

# FARMINGTON CITY COUNCIL MEETING

Wednesday, October 6, 2004

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## CITY COUNCIL WORK SESSION/EAST CONFERENCE ROOM

**PRESENT:** Mayor David M. Connors, Council Members Richard Dutson, Larry W. Haugen, Susan T. Holmes, Sidney C. Young, City Manager Max Forbush, City Planner David Petersen, and Deputy Recorder Jeane Chipman. Council Member David Hale was excused.

The City Council met at 5:30 P.M. for a field trip work session. The purpose of the work session was to review progress on flood mitigation projects and to make a site visit to the Wayne and Sheridan Hansen property located at 600 North Main.

## REGULAR CITY COUNCIL/CITY CHAMBERS/CALL TO ORDER

**PRESENT:** Mayor David M. Connors, Council Members Richard Dutson, Larry W. Haugen, Susan T. Holmes, Sidney C. Young, City Manager Max Forbush, City Planner David Petersen, City Recorder Margy Lomax, and Deputy Recorder Jeane Chipman. Council Member David Hale was excused.

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

## APPROVAL OF MINUTES OF PREVIOUS MEETING

**Rick Dutson** moved to approve the minutes of the September 15, 2004, City Council Meeting with corrections as noted. **Susan Holmes** seconded the motion. The voting was unanimous in the affirmative.

## SWEARING IN OF NEW POLICE OFFICER (BRANDON ERICKSON)/ MAYOR DAVID M. CONNORS (Agenda Item #3)

**Mayor Connors** commended the Police Department and stated Farmington citizens knew of the Department's commitment, capabilities, and devoted service. Citizens and public officials were very grateful. There had been some extraordinary events in the City over the last few years, including floods, fires, and other disasters. The Farmington Police force had been ever present and of great help. They are well trained professionals who help make Farmington a great place to live.

**Police Chief Wayne Hansen** introduced Brandon Erickson, the Police Department's new officer. Chief Hansen felt that Officer Erickson would be a great asset to the community.

**Mayor Connors** then administered the oath of office to the new Police Officer.

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

**David Petersen** reported proceedings of the Planning Commission meeting held September 23, 2004. He covered the following items:

- The Planning Commission tabled consideration of preliminary plat approval for a subdivision located on the McKittrick property at approximately 675 North 1800 West to allow time for the developer and the City to execute an agreement regarding transportation issues in the area and to allow time for the developer to complete the unfinished items required as part of the application for preliminary plat approval.
- The Planning Commission recommended the City Council grant final plat approval for the proposed subdivision located at approximately 2000 North Compton Road.
- The Planning Commission tabled consideration of a modification or revocation of a conditional use permit issued for the Farmington Station Condominiums located at approximately 153 East 200 South to a date specific in order to grant a period of time in which the property must come into compliance with City standards, ordinances, and requirements. Requirements included: the builder must submit a letter by noon on September 27<sup>th</sup> allowing the City to transfer the existing \$35,000 bond to be used for resolution of the drainage problems, the builder must meet with Tom Rich (representing the Farmington Stations HOA), the property owner to the east of the project, Paul Hirst, City Engineer, and David Petersen on Monday, September 27<sup>th</sup> at 4 P.M. to resolve all drainage issues, and the builder must have a report of progress ready for review by the Planning Commission on October 14 at which time there must be substantial resolution of said problems or the cash bond will be relinquished to the City in order to fund completion of the improvements.
- The Planning Commission denied site plan approval to construct a building for the Division of Motor Vehicles (DMV) located at approximately a block west of 200 West at 200 South. Findings included: the Division of Motor Vehicles use does not comply with the Business Park (BP) zone; the same use in another County had impeded traffic and proved to be a danger to citizens and surrounding uses; the applicant never submitted information requested on several occasions by the Planning Commission; and the use was more appropriate in a retail center. Mr. Petersen reported that most of the information supplied the Planning Commission regarding traffic had been supplied by himself.
- The Planning Commission denied Randall Rigby's request for a recommendation to amend the Zoning Ordinance (Section 11-28-106) whereby a pool cover may be allowed in lieu of the requirement that all private recreation pools must be enclosed by a fence or wall having a height of at least six (6) feet.

**PUBLIC HEARING: CONSIDERATION OF ORDINANCE ENACTING TRANSIT ORIENTED DEVELOPMENT ZONE TEXT AS RECOMMENDED BY THE PLANNING COMMISSION (Agenda Item #5)**

**Mr. Petersen** reviewed the agenda item. The Planning Commission reviewed the draft of the Transportation Oriented Development (TOD) Zone and voted to recommended its approval to the City Council subject to two changes, which had been included in the draft. Council Member Holmes also recommended changes to the draft. Both Ms. Holmes' recommended changes and Mr. Haws' response were included in the packet but had not been added to the draft. Additionally, there were a number of unused chapters in the middle of the Zoning Ordinance due to past repeals from previous City Councils. Therefore, it was recommended that the present City Council enact the new TOD draft as Chapter 18 and not Chapter 40 of the Zoning Ordinance. It was further recommended that the City Attorney review the ordinance to ensure that it was formatted correctly. Mr. Petersen reviewed a few of the details in the draft, including what the Planning Commission regarded as appropriate building sizes.

**Mayor Connors** recommended that the public be given opportunity to make comments, but that if the City Council wished, they could consider final approval of the TOD at their October 20<sup>th</sup> meeting.

**Public Hearing**

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

**Max Forbush** addressed the City Council representing the Fire Chief. There were concerns regarding the multi-story buildings proposed in the Haws development. Such buildings would impact the Fire Department because the City does not have a ladder truck. The growth of the City was getting to a point that there may need to be a ladder truck purchased. The impact on the City budget would be significant. Mr. Forbush said there would need to be a careful evaluation of the issues, including whether or not there was a ladder truck in nearby fire departments which could provide needed coverage.

**Michael Haws** (representing the Haws development) thought there had been a request from his company to delay the agenda item until October 20<sup>th</sup>. The Haws people wanted the extra time to prepare for a presentation regarding "big box" (large retail stores) uses.

**Ms. Holmes** made the comment that she did not have a problem with "big box" uses if they were located near the freeway and away from residential uses. The "big boxes" do lower property value for residential uses.

**Mayor Connors** said there would need to be a policy decision by the City Council whether or not the City wanted to have a “big box” in the community. All facets of the issue would have to be carefully considered.

**Public Hearing Closed**

With no further comments, **Mayor Connors** closed the public hearing and requested consideration by the City Council.

**Motion**

**Rick Dutson** moved that the City Council continue consideration and the public hearing regarding an ordinance enacting Chapter 18 of the Farmington City Zoning Ordinance titled “Transportation Oriented Development (TOD) Zone” to October 20, 2004. **Larry Haugen** seconded the motion, which passed by unanimous vote.

The City Council discussed what they felt were key issues with the TOD. Those issues included: size limitations for allowed buildings, location of large buildings, wetland issues, streamlining of approval processes, and parking designs.

**PUBLIC HEARING: CONSIDERATION OF ORDINANCE RECOMMENDED BY THE PLANNING COMMISSION TO AMEND CERTAIN SECTIONS OF THE CITY’S GENERAL PLAN REGARDING “NEIGHBORHOOD MIXED USE (NMU)” CLASSIFICATION (Agenda Item #6)**

**Mr. Petersen** discussed the Neighborhood Mixed Use (NMU) zone text. He reviewed the letter written by the City’s consultant, Rulon Dutson of Bear West, which was included in the packet. Specific changes to the NMU text were suggested so that the intent of the governing body and the citizens’ committee were clarified. The Planning Commission recommended that the modifications be made.

**Public Hearing**

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

**Public Hearing Closed**

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

**Motion**

**Susan Holmes** moved that the City Council approve Ordinance No. 2004-55, an ordinance amending Chapter 11 of the Farmington City Comprehensive General Plan regarding Neighborhood Mixed Use (NMU) Zones. **Sid Young** seconded the motion, which passed by unanimous vote.

**REQUEST FOR AUTHORIZATION TO IMPLEMENT “TRAIL MARKER” PROGRAM/  
GEORGE CHIPMAN (Agenda Item #7)**

**Mr. Chipman** introduced the agenda item. The Farmington Trails Committee proposed to involve the use of donated materials and volunteer labor (such as Eagle Scout candidates and Trail Committee members) to make and install trail marker posts and map kiosks along the trails in Farmington City. The plan had been reviewed and approved by the Public Works Department, Leisure Services, the City Manager, and the Trails Committee.

**Phillip Stone** (Boy Scout) gave the City Council brief information regarding the trail marker posts, the proposed bronze medallion, and the costs of the project. He is proposing doing two kiosks and 4 markers.

**Scott Hunter** (Boy Scout) said he had already received donations for the project. He would be doing several markers for his Eagle project.

When questioned, **Mr. Chipman** stated he and other members of the Farmington Trail Committee would work with the Public Works Department and especially Neil Miller to coordinate and assure the quality of the Eagle Scout projects and the trail marker program. There would be an on-going effort to complete the project and install markers every half mile along all City-owned trails.

**Mr. Forbush** had met with Mr. Chipman, the Public Works Department, and members of the Leisure Services Committee and had discussed recreational opportunities which included the use of the City’s trails. He distributed information regarding such programs provided by Viola Kinney, Leisure Services Director.

**Motion**

**Susan Holmes** moved that the City Council approve up to \$1,200 for use in funding the bronze medallions as part of the Farmington trail marker program and that City Staff and the Leisure Services department be authorized to investigate the recreation programs as discussed. **Larry Haugen** seconded the motion.

In discussion of the motion, **Mr. Dutson** commented that the markers would be a good addition to the trails in the City. He wanted to assure the quality of the program, to which Mr. Chipman affirmed that the Trail Committee would be involved and would oversee all marker installations.

**Mr. Young** inquired if there was a way to recognize those who had contributed to the trail markers. In discussion, it was suggested that contributors could be acknowledged in the Farmington *Newsletter*.

A vote was taken. The City Council voted unanimously in favor of the motion.

**FINAL SUBDIVISION PLAT APPROVAL REQUEST FOR DEER POINT SUBDIVISION/  
WINDFIELD, L.L.C. /TOM MORGAN (Agenda Item #8)**

**Mr. Petersen** stated the Planning Commission recommended approval of the final plat for the Deer Point Subdivision located at approximately 1925 North Compton Road. Several conditions were set forth by the Commission in a letter dated October 1, 2004.

**Mr. Young** asked for clarification regarding the width of the road as presented on the site plan.

**Mr. Petersen** stated the improvement drawings would show the correct road width based on previous discussions. The Farmington side of the road connection would match the 36-foot width of Mahogany Drive coming from Fruit Heights. There would be a subtle decrease in width to match the road coming to the area from the Farmington side, probably in the bridge area.

**Motion**

**Susan Holmes** moved that the City Council grant final subdivision plat approval for Deer Point Subdivision located at approximately 1925 North Compton Road subject to the Planning Commission conditions as set forth in their letter dated October 1, 2004. **Rick Dutson** seconded the motion, which passed by unanimous vote.

**REQUEST FOR AUTHORIZATION TO PROCEED WITH DESIGN OF ROUNDABOUT  
AT 1075 WEST SHEPARD LANE AND TO PROCEED WITH INITIAL IMPROVEMENTS  
ON CLARK LANE NEAR THE 1100 WEST/PARK LANE INTERSECTION/CRS  
ENGINEERS (Agenda Item #9)**

**Jerry Rechtenbach** (representing CRS Engineering) explained the agenda item. He distributed information that gave the City Council data regarding the intersection at 1100 West and Park Lane, plus projections for future use. He detailed all the possibilities. When asked which option he would recommend, Mr. Rechtenbach said the intersection would be impacted by how surrounding areas develop.

**Mr. Forbush** stated the City had received a grant to construct the roundabout. He asked the engineers if the grant would cover the costs of the entire roundabout project.

**Mr. Rechtenbach** reviewed the revenues available. He discussed the different options and which ones could be funded.

**Mr. Hirst** recommended the roundabout. However, if the City Council decided to implement the roundabout option, the City would have to be vigilant and carefully control future development in order to protect the intersection from overly high traffic uses.

**Mr. Forbush** explained the need for extending the two 30-inch pipes on west Shepard Lane for storm drainage. He also discussed costs and recommendations regarding an initial widening of the south side of the 1100 West/ Park Lane intersection. Because of high traffic demands, Mr. Forbush stated the City was also being constrained to make improvements on the road near the County Fair Park on Clark Lane. He reviewed cost estimates for that project and the estimated impact fees which would be used to fund the project. Mr. Forbush expressed concern that the City's contribution (cost) of widening the south side of Clark Lane should be applied to the City's contractual obligation of paying for improving the middle 15 feet of Clark Lane from 1100 West to the west side of the D&RG tracks. Mayor Connors and City Council Members suggested no improvements be made without first amending agreements with the developers of Farmington Greens and Farmington Ranches.

### **Motion**

**Sid Young** moved that the City Council ratify previous approval given by the City Manager to approve Change Order adding approximately \$20,000 to the cost for extending two 30-inch pipes on west Shepard Lane for storm drainage purposes. This cost would be paid by City impact fees. **Larry Haugen** seconded the motion, which passed by unanimous vote.

**Rick Dutson** moved that the City Council authorize City Staff to move forward with initial improvements on Clark Lane authorizing the cost thereof out of street impact fees, subject to amendments to agreements with the developers of Farmington Greens and Farmington Ranches; that the City Council authorize the City Engineer to move forward with design and eventual construction of the roundabout at 1075 West; and that the City Council authorize City Staff to move forward with developing standards requiring traffic impact studies. **Susan Holmes** seconded the motion, which passed by unanimous vote.

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

**Larry Haugen** moved that the City Council approve the following items by consent as follows:

- 9-1. Ratification of Construction Bond Agreements previously signed by Mayor David M. Connors.

- 9-2. Support for Mayor Connor's Proclamation proclaiming October as "National Breast Cancer Awareness Month" in Farmington.
- 9-3. Approval of Solid Waste Collection Agreement with Robinson Waste Services.
- 9-4. Approval of Facilities Use Agreement with Farmington Area Baseball League, Incl., as per enclosure in the packet.
- 9-5. Approval of Construction Change Orders with Nix Construction and with Nelson Contractors as enclosed in the packet.
- 9-6. Approval of City Manager's recommendations regarding Leisure Services Department request. Those recommendations were as follows:
  - (1) Transfer responsibility of holding the Emergency Preparedness Fair to the City's Emergency Preparedness Organization.
  - (2) Ratify approval of City Manager's decision to allow the sale of the remaining speakers, under water lights, sound boards and to allow Leisure Services to use up to \$200 to purchase a portable sound system.
  - (3) The City Manager recommends not purchasing the black-out blind remote switch at the present time. In addition to the manual switch referred to in Ms. Kenney's memo the remote system could be a consideration in the future after testing is done with the manual switch.
  - (4) The City Manager recommends further study on the swimming pool floor request. There are other capital items that need to be considered together. The floor, the pool covers and some fans in the dressing room areas. These costs will be brought back for further Council consideration.
- 9-7. Ratification of staff's setting of hearing date of October 20<sup>th</sup> for Council to review Division of Motor Vehicles' appeal of Planning Commission decision denying a Conditional Use Permit for their facility on 200 West.
- 9-8. Approval of staff's timetable for processing the eventual sale of surplus property adjacent to Heritage Park.

**Rick Dutson** seconded the motion, which passed by unanimous vote.

**AMENDMENT TO SETTLEMENT AGREEMENT WITH THE SOMERSET HOMEOWNERS ASSOCIATION TO ACCOMMODATE CITY PROVIDING SNOW REMOVAL SERVICES/MAX FORBUSH**

**Mr. Forbush** explained that the document had been sent to members of the City Council prior to the meeting. The City Manager had also contacted the Somerset Homeowners' Association. It seemed that the Association may want to meet again to further discuss the agreement. Mr. Forbush suggested that a meeting with the Association be held at 5:30 P.M. on the 13<sup>th</sup> of October. He briefly reviewed the concepts of the agreement, including provisions for maintenance of the drainage basins.

**DRAFT AGREEMENT WITH FARMINGTON RANCHES HOA AND WITH PROPERTY OWNERS ABUTTING CROSS PROJECT TRAIL/MAX FORBUSH**

**Mr. Forbush** explained the agenda item. Subsequent to the initial meeting of Council Members Hale and Young with abutting property owners, the Homeowners' Association had been fully organized with true homeowners and not just the developer. The HOA expressed an interest in participating in the agreement. Some actions were taken to accommodate the request. Mr. Hiller, who was representing the abutting property owners, made arrangements for the draft agreement to be taken to the HOA meeting. There had been no response from the HOA to date.

**ORDINANCE AMENDING GARBAGE COLLECTION AND DISPOSAL REQUIREMENT IN FARMINGTON/ MAX FORBUSH (Agenda Item #13)**

Packet information indicated that changes to the garbage collection and disposal requirements in Farmington were made to coincide with current practices. The City had ordered new types of garbage cans from the original order that were fully functional and less expensive. Also, the City collects some garbage containers from commercial users that generally do not generate more than two containers on a weekly basis. There was one exception and that was H.H.I. The City is currently picking up four containers from that company. It was the City Manager's recommendation that H.H.I. be advised that the City would not collect more than two containers.

**Motion**

**Rick Dutson** moved that the City Council approve Ordinance No. 2004-56, an ordinance amending the garbage collection and disposal requirements in Farmington City, Utah. **Larry Haugen** seconded the motion, which passed by unanimous vote.

**REPORTS, COMMUNICATIONS FROM PREVIOUS CITY COUNCIL ASSIGNMENTS (Agenda Item #14)**

**Rulon Gardner proposed development/ Max Forbush**– The Mayor, City Manager, and City Planner had met with Mr. Gardner regarding his proposed project west of Main Street in northern

Farmington. The packet included letters from entities in the area. One of the entities was Smith's Food and Drug who are opposed to the project. It had been suggested that the developer meet with members of the community. If citizens were in favor of the project, then it may be possible to amend the General Plan for the area.

**Mr. Petersen** reported the results of the NMU committee meeting. The commitment to the Thornblad property influenced their decision to move forward even though the Gardner project may be acceptable. Mr. Gardner was interested in meeting with members of the community.

**Staff meeting with representatives from UDOT and Wasatch Front Regional Council regarding corridor preservation for future freeway interchanges/Max Forbush/ David Petersen**– Mr. Forbush reported the meeting between City Staff, representatives of the Utah Department of Transportation, and the Wasatch Front Regional Council. He stated there was likelihood that there could be funding for a study to explore the design for and the preservation of a freeway interchange corridor at Shepard Lane and I-15.

**City/School District negotiation schedule/ Max Forbush**– Mr. Forbush suggested scheduling a meeting with the Davis School District officials on Wednesday, October 13<sup>th</sup>, at 4:00 P.M..

**Station Park Meeting/Sid Young and Susan Holmes**– Mr. Young said the intent of the meeting was to try to get a consensus regarding the tax increment participation. He reviewed specific percentage options and what kinds of improvements could be funded by the increment monies.

**PROPOSED CHANGES IN PARK RULES, POLICIES/SECOND READING/MAX FORBUSH (Agenda Item#15)**

Packet information indicated that Lisa Romney had developed the suggested park recommendations and amendments to the City park ordinance. Subsequent to her writing the rules, Staff made other suggestions as noted in the draft enclosed in the packet. It was recommended by the City Staff that the Governing Body review the changes and the document as presented for a refinement prior to the public hearing regarding this agenda item. The public hearing would need to be held sometime in November to allow notice to be placed in the November *Newsletter*. **Mr. Forbush** reviewed suggested language changes. Ms. Romney needed to review the section regarding fires in the parks.

**CITY COUNCIL MEETING AGENDA REFINEMENT DISCUSSION/MAYOR CONNORS (Agenda Item #16)**

**Mayor Connors** led a discussion of ways to make City Council meetings more effective and efficient. The discussion included the following points:

- The Planning Commission report could be abbreviated.

- Public hearings tend to be the portion of the meetings that go the longest. Suggestions for shortening the public hearings included limiting each speaker to 3 minutes, having those who wish to give input place their name on a list prior to the agenda item, only allowing one lengthy public hearing per meeting having a spokesperson representing neighborhoods or large numbers of persons sharing common points of view. Mayor Connors expressed concern regarding restricting public input to a time limit because he felt it was important for citizens to be heard.
- The meeting could be held to 10 P.M. Business beyond that time would have to wait until the next meeting.
- The City Council briefly discussed the consent agenda. It was always possible for any member of the Council to question any item on the agenda and have it removed until issues could be resolved or to be placed as a regular agenda item.
- Ms. Holmes felt the meetings needed to concentrate more on planning and discussion of broad issues rather than taking time with items which Staff could possibly handle.
- Minutes were briefly discussed. The City Manager felt the minutes could be abridged. There was hesitancy on the part of some Council Members to reduce the information in the minutes because they liked to have a record of discussions and why decisions were made.

## MISCELLANEOUS

### Miscellaneous Items of Discussion

It was suggested that some of the miscellaneous items could be reported directly to the City Manager (such as pot holes and other maintenance issues). Doing so would reduce the time spent in City Council meetings.

### Outside Museum Lights

**Mr. Young** reported there needed to be a review of the outside lights currently used on the Museum building. There are safety issues involved. They light probably need to be replaced.

## ADJOURNMENT TO CLOSED SESSION

**Larry Haugen** moved that the City Council adjourn to closed session to discuss strategy as it relates to pending litigation at 9:40 P.M. **Rick Dutson** seconded the motion, which passed by unanimous vote.

At 9:45 p.m. a motion was made by **Larry Haugen** with a second by **Susan Holmes** to go back into open session. The motion passed with all Council Members voting unanimously in favor.

There being no further business to discuss, and upon motion by **Larry Haugen** with a second by **Susan Holmes**, the meeting adjourned at 9:45 p.m.

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Margy Lomax, City Recorder  
Farmington City