

FARMINGTON CITY COUNCIL MEETING

Wednesday, August 20, 2003

CITY COUNCIL WORK SESSION/WEST CONFERENCE ROOM

PRESENT: Mayor Pro tem Larry W. Haugen, Council Members David Hale, Bob Hasenyager, Susan T. Holmes, Edward J. Johnson, City Manager Max Forbush, and Deputy Recorder Jeane Chipman. Mayor David M. Connors attended after attending the COG meeting.

Mayor Protem Haugen began discussion at 6:40 P.M. The following items were reviewed:

- ▮ Agenda Item #11– *Financial Agreement between Farmington City and the Natural Resources Conservation Service (NRCS) regarding the “Emergency Watershed Protection” Program.* Mr. Forbush explained that because of the Farmington foothills fire in July 2003, the City was vulnerable to sediment flows and mud slides and other problems and would remain so through the summer of 2004. He reviewed proposed plans by the NRCS to implement mitigating measures on private properties down slope from the U.S. Forest. The cost to the City would be 25% percentage of the total cost and could be remitted in kind or cash. The amount would need to be paid in full within 30 days of completion of the work. Federal guidelines would need to be followed. He asked that the City Council consider authorizing the Mayor and himself to complete negotiations with the NRCS and to request review by the City Attorney so that work could begin as soon as possible. Mr. Hasenyager inquired about revegetating the hillside with fire-resistant plants. Funding options were briefly discussed. It was also mentioned by representatives of the NRCS that they do not remove structures such as the silt fences. Once the hillside was stable and if private property owners wanted the structures removed, they would have to do so. [Mayor Connors arrived at 6:55 P.M.] The NRCS would bid out the project, manage the work, and then bill the City for the City’s portion of the bill. By consensus, the City Council felt that the mitigation project was the right thing to do for the benefit of the City.
- ▮ Agenda Item #4– *Consideration of Ordinance vacating approximately 15 feet of the east side of the 300 East Street right-of-way beginning at the 300 East/200 South street intersection, thence northerly 133.29 feet as requested by Josh Biesinger and David Croft.* Mr. Forbush stated Mr. Biesinger needed the City to vacate the street right-of-way property in question in order to have enough property to accomplish a lot split.
- ▮ Agenda Item #7– *Consideration of Tuscany Cove Development Agreement.* The developer would be in attendance during the regular session to discuss issues regarding the proposed subdivision on the hillside of south Farmington.

- ▮ Agenda Item #9– *Hunters Creek Improvements Agreement–Second Draft/Report of Committee–Second Reading*. The proposed development consisting of approximately 150 acres located at about 950 North 2200 West was briefly discussed.
- ▮ Agenda Item #10– *Ordinance Adopting Temporary Zoning Regulations in Remnant “OTR” Study Area*. Mr. Forbush briefly reviewed reasons why City Staff was recommending a building moratorium for the area currently under study regarding the “OTR” zone.
- ▮ Agenda Item #12– *Farmington City Storm Water Management Plan (SWMP)/Report on Committee Meeting regarding Storm Water Utility Fee Adjustment and Credit Policy and Related Matters/First Reading*. Mr. Forbush stated the City Council agenda would include the item again on September 3. Discussion would include a major policy decision regarding the maximum allowable credit percentage for the Storm Water Utility Fee. Ms. Holmes summarized committee reasoning behind the suggestion of 70% as the maximum allowable credit percentage. She stated that there were baseline costs that need to be funded and should be shared fairly by all Farmington property owners, including commercial entities. The City would need at least 30% in order to cover those baseline costs.
- ▮ Agenda Item #13– *Memorandum of Agreement between South Davis Cities, UTA, Davis County and Salt Lake City regarding cost sharing of a South Davis Transit Corridor Feasibility Study*. The agenda item was briefly reviewed. The study is a very important project and will ultimately impact mass transit opportunities as well as the economic development of Farmington.

REGULAR CITY COUNCIL/CITY CHAMBERS/CALL TO ORDER

PRESENT: Mayor David M. Connors, Council Members David Hale, Bob Hasenyager, Larry W. Haugen, Susan T. Holmes, Edward J. Johnson, City Manager Max Forbush, City Planner David Petersen, City Recorder Margy Lomax, and Deputy Recorder Jeane Chipman.

Mayor Connors called the meeting to order at 7:10 P.M. The invocation was offered by Max Forbush and the Pledge of Allegiance was led by members of Scout Troop 1616.

APPROVAL OF MINUTES OF PREVIOUS MEETING

Larry Haugen moved to approve the minutes of the August 6, 2003, City Council Meeting as amended. **Susan Holmes** seconded the motion. The voting was unanimous in the affirmative.

REPORT OF PLANNING COMMISSION (Agenda Item #3)

David Petersen reported proceedings of the Planning Commission meeting held August 14, 2003. He covered the following items:

- ↯ The Planning Commission recommended the City Council approve schematic plan for the proposed Farmington Ranches East Subdivision located at the northeast corner of Clark Lane and 1525 West Street with conditions. The drainage ditch along Clark Lane was a topic of consideration. The Planning Commission was in favor of leaving the ditch open as a water amenity rather than piping it.
- ↯ The Planning Commission approved preliminary plat for the proposed Hunters Creek Subdivision consisting of 170 lots on 150.68 acres located at approximately 2000 West 800 North.
- ↯ The Planning Commission recommended that the City Council approve the minor plat request for Oakridge Park Estates, Phase III, located at approximately 1190 West Oakridge Park Drive.
- ↯ The Planning Commission recommended approval to vacate right of way approximately 15 feet in width on the east side of 300 East from the northeast corner of the 300 East/200 South intersection running thence northerly 133.29 feet. They also approved the lot split requested by the property owner in question by metes and bounds subject to receiving approval from the City Council to vacate 15 feet of the 300 East right of way.
- ↯ The Planning Commission granted conditional use and site plan approval to Butler & Evans Architects to construct a meeting house for The Church of Jesus Christ of Latter-day Saints located at 14 South Bonanza Street. That action had been previously approved, but the time limit had expired. The architect stated it was likely the building would be constructed prior to the next expiration date.
- ↯ The Planning Commission granted conditional use and site plan approval to establish an accessory dwelling located at 712 North 1875 West as requested by Steven L. and Betty F. Bangerter.
- ↯ The Planning Commission granted conditional use approval to exceed the 15 foot height limit for an accessory building by constructing a garage approximately 17 feet in height located at 93 East 400 North.
- ↯ David Plummer received site plan approval for the Buffalo Ranch horse operation located west of the Farmington Ranches subdivision at approximately 2100 West Clark Lane.

- ▮ Consideration of Harv Jeppson's request for a recommendation to the City Council to amend the zoning ordinance to allow "Bed and Breakfast/Inn" as a conditional use in residential zones was postponed.
- ▮ Farmington City's request for a recommendation to the City council to enact Chapter 40 of the Zoning Ordinance regarding drinking water source protection was delayed to allow time for further preparation.
- ▮ The Guenther Popp parcel located at 200 East 200 South had been added to the study area for the OTR zone. Two buildings exist on the parcel, both are historic structures. The small rock building had been build in 1854. The larger building had been considered unrestorable. However, no City Staff or architects had been allowed inside to determine whether or not that was accurate. The possible developer of the parcel had committed to City Staff that they could be allowed into the building for examination.
- ▮ Mr. Petersen stated that Tom Wooten would like to meet with the City Council to discuss economic development. A meeting time was set for September 3 at 5:00 P.M.

PUBLIC HEARING: CONSIDERATION OF ORDINANCE VACATING APPROXIMATELY 15 FEET OF THE EAST SIDE OF TH 300 EAST STREET RIGHT-OF-WAY BEGINNING AT THE 300 EAST/200 SOUTH STREET INTERSECTION, THENCE NORTHERLY 133.29 FEET AS REQUESTED BY JOSH BIESINGER AND DAVID CROFT (Agenda Item #4)

Mr. Petersen reviewed the agenda item. Josh Biesinger presently owns a large parcel nearly 18,000 square feet in size. The purpose to vacate the right of way is to provide an additional 2,000 square feet thereby allowing Mr. Biesinger to subdivide his lot. The 300 East right of way is a 99 foot wide street and even after the proposed street vacation of 15 feet, there still remains another 12 feet before the back of the sidewalk which provides enough room for a 4 foot sidewalk and a 7 ½ foot park strip meeting Farmington City standards. David Croft, who owns the property across the street, had consented to the street vacation thus eliminating the need to have four weeks of public notice before deciding on this matter.

Public Hearing

Mayor Connors opened the meeting to a public hearing.

Josh Biesinger stated the curb and gutter are already in place. There will be no change to the existing street. The requested vacation property is land that Mr. Biesinger currently maintains. The vacation would allow him to accomplish a lot split thereafter allowing him to build a new home on the second lot. His objective is to provide a home for his aging mother in the existing home and moving his family into the new home. He felt he would not be taking anything away from the City.

Public Hearing Closed

With no further forthcoming comments, **Mayor Connors** closed the public hearing and asked the City Council for consideration. He asked regarding what the City would receive in exchange for the vacation.

Mr. Petersen reported Mr. Biesinger would be asked to enter into an extension agreement to provide sidewalk on both frontages to his property in the event the City required such in the future. He also reported the Planning Commission had approved the subdivision subject to the City Council granting the vacation.

Mr. Hasenyager inquired whether or not the property was within the OTR zone.

Mr. Petersen responded that the property was within the OTR zone. He also indicated that notice had been given of the public hearing both in the Planning Commission and the City Council to all property owners within 300 feet. No neighbors had attended either meeting.

Mayor Connors inquired about the configuration of the City's right-of-way all along 300 East. Apparently, the City had vacated property to property owners on the west side of the street further north.

Mr. Petersen stated that the street structure would not be affected by the vacation either for Mr. Biesinger or by the property vacated early to the north. The existing asphalt, curb and gutter met City standards.

Motion

Bob Hasenyager moved that the City Council adopt Ordinance No. 2003-33, an ordinance vacating a certain portion of the public right of way on the east side of 300 East at approximately 185 South located within Farmington City, recording it against the property, subject to the applicant entering into an extension agreement for public sidewalk if need in the future; to the verification of the width of the easement all along 300 East assuring the width of the asphalt meets City standards; and to the following conditions as set forth by the Planning Commission on August 14, 2003:

1. An easement shall be reserved for any existing utility located in the vacated portion of the street.
2. The applicant shall provide a survey and a legal description of the vacated right of way for the ordinance and vacation order.
3. The applicant shall enter into an extension agreement with the City to provide sidewalk along 300 East and 200 South the entire distance as these two right of

ways about the property.

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

REQUEST FOR TEMPORARY SALES TRAILER AT FARMINGTON GREENS SUBDIVISION/PROTERRA, INC. (Agenda Item #5)

This agenda item was withdrawn by the applicant.

REQUEST TO VACATE REAR LOT LINE P.U.E. ON LOT 34 FLORAL GROVE ESTATES - BERRETT PACKER Item # 6)

Mr. Petersen explained the agenda item. When two adjacent subdivisions were developed a remnant parcel was left, which was subsequently divided among abutting property owners. Mr. Packer accepted the option to include the additional 40 foot wide piece abutting his property. Several easements run through property lot lines in the entire neighborhood. Mr. Packer's property contains such a utility easement. The utility companies had been notified of the request. No information had been received from the utility companies to date. Mr. Packer wanted to have the rear public utility easement on Lot 304 of Floral Grove Estates (Mr. Packer's property) vacated in order to build a garage/shed on the rear of his property. Placement of the shed and vacation of the easement would likely not cause any problems for the City.

Mr. Hasenyager stated it had been the usual policy of the City to require something in exchange for vacations.

Mr. Forbush stated that in recent years vacations of easements of this nature had been granted without asking anything in exchange although the City did seek remuneration or trade of some sort when real property was being vacated.

Ms. Holmes felt that in light of the fact that no utilities ran through the easement and the fact that Mr. Packer had maintained the land well, the vacation seemed reasonable.

Mayor Connors stated it would be well to be cautious of any possible negative precedence.

Mr. Packer commented that the easement had been "blue staked" and no utilities had been located.

Motion

Susan Holmes moved that the City Council approve the request to vacate rear lot line public utility easement on Lot 304 of the Floral Grove Estates on condition that no utilities exist within the vacation area. **David Hale** seconded the motion, which passed by unanimous vote.

CONSIDERATION OF TUSCANY COVE DEVELOPMENT AGREEMENT (Agenda

Item #7)

Mr. Petersen reviewed the agenda item. He summarized the basic changes and along with the City Council discussed the development agreement as follows:

- ↯ Mr. Petersen stated that the development agreement precluded a hard asphalt road on the conservation easement. He asked whether or not the City Council wished to have the trail/road corridor through the conservation easement on Tuscany Cove property maintained by a home owners' association (HOA). The consensus of the City Council was to have the road/trail easement maintained by an HOA and not the City.
- ↯ He indicated the subdivision included a remnant parcel. It was intended that the parcel be deed recorded to Mr. Allred and Mr. Frodsham (owners of abutting property). The issue needed to be added to the development agreement.
- ↯ Mr. Petersen stated that City Staff recommended the elimination of the requirement to bond for trail improvements off site. A discussion ensued. It was the consensus that granting the trail easement was sufficient to meet open space requirements in a "conservation subdivision".
- ↯ The City Council discussed the "non-exclusion" trail use statement. The intent was that the trail could be used for a fire break and for other than traditional trail activities. The Mayor felt the City must be allowed to use the trail for other reasons, such as a fire break, but that allowing private citizens the use of the trail corridor for other than traditional uses would be a problem. The use of the trail easement for utilities seemed to be acceptable.
- ↯ Page 5, section iv regarding trail head dedication to the City had been suggested by the developer for deletion. Mr. Petersen felt it should be retained. Trail head fill material also needs to be resolved with the developer.
- ↯ Page 5 included language regarding the issuance of building permits only after public improvements have been completed. Section 12-2-045 of the Farmington City Code had been referenced reflecting the compromise between the City's Fire Department and the City's Public Works Department.
- ↯ Section v on page 7 needs to be reworked.
- ↯ It was the opinion of the City Attorney that #9 on page 10 needed to be retained in the agreement.
- ↯ The Conservation Easement needs to be addressed in the text of the agreement, including an exhibit.

- ⌞ In reference to Parcel B, it should be identified as a non-buildable parcel in the current subdivision, but may be considered for development along with future development of adjacent properties.
- ⌞ Water pressure needs to be addressed. At least 60 psi should be provided for each lot as a development agreement item.
- ⌞ A public utility easement needs to be placed over Parcel A.
- ⌞ The developer had suggested deletion of two paragraphs on page 3 regarding the “new dirt road.” The language needs to be maintained, except that the words “approved and” should be deleted from the second of the two paragraphs in question. The developer stated that he was worried about fire danger that could result from working on the dry, rocky hillside. He wanted to delay the hillside work until wetter weather in October or November. He also suggested a temporary easement be placed over the existing dirt road to ensure it remains in place until the new dirt road is provided. Mr. Hasenyager stated the issue may revolve around a “continuous use claim.” He wanted to have the City make sure that the trail would be improved in a timely and appropriate fashion. The developer agreed to a bond for the construction of the trail through Parcel A. The Mayor stated the City must have a guarantee that the trail would be in place and that the City would not incur any costs.

Mayor Connors, with consent of the Council, stated that the agenda item had too many issues remaining to be resolved for any action to be taken during the current meeting.

MINUTE MOTION APPROVING BUSINESS OF CONSENT (Agenda Item #9)

Susan Holmes to approve the following items by consent as follows:

- 8-1. Ratification of Construction Bond Agreements previously signed by Mayor Connors.
- 8-2. Approval of Mutual Aid Fire Protection Agreement with Hill Air Force Base.
- 8-3. Approval of September’s Newsletter.
- 8-4. Ratification of City Manager’s decision to award a contract for playground equipment to be placed at the Main Park and Heritage Park to Play Space Designs, Inc., in the amount of \$64,450.00.

Larry Haugen seconded the motion, which passed by unanimous vote.

HUNTERS CREEK IMPROVEMENTS AGREEMENT/SECOND DRAFT/REPORT OF COMMITTEE/SECOND READING (Agenda Item #9)

Mr. Forbush reported that a meeting had been held including himself, Council members David Hale and Larry Haugen and the City Planner. The agreement draft included suggestions made during the meeting. Some issues remained to be resolved. The City Council discussed the issues, including the following:

- ▮ The developer would like to have input regarding the appraiser to be used for determining value of expanded street rights of way to be sold to the City and for rights of way to be purchased from the City.
- ▮ A lengthy discussion regarding the pioneering agreement and resulting reimbursements followed. The developer wanted to include any possible development that would benefit from the road in the reimbursement clause of the pioneering agreement. He suggested the agreement include language that stated “adjacent *and benefitting* developments” should be required to pay a fair share of the road improvement costs. He also suggested the agreement could include a distance specific, e.g, 200 yards from the road.
- ▮ City officials felt that the word “benefitting” would open the City to interpretation problems. It could be argued that the road would be of benefit regionally. Where would the cut off be? City Council members asked that the City Attorney be asked to review the agreement. It needed to adequately and fairly reimburse the developer for the risk of pioneering road improvements, but City funds could not be use City to subsidize the venture. The developer had to determine for themselves if the project was economically feasible taking into consideration the burdens that exit. The City officials did not want the potential of becoming embroiled in a debate between property owners because of a vague pioneering agreement.

Mr. Petersen stated Staff would continue to draft the agreement and bring it back to the Council for further consideration.

ORDINANCE ADOPTING TEMPORARY ZONING REGULATIONS IN REMNANT “OTR” STUDY AREA (Agenda Item #10)

Mr. Petersen stated that the study area was unique and may not fit within existing OTR characteristics. However, property owners within the study area did express a desire to have design guidelines. The intent of staff was to recommend a moratorium on building in the area until final wording for an ordinance covering this section of the City can be resolved.

Susan Holmes inquired regarding the fact that the Smith parcel had been included. In previous meetings it had been requested the particular parcel be eliminated from OTR consideration.

Mr. Petersen reported that the Smith parcel had been included by the Planning

Commission for study, not for confirmed addition into the OTR zone. The Smith property was an R-4 zone and the owner had been invited to be a member of the steering committee. As with all property included in the OTR project, reasonable considerations for amendments will be addressed.

Motion

Bob Hasenyager moved that the City Council approve Ordinance 2003-34, an ordinance establishing temporary zoning regulations pertaining to zoning and development of all exterior building projects requiring a building permit, subdivisions, demolitions, zoning amendment, within an area of Farmington City. **Larry Haugen** seconded the motion, which passed by unanimous vote.

FINANCIAL AGREEMENT BETWEEN FARMINGTON CITY AND THE NATURAL RESOURCES CONSERVATION SERVICE (NRCS) REGARDING THE "EMERGENCY WATERSHED PROTECTION" PROGRAM (Agenda Item #11)

Mr. Forbush stated the hillside had been damaged by the recent fire to the point that the City is now highly susceptible to sediment flows and mud slides and other dangers. The agenda item dealt with a financial agreement between Farmington City and the Natural Resources Conservation Service (NRCS) which will provide funding for emergency watershed protection steps to protect the private property located west of the Forest Service area fronting the burned area of the recent fire. The NRCS had developed a bid package for doing the work and had estimated the cost of the project. The largest segment of the project will be to clean out the Rudd Creek debris basin. The material of that clean out will be hauled to the 475 South Street S.I.D. area to share costs in this matter. The total cost of the mitigation effort could be as much as \$250,000, of which the City /County must match at 25 percent. Some of the cost can be financed in in-kind services, but much will need to be a cash payment. The City Attorney will need to review the agreement.

In discussion of the issue, the City Council, by consensus, agreed that the project needed to be completed for the benefit of Farmington citizens. It was the right thing to do.

Motion

Bob Hasenyager moved that the City Council approve the agreement between Farmington City and the National Resources Conservation Service and authorize the Mayor to sign the same which will provide funding for emergency watershed protection steps to protect the private property located west of the Forest Service area fronting the burned area of the recent fire. **Susan Holmes** seconded the motion.

In discussion of the motion, **Mr. Hale** stated it would be important for the citizens of Farmington to know that the funding needed for the protection steps and for fighting the fire was not budgeted. The cost to the City of fighting the fire was approximately \$8,200.00.

Mr. Forbush added that the action was wise risk management practice.

Mayor Connors stated that in addition to risk management and even overshadowing the risk management, the City Council felt that the protection steps were the right thing to do.

The vote on the motion was unanimous in the affirmative.

FARMINGTON CITY STORM WATER MANAGEMENT PLAN (SWMP)/REPORT ON COMMITTEE MEETING REGARDING STORM WATER UTILITY FEE ADJUSTMENT AND CREDIT POLICY AND RELATED MATTERS/FIRST READING (Agenda Item #12)

Packet material indicated that a revised adjustment and credit policy was being drafted by Lisa Romney (City Attorney). Council Members Holmes and Haugen had met with Paul Hirst, Brain Harward of CRS, and Max Forbush to discuss, among other things related to the issues, the Lagoon letters of objection. The recommendation of the committee on the fee adjustment/credit policy was as follows:

- Maximum credit for anyone should not exceed 70 percent.
- Credit could be given for the following:
 - Storm water detention approved by the City Engineer to service only the property owner's property (0 to 40 percent).
 - A total of 50 percent credit will be given to land where water is totally retained.
 - A maximum credit of 25 percent will be given to property owners who demonstrate the implementation of best management practices to reduce pollution in storm water (i.e., sweeping parking lots on a daily basis; installing inlet boxes with grease traps and cleaning them on a regular basis; and installing forebays for collecting silt in front of down stream storm water detention basins.)
 - A credit will be given up to 40 percent for providing regional storm water detention facilities.

Ms. Holmes stated that the committee had discussed the Storm Water Utility Fee structure on a 5-year plan basis. She further explained the "base" cost was what the entire City should pay as a fair share of the project. It was also important that the streets be kept clean especially during construction.

[Paul Hirst, City Engineer, arrived at 9:10 P.M.]

Mayor Connors felt the major issue relating to the agenda item was setting the policy that would govern the maximum credit percentage allowance.

The City Council discussed the issue, including the following items:

- ▮ The fixed cost of salaries was included in the estimated “base” cost. Also included was the need for improvements or replacement of storm water infrastructure for the future. Cost of the cleanup would also be a fixed cost.
- ▮ Council members questioned how much pressure the Federal and State government would exert on the City regarding their efforts to comply with the Clean Water Act. Also, how fast the City would have to comply.
- ▮ Mr. Forbush reported the permit had already been applied for and that the City was now obligated to move forward.
- ▮ Mr. Forbush stated he believed that the number one polluter is the silt and sediments going into the receiving waters.
- ▮ About 45 percent of the proposed storm water utility fee revenues would go toward NPDES compliance. About 55 percent of the fee would pay for system replacement and flood mitigation measures.
- ▮ The suggestion was made to split out the costs of the different factors and have those impacted pay representative percentages. However, Mr. Forbush explained that such an allocation would be very difficult to administer. Additionally, the City Attorney’s opinion reflected that the most fair approach would be to base utility fee charges on ESU equivalents (equivalent service units - amount of impervious surface area), not direct or indirect benefits. An example of this reasoning would be to compare the cost of operating a municipal Fire Department. The entire City bears the burden of the Fire Department costs, no matter who is affected or benefitted by a fire response. Moreover, municipal water maintenance and improvements are paid for by all users on a city-wide basis regardless of adequacy of water pressure, etc.
- ▮ The range of possible maximum percentage of allowable credits is from 65 to 100 percent.
- ▮ Council Member Johnson caught a word error needing to be changed on page. 6.
- ▮ Mr. Hasenyager suggested that to ensure maximum benefit to the City, it may be wise to provide an incentive to commercial endeavors to comply with the highest of standards.
- ▮ Mr. Hirst stated that the storm water detention basin credit given must fit the

City's Master Storm Sewer Plan. Credits for implementing "Best Management Practices" for cleaning up storm water must follow the City's proposed Storm Water Management Plan.

- ▭ The City Council felt a need to study all options more thoroughly before making a final decision.

MEMORANDUM OF AGREEMENT BETWEEN SOUTH DAVIS CITIES, UTA, DAVIS COUNTY, AND SALT LAKE CITY REGARDING COST SHARING OF A SOUTH DAVIS TRANSIT CORRIDOR FEASIBILITY STUDY (Agenda Item #13)

Packet information indicated a conceptual agreement had been included in the materials which had been handed out at a recent meeting attended by the City Manager and other managers and mayors from south Davis cities. The proposed agreement was drafted to finance a transit study to evaluate various options for transit in south Davis County including BR and light rail. The cost share for Farmington City would be approximately \$5,000 to \$6,000.

Mayor Connors said the study would be of great benefit to the City of Farmington and recommended approval of the request.

Motion

Bob Hasenyager moved that the City Council authorize the Mayor to sign a final draft of the Agreement between South Davis Cities, UTA, Davis county, and Salt Lake City regarding cost sharing of a South Davis Transit Corridor Feasibility Study. **Susan Holmes** seconded the motion, which pass by unanimous vote.

REVISED ECONOMIC REPORT ON "IMPACT OF HAWS DEVELOPMENT" AS PREPARED BY EDCU (Agenda Item #14)

Mr. Forbush presented information prepared by the City's Financial Director regarding "Net Revenue to Farmington" from a 200-acre commercial development (the Haws development) consisting of 45% retail space and 55% office space. The report not only included was projected revenues from the Haws development but also illustrated long-term operational expenses expected for the City. The City Manager and the City Council briefly reviewed the information.

REVIEW OF BIDS FOR HERITAGE PARK TURF PLACEMENT AND LANDSCAPING (Agenda Item #15)

Mr. Forbush stated the bids for the sod and the trees for Heritage Park were opened on the 19th of August. He briefly reviewed the summary of bids for the City Council. Criteria for selection included quality, reputation, ability to deliver, and warrantee. The low bid for the sod was Chanshare, Inc. at \$89,122.50. The low bid for the trees was J & J Nursery at \$15,251.70. The actual sod and trees to be purchased were evaluated by the Public Works Department. They

were pleased and recommended the award to the low bidders.

Motion

Larry Haugen moved that the City Council award two separate contracts for Heritage Park work. The first is to Chanshare, Inc. to supply and place sod for a cost of \$89,122.50, or 22.5¢ per square foot. The second is to J&J Nursery to supply trees for the Park at a cost of \$15,251.70. **David Hale** seconded the motion.

In discussion of the motion, **Mr. Hasenyager** asked if it would be possible to have the Park seeded to save money that could be used for meeting NCRS match requirements for re-establishing the watershed on the hillside burn area.

Mr. Forbush responded that there were several reasons why such action would not be feasible. The money provided through the bond election can only be used on the bond election projects. The current drought situation would make it difficult to establish grass this late in the season or next spring. If the sod is in place this fall, the trees can be watered now to help them become established. From past experience, trees planted with seeded grass usually die from over watering which is needed for establishing the turf.

Mayor Connors stated he felt the citizens of the area had been patient and were deserving of a completed project.

The vote on the motion was unanimous in the affirmative.

REVIEW OF VARIOUS CITIZEN'S CORRESPONDENCE (Agenda Item #16)

The City Council reviewed several letters received from citizens, as follows:

- Linda Hoffman letter regarding trails along Shepard Creek. The Council felt comfortable that a trail easement would be preserved along the creek corridor. However, there was concern regarding the trail head parking lot.
- Steven Ostler had written the City regarding lack of maintenance on the I-15 frontage road trail leading from west Shepard Lane to Kaysville. He also asked if Heritage Park included a soccer field for competition use.
- Laur and Paula Barker had written a letter expressing regrets over City advertising banners placed near the City's entrance signs. They felt the signs should be moved or eliminated.
- Clyde and Gail Heiner sent a letter of interest in purchasing City property in the Quail Cove Detention Basin.

- Mike Hansen had written a letter to the City complaining about garbage collection problems. Mr. Forbush stated it was probably time to write a letter to the garbage hauler suggesting they either improve their service or the City would have to find another vendor.
- Kent Forsgren, representing the Oakridge Country Club, wrote a letter regarding the proposed placement of sidewalks along 1500 West as it borders the Club property as part of the S.I.D. Mr. Forsgren was concerned about increased liability to the Club as a result of golf balls hitting those using the sidewalks. He was also concerned about removal of trees.

MISCELLANEOUS

Elementary School Opening

The new elementary school in west Farmington will be opening this fall. Mr. Hasenyager raised safety issues regarding the pedestrian route of the school children past the County Jail complex. It would also be unsafe for children to ride their bikes on Clark Lane with all the heavy construction trucks using that road.

Susan Holmes stated that the School District should be contacted to gain their cooperation in providing buses for the junior high students who have to cross I-15 to get to the school.

City “To Do” List

Mr. Hasenyager suggested a format for the “To Do” List that would aid the City Council members in interpreting what had been accomplished. He felt unfinished items could move to the top of the list.

Jerry Preston Equipment

The equipment owned by Jerry Preston being stored near the Post Office has not yet been removed.

Response to Scout Letters

Ed Johnson reported he knew of a Scout who had not received a response from the City regarding the letter he wrote as part of a merit badge requirement. A brief discussion ensued. They Mayor likes to respond to all such letters, but sometimes they don't make it to his desk. Staff will look into the matter.

Youth City Council

Dave Hale attends the Youth City Council meetings and reported they are interested in

attending the annual "Local Officials Day at the Legislature" held in January of each year.

County Water Problems

The Public Works Department reported there are no back-flow valves on the County water systems near the Jail system. If the Fire Department tested fire hydrant in the area, it could drain the horse watering tanks back into the water system. Mr. Forbush said he would check out the issue.

West Nile Virus

Mr. Hale stated the County is doing an excellent job in spraying for mosquitoes in the area.

COG Meeting

Mayor Connors stated the City had been request to support the "Quest for the Gift of Life" program. The program encourages organ donation. A presentation will be made to the City Council in the future. The Mayor said it may be well to look at having Paul White create a community action board that could handle such requests in the future.

The Mayor also reported that work was proceeding on transportation plans, fiber optic projects, and the Shepard Lane improvements.

Flood Mitigation Actions

Mr. Forbush reported that he and Paul Hirst are to meet soon with Greg Oman and his neighbors regarding flood mitigation alternatives for the neighborhood. Mr. Oman experienced heavy damages in the July 9, 2001, storm event and has been anxious for the City to take action on resolving flooding potential in the area.

Master Storm Drain Plans for Farmington Ranches Area

Mr. Forbush stated he had met with Lynn Summerhays and Dick Moffat regarding possible modifications to the Master Storm Drain plan for the area. Mr. Forbush said it would be beneficial to the City for the City to receive storm drain waters in the two ponds located near the Buffalo Ranch property.

MOTION TO ADJOURN TO CLOSED SESSION TO DISCUSS STRATEGY AS IT RELATES TO PENDING LITIGATION

David Hale moved that the City Council adjourn to closed session at 10:30 P.M. **Larry Haugen** seconded the motion, which passed by unanimous vote.

At 10:40 p.m. **Bob Hasenyager** moved to go back into open session. The motion was seconded by **Larry Haugen** and passed with a unanimous vote.

There being no further business to come before the Council, upon motion of **Bob Hasenyager** the meeting was adjourned.

Margy Lomax, City Recorder
Farmington City