

FARMINGTON CITY COUNCIL MEETING

Wednesday, September 3, 2003

CITY COUNCIL WORK SESSION/WEST CONFERENCE ROOM

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, Paul Hirst, Tom Wooten of the Ross Consulting Company and Deputy Recorder Jeane Chipman. Mayor Connors and Council Member Holmes attended another meeting at the Davis County Judicial Center and were unable to attend the work session until later.

Mayor Protem Haugen began discussion at 5:00 P.M. Mr. Wooten led a discussion of the following items:

- ▮ Commercial development in the Farmington area will likely be more influenced by the transportation corridors than by growth. Because of Lagoon, I-15, Highway 89, and the future construction of commuter rail and Legacy Highway, Farmington is the third busiest transportation corridor in the metro area.
- ▮ Business parks are more successful when they are squarely in the path of growth. That is not to say there cannot be a type of business park which could be somewhat successful in the Rich Haws development area. However, in studying the current Haws plans, the Ross Consulting group felt it had major drawbacks.
- ▮ Taking all things into consideration, the Farmington site near the transportation corridors is a phenomenal retail site. However, Mr. Wooten recognized the fact that Farmington is not interested in becoming a commercial center of the type that Layton has developed.
- ▮ The Ross Consulting group conferred with ICSC (an international trade organization) and gathered preliminary comparisons information regarding retail possibilities for Farmington. Looking at all elements, a “power center” retail development would not fit Farmington. Jordan Commons is a “power center” type retail center. A “life-style center” would fit Farmington better. The Riverwood development is a “life-style” type of commercial center. Farmington is on the weak end of demographics even for a “life-style center.” However, Farmington would be ideal for a high end outlet mall. The closest outlet mall of a similar nature is in Park City. Farmington would have a larger draw than Park City for such a facility. Outlet malls tend to be a destination draw. Mr. Wooten felt there could be a compelling case made for an outlet mall in Farmington.
- ▮ Mr. Wooten suggested commercial development be of a regional nature on the west side and of a community nature on the east side of the transportation

corridor.

- ↯ There was some discussion of an auto mall type development. Mr. Wooten stated there was supporting arguments for the possibility of success for an auto mall development in Farmington.
- ↯ A very careful look at master planning and zoning would need to occur in order to guide any commercial development and keep it from becoming what has happened in communities to the north.
- ↯ Anything that is developed in the Haws development area must be very attractive and very good looking because the location is a main entrance into the City. The property was a defining land parcel for the City.
- ↯ Mr. Wooten discussed other specific land use suggestions, including a regional clinic, medical offices, and fitness centers. Some comments were made regarding the use of hospitality and multi-family housing in well-planned buffer areas.
- ↯ A discussion of economic development salesmanship by the City ensued. Mr. Wooten confirmed that the City would be more effective in attracting the kinds of businesses it wanted if City officials were aggressive and supportive of desirable developers.
- ↯ Mr. Wooten stated that the demographics of the Farmington area are extraordinary but for the most part unknown. Competition must be based on a quality of life level, not cost. In other word, in order to bring desirable businesses to the area, investors will need to see the desirable community aspects. Farmington will not be an inexpensive venture for developers.
- ↯ Reusing the K-mart building was discouraged by Mr. Wooten. He said the big box building was way too large for any successful venture, and dividing the building would not be feasible.
- ↯ Mr. Haugen stated he liked the idea of having a commercial development that had a regional draw. People would come into the area and support the City's revenues and then leave without burdening the City's infrastructure.
- ↯ Mr. Hale felt it was important not to have regional draw ventures impact the City's streets.
- ↯ Ms. Holmes felt the City should be pro-active in attracting the kinds of commerce that would be friendly to the City. There would need to be capital investment to make development happen the way the City would want it to.
- ↯ Appropriate ordinances and zoning would need to be enacted. Another consultant would need to be employed. Transportation plans would also need to be reviewed.

Discussion of Farmington City Storm Water Management Plan and “Storm Water Utility Fee”

Mr. Hirst reviewed his estimation of Lagoon issues regarding storm water management. When figuring the impervious and pervious land masses in Lagoon, Mr. Hirst had eliminated large sections of the property, including the trailer park and a large section of land on the north end of the park. He placed contour lines on the map used for the study which showed the natural slope of drainage. Mr. Hirst said Lagoon is not the end of the water drainage area and that the City would have to handle runoff from Lagoon no matter what the Corporations efforts were.

Mr. Freeman (engineer for Lagoon) was present and stated that some runoff coming from Lagoon would need to be managed. He felt, however, that the amount would be very minimal. Mr. Freeman’s estimate was that 90 percent of all water entering the Lagoon property was treated and therefore not of concern to the City.

The City has a baseline of needs that will have to be funded. The baseline needs include replacement of all drainage systems within 30 years.

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 7:00 P.M. The invocation was offered by David Petersen and the Pledge of Allegiance was led by Larry Haugen.

APPROVAL OF MINUTES OF PREVIOUS MEETING

Larry Haugen moved to approve the minutes of the August 20, 2003, City Council Meeting as corrected. **Susan Holmes** seconded the motion. The voting was unanimous in the affirmative.

REPORT OF PLANNING COMMISSION (Agenda Item #3)

David Petersen reported that the Planning Commission meeting planned for August 28, 2003, was held but because there was not a quorum present, all business was continued until September 11, 2003.

PUBLIC HEARING: CONSIDERATION OF REQUEST TO AMEND GENERAL PLAN ON THE NORTH SIDE OF BURKE LANE EAST OF U.S. 89 FROM “OFFICE/BUSINESS PARK” TO “MEDIUM DENSITY RESIDENTIAL” ON 8.98 ACRES AND TO REZONE SAID PROPERTY FROM BUSINESS PARK (BP) TO MULTI-FAMILY (R-8)/DAN LOFGREN (COWBOY PARTNERS, L.C.)(Agenda Item #4)

Mr. Petersen stated that there had been a large notification mailing regarding the public hearing to consider the General Plan amendment for the north side of Burke Lane. However, the wrong date had been published. Corrections were sent as soon as possible, but it was feared there were people who did not get a timely notification.

Mr. Forbush recommended the City Council hold the public hearing but that no decision be made and that the public hearing be continued until the next City Council meeting, at which time all interested parties would have had adequate time to respond to notification.

Mr. Petersen said the developer of the proposed luxury apartments had met with the Lagoon Corporation. Lagoon officials had several concerns and were in opposition to the luxury apartment development. Mr. Petersen said the meeting between the two parties was cordial and resulted in the redesign of the apartment site. However, Lagoon was still in opposition to the project.

Public Hearing

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

Dan Lofgren (representing Cowboy Partners, L.C.) stated he had made the application with the recommendation of the Planning Commission. The project consisted of 112 luxury apartments on a little over 8 acres of land. The entire project parcel included 11 acres on the north side of Burke Lane. The project would be completed by a developer with recognized strength and quality. The architecture and design of the project were of great importance because of the location at the entrance of the City. The west end of the development would be a wetland park open space preserve. Mr. Lofgren said the Lagoon Corporation was concerned about complaints from residents about the noise coming from the park, and so the site plan had been changed to accommodate that concern. No glass in the buildings would be facing the noise source from the park. He felt the luxury apartment project would help fill a market need in the area. Cowboy Partners had agreed to disagree with the Lagoon Corporation about the viability of the project on that location. Mr. Lofgren also felt that because of the Ross Consulting group study, the project was emerging as a preferred use for this location in the City. There is nothing about the apartment use that would impede any other land use for adjacent areas.

Dave Thomas (2073 Kingston Road) asked that the City Council reconsider the recommendation by the Planning Commission and not pass the request. He stated he was against the concept of high density residential use for the specific location in question. He made the following points: 1) Farmington City taxes are too high and the apartment use would not add to the revenues of the community. 2) Farmington desperately needs more commercial retail space. The location in question should be devoted to commercial development. 3) The property in question is one of the best potential retail spaces left in Farmington. 4) The proposed residential zoning is totally incongruous with Lagoon. And 5) A five, ten or twenty year comparison of revenue for residential versus commercial property within a city is staggering. A strong

commercial operation on that property would carry more than its share of growing tax burden needs.

Seldon Young (Somerset resident) stated he respected the wishes of the property owner to develop in a financially beneficial manner. However, the City should look carefully at the revenue enhancement need on an on-going basis for this property. The City needs to be able to take care of its citizens.

Sheldon Killpack (representing Lagoon) affirmed Mr. Lofgren's statement that the two parties had agreed to disagree. Mr. Killpack felt that it would be very important to the City to use the interchange property to its best advantage. It would be more advantageous to use it as a quality commercial development especially in light of the traffic flow through the area.

Larry Elkins (57 East 300 North) noted there had been no commercial developers coming forth to purchase the property. That was because the land had very difficult egress and ingress. Any commercial enterprise on that parcel would have to compete with larger commercial developments being considered for property to the west. There was a potential to get revenue from that property now. Mr. Elkins felt it did not make sense to use the land for commercial development. The current public hearing is the sixth one on the project and no real reasons had yet been given in opposition. Traffic for the apartments would be negligible. The apartments are a life-style living development. They are very expensive and are intended for those who chose to rent rather than buy. There will only be 2 cars per unit. The apartments would make a great entrance for the City—much better than a commercial endeavor.

Milo Marsden (Salt Lake City resident, husband to property owner Jacqueline Bourne) said that if the argument was commercial versus any other use, 8 acres would not make that much difference. Those 8 acres will not make a huge impact on the tax revenues of the City. He referred to the Ross Consulting indications that the luxury apartment project would do well in that location. Previously, commercial developers had looked at the property and found it to be too narrow for their needs.

Continuation of Public Hearing

Mayor Connors thanked citizens for their input and continued the public hearing until September 17, 2003.

Mr. Hasenyager commented that the City is looking at long term build-out of the City and how to meet the needs of the community through well-planned commercial development. Interested parties may want to meet with Staff to get updated information about City plans.

Mayor Connors briefly reviewed the goals of the Economic Development Study Committee. He stated the Council would rather take action while the public was in attendance so that everything was done with as much public input and knowledge as possible. However,

because of the notification mistake, action needed to be taken at a later date in order to be done in the appropriate manner.

PUBLIC HEARING: REQUEST FOR SCHEMATIC PLAN APPROVAL ON FARMINGTON RANCHES EAST SUBDIVISION/THE BOYER COMPANY (Agenda Item #5)

Mr. Petersen said there had been previous landscaping problems with the Farmington Ranches subdivisions. Large leaf weeds were abundant. However, after checking with landscaping experts it was found that the seeding of native grasses would be successful if given adequate time. Sometimes it can take several years. The large leaf weeds would need to be cut or poisoned to allow the grasses to take over.

Mr. Petersen reviewed conditions recommended by the Planning Commission regarding the schematic plan. The first condition included guidelines for the landscaping. The second condition referred to the stream along Clark Lane. Originally, Public Works and others of City Staff preferred having the water flow piped. They felt it would be much easier to maintain. However, after further consideration, Staff felt the ditch should be left open. The slope of the stream does not meet City standards for pipe flow and is not sufficient to keep piped water from becoming a very difficult maintenance problem. The Planning Commission felt the open water flow would add to the ambiance of the rural nature of west Farmington. Mr. Petersen described a cross section of the flow corridor which would include a concrete waterway in the bottom of the 51 foot swath of open space.

The third Planning Commission condition recommended placing the sidewalk on the south side of Clark Lane. Previously, the plans called for the sidewalk to be on the north side, but that decision did not take into consideration the needs of the pedestrian traffic from the elementary school. Mr. Petersen had met with adjacent developers, who were in agreement with the change.

The fourth condition originally call for a security acceptable to the City to ensure the growth of the native grasses for a period of 5 years. However, after consulting with the developer, Mr. Petersen felt 2 years would be sufficient.

Mr. Petersen recommended a fifth condition be added to approval. The yield plan for the property allowed only 53 lots. The developer has requested 55 lots. The developer suggested a trade of 2 lots from another parcel. The two-lot area in the other parcel would be left as open space in perpetuity. The plans were to have a conservation easement placed on the 2-lot open space area.

Public Hearing

Mayor Connors opened the meeting to a public hearing and invited the applicant to

Dick Moffat (representing the Boyer Company) wanted to confirm that there would only be two lots traded from the distant parcel to the Farmington Greens parcel. It would not be the entire parcel used as a conservation easement but only on the two-lot area. The trade would be part of the development agreement.

Paul Chase (Alice Lane; Farmington Trail Committee) asked if the planned Spring Creek Trail along the rail road tracks would be preserved.

Mr. Petersen stated the trail was part of the “Rails to Trails” project, which was actually under way currently. There was sufficient right-of-way devoted to the trail.

Public Hearing Closed

With no further forthcoming comments, **Mayor Connors** closed the public hearing. He asked for consideration by the City Council.

Mr. Hale expressed a strong concern regarding safety issues in reference to leaving the Clark Lane stream open. He felt the elementary school children in the area would be at risk. He had also discussed the issue with the Public Works director, whom Mr. Hale felt had justifiable maintenance concerns.

Mr. Forbush explained that originally City staff had been opposed to the open ditch. He discussed the cross section plans for the open water way and said that the slope was very gentle. The cattail growth in the bottom of the corridor would help protect the flow from pedestrians. Also, most pedestrians would walk in a different area (through Farmington Greens) not along Clark Lane. Mr. Forbush stated that Public Works officials were in favor of the open ditch.

Motion

Susan Holmes moved that the City Council approve the schematic plan for Farmington Ranches East Subdivision subject to all applicable Farmington standards and ordinances and to the following conditions:

- The developer shall provide a conceptual landscape and long-term maintenance plan including funding for the subdivision. The landscape plan shall include strategies for the periods during and after construction. Based upon the concepts outlined therein, the developer may have to make modifications or changes to the lot configuration shown on the schematic plan. The developer shall include plans to preserve the native grasses on site including how he proposes to accomplish this. Included in the landscape plan shall be an assessment of the site by a landscape professional acceptable to the City and the developer. Soils shall also be analyzed to determine if the existing vegetation is acceptable or if anything needs to be done to supplement the existing vegetation. The landscape plan shall

also include strategies if the ground is disturbed during construction including soil analysis in preparation, revegetation and weed control.

- It is recommended that the stream along Clark Lane be left open and in doing so the developer shall submit a maintenance plan to the City for review by City departments.
- Sidewalk placement shall be on the south side of Clark Lane.
- The developer shall provide security acceptable to the City to ensure the growth of the native grasses and other landscape material identified on the landscape plan for a period of two (2) years.
- Subject to review and approval by the City Attorney, two lots will be added to the Farmington Ranches East Subdivision in trade for two lots in conservation easement in another parcel owned by the developer. The trade will be accomplished through development agreement and will be tied to the property in question.

Substitute Motion

In discussion of the motion, **Mr. Hale** stated he was still uncomfortable with the cost and difficulty of maintaining the open ditch. He made a substitute motion that the City Council approve the schematic plan of the Farmington Ranches East Subdivision with the same conditions as set forth in the original motion, except that condition #2 require the developer to pipe the water flow along Clark Lane.

Larry Haugen seconded the substitute motion.

In discussion of the substitute motion, **Mr. Hasenyager** felt the water way added to the rural ambiance of the area, which the existing property owners were fighting to preserve. The ditch has been there for many, many years. Because of its location away from the high density residential developments, Mr. Hasenyager did not feel there was a significant safety problem.

Mr. Forbush stated that City staff felt any hazards were addressed with the concrete water way. Most of the water flow would be handled within the concrete structure. The slope of the flow did not meet City standards for piping. The project would likely be used as a prototype in solving similar water flows in the western part of the City.

Mr. Hale was still concerned about the on-going maintenance cost of the open ditch.

Mr. Petersen said the maintenance would be considered a system improvement whether or not it was left open. Public Works officials wanted to pipe everything because of maintenance concerns. However, after careful consideration on this issue, it was Public Works who decided it would be better to leave the ditch open, mainly due to the slope of the flow.

Substitute Motion Withdrawal

Mr. Hale and Mr Haugen withdrew the substitute motion.

Vote on Original Motion

Mr. Johnson seconded the motion made by Susan Holmes. The vote was unanimous in the affirmative.

TUSCANY COVE DEVELOPMENT AGREEMENT/THIRD READING/THE HAWKINS COMPANIES (Agenda Item #6)

Mr. Petersen stated the developer was not ready to discuss the agenda item.

“HUNTERS’ CREEK” IMPROVEMENTS AGREEMENT/GARDNER CRANE (Agenda Item #7)

Mr. Petersen introduced the agenda item. Previously, the developers had requested “benefitting adjacent developers” be included in reimbursements requirements for road construction. Mr. Petersen had reviewed issues with the City Attorney. It was Counsel’s opinion that “adjacent” would be preferred and adequate. Reimbursement requirements were part of the development agreement as an exhibit. Mr. Petersen stated the developer had not had a lot of time to review the reimbursement portion of the development agreement. Exhibit designations were confusing, and Mr. Petersen said staff would make necessary corrections.

Ms. Holmes raised a question regarding the route of the new road.

Mr. Forbush described the route, its advantages, and the fact that it was an interim solution to traffic concerns in the area until Legacy Highway North could be constructed. The road would work well with future construction plans for Legacy Highway North.

Mr. Crane (developer) was allowed to address the City Council. He wanted to have his attorney review the reimbursement portion of the development agreement. However, he suggested that the document be approved by the Council and that if there were substantive issues needing to be readdressed, he would bring it back within 2 weeks.

Motion

David Hale moved that the City Council approve the Hunters Creek Improvements Agreement as presented and also the addition of the reimbursement agreement which will be an exhibit to the Improvements Agreement. **Larry Haugen** seconded the motion, which passed by unanimous vote.

REVIEW OF “THE SPRINGS” MASTER PLAN ON FARMINGTON’S NORTHERN

**BOUNDARY IN FRUIT HEIGHTS/ISSUE WITH EVANS WAY CONNECTING ROAD
(Agenda Item #8)**

Mayor Connors briefly introduced the agenda item. Although there had not been a public hearing officially proclaimed, he would allow limited discussion from the audience. The developer had met with the City Council in January. Fairly stringent restrictions had been imposed regarding the proposed road connection with the Farmington subdivisions on the boundary with Fruit Heights.

Mr. Petersen had attended the Fruit Heights Planning Commission meeting where the agenda item had been discussed. Fruit Heights citizens had voice opposition to the development. There were drainage and boundary line issues that would need to be addressed.

Mayor Connors stated the agenda item was not an official application and therefore was not a real pending issue. It was for discussion only.

Rick Dutson (794 West Okehampton) stated the parcel in question is currently zoned A, which calls for 1 unit per ½ acre. The proposal in consideration calls for a much higher density housing project. Traffic would be a great concern. The Evans Way connection would not be sufficient to carry the load. He suggested if the road was to be constructed that it be closed with a crash gate for access by emergency vehicles only. The development was not what current residents had envisioned when they invested in their property. Mr. Dutson felt the cheaper homes would eventually fail, leaving the area as low rent government housing. The development would not add to the tax base of the City and would likely devalue current homes.

Dave Richards (Harvey Lane) stated he was a Fruit Heights resident. He corrected some information that had been presented. Some homes proposed for the new development would be 800 square foot studio units for active adult residents. There has been no real definition of “young professional,” the targeted group for most of the housing. He reported there had been substantial opposition to the development from Fruit Heights residents.

Regan Tingey (610 Eastbourne Court) asked about the criteria that had been set for the possible connecting street.

Mayor Connors reviewed the criteria previously set by the City Council and also rehearsed concerns regarding the 1000 foot dead end restrictions of Farmington City. He said the intent of traffic plans was to drain travelers to the Mountain Road.

Harley Evans (713 Springwood Drive) said he had tried for many years to develop the property under consideration. There was a 1000 foot dead end restriction problem. That was the reason the Evans Way connection had been required.

MUSEUM ISSUES REQUEST/ANNETTE TIDWELL (Agenda Item #9)

Mr. Forbush suggested an ad hoc committee be organized . Membership for the

committee could be solicited through the City's newsletter. He requested the agenda item be tabled until further action could be taken by City staff.

Motion

Bob Hasenyager moved that the City Council table discussion of the museum issues. **Larry Haugen** seconded the motion, which passed by unanimous vote.

REQUEST FOR MINOR PLAT APPROVAL FOR "OAKRIDGE PARK ESTATES, III SUBDIVISION (EXTRA LOT FROM HERITAGE PARK (Agenda Item #10))

Mr. Forbush introduced the agenda item. He recommended delaying discussion of possible sales for the extra lot from Heritage Park until spring. At that time it will be better known what impact fees will be collected to help solve the funding shortfalls in the Parks & Recreation Bond Projects (i.e., Heritage Park, Main Park, Community Center, etc.) It may be that the extra lot can be used for future recreation purposes, for which the local residents were in favor.

Mr. Hale commented that the extra lot was currently being used as storage from the construction of the park. It needed to be cleaned up.

REVIEW OF ANDREW BUCKLEY'S COUNTER OFFER TO JOIN SPECIAL IMPROVEMENT DISTRICT 2003-01 (Agenda Item #11)

Mr. Forbush explained the negotiations that had taken place between himself and Mr. Buckley, with the input of the Mayor, regarding Special Improvement District (S.I.D.) projects along Mr. Buckley's frontage. The Buckley property did not include a dedicated right-of-way, therefore Mr. Buckley could not be compelled to join the S.I.D. Several offers and counter offers had been made. The packet information presented the most recent agreement.

Motion

Susan Holmes moved that the City Council authorize the City Manager to contact Andrew Buckley advising him that the City Council is authorizing an agreement to be drafted whereby the Buckleys will pay no more than \$10 per lineal foot for curb, gutter and sidewalk and asphalt tie-in, plus the cost of driveway adjustments and the actual cost of the drive approach. Farmington City will pay all additional costs. Since the Buckleys own part of the street right-of-way, the right-of-way will be conveyed at no cost to the City in exchange for the City's participation in the improvements as stated above.

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

MINUTE MOTION APPROVING BUSINESS OF CONSENT (Agenda Item #12)

Bob Hasenyager moved to approve the following items by consent as follows:

1. Ratification of construction bond agreements previously signed by Mayor Connors.
2. Approval of Police Chief's request for minor Departmental budget adjustments as per his memo.
3. Approval of a formal resolution which ratifies prior City Council approval of the Interlocal Agreement between the City and Davis County pertaining to maintenance of the water lines at the Fairgrounds and the Justice Complex.
4. Approval of Surety Bond Improvements Agreement with The Boyer Company pertaining to Farmington Ranches, Phase 5, development.

In discussion of the motion, **Mr. Hale** asked that assurances be made that the proper back flow valve be installed regarding item 12-3.

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

RESOLUTION ADOPTING THE FARMINGTON CITY STORM WATER MANAGEMENT PLAN (Agenda Item #13)

Mr. Forbush stated that the City had filed for a permit and as part of doing so had to have a Storm Water Management Plan in place. The Plan was a technical plan which included a list of best management practices to be implemented by the City over time. The City Council had reviewed the proposed plan over several months.

Motion

Susan Holmes moved that the City Council approve by minute motion the Farmington City Storm Water Management Plan. This action will be ratified by formal resolution at the next meeting.

Bob Hasenyager seconded the motion.

As part of the discussion of the motion, **Mayor Connors** invited representatives of the Lagoon Corporation to address the Council if they desired. Representatives of Lagoon stated they may wish to comment during the next agenda item.

A vote was taken indicating unanimous approval of the motion.

ORDINANCES AND RESOLUTION PERTAINING TO ESTABLISHING A "STORM WATER UTILITY FEE": ORDINANCE ENACTING CHAPTER 5 OF TITLE 9 ESTABLISHING A DRAINAGE UTILITY; ORDINANCE ENACTING CHAPTER 6 OF

TITLE 9 RE: STORM DRAINAGE REGULATIONS; RESOLUTION AMENDING THE FARMINGTON CITY FEE SCHEDULE TO ADOPT DRAINAGE UTILITY FEES; RESOLUTION ENACTING DRAINAGE UTILITY FEE CREDIT AND ADJUSTMENT POLICY (Agenda Item #14)

Mr. Forbush reviewed the contents of the proposed ordinances and the proposed resolutions. He also discussed the “Baseline Budget for Annual Operation and Maintenance Costs”. Fifty-six percent of the budget is to be used for operations. Forty-four percent of the budget is to be used for capital expenses. He explained the new employee requirement for one and ½ positions. The inspector position would monitor complaints as required by the best management practices.

Mr. Forbush stated the proposed budget for the program had been reduced as far as possible. He also expressed concern regarding property owners who had flooding problems which the City may have to mitigate. The cost of such mitigation may be sizable. The budget of the Storm Water Utility Fee would need to address public flooding protection.

Paul Hirst stated that the County Complex would likely apply for the maximum allowable credit percentage. Estimates for that property will be factored down as well as the Lagoon property estimates.

Mr. Hirst said that the Lagoon Corporation does keep their grounds and facilities very clean. Doing so is part of their customer service. He was not concerned about their on-site clean water practices especially when compared to other commercial endeavors. However, the Lagoon Corporation does contribute to drainage off site. A conscious effort had already been made to reduced the area of consideration to benefit the Corporation. The 24-inch pipe that conducts drainage under I-15 will be expanded during I-15 reconstruction. He discussed the drainage area west of the park until the water flow reached the Great Salt Lake. That entire area would need to be cared for by the City under the best management practices. Mr. Hirst also stated that the City-wide system must be the responsibility of the City. Lagoon has a legitimate obligation to help provide funding for the cost. Doing so would benefit Lagoon. Also, Mr. Hirst felt it would be well to allow Lagoon the maximum allowable credit, but they should be responsible for participating in the off-site drainage replacement and maintenance costs.

Dal Freeman (Lagoon engineer) stated the relationship between the Corporation and the City had had a long history. Both had contributed to the success of each other. Lagoon was a destination park which was of benefit to Farmington City.

Mr. Freeman stated it was never the intent of Lagoon officials not to support the Storm Water Management Plan. The question was one of fairness. He was aware that the City had done a great deal of work to comply with the EPA's required policies and understood the importance of controlling the quality of water discharged into the environment. The utility fee proposed by the City was based on ESU and credit allowance. There is, however, some question regarding the estimate of pervious versus impervious areas within the park.

Mr. Freeman discussed his study of the park properties and how he had looked at credits based on retention, detention, and other best management practices. Their parking lot is swept every day. The water they receive from the City is treated and cared for. The water that reaches Farmington Creek is minimal. Most goes through the Cottonwood ditch and seeps away. He had studied water flows during a cloud burst a few weeks previously and felt confident that the City was impacted very little by drainage off site. Ninety percent of the water coming to the park is treated.

Mr. Freeman stated the Corporation would like to have the review board mentioned in the ordinances include a representative of the commercial endeavors in order to be a balanced board.

David Freed asked that the City Council be fair to the Corporation while determining the budget. The current proposals were not fair to the Corporation. They could live with a 90 percent credit allowance. Anything below that would be very tough.

Paul Hirst had just returned from checking the drainage grate in the cul-de-sac just north of Lagoon. It was covered with leaves. Without the City stepping up to solve such problems there will be problems. Such problems will devolve to the detriment of the Corporation. He also stated that less than 5 percent of the water on park property came from offsite sources. He asked the Council to remember that the Corporation is not at the bottom of the system. The City will receive waters from Lagoon and will have to be responsible for it.

Mayor Connors led a discussion of the issues, including the following points:

- ▮ When taking into account the baseline needs of the program operation and system replacement costs, the fee should likely be between \$5.75 and 6.00 per ESU.
- ▮ There are two ways to adjust the total charged any commercial endeavor: either adjust the credits allowed or adjust the amount of impervious property if justified by actual proof.
- ▮ Board membership was discussed. The board is intended to be a technical analysis body, along the same lines as the Board of Adjustments. It is not a political body. Those who are members need to have some engineering background. The board, by directive, must consist of the Public Works Director, the City Planner, and the City Engineer. A fourth member could be considered.
- ▮ The Board may only be needed as the fees are initiated. Over time as the fees are in place, the need for the services of the Board may be very minimal.
- ▮ Some Council members felt the \$5.75 amount would help residents to adjust to the new charge.

Motion

Bob Hasenyager moved that the City Council approve Option C, at \$6.00 per resident. The maximum allowable credit for non-residential developed properties would be up to 80% and each ESU would be charged at a rate of \$6.00. He further moved that the Review Board be increased to 5 people to include one technical person.

A discussion ensued, including discussion of the flood mitigation costs and the fact that the main purpose of the program was to keep the area's receiving waters clean.

Substitute Motion

Ed Johnson moved that the City Council approve Option A, with up to a 70% maximum credit allowance and a cost of \$5.75 for each ESU. He also agreed that an additional technical person could be added to the Board. The motion died for lack of a second.

The original motion was withdrawn in order to move on the ordinances proposed.

Motion

Larry Haugen moved that the City Council adopt Ordinance 2003-36, an Ordinance Enacting Chapter 5 of Title 9 Establishing a Drainage Utility and Ordinance 2003-37, an Ordinance Enacting Chapter 6 of Title 9 Regarding Storm Drainage Regulations. **Susan Holmes** seconded the motion. The vote was unanimous in the affirmative.

Motion

Bob Hasenyager moved that the City Council conceptually approve the fee amount at \$6.00 with the maximum credit allowance at 80%, including the credit policy as written, except an additional fourth person be added to the Board. **David Hale** seconded the motion. The vote passed the motion by 4 to 1. Mr. Johnson voted in opposition to the motion. Formal resolutions will be drafted and brought back for final review.

RESOLUTION TO ACCEPT FOR STUDY MCFARLAND PETITION TO ANNEX APPROXIMATELY ONE ACRE LOCATED NORTH OF OAKRIDGE FARMS SUBDIVISION AND WEST OF 1500 WEST STREET (Agenda Item #15)

Mr. Forbush explained that Mr. McFarland needed to have the requested parcel annexed to the City in order to obtain a proper building permit to build a garage. The parcel was within the normal annexation area of Farmington.

Motion

David Hale moved to adopt the resolution accepting for study the **McFarland** Petition to annex approximately one acre located north of Oakridge Farms Subdivision and west of 1500

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

DISCUSSION OF NRCS AGREEMENT RELATED TO THE CLEANING OF THE RUDD CREEK DEBRIS BASIN (Agenda Item #16)

Mr. Forbush explained options relating to the cleaning of the Rudd Creek Debris Basin. It was a possibility that the County may accept ownership and maintenance of the Rudd Creek Debris Basin in exchange for the City owning and maintaining the street fronting the County Justice and Fairgrounds Complex. There was discussion of the advantages, disadvantages, and costs of maintenance at each facility.

After discussion and by consensus, the City Council directed Mr. Forbush to move ahead making contact with Davis County offering to let them have the fill material if they are willing to accept and own the Rudd Creek Debris Basin. If not, all the material should be used to best benefit property owners along 475 South Street.

FIRE DISTRICT MEETING REPORT/MAX FORBUSH (Agenda Item #17)

Mayor Connors noted that the letter dated August 28, 2003, from Michael Deamer, Centerville Mayor, indicated that Farmington City will likely opt out of the consolidation of fire services unless there is the creation of a special improvement district that has taxing authority. The City Council affirmed by consensus that that was the case. Max Forbush reported Bountiful City may walk if the County doesn't give up their paramedic program in the Bountiful/South Davis Area.

HUGHES ESTATES SUBDIVISION GRADING/FIRE ACCESS/COMPLETION ISSUES (Agenda Item #18)

By consensus, the City Council felt this agenda item should be discussed in closed session.

FARMINGTON CREEK FLOOD PLAIN ISSUES IN WEST FARMINGTON SOUTH OF 500 SOUTH (Agenda Item #19)

Mr. Petersen reviewed the agenda item. If the Farmington Creek drainage corridor beginning near 500 South and 1100 West running southwesterly to Glover's Lane could be improved, flood plain designation over Farmington Creek Estates could be removed. The third phase of the Candland Olsen development cannot go forward without the removal of the flood plain designation. Mr. Olsen's engineer suggested that Mr. Olsen may be willing to pay part of the preliminary engineering costs to assist Davis County in improving the channel corridor if the restriction from developing another phase could be lifted. Staff suggested that the City Council amend the development agreement allowing the "removal of the flood plain designation requirement" in order to have Mr. Olsen help improve the drainage corridor. This would be subject to an interlocal agreement with

the County wherein the County would complete improvements to permit lifting of the current flood plain designation. The work would be done within one year.

By consensus, the City Council authorized the City Manager to commence negotiations with the County and developer in order to have the flood plain designation removed.

Mr. Hasenyager raised the issue of requiring Candland Olsen to dedicate the stub road for access to 1100 West as part of the deal.

Mr. Forbush stated the stub road requirement would be added to the negotiations.

BID AWARD FOR PURCHASE OF PICNIC TABLES AND PARK BENCHES TO BE USED AT MAIN AND HERITAGE PARKS (Agenda Item #20)

Mr. Forbush reviewed the bids received for the purchase of picnic tables and park benches to be used at Main and Heritage Parks. He suggested the bid be award to the lowest bidder subject to the review of materials to be used. Mr Forbush also requested authorization to buy products that have perforated steel rather than use expanded metal. The perforated metal product is superior as far as durability and maintenance.

Motion

David Hale moved that the City Council award the contract for the purchase of picnic tables and park benches to be used at the Main and Heritage Parks to Chris Sonntag subject to City acceptance of materials. The motion also permits staff to buy the perforated metal products. **Larry Haugen** seconded the motion, which passed by unanimous vote.

MISCELLANEOUS (Agenda Item #21)

Heritage Park Concerns

Mr. Hale stated his concern that the contractors seemed behind schedule in constructing the Park's restrooms.

Mr. Forbush stated materials had not be ordered in a timely manner. He said he would check with the City Attorney to see if it was appropriate to hold part of the bond to warrantee the work.

Park Open House

An open house for the Heritage Park will likely be held on October 15th.

Dog Days

A brief discussion was held regarding the “Dog Days” recently held at the Farmington Municipal Pool. Members of the Governing Body reported they had received negative comments.

Historical Preservation Commission Workshop

Mr. Haugen reported that the Commission had held a workshop on August 23rd where citizens were educated regarding old home care and tax incentive programs.

Weeds on the Freeway Side of the Sound Wall

Ms. Holmes reported citizen complaints about the weeds on the freeway side of the sound wall. Mr. Forbush reported that side of the wall belongs to UDOT. Also, the native vegetation is still establishing itself. Cutting weeds may be detrimental to the process. In time, the native vegetation will choke out the weeds.

Pioneer Christmas Insert

Pat Sorensen had requested permission to include a Pioneer Christmas Insert in the City’s newsletter. By consensus, the City Council approved.

Justice Complex Committee

Ms. Homes reported she and the Mayor had attended a committee meeting covering issues regarding the County Justice Complex.

Cultural Arts

Ms. Holmes also reported that material regarding cultural arts issues is nearly ready for review by the COG.

Community Center Progress

Mr. Johnson requested a report about the construction schedule for the Community Center.

Mr. Forbush stated the building is about 2 to 3 weeks behind schedule. Mr. Forbush also asked the Council to consider adding restrooms and some dressing rooms in the basement of the Center. He suggested having these improvements made to be able to use the basement area by the recreation department for classes. He said the Main Park area east of the Center would be mostly

landscaped before the end of the year. The boweries in the parks would be finished by the end of next week.

Dead End Street Signs

Mr. Hasenyager requested Dead End street signs for some streets in the City. He will contact Mr. Forbush to give him exact addresses.

Action List

Mr. Hasenyager complimented Staff for their work on the action list. It was very helpful to the City Council in tracking projects.

Pathway Associates

A meeting was planned to hear a presentation by Pathway Associates for September 17th at 6 p.m. Pathway Associates is working on fund raising feasibilities for expanded performing arts needs in the City.

Park Lane Signage and Notification

Mr. Forbush stated that UDOT will need to inform the public about changes on the Park Lane construction. The City Council, by consensus, was in favor of information being placed in the City's newsletter.

Change Orders

Ed Johnson moved that the City Council approve change orders as follows:

1. Paint open structure ceilings and columns on the basement level of the Community Center, including 15 percent overhead and profit, for a total of \$2,484.00.
2. Electrical changes as per BDB Electric August 29, 2003, including 15 percent overhead and profit, for a total of \$13,470.00

Susan Holmes seconded the motion, which passed by unanimous vote.

League of Cities and Towns Representative

Bob Hasenyager moved that the City Council nominate Susan Holmes as the Farmington City representative member to the League of Utah Cities and Towns.

Ed Johnson seconded the motion, which passed by unanimous vote.

ADJOURNMENT INTO CLOSED SESSION

Bob Hasenyager moved to adjourn to closed session to discuss strategy as it relates to pending litigation at 11:30 P.M.. **Susan Holmes** seconded the motion, which passed by

unanimous vote.

At 11:55 p.m. a motion to go back into open session was made by **Larry Haugen** with a second by **Susan Holmes**. The voting was unanimous in the affirmative.

ADJOURNMENT

There being no further business, and upon motion to adjourn being made by Susan Holmes the meeting was adjourned at 11:55 p.m.

Margy Lomax, City Recorder
Farmington City