

FARMINGTON CITY COUNCIL MEETING

FARMINGTON CITY HALL, 130 NORTH MAIN

Wednesday, August 3, 2005

STUDY SESSION - EAST CONFERENCE ROOM 6:40 p.m.

PRESENT: Council Members Susan Holmes, Larry Haugen, David Hale, Rick Dutson, and Sid Young; City Manager Max Forbush, City Planner David Petersen and Margy Lomax, City Recorder. Mayor David M. Connors arrived at 6:50 p.m.

The following items were discussed briefly.

Request for Haul Route Permit

The City Manager stated that the bond amount for the Haul Route Permit had been increased to \$10,000 and that the City had received the bond. Merrill Sheriff Construction will be hauling 350 loads from the School Bus compound property in west Farmington. The City Manager recommended approval of the permit as long as Merrill Sheriff Construction complies with the list of conditions included with the permit.

Rezone Request - Murray/Nord Property (Agenda Item #4)

David Petersen stated it was the recommendation from the Planning Commission to hold off on the rezone until after adoption of the new Chapter 27 of the Zoning Ordinance which deals with PUDs. The developer will not lose any time by the rezoning being delayed.

Rezone Request - Rawl Rice Property at 50 West 700 South

Mr. Petersen said that the rezone request is consistent with the surrounding area. He stated there is a historic home on the property, and it would be nice to have it incorporated in the subdivision.

Amendments to Chapter 27 (PUDs) of Zoning Ordinance

Mr. Petersen stated the changes are fully recommended by the Planning Commission and the City Attorney has reviewed them. This ordinance has not been changed since 1999.

Plat Amendment for Hunter's Creek, Phase 1

The amendment is being made to allow for green space along the road. The property owners are willing to maintain the areas.

Amendments to McKittrick/Hunter’s Creek Reimbursement & Other Agreements

Mr. Petersen recommended that the agreements not be approved until a future meeting. The exhibits to the agreements need to be provided before approval takes place. Exhibit “C” is the “Road Segment”, and it has been unclear as to who should design the road. The City Manager feels that it is the developer’s responsibility.

Consideration of Subdividing a portion of Old City Shop Site

The developer for the Guenther Popp property located on the corner of 200 East and 200 South would like to include three lots of property owned by the City located directly south of his property (the old City Shop site). The issue for the City Council to decide is whether or not to sell the property to the developer. There is a historic home on the Guenther Popp site and the Farmington Historic Preservation Commission would like it preserved. The developer feels some consideration should be given by the City to help in the preservation. The proposed development is located in the Downtown RDA area.

REGULAR CITY COUNCIL/CITY CHAMBERS/CALL TO ORDER

PRESENT: Mayor David M. Connors, Council Members David Hale, Larry W. Haugen, Susan T. Holmes, Sidney C. Young, and Rick Dutson, City Manager Max Forbush, City Planner David Petersen, and City Recorder Margy Lomax.

Mayor Connors called the meeting to order at 7:10 P.M. **David Hale** offered the invocation. The Pledge of Allegiance was led by **Mayor Connors**.

Approval of Minutes of Previous Meeting

A motion was made by **Rick Dutson** to approve the minutes of the City Council meeting held July 20, 2005, as had been amended. The motion was seconded by **Susan Holmes**, and the motion passed with all Council Members voting in favor.

Planning Commission Report

David Petersen reported that Chris Martineau had turned in another phase for Hidden Meadows Subdivision. At their meeting the Planning Commission had recommended schematic plan approval for nine lots on this phase.

Greg Bell received a recommendation from the Planning Commission for a five-parcel subdivision adjacent to Park Lane. This will be heard before the City Council on August 17.

The Planning Commission recommended schematic plan approval for Garbett Homes for a southerly phase of the Farmington Crossing Planned Unit Development, but tabled a recommendation for the northerly phase because they felt they needed to hold onto the area for possible commercial development by Shepard Lane with a designation on the plat stating “to be developed some time in the future along Shepard Lane west of Maverik”. The rest of the area will go into housing.

A proposal was presented to the Planning Commission for an office building to be located at 314 South 200 West for a dot com company which will have 20 employees. The Planning Commission didn’t think the building was a very attractive design and tabled the agenda item asking the applicant to see what he could do to improve the appearance.

Davis County is proposing an expansion of the parking lot next to the Children’s Justice Center where the old home was torn down. The Planning Commission had visited the site with Commissioner Page and the County Engineer. The plan was approved by the Planning Commission at a special meeting on August 2, 2005, to enable the County to take advantage of CDBG funds. The plan calls for a sidewalk on the east side of the parking lot. Mr. Petersen said that in the long term a sidewalk on the west side of the parking lot would make more sense.

Mr. Petersen reported that the Planning Commission gave approval for Garbett Homes to build their club house located at 850 North Shepard Creek Parkway.

Public Hearing:

Consideration of a Request to Rezone 32.92 acres of property in west Farmington owned by Murray/Nord and by Craig Johnson at approximately 275 South 1100 West from “A” to “AE” - Symphony Homes; and Schematic Plan Approval for a Sub-division containing 53 Lots related thereto.

David Petersen introduced this agenda item stating that the schematic plan was in the City Council packets. He stated the request for rezone is consistent with the General Plan. The Planning Commission liked the plan although there is a problem with the open space requirement. In a conservation subdivision ordinance, the developer has two choices. Under an “Agricultural Estates” zoning, the property can be developed conventionally with one-acre lots throughout, or a yield plan can be submitted showing one-half acre lots. With the yield plan the lots can be consolidated and 25-30% of the land is left as open space. Staff believes an appropriate place to put the open space would have been next to the wetlands, hence all the lots would have been clustered at the front of the property.

The Planning Commission looked at a schematic plan like that and didn’t like it. They felt the lots were too small for the area. The developer has set aside 11.7% of the land as open space

and is asking for a bonus in the number of lots from a half-acre yield plan to 8.1%. The developer is talking about 13% open space.

In the new plan, the average lot size is about 17,000 sq. ft. In order for the new plan to be approved, it will need to come in as a Planned Unit Development. The present PUD ordinance hasn't been changed since 1999 and needs a couple of changes in order to allow this development to go forward as a PUD.

At their recent meeting the Planning Commission approved schematic plan approval but tabled any action on the rezone request until after the changes to the PUD ordinance (Chapter 27 of the Zoning Ordinance) have been approved and complied with. The Planning Commission felt like the PUD option was better rather than the Conservation ordinance, because it takes out the arbitrariness. The developer is talking about 13% open space.

At 7:25 p.m. Mayor Connors declared the meeting open as a public hearing.

Tony Coombs, 290 North 400 West, Centerville, addressed the Council representing Symphony Development. He said they have been working for 1 ½ years on this development and want to have a nice project. They need at least 100-foot frontages for their homes. They are asking for 53 lots. He stated that if they had done the 30% open space under the conservation subdivision ordinance, they would gotten 58 or 59 homes. They feel a Planned Unit Development is a good in-between-the-road solution. The developer would get large lots with a little less open space than before but they are planning to do nice amenities, trails along the outside boundaries of the property, a pool with changing rooms, a small park with a playground area, and nicely landscaped berms, trees, pathways, etc. They don't want unusable open space.

Cheryl Farnsworth, 287 South 1100 West, (across the street from proposed subdivision), expressed concern regarding several items. She stated the reason she moved to west Farmington was for the quality of life – to have large lots and to have animals. She expressed concerned over the amount of homes being located on 1100 West due to the fact of the subdivisions already located to the north and south of the proposed 53-lot subdivision. The traffic will all come onto 1100 West Street. She feels the increase in vehicles will create a huge safety factor. She stated that at the Planning Commission meetings she has been to, the proposal had been denied because it didn't meet the open space requirements. She is under the assumption that the amenities – the swimming pool and parks – will be restricted to only the people in that particular community. This is one of the last open areas left on 1100 West, and she feels there is a very unique situation there where there are large lots, open space, animals, and people riding their horses to the Fairgrounds down that street. She feels there will be danger with animals, and it will restrict the present property owners' usage of their property. She would like to see zoning remain the same, and the developer be required to have one-acre lots.

Larry Jung, who owns property next to the proposed subdivision, had questions regarding wetlands and the creek running through the property. He stated that through manipulation on the developer's property, the creek has been diverted from its original route. He would like to see the developer restore the wetlands. He said someone has dug a ditch about 4' deep and has changed the water pattern which made this land dry.

Mr. Petersen responded that there are enough wetlands in the area that Symphony Homes is not pursuing developing the two parcels shown in green on the map. Last November the Army Corps found out that trenches had been dug in an attempt to dry up the wetlands. The Corps sent a letter to the property owner, and Symphony Development, who at the time had the Nord property under contract, sent a letter stating they were not responsible for digging the trench. This week Mr. Petersen had received a call from the Army Corps, and the Corps will be pursuing enforcing the wetlands regulations. Mr. Petersen gave the Corps the background and history as to what has happened to that parcel.

Robin Jung, 297 South 1525 West, stated that she had spoken to the U.S. Army Corps of Engineers yesterday, and they are following through with the wetland issue. She stated that she owns livestock and they are pastured right next to the proposed development. She asked that some kind of a privacy fence be installed to protect children from coming onto her property and being injured by the livestock.

She agrees 100% with Cheryl Farnsworth in that the reason they live in west Farmington is for the quality of life and to be able to have agriculture and openness. She is aware development is going to happen, but would like to see the area kept in a country-type atmosphere with its natural waterway.

Kenneth Williams, 344 South 1100 West, felt like the plan is a long, deep-throated cul-de-sac with no second means of entrance or exit. He expressed concern regarding traffic through 475 South and on the corner of the Fairgrounds and Clark Lane. He feels the subdivision would just add to already existing traffic problems. He feels it would be a very costly subdivision for the City to maintain in snow removal with cul-de-sacs and as fire hazards. He feels the community will be sacrificing by approval of this subdivision if it doesn't require one-acre lots. He doesn't feel this development will do the City any good and will create more havoc on 1100 West. He feels that at least one main road should be tied to 1525 West so that people do not have to travel through neighborhoods. He feels the safety is gone; the quality is not there; and is upset the proposed lots are so small.

Mayor Connors closed the public hearing at 7:50 p.m. and asked the Council for their questions, thoughts, or concerns.

Rick Dutson asked where a privacy fence would be located. Mr. Petersen responded that it would go on the west side of the development. He stated that these type of issues would be discussed in more detail in the next phase of development.

Susan Holmes questioned in the PUD ordinance if it had the same open space requirements as the Conservation ordinance. Mr. Petersen responded yes, but the PUD ordinance allows for a sliding scale where with the Conservation ordinance does not. In order to get a bonus on lots, the open space had to be 25%, anything less than that, it was zero. Also, under the PUD ordinance the developer would get credit for certain amenities such as swimming pools, tennis courts, etc. There are differences between the two ordinances She stated she has real concerns with the schematic plan.

Sid Young stated that previously he did see plans for a road to go through to 1525 West. Wetlands are located in the area where the road would go. If wetlands are destroyed, the U.S. Army Corps of Engineers requires mitigation. The City Manager stated there might be a possibility to obtain a special permit from the Corps to construct a road through to 1525 West. The developer does want to bring the road through to 1525 West. Easements for public purposes are not as difficult to get through the Army Corps. Mr. Young expressed concern about the design of the development not meeting the minimum open space requirements and felt the development would add safety issues due to increased traffic. David Petersen responded that 1100 West can accommodate the extra traffic.

Mayor Connors questioned if with the street design shown on the schematic plan, the possibility of a road to 1525 West would be foreclosed. Mr. Petersen responded that it would not.

Motion:

A motion was then made by **Susan Holmes** and seconded by **Larry Haugen** to table the schematic plan and rezone request for 32.92 acres of property located at approximately 275 South 1100 West. The reasons for tabling were traffic patterns; open space (larger lots are not wanted at the expense of open space); and mitigating conditions for abutting property owners, such as privacy fences or deed notification that the area is horse property.

Mayor Connors stated that the PUD ordinance ought not be an excuse to not satisfy the City's Conservation Subdivision Ordinance. It needs to be consistent with the spirit of the Conservation Subdivision Ordinance. He stated that it seems a lot needs to be done in terms of tradeoffs. There is room to negotiate.

The motion passed with all Council Members voting affirmatively.

Public Hearing: Consideration of Ordinance to Rezone 32.3 acres of property at 50 West 700 South (Rawl Rice Property) from "LR" and "AE" to "LR (PUD)" -

Jerry Preston; and Preliminary Development Plan Approval for a 103 lot Subdivision related thereto

David Petersen introduced this agenda item. The proposed development is located along 200 West and the frontage road. A yield plan had been provided which shows 101 lots at 10,000 sq. ft. The developer did not maximize the yield plan and is not asking for a bonus in lots. There will be open space located along the frontage road. The total open space is 15%. The Planning Commission was concerned that the plan does not provide for any connection to 200 East. The reason is that UDOT rules and regulations do not allow for an intersection to be located within 600 feet of another one. Due to UDOT rules and because of the steepness of the grade to 200 East, it is not possible to locate a connection to 200 East from this development. However, when Symphony Homes develops their lot on 700 South, access will be available to 200 East from there. The Planning Commission did recommend approval with the conditions outlined in a letter to Jerry Preston dated July 29, 2005, and subject to all conditions of schematic plan approval.

Mayor Connors disclosed that in his professional business as an attorney, he represents JPC Contracting, the developer of this project, in litigation matters but nothing that relates to Farmington. He then opened the meeting to a public hearing at 8:20 p.m.

Keith Russell, Ensign Engineering, 1558 West 700 North, Suite 5, Layton, addressed the Council confirming the information that had been presented by David Petersen.

Galen Perry, 854 South 140 East, said that he lives on a dead-end street and is disappointed a street will be going through. He said there is a historic home built in 1870 that is located on the property and doesn't want it demolished. He also said the plan is for a lot of homes, that the area in size is almost identical in size as the property in west Farmington and twice as many homes are planned for this area. He stated he coaches baseball and it used to be 400 kids were in the program. Now, there are 900. He feels precious land is being burned up. If that many more homes go in it will increase the number of kids and cars. He suggested the area around the old house be made into a park, that the open space along the frontage road doesn't do him any good.

Brian Hardy, 24 West Glover Lane, is concerned about access to Glover's Lane. He stated that the planned open space is more than is in the subdivision south of it which has 78 homes. He feels it is the best plans he has seen in a long time, but is concerned about tearing down the old Rice home. He would like to see plans to preserve the historic structures.

Matt Child, 36 East Continental Drive, expressed concern over water mitigation of the area. He said the property slopes pretty dramatically and it is constantly west within five feet of his property. His second concern was regarding traffic with large construction vehicles.

Gloria Rice, widow of Rawl Rice, said it was her husband's will and desire to have Jerry Preston develop their property and thinks the plan is a good one. She said her husband had always cooperated with the City in giving easements for sewer and water projects and storm drains. She said Rawl Rice had purposely not put the small old home on the historic register, but gave the house to the children.

Judy Rice spoke stating her husband, Glenn Rice, doesn't know if he wants to subdivide the property where the small old home is located or not. They do want a nice plan so it will be taken care of. She said a woman has inquired about the possibility of turning it into an art gallery. She said they don't know if the area around the barn will be included in the development. That will be the last phase of the project, but they do need a master plan of the whole area.

There being no further public comments, Mayor Connors closed the public hearing at 8:40 p.m.

The City Manager suggested the City Engineer, Byron Parker, team up with Ron Mortimer of Horrocks Engineers to look at this area and give a recommendation to the Planning Commission regarding traffic issues and flow paths.

Motion:

Rick Dutson moved to rezone 32.3 acres of property located at 50 West 700 South from "LR" and "AE" to "LR (PUD)" subject to the conditions as outlined in the letter dated July 29, 2005, to Jerry Preston which are: (1) The applicant must submit the additional information circled in the attached copy of Farmington City Zoning Ordinance 11-27-106 Preliminary Development Plan; (2) the applicant shall submit a notarized property owner's affidavit; (3) no preliminary plat approval shall be granted for any phase after phases 1, 2, or 3, until the applicant has resolved access issues related to 200 East to the satisfaction of the City and (4) preliminary development plan approval shall be subject to all conditions of schematic plan approval. In addition the historic structures are to be considered prior to preliminary plat approval on Phase 3 and preservation of emergency flow path for storm water and pedestrian access to 200 East. The motion was seconded by **Sid Young** and passed with all members voting in favor.

Motion:

Another motion was made by **Sid Young** and seconded by **Rick Dutson** to approve the schematic development plan for a 103-lot subdivision to be located at 50 West 700 South said approval is subject to the same conditions as listed in the previous motion. The motion passed with all Council Members voting in the affirmative.

Public Hearing: Consideration of Ordinance Amending Chapter 27 of the Zoning Ordinance pertaining to Planned Unit Developments (PUDs)

Chapter 27 (PUD ordinance) had extensive changes made to it in 1999 for City Council review and approval, but it was never adopted. With the changes, the PUD Chapter is more consistent with the Conservation Subdivision Chapter (Chapter 12) of the Zoning ordinance. Two additional changes had been added recently – one to Section 11-27-120(c) and the other to Section 11-27-120(i)(1). The Planning Commission recommends adoption of the ordinance.

Mayor Connors opened the meeting to a public hearing at 9:00 p.m. There being no one to comment, the public hearing was declared closed.

Sid Young questioned whether there was sufficient language in the ordinance to address drainage issues not only on the roads but also in subdivisions. He felt there should be strengthening language to handle it.

Mr. Petersen stated any development would have to go through all the conditions of the subdivision process. A PUD is an overlay under the subdivision ordinance.

Motion:

Susan Holmes moved to adopt an ordinance amending Chapter 27 of the Farmington City Zoning Ordinance regarding Planned Unit Developments (PUDs) within the City, including changes to open space and minimum parcel size standards and the development review process and on 27-3 (5) add after storm water “drainage and grading issues”. The City Planner was instructed to have the City Attorney review the final draft to make sure the City is covered on grading and drainage issues and the wording of the ordinance. The motion was seconded by **Rick Dutson** with all Council Members voting in favor.

Public Hearing: Consideration of Plat Amendment for Hunter’s Creek, Phase I Subdivision - Woodside Homes

The plat for this subdivision has been recorded. The developers are now asking the Council to vacate nine lots (Lots 101, 102, 103, 104, 105, 130, 131, 132 and 136) and Parcels A and B to create small common areas and replat nine lots and two parcels. This amendment is requested in order to allow the Homeowners Association access to landscape and maintain the property along 1875 West and 950 North.

Mayor Connors opened the meeting to a public hearing at 9:10 p.m.

Thane Smith of Woodside Homes Utah spoke stating they feel it is a good plan for the Homeowners Association to maintain the common area.

At 9:11 p.m. Mayor Connors declared the public hearing closed.

A motion was made by **Susan Holmes** to approve the plat amendment as had been presented and any other necessary actions with one requirement that pressurized irrigation water be taken to each of those parcels so that there will be water available along both strips. The motion was seconded by **David Hale**, and with all Council Members voting “yes”, the motion passed.

Conceptual Consideration of Subdividing a portion of Old City Shop Site

Mr. Petersen said that this development is located on the corner of 200 South and 200 East. The developer would like to put 16 detached homes on individual lots in a Planned Unit Development. There are two historic structures on the property. A historic preservation architect looked at the larger building and said it has good structure. The Farmington Historic Preservation Commission is excited about preserving it. The project is located in an RDA area next to the City property.

It was suggested by the developer to move the smaller historic home over to the park area on 286 South 200 East and make it part of it. The Planning Commission tabled any action on this agenda item. They wanted City Council input before acting on the plan. The developer is not asking the City to commit to any sale of its land, only permission to continue to plan and lay out plans on some of the City’s property.

Mayor Connors said there wasn’t much of an appetite to sale the land now. There is no commitment from this Council, that it is not realistic right now for the City to part with it. It is not conceptually authorized.

The City Manager said that in order for the developer to preserve the historic homes, he would need the City to contribute in some way, some kind of an incentive. He stated that over the years this particular piece of property has been very, very difficult to plan and develop. He is recommending the Council listen to the developer and see what they think of his ideas.

David Hale said he agrees with the Mayor to not sell the land.

Larry Haugen stated that if the developer were to move the little historic house, it loses its historic value; it wouldn’t be a historic marker any longer. He said the Historic Commission would love to keep the old “Dutch Oven” (the larger home).

Mayor Connors suggested that the Development Subcommittee of the City Council meet with the developers to hear their presentation and to give direction and guidance.

Request for Truck Haul Route Permit for Work on Davis School District Bus Compound - Merrill Sheriff Construction

The City Manager reported Merrill Sheriff Construction is asking for approval for a Truck Haul Route Permit. They have placed a \$10,000 bond. The City Manager recommends approval.

Motion:

A motion was made by **Susan Holmes** to authorize the issuance of the Truck Haul Route Permit to Merrill Sheriff Construction contingent on their willingness to comply with conditions of issuance of the permit. The motion was seconded by **Larry Haugen**. The motion passed with all Council Members voting for it.

Request for Support letter from S & S Railroad to encourage Assessor's Office to Appraise property at less intense value.

David Petersen reported the Davis County Assessor has valued Steve Flanders' S&S Railroad property at a much higher level than before (approximately \$1,000 per month for each month the park is open, which is nine months of the year). Davis County is viewing his train park as a commercial use. Mr. Flanders only charges for train rides and for miniature golf. The rest of the property is open for the public which includes a museum, train exhibits, and a playground area. County officials informed Mr. Flanders it is possible to avoid the higher taxes by receiving a "public use exemption". The City must provide a letter verifying the public use portion of his business.

Susan Holmes made a motion to authorize the City Attorney's office to draft a letter stating that the property is public use and that the letter be reviewed by the City Council prior to being sent to Davis County. The motion was seconded by **David Hale** and passed with a unanimous vote.

Children's Justice Center Request to Waive Site Plan Fees

The City Manager has received a request from Doug Miller, Director of the Children's Justice Center, for waiver of the application fee for the site development permit for the new parking lot to be located south and west of the Center. It was pointed out that the new parking lot will provide additional parking for the City's new Community Arts Center. The City Manager recommended that the bond fee not be waived.

Sid Young moved to waive the site plan fees as had been requested by the Children's Justice Center. The motion was seconded by **Rick Dutson**. The motion passed with all members voting in favor.

Approve Adequacy of Public Trail as Constructed by Tom Morgan, Developer of Deercrest Subdivision

The City Manager reported a very productive meeting had been held with Lonnie Bullard, Rob Dale, and the Trails Committee. He said there were two issues (1) where the trail goes and for

what uses (equestrian, pedestrian) and (2) is it fair and equitable for the City to assess responsibility to Mr. Morgan to improve the trail for a system improvement? It is the staff's recommendation that Mr. Morgan has done enough and that nothing more regarding financing of the trail system should be required of him. Staff does not think the trail meets standards not meet standards for an equestrian trail. If horses are going to be allowed on the trail, it needs to be improved from the Forest Service property in Fruit Heights to the beginning point. Fruit Heights is not sure if they want an equestrian trail. Farmington City does have a 10 foot trail easement, but it doesn't designate what kind of trail, but it had to be mutually acceptable to Fruit Heights and to Farmington City. The City Manager questioned if 10 feet is adequate for equestrians. He referred to the map included in the Council's packet showing a multi-purpose trail extension. The City Manager estimates it may cost \$50,000 just to make the current switch back access from the road to the bench above safe. If the improvements were to be made, they would likely have to be funded out of Park Improvement Impact Fees. He reminded the Council this is just one need out of many needs funded from Park Impact Fees that will come before them, there are other competing demands from Park Impact fees.

Rick Dutson stated that Anne Martinez of the Trails Committee suggested to contact Troy Duffin, an expert in trail design, who lives in Park City and have him look at this location. From his suggestions, it might be easier to put a price on how much it would cost. He also suggested the Council make a field trip to the site. The Council needs to determine if there is regional significance to the trail.

David Hale expressed concern over the slope of the trail for horses. He didn't feel there was enough ground to make it wide enough to accommodate horses. He felt horses should be walked up the trail.

The City Manager said the Council needs to decide: (1) Do you want to make it an equestrian trail? (2) A minute motion should be made accepting the trail as is from Tom Morgan. The City Manager feels Mr. Morgan has done enough that he has fulfilled his responsibility, and the trail is adequate for pedestrian use.

Susan Holmes felt Mr. Morgan had done his best to meet the spirit of what was asked of him and that the issues of how wide the trail should be should be left for a future time.

Motion:

David Hale moved to approve the acceptance of this trail as built by Tom Morgan for pedestrian use only and also to authorize the City Manager to extend the expiration date on final plat approval for Deer Point Subdivision because the time for recordation has expired.

Larry Haugen seconded the motion.

Mayor Connors asked if there was a recommendation from the Trails Committee to accept the trail for pedestrian use. A recommendation has not been given.

David Hale amended his motion to approve the acceptance of the trail as built by Tom Morgan.

Sid Young expressed concern that the Trails map shows this trail as an equestrian trail. Somehow the map needs to be adjusted until this is resolved. It is shown on the Trails Master Plan as an equestrian trail, but it wasn't distinguished with Mr. Morgan what kind of a trail to build, just a trail.

Mayor Connors was concerned that there wasn't a consensus between the Trails Committee, staff and City Council Members as to if the trail is acceptable as a pedestrian trail. He questioned how the City could accept a trail if there is a safety issue.

David Hale said that he had walked the trail with Tom Morgan and that Mr. Morgan had indicated to him that he is going to modify the switchbacks. Mr. Hale said he had a list of four trail improvements Mr. Morgan had made where Mr. Morgan had spent \$25,000. Mr. Morgan had further built a water fall that was not on his property and had crossed Shepard Creek at a cost of \$100,000. He has done all this for a three-lot subdivision. Mr. Hale stated that his motion is to approve the acceptance of the trail irrespective of the definition of whether it is a pedestrian or equestrian trail.

The City Manager asked for direction as to what should be done. He stated that there are no engineering plans for trails. He pointed out that there are many pedestrian trails in the foothills with rocks, slopes, etc. A representative from URMMA had looked at the trail and stated it was acceptable for pedestrian use but not for horses. The City Manager stated there is presently no policy that would dictate whether pedestrian trails in the foothills are built adequately. He said he had been told by URMMA it isn't a good idea to have certain standards because conditions vary so much. He said staff can do some research and have an engineer come and look at the trail if that is what the Council wants.

Mayor Connors stated that maybe the answer is to waive the requirement for a trail. He was hesitant to accept the trail without everyone in agreement as to its safety for pedestrian use. He is not trying to hold up the developer, he is trying to prevent the City from saying it is okay and then someone gets hurt and the City gets sued. He wants the City Attorney to tell the City which way to go with it.

David Hale then modified his motion to waive the requirement that Tom Morgan be required to build a trail with respect to his development subject to legal counsel guidance and also to authorize the City Manager to extend the expiration date on final plat approval for Deer Point Subdivision because the time for recordation has expired. Larry Haugen had seconded the motion and was in agreement with the modification. The voting was unanimous in favor of the motion.

Minute Motion Approving Business of Consent

A motion to approve the following items of consent was made by **David Hale** and seconded by **Larry Haugen**. The motion passed with all members voting unanimously.

- Ratification of Construction Bond Agreements.
- Approval of Sidewalk Replacement Agreements with Art Parmley and Willard Oakeson
- Conceptual approval of three storm sewer easements for off-site storm water piping and detention basin for Miller Meadows Subdivision with Sharla Jolley Ellis Trust; Dustin and Heather Putnam; and Joan Walker.
- Approval of Surety Bond Agreement pertaining to Boyer-Wheeler Farm, Phases 7a and 7b.
- Approval of Improvements Agreement bond for Silverwood Subdivision.

Amendments to McKittrick/Hunter's Creek Reimbursement and other Agreements

The City Manager stated there are three agreements. The "Public Improvements Reimbursement Agreement" between the City and Woodside Hunters Creek and one between the City and SLI Commercial Real Estate Company. The other, the "Reimbursement Agreement" is Woodside Hunters Creek and SLI Commercial Real Estate Company with respect to transportation impact fees. Exhibit C of the latter Agreement -- the road segment has not been designed. There had been confusion as to who was to design the road segment that is referred to in paragraph 2 of this agreement. He said the City is getting a traffic engineering study to determine how much of the road would be a "system improvement" and how much is a "project improvement". Impact fees will pay for the "system improvements" and the developer would be responsible for the project improvement costs.

Mr. Howard Kent, SLI, addressed the Council stating his company is willing to design the road. They had thought the City Engineer was in the process of designing it. They were waiting for the design.

David Petersen stated that the City Engineer had prepared an initial design, a conceptual layout, to help decide the overall cost of the system, etc., but the actual design with the plan of profiles and engineering drawings was to be done by the developer.

Motion:

Susan Holmes made a motion to allow the Mayor to sign the agreement subject to additional language that clarifies the initial responsibility for design to make it clear that it will be part of the potentially apportionable cost of the project. The motion was seconded by **Larry Haugen** and passed unanimously.

Resolution Amending Fee Structure for Use of City Facilities as it pertains to the Community Center - Setting Fees for Use of Basement Areas

A motion was made by **David Hale** with a second by **Rick Dutson** to approve the resolution amending the fee structure for use of City facilities as it pertains to the Community Arts Center; setting fees for use of the basement areas. The motion passed with a unanimous vote.

CONSIDERATION FOR ADOPTION OF A RESOLUTION AUTHORIZING THE ISSUANCE AND SALE OF THE FARMINGTON CITY, UTAH SPECIAL ASSESSMENT BONDS, SERIES 2005 (SPECIAL IMPROVEMENT DISTRICT NO. 2003-1) (THE "SERIES 2005 BONDS"); AWARDING AND CONFIRMING THE SALE OF THE SERIES 2005 BONDS; AUTHORIZING THE EXECUTION OF AN INDENTURE OF TRUST AND PLEDGE, AND OTHER DOCUMENTS REQUIRED IN CONNECTION THEREWITH; AUTHORIZING AND APPROVING A BOND PURCHASE AGREEMENT; AND AUTHORIZING THE TAKING OF ALL OTHER ACTIONS NECESSARY TO THE CONSUMMATION OF THE TRANSACTION CONTEMPLATED BY THIS RESOLUTION; PROVIDING A SEVERABILITY CLAUSE; REPEALING RESOLUTIONS AND ORDERS IN CONFLICT; PROVIDING AN EFFECTIVE DATE; AND RELATED MATTERS.

Jonathan Ward, representing Zions Public Finance, addressed the Council stating that the City had received over 80% in prepayments on the Special Improvement District 2003-01 projects. The bond closing will be held on August 17. The adoption of the resolution solidifies bond financing. Wells Fargo is the purchaser of the bonds. The interest rate will be 4.15%.

Susan Holmes moved to approve the resolution authorizing the issuance and sale of the Farmington City, Utah, Special Assessment Bonds, Series 2005 (Special Improvement District No. 2003-1); award and confirm the sale of the Series 2005 Bonds; authorize the execution of an indenture of trust and pledge, and other documents required in connection therewith; authorize and approve a bond purchase agreement; and authorize the taking of all other actions necessary to the consummation of the transaction. The motion was seconded by **Sid Young** and approved by the affirmative vote of all Council Members.

Appointment of Persons to Fill Vacancies on Planning Commission and Board of Adjustment

Mayor Connors stated four applicants had been interviewed from the south side of the City. He is recommending that Paul Barker be appointed to the Planning Commission. Appointments to the Board of Adjustment will be made at a future meeting.

Rick Dutson moved to appoint Paul Barker to serve on the Planning Commission to fill the unexpired term of John Montgomery. The motion was seconded by **Sid Young**. The voting was unanimous in favor.

Miscellaneous

Sid Young questioned the status of the fire break road. He felt like it is at a standstill. The City Manager stated it is a County project that the City only supplies the money. He will check with Kim Wallace to get a report from him.

Upcoming Meetings

Rich Haws is requesting a meeting on September 7 agenda. He will be bringing representatives from Cinemark.

A meeting will be held on August 16 at 4:30 p.m. with Rich Haws, Sid Young and Rick Dutson to discuss merging of the road of section "Y" with the north alignment of the road off of Creek Lane.

On August 17 at 5:00 p.m. there will be an RDA meeting. UTA now needs to get going on their project. They want to know how much tax increment they will get.

The City Manager referred Council Members to a letter in the packet drafted by the City Attorney regarding the acquisition of land from Farmington Ranches Homeowners Association for a City park. He also referred them to correspondence from Luke Chamberlain who is interested in having a 66' right of way north of the Fieldstone Subdivision vacated back to abutting property owners. It was the feeling of the Council that before that could be done, there would need to be unanimity with all the abutting property owners, and the City would want to receive something in return.

On August 24 at 4:30 p.m. Walt Hokanson, Public Works Director, has invited the Mayor and Council Members to tour the new Buffalo Ranch trail recently constructed.

There being no further business, upon motion by **David Hale** with a second by **Rick Dutson**, the meeting adjourned at 11:30 p.m.

Margy Lomax, City Recorder