Board. **Rick Dutson** seconded the motion. The motion was approved by unanimous vote.

AGREEMENT WITH U.S. FOREST SERVICE AND DAVIS COUNTY REGARDING CONSTRUCTION OF COMPTON BENCH DEBRIS BASINS (Agenda Item #15)

Mr. Forbush stated that the agreement called for the Forest Service to contribute land for the basin and for the County to build and maintain it. Farmington City will provide and install the storm sewer piping within the North Compton Road right-of-way. This fact would not change the agreement as it stands. Construction was scheduled to begin in August and finish in September.

Motion

Sid Young moved that the City Council approve the Agreement with U.S. Forest Service and Davis County regarding construction of Compton Bench Debris Basins. **David Hale** seconded the motion. The motion was approved by unanimous vote.

Mayor Connors commented on the excellent job done by the City Public Works Department in how they handled the recent mud slides in the City. The City had been experiencing an unusual amount of natural disasters, but the recent slides were handled professionally and quickly with minimal damage to property. He asked that Mr. Forbush discuss what was currently being done to mitigate future potential for flood problems.

Mr. Forbush reported that the mudslide potential was likely best solved near the source, higher on the mountain on Forest Service property. The solution is to excavate a trench to the north to convey future flows onto Rudd Canyon. The Forest Service was currently researching whether or not such mitigation could be done safely. If not, the mitigation will have to be accomplished on private property, most likely by the City. Possibilities are still under investigation. Property owners on the south side of 500 South should be encouraged to build their own berms for protection. He will report to the City Council when more information is available.

NOMINATION COMMITTEE MEMBERSHIP REQUEST FOR UTAH LEAGUE OF CITIES AND TOWNS (Agenda Item #16)

Susan Holmes had indicated her willingness to be nominated by the City Council as a member of the new Utah League of Cities and Towns Nominations Committee.

Motion

David Hale moved that the City Council nominate Susan Holmes as a member of the Utah League of Cities and Towns Nominations Committee. **Sid Young** seconded the motion. The motion was approved by unanimous vote.

APPOINTMENT OF NEW PLANNING COMMISSION MEMBER (Agenda Item #17)

Packet material indicated Jordan White would be moving from the City. It then became necessary to appoint someone to fill his unexpired term. Cory Ritz, Mayor Connors, Council Member Haugen, and David Petersen met prior to the City Council and interviewed applicants for the position. The decision was very difficult because all applicants were very capable. The committee recommended Kevin Poff for the position.

Motion

David Hale moved that the City Council appoint Kevin Poff as the new member of the Planning Commission to finish the unexpired term of Jordan White. **Rick Dutson** seconded the motion. The motion was approved by unanimous vote.

“FREEDOM GALLERY” DISPLAY PROPOSAL (Agenda Item #18)

Max reviewed the agenda item. The proposal was not budgeted. Packet information indicated the City Manager and City Recorder had recently received a visit from an individual representing a non-profit corporation. They were promoting the education of young people as well as adults on American heritage. They put together some beautiful displays which the City Manager and City Recorder believed would be a nice feature to be added to the City Hall. It was recommended that the display be placed in the west foyer above the drinking fountain. The cost would be about \$1,800.

The City Council discussed the idea, including the following points:

- The display was beautiful and would make a good addition to the City Offices.
- There may be a possibility a Farmington citizen or the Centerville/Farmington Rotary Club might donate the needed funds. Such a person could have a plaque by the

display indicating their donation.

- If no such individual was forthcoming, Staff was asked to return to the City Council for further consideration of taking the money from the contingency fund.

REQUEST TO ESTABLISH EDA PROJECT ON HAWS DEVELOPMENT (Agenda Item #19)

Mr. Forbush referred the letter in the packet sent by Mr. Haws indicating his desire to have the City create an EDA project area. The EDA project area would aid in the construction of infrastructure of the Haws Development. He and the Mayor explained the concept of gathering tax increments on the property for use in building the infrastructure needed for the project. Mr. Forbush stated that Mr. Haws had suggested his staff would prepare the EDA documentation for review of City officials and the City's RDA attorney. Mr. Forbush showed the draft site plan. The project included the commuter rail station, dwelling units, commercial, retail, office buildings, a hotel, a movie theater and parking. Phase I was outlined. Mr. Forbush stated that Mr. Haws was willing to front the cost of the infrastructure until the tax increment could be realized. Mr. Forbush explained the need for a taxing entity committee as required by law to oversee the increment expenditures. Mr. Haws wanted to make a presentation to the City on the 18th of August. He would then make the same presentation to the taxing entity committee on the 25th. The City would need to write a letter to the taxing entities to ask who their representatives would be. The City would also need two representatives to attend that committee.

After discussion, **Mayor Connors** and **Rick Dutson** consented to represent Farmington on the taxing entity committee. The committee would meet on an "as needed" basis.

Motion

David Hale moved that the City Council appoint Mayor Connors and Rick Dutson to represent the City of Farmington on the taxing entity committee. **Larry Haugen** seconded the motion, which passed by unanimous vote.

MISCELLANEOUS

Discussion of Haugen Development

Mr. Haugen removed himself from the rostrum and excused himself from discussion as a member of the City Council. His participation in the item was as a private citizen. He stated that he was in a position to sell the property currently accommodating his business and relocate his car repair business to property along the north side of Park Lane on the east side of U.S. 89 in Farmington. Several developers were involved in the project. He would have to have the aid of RDA

tax increment in order to make the move. The property would likely meet criteria for an RDA. He wanted to know if the City Council would consider such a proposal before he continued any further with plans.

Mr. Forbush suggested that the project should be considered with broad and open disclosure because of Mr. Haugen's position on the City Council. The area was of special concern because it falls within the City's designated culinary water well-head protection zone and presently contains inappropriate land use for the wellhead protection zone. Greg Bell had talked to both Larry Haugen and Tom Owens and wanted to put together a housing project that involved single family dwelling units. The area is presently zoned for multi-family dwellings units. Mr. Owens wanted to promote open space. The Hansen family also lived in the area, and they had expressed their desire to have adjacent street frontage vacated to them. Mr. Forbush suggested that Mr. Haugen declare in open public session of the City Council that he was presently negotiating as a private citizen with developers to develop his property in order to him to relocate his business. The City had an interest in cleaning up the non-conforming use of the property. Mr. Haugen was a business man who wanted to relocate his business in an area where he could be successful. Mr. Bell was purchasing property on the north side of Park Lane and would likely relocate Mr. Haugen there. Mr. Forbush asked if there was a sense of the Council that they would be opposed to the project as generally outlined. He reported that Staff was working with Mr. Haugen in the same manner they would with any other citizen of Farmington.

Mr. Hale was in favor of the project. He liked the idea of having single family dwellings in that area. He would also like to have Mr. Haugen move to a location where he could be successful.

Mr. Forbush stated the discussion was intended to meet public disclosure requirements. A great deal of work has yet to be done on the project. The proposal would be coming back to the City Council in an official manner for their consideration. All policies and procedures would be followed.

Museum Opening

Mr. Haugen rejoined the rostrum as a City Council member. He commented that he was very pleased with the opening of the City's Museum. Those involved were also happy with the way it went.

Council Members commended Mr. Haugen for his efforts and compliment those involved in the establishment of the Museum. It was a great addition to the City of Farmington and would serve its citizens well.

Logo Committee

Mr. Dutson stated the committee considering a new City logo had been meeting. They would have proposals for the City Council soon.

Channel 17 Committee

Mr. Dutson suggested that a committee be established to help set policies and procedures for the City's involvement with Channel 17.

Mr. Forbush suggested that Staff be responsible for creating content but that City Council members be responsible for the policies governing the City's involvement with the TV station.

After discussion it was decided to hold for right now until policy issues are decided and then determine what kind of committee to establish.

David Potter Issues

Mr. Hale invited Mr. Potter to address the City Council as his portion of the Miscellaneous Agenda.

Mr. Potter expressed some frustration at the length of time the City was taking in deciding land use along the Highway 89 corridor. He was having difficulty selling his property to developers who did not want to invest until they knew exactly what would be allowed on the land. Mr. Potter stated he was losing other possible opportunities because of the delay.

After a brief discussion, Council Members expressed their commiseration with Mr. Potter but stated the process must be continued in order to provide the best for Farmington. Mayor Connors suggested that Mr. Potter put together a proposal for his property. Other options may be available regarding land use approvals.

Brief Discussion Regarding 475 South

Mr. Young asked for City Council direction in meeting with the Gines family. He had done some math and was not sure how to proceed since the property was not large enough to adequately enlarge the 4 lots along the street to half-acre lots. The Council discussed Mr. Gines legitimate expectation and his good faith effort. Mr. Young was asked to do his best and bring back his recommendations along with those of Ms. Holmes.

Wasatch Front Regional Council request

Mr. Forbush explained the request as presented by the Wasatch Front Regional Council for the City Council to adopt an ordinance regarding a pre-disaster funding.

Motion

Larry Haugen moved that the City Council adopt Resolution No. 2004-44, a resolution

adopting the Wasatch Front Regional Council Natural Hazard Pre-disaster Mitigation Plan as required by the Federal Disaster Mitigation and Cost Reduction Act of 2000. **Rick Dutson** seconded the motion, which passed by unanimous vote.

ADJOURNMENT

Larry Haugen moved that the meeting adjourn at 11:20 P.M.

Margy Lomax, City Recorder
Farmington City