

FARMINGTON CITY COUNCIL MEETING

Wednesday, August 6, 2003

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 Planner David Petersen, City Recorder Margy Lomax, and Deputy Recorder Jeane Chipman. City Manager Max Forbush was excused. Mr. Hasenyager joined the City Council at 8:50 P.M.

Mayor Connors called the meeting to order at 7:00 P.M. The invocation was offered by Larry Haugen and the Pledge of Allegiance was led by Spencer Jewett of Scott Troop 1199.

SWEARING IN OF NEW POLICE OFFICER (Agenda Item #3)

Police Chief Hansen introduced the City's first female Police Officer, Kellie Barton, and stated that she had been the most qualified candidate for the position. The Chief was pleased with the abilities Officer Barton would bring to the force and stated she would be an asset to the department and to the City.

Mayor Connors conducted the swearing-in ceremony. He welcomed Officer Barton and congratulated her for her achievements.

APPROVAL OF MINUTES OF PREVIOUS MEETING

David Hale moved to approve the minutes of the July 16, 2003, City Council Meeting. **Larry Haugen** seconded the motion. The voting was unanimous in the affirmative.

Susan Holmes moved to approve the minutes of the July 2, 2003, City Council Meeting. **Ed Johnson** seconded the motion. The voting was unanimous in the affirmative.

SPECIAL REPORT BY SHARON SPEARS, FORMER MISS FARMINGTON/UPDATE ON MENTAL HEALTH ISSUES IN FARMINGTON (Agenda Item #4)

Sharon Spears, former Miss Farmington, gave a report regarding mental health issues. She cited the fact that the recent devastating fire in the City had been caused by a mentally ill person. It was important that people be aware of problems with mental health. The week declared as Mental Health Week in Farmington helped to make people aware of mental health issues. Ms. Spears has arranged for speakers to come to Farmington and has invited citizens from the City and surrounding areas to attend.

Mayor Connors congratulated Ms. Spears on her fine service in the area of mental health issues and complimented her for becoming the first runner-up in the Miss Utah Pageant in the category recognizing service given by participants.

REPORT OF PLANNING COMMISSION (Agenda Item #5)

David Petersen reported proceedings of the Planning Commission meeting held July 10, 2003. He covered the following items:

1. George Chipman presented information regarding trails in the City and gave each member of the Planning Commission booklets recently published containing trail descriptions and locations.
2. Steven Meyers (representing UTA) was present to give Commission Members information regarding proposed UTA commuter rail systems in Davis County.
3. The Planning Commission recommended final plat approval for the second plat of the Oakwood Estates Phase II Subdivision located at approximately 550 West 1900 North.
4. The Planning Commission also recommended final plat approval for Tuscany Cove at Lake Pointe Subdivision located at approximately 1700 South Lund Lane and 300 East.
5. Leisure Villas had requested recommendation to the City Council to develop a senior living community near the Farmington/Kaysville boundary. After receiving a great deal of public comment, the Planning Commission recommended annexing nearly 12 acres northwest of the Oakridge Farms Subdivision. They felt the project was acceptable, however, they felt strongly the location was not appropriate. They had also been asked to consider recommending an amendment to the General Plan and to rezone the property to allow the high density project. They tabled the agenda item to allow time to study transportation issues. Mr. Petersen received a faxed letter from the developer dated 8-6-03 withdrawing the application.
6. The Planning Commission recommended to the City Council that they rezone large portions of the central area of Farmington "Original Townsite Residential" (OTR) and that they amend the General Plan for portions of the area accordingly.
7. The Planning Commission considered information presented by Bruce Dickamore of the B&D Real Estate Development regarding developing approximately 9 acres of land on the north side of Lund Lane west of 200 East.

PUBLIC HEARING: CONSIDERATION OF COMMON BOUNDARY LINE ADJUSTMENT ACTIONS BETWEEN FARMINGTON CITY AND CENTERVILLE CITY AS FOLLOWS: RESOLUTION APPROVING AN INTERLOCAL AGREEMENT SETTING FORTH MUTUAL COVENANTS WITH RESPECT TO THE BOUNDARY LINE ADJUSTMENT AND ORDINANCE ADJUSTING A PORTION OF THE

EXISTING COMMON BOUNDARY LINE BETWEEN FARMINGTON CITY AND CENTERVILLE CITY. (Agenda Item #6)

Mr. Petersen discussed the interlocal agreement with Centerville regarding boundary line adjustments. Generally, Farmington City agreed to accept all of Lund Lane and maintenance thereof. In consideration of the exchange, Centerville agreed to annex property adjacent to the Tuscany Cove development into their City and to develop a trail head park thereon for the use and benefit of both cities. Other minor issues related to the boundary line adjustment were also discussed. Mr. Petersen reported that Centerville had discussed the interlocal agreement in their City Council meeting the previous night. They had suggested changes, which Mr. Petersen reviewed, i.e. if the Tuscany Cove development does not occur, the agreement would be null and void.

Public Hearing

Mayor Connor stated that the agreement also provided that Farmington would make park impact fees available to Centerville for specific use in developing the trail head park. Monies not used for the project would be returned to Farmington. He emphasized that the park impact fees from Farmington were only to be used for the trail head improvements. He opened the meeting to a public hearing.

Public Hearing Closed

With no forthcoming comments, the Mayor closed the public hearing and requested consideration by the Council.

Motion

Ed Johnson moved that the City Council adopt Resolution No. 2003-28, a resolution of the City Council of Farmington City authorizing the execution of an interlocal cooperation agreement between Farmington City and Centerville City providing for cooperative action regarding park development and streets; that the interlocal agreement include changes to the agreement as suggested by Centerville City in a fax from Steve Thacker dated Wednesday, August 6, 2003 (item #19 shall include the following language: . . .State of Utah, *within one year from the date of this agreement*); that the motion be contingent on having park impact fees from the Tuscany Cove at Lake Pointe Subdivision limited to use for said park development project; and that Mayor Connors be authorized to sign the same. **David Hale** seconded the motion, which passed by unanimous vote.

Ed Johnson moved that the City Council adopt Ordinance No. 2003-29, an ordinance adjusting a portion of the existing common boundary line between Farmington City and Centerville City, including changes to the agreement as suggested by Centerville City in a fax from Steve Thacker dated Wednesday, August 6, 2003 (Section 4 shall include the following language: . . . 1953, as amended: *and the final plat for the Tuscany Cove Subdivision has been recorded with the Davis County Recorder's Office, such recording not to exceed one year from*

the date of approval of the boundary line ordinances.) **David Hale** seconded the motion, which passed by unanimous vote.

**PUBLIC HEARING (CONTINUED FROM JULY 16, 2003 CITY COUNCIL MEETING)
CONSIDERATION OF RENAMING “BURKE LANE” FROM MAIN STREET WEST
TO I-15 THENCE SOUTHWESTERLY ACROSS THE NEW I-15 RAMP TO “PARK
BLVD.” (Agenda Item #7)**

David Petersen introduced the agenda item, including the following points:

- ▭ A map of the area was reviewed. The original Burke Lane connected Main Street to the newly constructed interchange leading to Clarke Lane. The original Burke Lane continued on the west side of I-15.
- ▭ The developer had made suggestions regarding the naming of the new road. The developer felt Park Lane would be an effective name for the road and that portions of Burke Lane remaining intact should retain the Burke Lane name.
- ▭ Mr. Petersen reviewed suggested signage for the freeway.

Public Hearing

Mayor Connors opened the meeting to a public hearing.

Rich Haws (developer for property in west Farmington) stated he had met with Todd Jensen of the Utah Department of Transportation (UDOT). UDOT preference to avoid confusion was to have the entire length of the road from Main Street all the way to Clark Lane named Park Lane. However, Mr. Haws felt that in deference to community feelings regarding the historic nature of the Burke Lane name, the portion of the original road connecting Main Street to the new construction should retain the Burke Lane title. Mr. Haws stated UDOT had given the City until September 1 to suggest names. He liked the “Park Lane” name because it alluded to Lagoon Park, the Fair Park, the Park Station for the commuter system, and the business park project.

Joe Judd (82 West 600 North) felt there would be a confusion created if the street under consideration had two different names. He felt the contiguous road should have one name.

Chadwick Greenhalgh (208 West State Street) commented he was very supportive of retaining the “Lane” part of the name because of its historical significance and uniqueness to Farmington. He also felt that the portion of the road in west Farmington that was near the original Burke homestead should retain the Burke name. Mr. Greenhalgh felt that signage on the freeway should be responsive to the needs of promoting the City, its unique character, and its historic nature. The title “Park” is used everywhere in the nation, whereas “Burke” is unique just to Farmington. He wanted to see the name “Burke” used as much as possible.

Public Hearing Closed

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

Susan Holmes felt the City should leave as much of the road as possible with the Burke name. The newly constructed road does need a new name to reduce confusion. She liked the name "Park Lane." Ms. Holmes suggested that signage in the City on the small stretch of the original road connecting to Main Street could say "Burke Lane."

Mayor Connors commented he had a new appreciation regarding the major east-west roads through Davis County. They were all called "lane," a great historical fact. He was glad to have that information.

Ed Johnson said he was sensitive to the preferences of the Farmington Historic Preservation Commission in that they wanted to retain the "Burke Lane" name. The Burke family had settled in the area for a time. The City Council had recently spent several months focusing on the future of the City and on strengthening its commercial tax base. Many entities in the City, such as Lagoon and the Fair Park, had also been in the area for many years. The decision was a very difficult one. He leaned towards naming the road "Park Lane" because it unified the area and implied several meanings. He liked keeping "Lane" as part of the name. He also liked having the entire road from Main Street to Clarke Lane called the same thing to reduce confusion and was in favor of allowing Burke Lane to remain as such west of I-15.

Larry Haugen had lived in Farmington all his life. He was strongly in favor of having the road from Main Street to Clarke Lane called Burke Lane and then designate the western, unconnected part of the original Burke Lane named "Old Burke Lane" or "Historic Burke Lane" to avoid confusion. He felt the Burke family had contributed significantly to the history of Farmington. Keeping the name would retain the old, small town flavor. He wanted to retain Farmington's heritage.

David Hale felt the name should be as non-confusing and as simple as possible. He felt that if the signage exiting the freeway were to have "Park Lane" one way and "Burke Lane" the other, it would be too confusing. He noted there were not many addresses between Main Street and the new construction that would be affected if the name were changed. If, however, the name on that short section were to be left as "Burke", he wondered if anyone would be able to find the addresses on the west Farmington side because there is no connection between the two roads. He felt the west side Burke Lane should remain unchanged.

David Petersen commented that in his work with planning issues he had come to recognize that names had a limited impact on the success of commercial developments. When developments have the elements for success, the name then becomes popular no matter what it is. There is actually a national list of names for use by developers, thus the reason so many subdivisions and commercial endeavors sound the same nationwide. Burke Lane, on the other hand, is unique to Farmington. His suggestion was to retain the "Burke Lane" name for the entire road between Main Street and Clark Lane.

Motion

David Hale moved that the City Council name the new portion of the road as Park Lane. **Ed Johnson** seconded the motion. A roll call vote was taken, indicating a three-to-one vote passing the motion. Mr. Haugen voted in opposition to the motion.

Ed Johnson moved that the City Council name the existing portion of Burke Lane connecting Main Street to the new road as “Park Lane.” **David Hale** seconded the motion. In discussion of the motion, Mr. Haugen stated he felt strongly the heritage of Farmington should be protected and that the name should remain Burke. A roll call vote was taken resulting in a 3 to 1 vote passing the motion. Mr. Haugen voted in opposition to the motion.

Mayor Connors noted that the original Burke Lane west of I-15 would be left as “Burke Lane.”

Rich Haws asked for permission to address the Council. He stated he felt the Council should consider adding a sub-script to signage indicating the road was “Historic Burke Lane.” He felt the feelings and opinions of the citizens to retain Farmington’s heritage could be honored by doing so.

PUBLIC HEARING (CONTINUED FROM JULY 16, 2003 CITY COUNCIL MEETING)
CONSIDERATION OF AMENDMENT TO ZONING ORDINANCE TO PERMIT
ACCESSORY DWELLINGS AS A CONDITIONAL USE IN AGRICULTURAL ZONES
(Agenda Item #8)

Mr. Petersen reminded Council members that about one year ago they had approved an ordinance amendment to allow accessory dwellings in single family residential zones. A request had come to the City to amend the zoning ordinances further to include accessory dwellings as a line item conditional use for agricultural zones. The Planning Commission had carefully reviewed the request in two different meetings. They recommended the amendment because agricultural zones involved large parcels of property where two family dwellings were not an option. He reviewed the proposed amendment, including a definition of “accessory dwellings.” He explained the difference between “accessory dwellings” and “secondary dwellings” and stated secondary dwellings would not be permitted in agricultural zones.

Public Hearing

Mayor Connors opened the meeting to a public hearing.

Public Hearing Closed

With no forthcoming comments the Mayor closed the public hearing and asked for consideration by the City Council.

Mr. Hale commented that the amendment made sense because it would make conditions for accessory dwellings consistent across the City. The action would be fair and beneficial for all citizens. He also noted that as a conditional use, accessory dwelling applications for agricultural zones would still have to come before the Planning Commission for review.

Motion

Susan Holmes moved that the City Council approve Ordinance No. 2003-30, an ordinance amending Section 11-10-020 of the Farmington City Zoning Ordinance establishing accessory dwellings as a conditional use in Agriculture Zones. **David Hale** seconded the motion, which passed by unanimous vote.

REQUEST FROM TUSCANY COVE SUBDIVISION FINAL PLAT APPROVAL/HAWKINS COMPANIES (Agenda Item #9)

Mr. Petersen reviewed the conditions previously set on the development by the City Council and the Planning Commission. He stated progress in acquiring off-site easements had been made. Acceptable forms had been submitted to the City indicating the developer had done as much as could be done to this point to acquire the easements. Final plat approval was warranted. If the City Council determined they would grant the final plat approval, the development agreement could be addressed in a future meeting. He detailed the conditions as set forth and discussed the problem of gaining 60 psi for each of the subdivision lots.

Mayor Connors raised the issue of fire protection for the homes and asked if the psi would impact that protection in any way.

Mr. Petersen stated the construction of the subdivision would actually improve fire protection for the area because it would bring water resources to that foothill area.

Bart Longsen and Joe Rainey (developers) asked for permission to address the City Council. They committed to the City Council that pumps would be installed in each home needing it to raise the water pressure to 60 psi. They wanted to satisfy the home buyers and felt the pumps would be a good investment.

At this point, **Mayor Connors** postponed further discussion of the agenda item until Mr. Hasenyager could be present.

REQUEST FOR PLAT 2, OAKWOOD ESTATES, PHASE II, FINAL PLAT APPROVAL/LONNIE BULLARD (Agenda Item # 10)

Mr. Petersen explained that the subdivision plat had been recorded. However, a neighbor had requested permission to develop what was proposed as lot 301 in the Oakwood Estates. This would require approval of "Plat 2." The Fire Chief and Dave White had reviewed the application and found it to be acceptable. Mr. Petersen discussed the open space requirement and said that the temporary easement as indicated on the current plat would go away when the property was

further developed and the permanent conservation easement was placed on Parcel B.

Mr. Hale inquired regarding the Planning Commission's concerns over a berm requested by a nearby neighbor to protect against possible flooding caused by runoff from the Oakwood Estates Phase II area.

Mr. Petersen stated the Planning Commission discussed the issue at length. Mr. Petersen had researched minutes of past meetings and previous conditions that had been set. There were no conditions set for the berm. However, Mr. Bullard had stated he intended to re-cobble the drainage area, providing the desired protection. In the current recommendation from the Planning Commission, they felt the condition had do to with prior approvals and not with the current application. They encouraged action by the developer in regards to the flooding protection, but felt they could not legally place such action as a condition for approval.

Mr. Bullard was present and asked to address the Council. He stated he planned to make attempts to correct the drainage problem caused over the years. He wanted to have the run off from the pasture area redirected to correct the historic flow in order to protect the neighbor. There is already some work being done. He intended to finish the project at the time rock work was completed on his residence. He would have boulders brought to the property line to help secure the drainage corridor and to mitigate the potential problem. He stated he had every intention of being a good neighbor.

Motion

Susan Holmes moved that the City Council grant final plat approval for the second plat of Oakwood Estates Phase II Subdivision located at approximately 550 West 1900 North subject to Planning Commission conditions as set forth in Mr. Petersen's letter dated July 18, 2003. **David Hale** seconded the motion, which passed by unanimous vote.

HUNTER'S CREEK SUBDIVISION IMPROVEMENTS AGREEMENT WITH DANVILLE LAND INVESTMENTS, LLC (Agenda Item #11)

Packet information indicated the agreement had been prepared by Mike Mazuran in consultation with David Petersen, Max Forbush, and Russell Youd of Horrocks Engineers. Staff believed the agreement was a good alternative for developing the required road patterns in west Farmington. The principles behind the proposed alignment and division of cost on the street was as follows:

1. All project roads, 66 foot rights of way and less, should be paid for and constructed by development.
2. Roadway improvements and right of way in excess of 66 feet should be paid for by street impact fees and with State or Federal grants.
3. All dangerous intersections, railroad crossings that are driven by many people,

should be mitigated and funded by street impact fees and/or Federal or State grants.

4. The City may have to use the power of eminent domain to secure some necessary rights of way in Segment "B" of the proposed project.
5. The City should be willing to make a part of its triangular parcel available for a public street to be paid for by benefitting development (i.e., the 66 foot portion by Danville and the additional 14 feet of right of way improvements by the street impact fees.)

Mr. Petersen discussed the need for improving transportation routes in north Farmington, especially as impacted by Kaysville traffic. He reviewed requested changes by the developer and discussed staff concerns.

[Bob Hasenyager arrived at 8:50 P.M.]

Mr. Haugen felt the proposed route for the road patterns in west Farmington would not encourage Kaysville residents to use it because it included so many corner turns.

Mr. Petersen stated he had reviewed that very problem with Horrocks Engineers. They felt the proposed route would improve the traffic pattern and decrease congestion on Shepard Lane.

Mr. Hale stated he felt there would still be a great deal of pressure on the Shepard Lane road and that it would have to be addressed.

Barry Burton (Davis County Planning) asked if consideration had been given to protection of a corridor for the potential Legacy North Highway.

Mr. Petersen said the Legacy North Highway potential had been discussed. He described the provisions allowed for the possibility of constructing the Highway. Because the City and the County own land in the vicinity and because the proposed route does not include as many private parcels as previous routes, he felt this option was conducive to the Legacy connection.

After further discussion, David Hale and Larry Haugen agreed to serve as a sub-committee to review and try to resolve remaining issues with the current application. They will present their findings at an upcoming City Council meeting.

Susan Holmes noted an error in the listed principles for the proposed alignment and division of cost on the street. It had been stated that park impact fees would be used to pay for some costs. It should be corrected to state that street impact fees would be used.

CONTINUATION OF ITEM #9

With the arrival of Mr. Hasenyager, **Mayor Connors** proposed that the City Council continue their consideration of agenda item #9. The City Council briefly reviewed the discussion held earlier regarding the agenda item.

Motion

Bob Hasenyager moved that the City Council grant final approval for the Tuscany Cove Subdivision subject to the conditions of the Planning Commission stated in Mr. Petersen's letter dated July 18, 2003, and that the developer install water pressure pumps to lots as needed to bring the pressure to at least 60 psi. **Larry Haugen** seconded the motion, which passed by unanimous vote.

DAVIS COUNTY'S PROPOSAL TO SELL SHEPARD CREEK PARCEL OF 4.7 ACRES LOCATED EAST OF SOMERSET FARMS TO FARMINGTON CITY/KENT SULSER (Agenda Item 12)

Mr. Petersen reviewed the agenda item. He stated the County had asked Barry Burton to present their intentions to the City Council.

Barry Burton (Davis County Planning) stated the County was looking to sell surplus property in order to get cash reserves which would enable them to increase their bond rating. He stated the County wanted to make Farmington aware of the possibility in case they were interested in the purchase.

Mr. Hale asked if the trail easement would remain in the flood corridor as presented in the map of the area.

Mr. Burton stated the flood corridor would be retained by the County in order to provide maintenance access. The trail easement would remain in tact. However, the County would likely require an agreement with the City similar to the one in place for Farmington Pond, wherein the County would be held harmless.

Mayor Connors suggested the option for purchase could be discussed in closed session.

DAVIS COUNTY PLANNING OFFICE'S REQUEST FOR INPUT WITH RESPECT TO THE COUNTY'S ROLE UNDER THE PROPOSED "TDR" ORDINANCE (Agenda Item 13)

Mr. Petersen presented the agenda item. A memo had been sent to the City Council from Mr. Petersen regarding the transfer of development rights (TDR) program and County and City levels of commitment. He stated that it is proposed that the County establish and maintain a registry and clearing house for TDR actions in the County and that it had been envisioned that the program would be financially self-supporting once established.

Mr. Burton (Davis County) stated the County wanted to learn the level of support among Davis County cities.

Mr. Hasenyager inquired regarding the possibility of having Farmington be a receiving area for higher density developments from other cities as a result of decisions made by the County.

Mr. Petersen stated the TDR program is a political issue. It would be left to each city whether or not they would participate in the program. Even if each city retained both receiving and sending areas within the city boundary, it would still be necessary to have a central recording agency. That function could be filled by the County.

Mr. Hasenyager felt it would have to be clear that the City would retain control of the receipt of TDRs.

Mr. Burton stated the County has no desire to be involved in the details of subdivisions or development. There would, of necessity, be inter-boundary dealings between the cities and the County, but not necessarily between one city and another.

Mayor Connors stated it was obvious that by consensus the City Council was strongly in favor of the basic principles of the TDR program, even though details would need to be addressed. The City would not want to receive other city's high density expansions, whereas they may be tolerant of County transactions.

REQUEST TO APPROVE "COOL DAYS" SPECIAL EVENT AT FARMINGTON POOL ON TUESDAY, SEPTEMBER 2, 2003 (Agenda Item # 14)

Motion

After a brief discussion, **Susan Holmes** moved that the City approve the "Cool Days" special event at Farmington Pool on Tuesday, September 2, 2003, as proposed by the City's Leisure Services Director. **Bob Hasenyager** seconded the motion. The motion passed by a three-to-two vote. Mr. Johnson and Mr. Hale opposed the motion.

RECONSIDERATION OF OPENING 900 NORTH IN OAKRIDGE COUNTY CLUB ESTATES II/THE HOMES AT SHEPARD CREEK HOMEOWNERS ASSOCIATION (Agenda Item 15)

Mr. Petersen introduced the agenda item. The item was placed on the agenda in response to citizen concern regarding the barrier that blocks the road between Kings Crossing and 1100 West. Mr. Petersen stated there was supposed to be a crash gate at that point.

Mayor Connors stated the development agreement should be researched and that the City Council should consider holding public hearings to gather public comments before any action is taken.

MINUTE MOTION APPROVING BUSINESS OF CONSENT (Agenda Item #16)

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

1. Ratification of Construction Bond Agreements previously signed by Mayor Connors.
2. Approval of Improvements Agreement with Claims, Inc. for Farmington Greens, Phase IV, Subdivision.
3. Approval of Resolution amending 17.090 of City Personnel Policies re: Take Home Vehicle Use Policy. This matter was discussed previously by the City Council and approved. This formalizes the approval.
4. Ratify staff's decision to sell Leisure Services surplus equipment over e-Surplus website/Declare items as surplus property. Viola Kinney had a chance to sell this equipment. The value of items mentioned on the letter is around \$200.00. The City Manager gave her authorization to sell it. Staff is asking the Governing Body simply to ratify our decision and to declare the property, as listed, as surplus to meet State and City statutes.
5. Ratification of the Interlocal Cooperation Agreement by and between Davis County and Farmington City for waterline connection and service previously signed by Mayor Connors.

Bob Hasenyager seconded the motion, which passed by unanimous vote.

ORDINANCE AMENDING BR ZONE TEXT TO PERMIT "SMALL AUTO SALES" AS A CONDITIONAL USE (Agenda Item #17)

Mr. Petersen stated the amendment had been conceptually approved by the City Council in a previous meeting. The amendment had been drafted and brought back to the Council for their consideration. The ordinance included a definition of a "small auto dealership" and conditions as recommended. The applicant had suggested limiting the size of the dealership to further restrict such endeavors. He detailed the ordinance.

The Council discussed the agenda item at length, including the following points:

- ▮ Section 1 (83) should read: "Small Auto Dealership. An auto dealership licensed by the State of Utah displaying for sale no more than three (3) cars at any one time."
- ▮ 11-28-210 should read: "Small auto dealerships may be allowed as a conditional

use in business/commercial zones as designated by the Zoning Ordinance.”

- ↪ 11-28-210 (3)(d) should read: “Business Sign. One sign advertising the business may be permitted but shall be no greater than the minimum of Utah State statutes and shall otherwise be compliant with Farmington sign ordinances.”
- ↪ A lengthy discussion ensued regarding whether or not cars displayed should be limited to vehicles used in the business. The previous motion of the City Council included the condition that vehicles be previously used by the business.
- ↪ 11-28-210 (4) included the words “secondary dwelling.” It should be corrected to “small auto dealership.”
- ↪ Mr. Hale stated he was a licensed car dealer, had taught classes on the subject, and had had no dealings with the applicant. He felt there was no conflict of interest with the agenda item.
- ↪ Mr. Haugen stated he felt he had no conflict of interest even though he sells cars at his business.

Motion

Bob Hasenyager moved that the City Council approve an ordinance enacting Section 11-2-020(83) and Section 11-28-210 and amending 11-15-030 of the Farmington City Zoning Ordinance establishing small auto dealerships as a conditional use in the BR zone with the following corrections and changes:

- ↪ Section 1 (83) should read: “Small Auto Dealership. An auto dealership licensed by the State of Utah displaying for sale no more than three (3) cars at any one time.
- ↪ 11-28-210 should read: “Small auto dealerships may be allowed as a conditional use in business/commercial zones as designated by the Zoning Ordinance.”
- ↪ 11-28-210 (3)(d) should read: “Business Sign. One sign advertising the business may be permitted but shall be no greater than the minimum of Utah State statutes and shall otherwise be compliant with Farmington sign ordinances.”
- ↪ 11-28-210 (4) included the words “secondary dwelling.” It should be corrected to “small auto dealership.”
- ↪ 11-28-210 (3)(j) shall be added to include language that the car dealership shall be limited to displaying cars used by or in connection with the business.

David Hale seconded the motion. A roll call vote was taken indicating the motion failed

by a three-to-two vote. Mr. Haugen, Mr. Johnson, and Ms. Holmes voted in opposition to the motion.

Mr. Hale moved that the City Council approve Ordinance No. 2003-31, an ordinance enacting Section 11-2-020(83) and Section 11-28-210 and amending 11-15-030 of the Farmington City Zoning Ordinance establishing small auto dealerships as a conditional use in the BR zone with the following corrections and changes:

- ▮ Section 1 (83) should read: “Small Auto Dealership. An auto dealership licensed by the State of Utah displaying for sale no more than three (3) cars at any one time.
- ▮ 11-28-210 should read: “Small auto dealerships may be allowed as a conditional use in business/commercial zones as designated by the Zoning Ordinance.
- ▮ 11-28-210 (3)(d) should read: “Business Sign. One sign advertising the business may be permitted but shall be no greater than the minimum of Utah State statutes and shall otherwise be compliant with Farmington sign ordinances.”
- ▮ 11-28-210 (4) included the words “secondary dwelling.” It should be corrected to “small auto dealership.”

Susan Holmes seconded the motion. In discussion of the motion, it was suggested that an amendment be made to include the addition of language stating cars displayed at the site must have been used in conjunction with the business. Both Mr. Hale and Ms. Holmes concurred with the amendment. The motion was amended by adding condition (3)(j) “the car dealership shall be limited to displaying cars used by or in connection with the business.” The vote was unanimous in the affirmative.

FARMINGTON FIRE INCIDENT REPORTS/SEDIMENT DEBRIS FLOW MITIGATION ACTIONS/MISCELLANEOUS CORRESPONDENCE (Agenda Item #18)

Mayor Connors reported that the cost to the City of the recent 2000 acre hillside fire would be approximately \$8,300. Some of the cost of equipment replacement had been covered by voluntary citizen donations. The Mayor stated that between the hours of 3:30 and 5:30 A.M the City had been asked to make a decision regarding payment for the cost of the fire. They had chosen to pay for the portion of the fire that their own department had incurred rather than a percentage of damage incurred. He suggested the City Council review the packet material regarding the fire incident for their information and for future reference.

URBAN INTERFACE FIRE POTENTIAL/SOUTHEAST BENCH/REVIEW OF POSSIBLE COURSES OF ACTION (Agenda Item #19)

Mayor Connors had requested the item be placed on the agenda in response to strong concerns of residents living on the southeast bench of Farmington. The area had not been burned, but is highly vulnerable. Issues included the gate closure across the Doug Allen/Mike Nebeker

properties off of the Armstrong road and vehicular access behind Walt and Laurel Moyer's home on the north side of Davis Canyon.

The City Council discussed the issues at length, including the following points:

- ↯ Mayor Connors had written a letter to Mr. Allen and Mr. Nebeker indicating the need for important safeguards that needed to be available, one of which was the open access at various locations to allow ingress and egress for public safety vehicles and personnel to fight and/or protect against fires, should additional incidents occur. He requested cooperation and agreement to allow the gate on the property going to Forest Service property to be opened for the balance of the fire season.
- ↯ The developers had responded to the Mayor's request with a follow-up letter raising several issues which the Mayor felt should be discussed with professionals, members of the City Council, and the developers.
- ↯ Mr. Hasenyager stated the importance of being completely and undoubtedly sure that safety officials were in possession of a key that would unlock the gate on the Allen/Nebeker property.
- ↯ Citizens should be educated and encouraged to fire-protect their property by eliminating brush near structures, etc.
- ↯ It was also important that the fire break road be upgraded so that it indeed acts as a fire break.
- ↯ Mr. Johnson stated the issues were time relevant. The high potential fire season is currently underway, as proved by the many fires already experienced. Action must be taken immediately.
- ↯ Fire protection professionals should be consulted and requested to give input regarding the status of the gate on the Allen/Nebeker property, thereafter the developers must comply with the Fire Chief's directives.
- ↯ Mayor Connors commented that no professionals to this point had come forward with a report that they had been unable to gain access to the foothills through the gate in question. He said there had been citizen reports of such incidents, but none of the agencies involved have reported such an event.
- ↯ There needs to be work done to improve the road in the vicinity of the gate. Passage is currently very difficult. If large fire fighting equipment needed to access the property, they would be unable to traverse the road.

MISCELLANEOUS FUTURE CITY COUNCIL ACTIVITIES AND MEETINGS (Agenda Item #20)

City Council members were asked to attend and help serve and greet employees and volunteers at the Appreciation Dinner on Thursday, August 14, 2003 at 7:00 P.M. The event will be held at the Rock Bowery and the Swimming Pool.

MISCELLANEOUS

Wet Area Near the Swimming Pool

Mr. Hasenyager reported a “bog” area near the swimming pool where the grass is dying.

Community Center Completion Date

Mayor Connors reported the planned completion date for the Community Center is around the end of the year.

Large Truck Parking Violation

A large truck have been parking near the Guenter Popp property on 200 East. Staff was asked to check into the violation.

Large Trucks Driving through Residential Areas

Mr. Hale reported citizens had been complaining about large tandem trucks driving through the Fieldstone Subdivision. Staff was asked to investigate.

Ordinance Enforcement for Turn-around Driveways on 650 West and 1100 West

Ms. Holmes had noticed that construction of new residences had progressed that had not included turn-around driveways, which had been required by City ordinance. Staff was asked to investigate.

Dick Ellis Driveway

Mr. Haugen reported that the potential flood problem existing on the Dick Ellis property was most likely the result of how his driveway had been graded. The approach would need to be examined.

Heavy Construction Equipment on Post Office Property

Mr. Hale stated that there had been heavy construction equipment parked on the Post Office property. It should not be there. Staff was asked to investigate the problem.

Heritage Park Progress

Mayor Connors stated that the Public Works Department was working to get landscaping done on Heritage Park prior to the time FAPID shuts off irrigation water. They were accelerating the project because it may be that FAPID will shut off water before the usual October 15th date. The Mayor stated that the Public Works Department had other options for watering the landscaping to keep it alive right after planting in the event FAPID water is discontinued, but that watering would have to be done during the day. The City Council should be aware of the situation because citizens will likely complain that the City is not following conservation practices.

Signal Lights on Shepard

Mayor Connors stated complications had arisen regarding the placement of electric boxes needed in conjunction with the signal light being installed at Shepard and Main. Some survey lines had proven incorrect. Also, some property owners had been hesitant to have the boxes on their land.

Traffic Striping on Clark Lane

Mr. Hasenyager reported that the lack of striping on Clark Lane made it unclear where traffic should go when turning left near the Court complex. Staff was asked to look into the matter.

MINUTE MOTION ADJOURNING TO CLOSED SESSION

David Hale moved that the City Council adjourn to closed session to discuss possible purchase of real property and the possibility of pending litigation as allowed by law. **Larry Haugen** seconded the motion. The Council adjourned to closed session at 11:15 P.M.

ADJOURNMENT

At 11:35 p.m a motion was made by Bob Hasenyager to go back into open session. The motion was seconded by Susan Holmes and voted on unanimously in the affirmative.

There being no further business to bring before the Council, the meeting was adjourned upon motion made by Larry Haugen.

Margy Lomax, City Recorder, Farmington City