

# FARMINGTON CITY COUNCIL MEETING

Wednesday, October 1, 2003

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## 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, and Deputy Recorder Jeane Chipman.

**Mayor Protem Haugen** began discussion at 6:30 P.M. The following items were reviewed:

- ▭ Agenda Item #4, H.H.I. Appeal of Planning Commission's Decision to Deny Application for a Conditional Use Permit Allowing a Small Auto Dealership– The City Council discussed the item noting the Planning Commission had denied the application. Mr. Petersen stated if the Commission had had another option that would allow them to pass the issue on to the City Council without outright denial, they would have done so.
- ▭ Brass Comb Sale–Mr. Forbush reported that the potential sale of the Brass Comb had fallen through. The building was again on the market.
- ▭ Agenda Item #5, Review of Petition to Reduce Speed Limit on Main Street– Mr. Forbush stated the road is a State road, therefore the decision will have to be made by UDOT officials. He also reported that the Farmington Creek Bridge was under construction. New signal lights on Shepard Lane will be installed by October 20<sup>th</sup>. Mr. Hasenyager reported the situation on Shepard Lane was very dangerous for children going to and from school. He suggested the City's police officers should be alerted to the problem and directed to patrol the area until the lights are installed and children are trained how to be safe in the area.
- ▭ Agenda Item #6, Conceptual Plan for Hough/Lloyd Properties–Mr. Forbush explained that the property in question would be more logically served by Farmington City rather than Fruit Heights. The topography of the area and likely road connections would make the area fit into the Farmington boundary much easier than it would in Fruit Heights. The applicant will be present to determine if the City Council would be favorable to either an annexation or a boundary line adjustment. A design had been rendered to demonstrate road connections. Mayor Connors felt it would make logical sense to include the entire area within the “hook” shaped property even though just the Hough and Lloyd properties were being considered currently. He cautioned that the issue for the evening's discussion only included bringing the property into the City. The design being presented by the developer was not under consideration.

- ↵ Agenda Item #7, Minute Motion Approving Business of Consent– Mr. Forbush stated that Federal officials were eager regarding the City’s approval of the Natural Resources Conservation Service Agreement. He report that Davis County had agreed to clean out the debris basin.
- ↵ Agenda Item #8, Approval of Tuscany Cove Related Agreements –Mr. Petersen stated he had met with the developer and had reviewed the agreements. Mr. Hasenyager asked about the trail easement. He wanted to clarify that the trail easement was for public use and not just the City’s administrative responsibilities. He also asked that the City Council consider dropping the last sentence in paragraph 3 to ensure that the trail is not at some point turned into a road for motorized vehicle use.
- ↵ Agenda Item #9, Ordinance Enacting 8-2-11 Pertaining to the Cleaning of Streets and Storm Sewer Facilities in New Construction Areas– Mr. Forbush stated the Public Works Department had done a great deal of research regarding the purchase of a street sweeper. He also stated the City Attorney had reviewed the enacting ordinance.
- ↵ Agenda Items #10 and 11, Resolution Amending the Consolidated Fee Schedule and Resolution Increasing Building Permit Fees– Mr. Forbush stated the amendments would allow, among other things, the hiring of employees which would increase the capacity of the Planning inspection functions and permit the City to better implement the Best Management Practices required by the EPA.
- ↵ Agenda Item #12, Award of Bid for Purchasing a New Street Sweeper– Mr. Forbush stated the bids had been opened today for the City to purchase a street sweeper. Options would be discussed during the regular session.
- ↵ Agenda Item #13, Award of Bid for S.I.D. 2003-01 Street Lighting Project and Decorative Fence Installation– There would be 51 lights installed. Options included two different kinds of light source. It was likely the cost would remain under \$500 for participating residents.
- ↵ Agenda Item #15, Boyer/Wheeler Farm Stream Channel Issue– Mr. Forbush asked that the item be delayed. It was not ready for consideration.
- ↵ Agenda Item #16, Miscellaneous– Mr. Forbush suggested that the City Council go into closed session to consider issues relative to the BOA reversal of the City’s Zoning Administrators decision to deny a building permit.
- ↵ Agenda Item #14, Review of “Draft” Ross Consulting Marketing Study – Staff requested a discussion of how to structure the scheduled meeting with the Ross Consulting Group on October 22, 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 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 Susan Holmes and the Pledge of Allegiance was led by Margy Lomax.

**APPROVAL OF MINUTES OF PREVIOUS MEETING**

In discussion of the minutes of the September 17, 2003, City Council Meeting, Mayor Connors asked that a paragraph on page 9 be reviewed and compared against the recorded version of the minutes. The City Council, by consensus, decided to delay consideration of the minutes until the comparison could be made.

**REPORT OF PLANNING COMMISSION (Agenda Item #3)**

**David Petersen** reported proceedings of the Planning Commission meeting held September 25, 2003. He covered the following items:

1. The Planning Commission granted a request by Kirt M. and Denise W. Garrett for conditional use and site plan approval to construct an attached garage even with the front setback of a single family home located at 135 East 100 North in the OTR zone.
2. The Commission consideration the City's request for a recommendation to the City Council to amend the Zoning Ordinance regarding enforcement authority of City Officials for code violations. The amendment would allow the City Planner to assign a designee to enforce compliance with zoning ordinance and increase the efficiency of the Planning Department. The Planning Commission recommended the amendment.
3. The Planning Commission delayed consideration of the Harv Jeppson 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.
4. Bruce B. and Connie H. McFarland requested a recommendation to the City Council to annex 1.09 acres of property located at approximately 1507 North 1500 West. Because a private easement had been involved, the Planning Commission wanted to delay consideration of the agenda item until more information had been provided.
5. The Planning Commission reviewed as a discussion item the Hawkins Group development proposal for a 50 lot subdivision and annexation to the City of property in north Farmington. The Planning Commission felt it would be wise to annex the property, but had some opposition to the current design of the subdivision.

**PUBLIC HEARING: H.H.I APPEAL OF PLANNING COMMISSION'S DECISION TO DENY APPLICATION FOR A CONDITIONAL USE PERMIT ALLOWING A SMALL AUTO DEALERSHIP (Agenda Item #4)**

**David Petersen** reviewed the agenda item. The City Council had approved the ordinance amendment with tight restrictions allowing small auto dealerships in downtown Farmington. The applicant had requested a conditional use permit under the provisions of the new ordinance. The Planning Commission considered the application on September 11, 2003, at great length. Mr. Petersen reported that the Planning Commission have always felt the use should not be allowed and had stated their opposition to the amendment. Because of their opinion regarding the ordinance, they felt the City Council, having approved the ordinance, should be the body to review the application. Ordinance guidelines required the Commission to make one of four decisions. They could deny, approve, approve with conditions, or table the request. In order to move the issue on to the City Council, the Commission chose to deny the application.

**Public Hearing**

**Mayor Connors** opened the meeting to a public hearing.

**Don Hokanson** (applicant) requested that the City Council approve the request. All conditions of the City's ordinance would be met. He stated that visually nothing would change regarding his business.

**Mayor Connors** stated that it concerned the City Council that the Planning Commission had been unanimously opposed to the request. It was obvious they had strong feelings in opposition to the application for conditional use. In the study session previous to tonight's regular session, some Council Members expressed the need to meet with members of the Commission and hear detailed reasons for their objections. Mayor Connors asked the applicant if there were urgent reasons why the issue could not be delayed for two weeks in order to allow the Council time to communicate with the Planning Commission.

**Mr. Hokanson** stated the issue had been a long time in the process. He had business transactions that were pending the decision. He wanted to have resolution as quickly as possible. He felt the reason the Planning Commission did not want to act on the issue was because the City Council had approved the ordinance and so the City Council should make the decision.

**Mr. Hasenyager** stated the City Council wanted to maintain a good working relationship with one of its most important recommendation bodies. It wasn't necessarily that each body had to always agree with the other, but that communication and respect needed to be maintained. It was obvious the Planning Commission had strong feelings regarding the issue, and the City Council wanted to make sure they understood all the ramifications of their decision. He suggested a working committee made up of members of both bodies meet and discuss the issue.

**Public Hearing Closed**

With no other forthcoming public comments, **Mayor Connors** closed the public hearing temporarily. He asked for opinions from the Council.

**Susan Holmes** felt it was important to carefully regard all recommendations from the Planning Commission. Since there were strong feelings coming from the Planning Commission, she wanted to understand the reasoning behind the Commission's actions.

**Larry Haugen** felt the City Council should take the time to visit with the Commission.

**Mayor Connors** stated it was important to have the Council and the Commission share ideas and keep the working process open. It was not necessary that the two bodies always agree, but it was necessary that the process not become adversarial.

### **Motion**

**Susan Holmes** moved that the City Council continue the public hearing regarding H.H.I.'s appeal of the Planning Commission's decision to deny their application for a conditional use permit allowing a small auto dealership in the downtown area until the next City Council meeting on October 15, 2003. The motion included appointment of the Mayor, Ed Johnson, Planning Commission Chairman Forsgren, and another member of the Planning Commission to act as a sub-committee to discuss the concerns of the Planning Commission. The alternative option was for the Mayor and members of the City Council to meet with the entire Planning Commission during their work session at 6:30 P.M. on October 9, 2003. **Bob Hasenyager** seconded the motion, which passed by unanimous vote.

### **REVIEW OF PETITION TO REDUCE SPEED LIMIT ON MAIN STREET (Agenda Item #5)**

According to packet information, a letter had been previously sent to UDOT requesting that the speed limit be reduced from 35 to 30 then down to 25 in the center part of town. The City Manager had met with the Region One Transportation Engineer. He distributed information relating to the setting of speed limits.

It was the recommendation of the City Manger that a letter be sent to UDOT requesting a speed study and that a letter be sent to the petitioners with a copy of the previous letter sent to UDOT and a copy of the pamphlet of how speed limits are set on State Highways.

By consensus, the City Council approved the City Manager's recommendation.

### **CONCEPTUAL PLAN FOR HOUGH/LLOYD PROPERTIES SHOULD THEY BE ANNEXED INTO FARMINGTON/HAWKINS COMPANIES (Agenda Item #6)**

**Mayor Connors** explained that the City Council would only be considering the possible inclusion of the property in question (the Hough/Lloyd properties) into the Farmington City

boundaries. There should be no misconception that there was any approval, conceptual or otherwise, of any development plan.

**Mr. Petersen** stated the boundary line adjustment had been discussed between staff official of both Farmington and Fruit Heights. The southern portion of the “hook” area (the Hough/Lloyd properties) was before the Council for their consideration.

**Mr. Hasenyager** asked for a discussion of the transportation plans for the area.

**Mr. Forbush** stated that transportation designs were one reason the developer had presented a concept plan. The conceptual plan was offered to address road connections and access issues.

**Mike Flood** (representing the Hawkins Group, developer) requested permission to address the Council. He stated property to the north of the Hough/Lloyd parcel (still within the “hook” area) was owned by the Sterling family. The Sterling family was not currently considering development. They had, however, been consulted about having a road improved through their property in order to provide appropriate access to the proposed subdivision. Mr. Flood had been in contact with the City’s Fire Chief. Chief Gregory was not opposed to having a crash gate at both ends of the emergency vehicle access between the proposed subdivision and the Somerset Farms Subdivision. The Chief favored not paving the area in order to discourage parking along the easement. Mr. Flood stated that it made the most sense to bring the “hook” area into Farmington for development rather than Fruit Heights. The slope and drainage direction of the property went towards Farmington. Utilities and drainage would be simpler if it was part of Farmington.

**Mr. Forbush** stated that if the Sterlings were amenable, it would be better to do the boundary change and include the entire parcel rather than bring part of it in now and part when the Sterlings decide to develop.

**Bart Longson** (Hawkins Group) said it would be advantageous for all concerned if there could be an interlocal agreement between Farmington and Fruit Heights that would allow the boundary line adjustment. The Sterling family was not opposed to the move into Farmington, however, there was some hesitation. Meetings between Farmington and Fruit Heights officials had indicated that a boundary adjustment was the best way to go, rather than an annexation process.

**Mayor Connors** stated the “hook” area was an historical anomaly with no apparent reasons for its existence. He felt that the consensus of the City Council was that in general and all else being equal, they would entertain the notion of a boundary line adjustment or a petition for annexation. He emphasized that doing so did not imply any consideration of development plans or zoning changes. After a brief discussion regarding the access easement between the area in question and the Somerset Farms area, Mayor Connors recollected there had been legal proceedings regarding the access. He stated the Council would have to obtain those legal records

and review them before any decision could be made regarding the strip of land.

**Mr. Flood** stated his opinion that the easement had been provided as an access in perpetuity. He also discussed transportation access plans for both the alternative that the property be brought into Farmington or if the property was left in Fruit Heights. He also stated the process was subject to the sale of the small parcel owned by Davis County. The County currently planned to sell the land as surplus.

**Mayor Connors** requested that the developer contact the Sterling family and determine if the entire parcel could be brought into the City at the same time.

#### **MINUTE MOTION APPROVING BUSINESS OF CONSENT (Agenda Item #7)**

**Mr. Forbush** mentioned that the local NRCS office had been receiving pressure from their superiors asking why this agreement had not been signed and why work was not in progress. With the information enclosed in the packet regarding the easement, the City Manager believed that the City was ready to proceed. The local NRCS was planning on advertising for bid when the City was able to obtain the easements. The City had received a response from Davis County that they were willing to take over the cleaning of the basin.

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

14. Approval of Disbursement Lists for the months of June, July, and August.
15. Ratification of Mayor Connor's signature of Natural Resources Conservation Service Agreement with Farmington City pertaining to the Emergency Watershed Protection Program.

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

#### **APPROVAL OF TUSCANY COVE RELATED AGREEMENTS/ STORM DRAINAGE EASEMENTS/CULINARY WATER LINE EASEMENT/ TRAIL EASEMENT/ CONSERVATION EASEMENT (Agenda Item #8)**

**Mr. Petersen** reported having met with the City Attorney, who had done some word-smithing on the document. Changes were reflected in the draft included in the packet. Staff recommended approval.

**Mr. Hasenyager** asked for a clarification regarding the easement through the Glover property, which Mr. Petersen provided. Mr. Hasenyager asked for clarification regarding wording about the trail access. It did not seem implicit that the trail easement was for public use and not just Farmington City's administrative responsibility. He wanted it clear in the document that the trail easement was for public use. Mr. Hasenyager also addressed the last sentence of paragraph 3, which indicated the trail access could at some future point be changed to a road for motorized vehicles. He wanted it clear that the trail was for pedestrian use and not intended for

motorized vehicles.

**Mr. Longsen** stated Mr. Schilly may not agree with the change because the Mr. Schilly wanted to be able to relocate the trail. The change may be a deal-breaker.

Both **Mr. Hasenyager** and **Mayor Connors** stated the relocation of the trail was not in question, but that if the intent of the agreement was to allow eventual and automatic development into a road, that would indeed be a deal-breaker for the City. Mr. Hasenyager stated that he preferred the trail not to go through a residential area, but that he was not opposed to relocation of the trail as long as it was not automatically approved for motorized vehicles. He also wanted to ensure public access on the trail.

### **Motion**

**Mr. Hasenyager** moved to approve Tuscan related Agreements, including 1) storm drainage easements, 2) culinary water line easement, 3) trail easement, and 4) conservation easement subject to: a) having the trail easement clearly designated for public access, excluding development as a road for motorized vehicles, b) deleting of the last sentence of paragraph 3, and c) including the changes recorded by the City Planner as discussed during the meeting. **Larry Haugen** seconded the motion, which passed by unanimous vote.

### **ORDINANCE ENACTING 8-2-11 PERTAINING TO THE CLEANING OF STREETS AND STORM SEWER FACILITIES IN NEW CONSTRUCTION AREAS (Agenda Item #9)**

**Mr. Forbush** introduced the agenda item. The enacting ordinance provided for the City to engage in the Best Management Practices as prescribed by the Clean Water Act. The greatest contributor to water pollution in the City has been tracking of mud and dirt on City streets during construction. The ordinance created a way to manage and pay for a resolution of the problem. Staff estimated the use of a street sweeper would help resolve the problem in two ways: 1) a single dwelling building permit would include a fee to fund street sweeping and storm sewer cleaning by the City to help keep storm sewer pipes clean during construction of the dwelling, and 2) multi-lot developments and non-residential developers would be required to bond for the cleaning process. If the developers kept the streets clean, the City would be satisfied. If not, the City could require the bond to fund doing the cleaning itself. Developers and contractors would therefore be required to either accomplish the work themselves or fund sweeping and storm sewer cleaning grates by the City. Staff had researched the numbers of permits and found that the suggested system will enable staff to manage the work load. The ordinance had been written by the City Attorney and reviewed by staff.

### **Motion**

**Susan Holmes** moved that the City Council approve Ordinance No. 2003-44, an ordinance enacting Section 8-2-111 of the Farmington City Code pertaining to cleaning of Farmington City streets and storm sewer facilities in new construction areas located within

Farmington City, Utah. **David Hale** seconded the motion, which passed by unanimous vote.

**RESOLUTION AMENDING THE CONSOLIDATED FEE SCHEDULE ENACTING A STREET AND STORM SEWER CLEANING FEE AND INCREASING DEVELOPMENT REVIEW AND INSPECTION FEES (Agenda Item #10)**

**Mr. Forbush** stated the proposed amendment to the Consolidated Fee Schedule would significantly aid staff with the current work load. He discussed the job description of the proposed additional personnel and briefly reviewed agenda items 11 and 12.

**Susan Holmes** raised a concern that the fees may not be set high enough to pay for the cost of the service.

**Mr. Forbush** stated staff had discussed the issue and felt that the expectation of builders to clean the streets more often if the cost was too high may be more than the City can produce. Staff was being conservative but recognized that the fee could be adjusted if future evaluation required doing so.

**Mayor Connors** asked if monies from the General Fund would need to be used to fund any of the considered services.

**Mr. Forbush** stated the source of all funding had been accounted for and no General Funds money except that generated from the fees would be used. He stated that the street sweeping program provided for cleaning from the time a builder acquires a permit, during construction, and in subsequent to times of need. Once a house is occupied, the Storm Water Utility fee collected from the occupants who would then help finance continued sweeping operations.

**Motion**

**David Hale** moved that the City Council adopt the September 29<sup>th</sup> version of Resolution No. 2003-45, a resolution by the City Council of Farmington City revising the Consolidated Fee Schedule of Farmington City. **Susan Holmes** seconded the motion, which passed by unanimous vote.

**RESOLUTION INCREASING BUILDING PERMIT FEES (Agenda Item #11)**

**Mr. Forbush** briefly reviewed the agenda item and explained the contents of Exhibit "A" as part of the resolution to increase the Building Permit Fees.

**Motion**

**David Hale** moved that the City Council approve Resolution No. 2003-46, a resolution adopting a fee schedule for building and construction fees assessed in connection with Title 10 of the Farmington City code, version dated September 30, 2003. **Ed Johnson** seconded the motion,

which passed by unanimous vote.

**AWARD OF BID FOR PURCHASING A NEW STREET SWEEPER AUTHORIZING STAFF TO ARRANGE FOR LEASE PURCHASE FINANCING (Agenda Item #12)**

**Mr. Forbush** stated that the acquisition of a quality street sweeper would be the key to achieving the Best Management Practices required by the EPA. He discussed the Public Works Department efforts in researching the best equipment for the City and referred to options including an additional 280 gallon water tank, a front spray bar, a right side inspection door into the hopper, and computer software.

**Mr. Haugen** asked about the maintenance of the vehicle and was told that the vehicle recommended had a good maintenance record.

**Motion**

**Bob Hasenyager** moved that the City Council award the bid for purchasing the street sweeper as recommended by the Public Works Director to AG Body Inc., including options, in the amount of \$122,038.00. He also moved that the City Council authorize the City Manager and Finance Director to advertise for financing through lease/purchase means through a number of vendors and authorizing the City Manager and Finance Director to award the bid to the lowest local financial institution. **Larry Haugen** seconded the motion.

In discussion of the motion, David Hale stated that it was understood by the City Council that the street sweeping vehicle would be replaced about every 5 years. Doing so would ensure a high resale value and provide for a vehicle that would more likely be low maintenance. The overall cost to the City would be kept as low as possible with this practice.

A vote was taken which indicated the motion passed by unanimous vote.

**AWARD OF BID FOR S.I.D. 2003-01 STREET LIGHTING PROJECT AND DECORATIVE FENCE INSTALLATION (Agenda Item #13)**

**Mr. Forbush** led a discussion of light options for the S.I.D. 2003-01 Street Light Project. He stated there were two kinds of light sources. One was a sodium vapor which had a slight coloration that could distort real colors in surrounding areas. It produced the most lumens (lighting). The other type was metal halide which was a whiter light which kept surround objects in a more accurate color, but did not produce as much lumens (lighting). The metal halide light source would cost an estimated \$1500 a year to maintain (for 5' lights) but may be esthetically more pleasing. The sodium vapor would be less expensive but would be more luminous.

**Mr. Hale** reviewed cost issues and reminded the City Council of citizen reactions to the expense of the decorative lighting proposal. He knew that at this point in time, exact costs were not know. However, in reviewing all the known facts with the City Manager, he was comfortable that the cost to each property owner in question should not exceed \$500. He felt citizen response

would be favorable to the proposal.

**Motion**

**David Hale** moved that the City Council award the bid for the street lighting project Custom Light in the amount of \$96,310.00. **Ed Johnson** seconded the motion, which passed by unanimous vote.

**Motion**

After discussion of the advantages and disadvantages of each type of lighting source, **Bob Hasenyager** moved that the City Council authorize the less expensive, brighter sodium vapor light source, except in lighting for the Main Park which would be metal halide. **Susan Holmes** seconded the motion. The motion passed by a 4 to 1 vote. Mr. Johnson opposed the motion.

In discussion of the motion, **Mayor Connors** stated safety and maintenance had been considered in making the decision. The sodium vapor light source will provide a bright light which will adequately aid safety concerns in residential area where installed.

Regarding decorative fencing installation, **Mr. Forbush** stated that Staff and officials from the Oakridge Country Club had discussed the matter in detail. Because the Club had committed to participation in the installation costs, they had recommended awarding the bid to Custom Fence.

**Kent Forsgren** (President of the Oakridge Country Club) stated the Club's appreciation for the work done by the City and the cooperation that had been afforded the Club. The area would be improved and the decorative fencing would enhance the Club and the adjacent City streets.

**Motion**

**David Hale** moved that the City Council award the bid for the decorative fence to be installed along the frontage of the Oakridge Country Club along 1500 West to Custom Fence in the amount of \$62,745.70. **Larry Haugen** seconded the motion, which passed by unanimous vote.

**REVIEW OF "DRAFT" ROSS CONSULTING MARKETING STUDY/DISCUSSION RELATING TO THE FORMAT OF OCTOBER 22 WORK SESSION WITH PLANNING COMMISSION AND ECONOMIC DEVELOPMENT STEERING COMMITTEE (Agenda Item #14)**

**Mr. Forbush** and **Mr. Petersen** discussed possible formats for the meeting to be held with the Ross Consulting Group on October 22. The City Council discussed options, including the following points:

- ▭ As much input into the final document as possible needs to be gathered.

- ↯ The product needs to be finalized and quality before it is released to the public in general.
- ↯ Major players should possibly have input during the October 22 meeting in order to take advantage of their thinking at an early stage.
- ↯ Ross Consulting should consider the work as a dynamic document.
- ↯ Before the document is considered final, it will need to receive the advantages of a public hearing.
- ↯ A section of the report deals with subsidies. That portion could be discussed with Staff during a day-time meeting prior to the larger meeting with combined City Council/Planning Commission and invited interested parties.
- ↯ The meeting including the City Council and Planning Commission could deal mainly with land use issues.
- ↯ The Economic Development Committee should be invited to the report session on October 22, 2003.

**BOYER/WHEELER FARM STREAM CHANNEL ISSUE (Agenda Item #15)**

Staff requested a delay on discussion on Agenda Item #15 to provide more time for adequate preparation.

**MISCELLANEOUS**

**Pedestrian Concerns at Shepard and Main**

Mr. Hasenyager raised the issue of safety for school children on their way to and from school along the Shepard Lane road. There is a great deal of traffic on that road. Lights are currently being installed. However, there will need to be a time of training for children even after the lights are installed. He asked that Staff have City police patrol the area in the morning and the afternoon when school children enroute.

**Community Center Schedule**

Ms. Holmes reported the Community Center is schedule to be complete in early January. She recommended a grand opening celebration and volunteered to head up the committee to plan the event. By consensus, the City Council affirmed that Ms. Holmes chair the celebration of the opening of the Community Center and asked that she bring back a proposal for their review.

**Dallas Trip**

Ms. Holmes reported she would be traveling to Dallas, Texas, to be a part of the conference on transportation. Because she would be out of town during the time of the *Newsletter* deadline, she requested that the City Council give a quick turn-around to their review of the contents for the issue affected.

### **Mosquito Abatement Issues**

Mr. Hale reported his meeting with the Mosquito Abatement Agency. He said that West Nile Virus was a threatening disease. There may be an influx of the disease in Utah in the spring of 2004. Of the 3000 cases reported in the U.S. about 1300 of them were in Colorado where agencies refused to spray adequately. The Green River and Colorado River corridors run through Utah and may be a conduit for the bird migration carrying the virus. Mr. Hale was grateful that the Davis County Mosquito Abatement authorities were actively spraying and containing the insect.

### **Heritage Park Opening**

Mr. Hale distributed a proposal for the opening celebration of Heritage Park on October 22, 2003. He briefly discussed plans, which by consensus the City Council approved. The celebration would be short, and included a welcome by Mayor Connors, remarks by Senator Greg Bell, and historical comments by Glen Leonard. Invitations would likely go out to neighbors through local organizations such as the PTA and the LDS Church.

### **Historical Fact Regarding the Brass Comb Building**

Mayor Connors requested a fact sheet regarding past events affecting financing for the restoration of the Brass Comb building. There had been some confusion regarding circumstances of the restoration and bid process of the building.

### **New Vending Machine**

Mr. Forbush reported the Leisure Services Director had found a good deal on a vending machine that the City could use at the new Community Center and was asking authorization to purchase the same. He briefly discussed the issue and asked for the approval of the City Council.

### **Motion**

**Bob Hasenyager** moved that the City Council authorize the Leisure Service Director to purchase a new vending machine at the cost of \$990.00. It was understood that the machine would pay for itself in about 18 months. **Susan Holmes** seconded the motion, which passed by unanimous vote.

### **Budgetary Decision Regarding the Financing of Fire Hydrants on the Water Supply Line for Tuscany Cove**

Doug Cromar (CSR Engineering) was present to answer questions regarding the need to purchase and install fire hydrants in strategic areas along the foothills for fire protection. The City Council briefly discussed the issue. The opportunity now existed concurrent with the waterline construction required for Tuscany Cove.

A letter from Caldwell, Richards, and Sorensen (City Engineers) stated that the Tuscany Cove development required the construction of nearly 3100 LF of 10" waterline across undeveloped hillside provided a second source of water to the development from the S-1 reservoir. Due to the terrain of the hillside, 7 air vacuum release valves will be installed at a construction cost incurred by the developer of \$1,372.00 each. Staff recommended the City replace several of the 7 required air vacuum release valves with a fire hydrant to provide the Fire Department with a much needed appurtenance in fighting hillsides fires. The cost of the hydrants would be \$2,484.00 each; the net difference between the cost of air vacuum release valves and fire hydrants is \$1,112.00 each. The Engineer felt 3 or 4 hydrants could be successfully maintained and operated.

### **Motion**

**Bob Hasenyager** moved that the City Council authorize City Staff to purchase and install fire hydrants in locations approved by the City Engineer in the amount of no more than \$5,000.00. **Susan Holmes** seconded the motion, which passed by unanimous vote.

### **Citizen Petition Regarding the Board of Adjustment Decisions on September 23, 2003**

Mayor Connors stated that the Board of Adjustment had overturned a decision by the Zoning Administrator to deny a building permit to a family wishing to build a home in the OTR which did not comply with the current zoning ordinance. He explained to interested citizens in attendance that the City Council would need to review legal options in closed session and there would likely not be action during the evening's meeting. He stated that as a lawyer by profession he had noted that the best way to resolve disputes was for the two parties to meet and find middle ground rather than have an arbitrator dictate terms of agreement. He suggested the interested parties may want take advantage of the time allotted to meet and talk over the issues. If they could come to the City with a joint recommendation, the City would be glad to consider the suggestions.

### **CLOSED SESSION**

**David Hale** moved that the City Council recess to closed session to discuss issues pertaining to possible litigation at 9:45 P.M. **Larry Haugen** seconded the motion, which passed by unanimous vote.

At 10:10 p.m. a motion was made by David Hale and seconded by Bob Hasenyager to go back into open session. The voting was unanimous in the affirmative.

Mayor Connors addressed the audience stating that the City Council is in the process of trying to absorb the information from the Board of Adjustment hearing and that the City Council was not going to take any specific action tonight. They would weigh the issues and reconvene in two weeks.

Mayor Connors pointed out that confrontational hearings are usually not the most satisfying way to solve disputes. He expressed concern about the neighborhood; that there seems to be a division among neighbors. He stated that what he and the Council would like most of all is for the neighborhood to bridge the gap before the City Council weighs into this issue on one side or the other.

Mayor Connors suggested that there are professionals (i.e, architects, planners, etc.) living in the City who would probably be willing to donate their time to assist the neighborhood in bridging the gap between them. He felt the Council and City staff should not be involved in the negotiation process. However, staff will contact a few of the professionals to see if they are willing to help out. It was the Mayor's hope that then the two sides would be able to sit down and talk to each other and come to an acceptable resolution. He felt it is up to the residents to pull this together, to give discussion a chance. No formal action was taken on the matter. The issue will be on the agenda for the October 15 City Council meeting.

### **Consideration for Reduction in Fees**

Mr. Russell Anderson was in attendance at the meeting requesting a waiver or reduction in the fee application to the Board of Adjustment requesting a variance. His property is located at 347 North 100 East.

**David Hale** moved that the fee be reduced from \$150 to \$75 for application to the Board of Adjustment in this particular case because staff will be minimal in reviewing and presenting the application. **Susan Holmes** seconded the motion and it passed with a unanimous vote.

### **ADJOURNMENT**

There being no further business to come before the Council, upon motion of **Bob Hasenyager** the meeting was adjourned at 10:30 p.m.

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Margy Lomax, City Recorder  
Farmington City