

FARMINGTON CITY COUNCIL MEETING

Wednesday, October 15, 2003

CITY COUNCIL WORK SESSION/WEST CONFERENCE ROOM

PRESENT: Mayor Protem Larry W. Haugen, Council Members Bob Hasenyager, Larry W. Haugen, Susan T. Holmes, City Manager Max Forbush, City Planner David Petersen, and Deputy Recorder Jeane Chipman. Mayor David M. Connors, Council Members David Hale and Edward J. Johnson were excused. Mayor Connors was attending a Davis County Council of Governments meeting and attended the City Council meeting later in the evening.

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

- ⌞ Agenda Item #5/H.H.I. Appeal of Planning Commission's Decision to Deny Application of Conditional Use Permit Allowing a Small Auto Dealership – Mr. Forbush informed the Council that the applicant would like to have the agenda item delayed until all members of the Council could be present.
- ⌞ Agenda Item #8/City/County Farmington Creek Floodway Agreement – Mr. Forbush was advised by the County that they will improve the Farmington Creek channel in west Farmington but that there was no need for an agreement between the City and the County since a quid-pro-quo (equal trade for services) arrangement did not exist.
- ⌞ Agenda Item #11/ "Brass Comb" Properties Bid Award or Alternate Sale Procedures – No bids had as yet been submitted, however several interested parties had contacted the City Offices.
- ⌞ Agenda Item #12/Community Center Task Force Initial Information –A report would be given during the regular Council meeting regarding the task force assignments.
- ⌞ Agenda Item #15/South Davis Transit Needs Analysis Study and Committee Appointments – Appointments would need to be made during the regular Council meeting to help with work on the transit study.
- ⌞ Miscellaneous Items –
 1. There will need to be an appointment of a citizen to be a member of the Storm Water Utility Fee "adjustment and credit review committee". Two Farmington residents have applied.
 2. Because the residential construction rate currently being experienced by the City will not last forever, it would be important to establish a stable source for funding additional personnel who will be assigned to Building Inspection and

development review along with the enforcement of storm water regulations. Mr. Forbush stated he would cover his recommendations for funding these positions during the regular session.

3. Mr. Forbush discussed the possibility of Farmington City becoming involved in a community TV channel. The channel could broadcast City Council and Planning Commission agendas, special events, and a great deal of other information. Some discussion ensued regarding advantages and disadvantages of having an exclusively Farmington station or becoming part of a public channel being proposed by the Davis Chamber of Commerce. Mr. Forbush suggested a subcommittee be established to study possibilities.

REGULAR CITY COUNCIL/CITY CHAMBERS/CALL TO ORDER

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

Mayor Protem Haugen called the meeting to order at 7:10 P.M. The invocation was offered by Susan Holmes and the Pledge of Allegiance was led by Mr. Edminster, a Scout from Troop 261 from Centerville City.

APPROVAL OF MINUTES OF PREVIOUS MEETING

Susan Holmes moved to approve the minutes of the October 1, 2003, City Council Meeting. **Bob Hasenyager** seconded the motion. The voting was unanimous in the affirmative.

Consideration of the September 17, 2003, City Council meeting minutes was delayed until Mayor Connors could be present.

LION'S CLUB DONATION

Mayor Protem Haugen introduced Gordell Brown of the Farmington Lion's Club who wished to make a donation to the Farmington Historical Preservation Commission.

Gordell Brown (308 East 650 South) stated the Lion's Club had been organized in Farmington in 1937 and had been continuously in service since that time except for a couple of years during World War II. The Club had been instrumental in obtaining several park sites in the City and had been the initiators of Farmington Fiesta Days (currently Festival Days) which has been one of the City's largest community events. Mr. Brown reported that because of the lack of membership it had become necessary for Club officials to request a cancellation of their charter. They were currently dispensing monies to the City's budget for worthwhile projects. Earlier the Lion's Club donated a total of \$3,700 to the City's Fire Department. They would now like to donate \$2,000 to the City's Historic Preservation Commission for work on the City's Museum.

Ab Mayo (133 North 100 East) said the Club also used to do the annual Easter Egg Hunt for the City. The Lion's Club had been of significant service to the community.

Susan Holmes complimented the Club for their history of service to the citizens of Farmington.

[Mayor Connors arrived at 7:20 P.M.]

Mayor Connors also thanked the Club for their donation and their good work.

REPORT OF PLANNING COMMISSION (Agenda Item #3)

David Petersen reported proceedings of the Planning Commission meeting held October 9, 2003. He covered the following items:

- Smith's Food & Drug Stores requested a recommendation to the City Council to amend the sign ordinances by allowing a variance provision to the Board of Adjustment. Mr. Petersen explained the hardship condition that existed and told the Council that it was evident through past minutes that the variance provision had been inadvertently deleted at the time the sign ordinances had been amended.
- Harv Jeppson requested a recommendation to the City Council to amend the Zoning Ordinance to allow "Bed and Breakfast/Inn" facilities as a conditional use in residential zones. The Planning Department and Planning Commission were currently conducting an extensive study of the situation.
- The Planning Commission recommended that the City Council enact Chapter 40 of the Zoning Ordinance regarding drinking water source protection.
- 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. The item would be heard later in the evening by the City Council.

Mr. Petersen asked that the City Council consider a request by Michael and Melanie Gibby regarding the vacation of 2.5 feet of a 20-foot easement on their property in order to allow room for the house design that had to encroach on the easement in order to fit the narrow lot. The property was located at 1759 Grand View Drive. The Gibby's had contacted FAPID regarding the easement and had obtained a letter from Aaron Richards declaring willingness to adjust the utility easement on the north side of lot #75 in the Shepard Heights Subdivision from 20 feet to 17.5 feet. Mr. Petersen stated the issue did not require a public hearing.

Motion

Bob Hasenyager moved that the City Council authorize the Mayor to sign a reclamation

abandonment of easement form on Lot #75 of the Shepard Heights Subdivision. **Susan Holmes** seconded the motion.

A discussion ensued, including the following points:

- ⌞ By consensus, the Council felt that if the vacation were approved, it should only include property where the house encroaches on the easement and should not exceed 2.5 feet in width.
- ⌞ The approval, if granted, should not be viewed as precedence-setting for other similar cases.
- ⌞ Several Council members expressed reservation regarding approval of the vacation.
- ⌞ The builder/developer/architect knew the easement was present and should have advised the property owner to change the house plans to fit the property without the vacation.
- ⌞ A hardship does exist because of the extreme narrowness of the lot.
- ⌞ Mayor Connors expressed the general feeling of the Council members that the issue had been brought before the City Council on short notice.
- ⌞ It may be possible for the property owner to redesign the house plans to make them better fit the property and still have the amenities desired.
- ⌞ By consensus, it was decided it may be better for the applicant to have the issue on the agenda when the full Council could be present.

Withdrawal of Motion

Mr. Hasenyager withdrew his motion and **Ms. Holmes** withdrew her second to the motion.

PUBLIC HEARING: CONSIDERATION OF PETITION TO ANNEX 1.09 ACRES LOCATED AT APPROXIMATELY 1507 NORTH/1500 WEST AND TO CONSIDER A ZONING DESIGNATION OF "A" AGRICULTURE FOR THE PROPERTY PRESENTLY OWNED BY BRUCE AND CONNIE MCFARLAND (Agenda Item #4)

Mr. Petersen explained the agenda item. He displayed the site plan and demonstrated where the easement was located and its relationship to paved access. Mr. Petersen said the issue was reviewed on September 25, 2003, and tabled by the Planning Commission until further information could be received from the City Attorney regarding the private access easement

across the McFarland property.

The City Attorney reviewed the information and stated that it was really a policy question for Farmington City. Presently, as part of most site plan review, (Chapter 7 of the Zoning Ordinance), the City does not ask an applicant to show the location of private easements. However, Chapter 7 does require a building permit applicant to show all public utility easements. In order for the City to adequately determine where private easement are recorded on any particular property, title reports must be prepared to show the location of these easement. A policy requiring property owners to show private easement in every case would be cumbersome and time consuming and expensive for the City and the property owner.

Public Hearing

Mayor Connors opened the meeting to a public hearing. Notice had been given to surrounding property owners and had been published in the traditional manner.

Paul Hayward (1663 West 1400 North) stated his property was near the property in question. He had no problems with the annexation and stated he was in favor of the McFarland request.

Public Hearing Closed

With no further forthcoming comments, **Mayor Connors** closed the public hearing and invited the Council to consider the issues. He stated that the Council should be aware that they were only considering the annexation petition and that the property was within the annexation expansion area of the City.

Motion

After a brief discussion, **Bob Hasenyager** moved that Ordinance No. 2003-47, an ordinance extending the Corporate Limits of Farmington City to include the annexation of 1.09 acres of property located at approximately 1507 North 1500 West and amending the Farmington City Zoning Map to zone and designate this area as "A" upon its annexation to the City. **Susan Holmes** seconded the motion.

In discussion of the motion, **Mayor Connors** stated that the action regarding approval or disapproval of the annexation petition must not be construed as approval or disapproval regarding site plans or building permits concerning the property in question. A vote was taken resulting in a 3 to 0 affirmative action in favor of the motion.

Mr. Forbush stated that building permits are issued by the Planning Department as a matter of course across the counter. He was concerned that the building permit may be issued without due consideration of all the issues.

Mayor Connors requested that the City Attorney review the issue again, especially in

light of the fact that the City Council is now aware of the private easement.

Mr. Petersen stated it would be well to have a member of the City Council present to verify the discussion when he contacts the Attorney again.

PUBLIC HEARING: H.H.I. APPEAL OF PLANNING COMMISSION'S DECISION TO DENY APPLICATION FOR CONDITIONAL USE PERMIT ALLOWING A SMALL AUTO DEALERSHIP (CONTINUED FROM OCTOBER 1, 2003, CITY COUNCIL MEETING) (Agenda Item #5)

Mr. Forbush stated that the applicant had requested the agenda item be delayed until all members of the Council are present on November 5, 2003. The Mayor and City Council were agreeable to the request. The public hearing will be continued to the November 5, 2003, City Council meeting.

CONSIDERATION OF PETITION OF CITIZENS REGARDING DAVID ALLEN BUILDING PERMIT (Agenda Item #6)

Mr. Petersen reported that David Allen and members of the neighborhood in which Mr. Allen wished to build had met and discussed Mr. Allen's house plans. No conclusions had been reached. However, three names of architects had been suggested as sources to aid Mr. Allen in redesigning the house plans to better meet requirements of the OTR and to fit in with the surrounding community. Mr. Allen had contact David Dixon, who was currently in the process of making suggestions for changes.

Mayor Connors invited Chadwick Greenhalgh, representative of the neighborhood, to address the City Council.

Mr. Greenhalgh stated the meeting between neighbors and Mr. Allen was cordial. There was a free and courteous exchange of ideas and opinions and reasons behind the wishes of both sides. The major point of disagreement involved the placement of the garage. Mr. Allen wanted to make the best use of his backyard, thus he had wanted to extend the garage out front. The neighborhood wanted to maintain the historic nature of the area which usually meant having the garage placed behind the front plane of the house. Several ideas were now being considered to reach a compromise and meeting needs of both sides.

Mayor Connors stated his appreciation for the parties involved who had come together in a spirit of cooperation and were working together to resolve the conflict.

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

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

- Ratification of construction bond agreements previously signed by Mayor Connors. Council Members were asked to note the extensive list of new building

permits issued within the last month.

- Approval of November's Newsletter.
- Approval of Larry Gregory's request to amend the Capital Equipment Budget. It was the City Manager's recommendation that the additional \$1,800 be taken out of the Fire Department operating budget. This, along with the volunteer contributions, will enable the Fire Chief to buy the equipment he is requesting.
- Approval of Lease-Purchase Financing Agreement with Zions Bank to finance street sweeper. A bid summary on financing was enclosed. Zion's Bank was the winner. An agreement authorizing the lease-purchase was enclosed. It was the City Manager's and Finance Director's recommendation to approve the agreement authorizing the Mayor to sign the same.
- Ratification and approval of agreement with Andrew and Cherie Buckley for Special Improvement District 2003-01.

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

CITY/COUNTY FARMINGTON CREEK FLOODWAY AGREEMENT (Agenda Item #8)

Mr. Forbush explained that Davis County didn't believe the agreement was necessary. Therefore no action was required. He also reported that Davis County would improve the Farmington Creek floodway on their own pending receipt of easements from the property owners. The City was not required to be involved except for coordinating funding an engineering study by Candland Olsen. Improvement of the channel would likely remove the flood plain designation in the area and permit Mr. Olsen to develop.

RESOLUTION DESIGNATING AND APPOINTING MUNICIPAL ELECTION JUDGES AND RESOLUTION SETTING COMPENSATION FOR ELECTION JUDGES (Agenda Item #9)

Margy Lomax reported that there may be a change or addition of election locations, but that would be resolved shortly.

Motion

Susan Holmes moved that the City Council adopt Resolution 2003-48, a resolution designating and appointing election "Receiving" Judges, "Counting" Judges, and alternates to serve in the Municipal General Election, November 4, 2003, setting the compensation for their services and providing for other related matters, and Resolution 2003-49, a resolution establishing the 2003 Municipal Voting Precincts and Polling Places for Farmington City, Utah. **Bob Hasenyager** seconded the motion, which passed by unanimous vote. The minute motion adopting the resolution also authorized the City Recorder to make final adjustments if necessary.

RESOLUTION AMENDING POLICE POLICIES REGARDING USE OF "TASER" ELECTRO MUSCULAR DISRUPTION DEVICE (Agenda Item #10)

Mr. Forbush reported the resolution had been written and reviewed by two City Attorneys and the attorney for URRMA. Both parties were comfortable with the policy language.

Motion

Bob Hasenyager moved that the City Council adopt Resolution No. 2003-50, a resolution amending the Farmington City Police Department Policies adopting General Order No. 88.41 regarding the use of the advanced "Taser Model X26 Electro Muscular Disruption Device." **Larry Haugen** seconded the motion, which passed by unanimous vote.

"BRASS COMB" PROPERTIES BID AWARD OR ALTERNATE SALE PROCEDURE (Agenda Item #11)

Mr. Forbush reported there had been no official bids on the "Brass Comb" property. However, there had been some interested parties inquire about the building. Mr. Forbush

recommended that the City not contract with a realtor yet. He believed the City should wait for a bid that matches the appraised value. The Mayor and Council concurred.

COMMUNITY CENTER TASK FORCE/INITIAL INFORMATION (Agenda Item #12)

Packet information indicated that the City Manager had previously requested a cost for completing the rest rooms in the basement of the new Community Center. One alternative was for the restrooms to be partially completed, the other to be fully completed. Members of the task force committee recommended that the City not finish the basement with the current contractor; but that the City solicit new the proposals from many contractors after the project is done. Soliciting new bids for this small project would likely be less costly than authorizing a "change order" with the current contractor.

OCTOBER 22ND SPECIAL CITY COUNCIL MEETINGS/ RIBBON CUTTING AT HERITAGE PARK AT 6:00 P.M./ECONOMIC DEVELOPMENT STEERING COMMITTEE MEETING TENTATIVE AGENDA AT 7:00 P.M. (Agenda Item #13)

Mr. Forbush reminded Council Members of the special City Council meetings to be held on October 22. Agendas for the meetings were included in the packet.

LAGOON CAMPGROUND/FARMINGTON CREEK TRAIL FENCE ISSUE (Agenda Item #14)

Packet information indicated that Public Works officials had informed the City Manager that the Lagoon Campground/Farmington Creek Trail fence was in need of repair. David Freed

had previously given the City notice. Upon receipt of the information, Mr. Forbush contacted David Freed of Lagoon requesting a split on the cost of maintenance for the fence since both parties are abutting property owners. Initially, the fence was installed by the City at the total cost of the City. Prior to the City installing the current fence, a 6-foot dilapidated chain link fence divided the property. It was felt that the rail fence looked better and was historically fitting with the ambiance rail fence on other portions of the trail.

Over time, Public Works discovered that campers in the Campground abuse the fence and create the need for a higher level of maintenance. Public Works was against maintaining the current wood pole fence because to replace one broken horizontal member of the fence, the fence post has to be removed and then the horizontal rails must be reinstalled on both sides. Then the fence post is reburied. This process becomes very time consuming and expensive.

David Freed was unwilling to share any cost in maintaining the existing fence. It was his recollection that the City promised to forever maintain the fence and that Lagoon had no responsibility in the matter. Mayor Connors had requested the City Manager to find any information in the minutes that would reflect that decision.

Mr. Forbush said the minutes reflected no information regarding maintenance commitments. He reported the Public Works Department recommended installing a chain link fence and planting some sort of vines that would cover the fence. Mr. Forbush felt the wood fence should be maintained because of its importance to the trail system.

Mr. Hasenyager asked if a “buck pole” fence had been considered.

Mr. Forbush stated it had not, but would be.

Ms. Holmes asked if the fence could be upgraded as it was repaired.

Mr. Forbush also stated that the watering schedule for the area caused campers to tamper with the system, causing some damage. He said staff was looking into a different watering schedule.

Mayor Connors asked that the City Manager draft a letter to the Lagoon Corporation stating the City does not concur with Mr. Freed’s recollection that the City agreed to total maintenance responsibility. He asked that he and the City Attorney review the issues and the draft letter.

SOUTH DAVIS TRANSIT NEEDS ANALYSIS STUDY/COMMITTEE APPOINTMENTS **(Agenda Item #15)**

Mayor Connors introduced the agenda item and said that it was vital to the transportation needs of the community that Farmington be involved with the transit needs analysis study. Questions such as what kind of rapid transit would best fit the needs of citizens and what connections should be provided to commuter rails systems and important locations

needed to be studied. Several communities were involved with the study because of its impact along the Wasatch Front and because of the impact it would have on local residents. Long range transit needs and plans would be influenced by the work of the committees being discussed.

According to the packet information, previously the City Council authorized the Mayor to sign an agreement with the other south Davis counties, the COG, Salt Lake City, and Davis County in soliciting proposals for a study to investigate alternative mass transit in south Davis County.

The Mayor reported that he had signed the agreement at the COG meeting. Representatives from the Wasatch Front Regional Council requested participation by Farmington City on three committees. The Committees and assigned representatives follows:

- ▮ **Selection Committee:** This person will spend a week or two beginning October 21 participating with other cities in selecting a preferred contractor to do the study.
Max Forbush was assigned as the committee member with *Susan Holmes* as the backup member.
- ▮ **Steering Committee:** This is a technical committee. It was recommended that *David Petersen* be appointed to the Committee. They will meet monthly. *Susan Holmes* was assigned as the backup member.
- ▮ **Policy Committee:** It was recommended that *Mayor Connors* represent the City on the Policy Committee. *Susan Holmes* was assigned as the backup member.

PRESENTATION OF STATE FIRE MARSHAL CERTIFICATE TO FARMINGTON FIRE DEPARTMENT (Agenda Item #16)

Mayor Connors presented the “2002 Life Safety Achievement Award” to Fire Chief Larry Gregory. The award recognized Farmington City’s Fire Department for their fire prevention activities which contributed to reducing the number of lives lost in residential fires. The Mayor commented that the award was indicative of the excellence of the Farmington Fire Department and its constant devotion to the safety and protection of Farmington citizens.

Chief Gregory commented that the award was due to the 29 members of the City’s Fire Department. It was those people who worked so hard to teach fire prevention.

MISCELLANEOUS

Sewer District Conference

Ms. Holmes stated she had just returned from Los Angeles where she attended a Sewer District Conference and gained a great deal of good information for the City. She would summarize the information and distribute it to each member of the Council. She stated that there

was also good information regarding storm water drainage which she would also pass along. Ms. Holmes would be leaving for Dallas, Texas, the next morning to attend a transit conference previously authorized by the City Council.

Job Corps Projects

Mr. Haugen had just returned from Cedar City where he met with Job Corp officials. The officials had informed Mr. Haugen of opportunities to use Job Corp workers on projects throughout the City. Council Member Haugen said he would have a representative of Job Corps contact him to provide a more detailed array of their services.

COG Report

Mayor Connors gave a report of COG meeting actions:

1. UTA had proposed creating a committee to draft an inter-local agreement between UTA and municipalities through Weber and Davis Counties that would be impacted by the mass transit construction. The agreement would help expedite the permit process. UTA was aware that where it had to build a commuter stop, the planning process of each city would have to be honored.
2. COG was in the process of creating a cultural facilities master plan and continued efforts to include recreational, arts, and park elements into the plan. The proposal may be forthcoming as soon as next fall.
3. The City Council was reminded of their invitation to attend the Davis County Conference Center ground breaking ceremony on October 16th.

Storm Water Credit Applications

Mr. Forbush reported that two applications for storm water credits had been received by the City. The applications gave compelling reason to make an appointment for the Farmington Storm Water Fees "Adjustment & Credit" Review Board.

After discussion, the City Council, by consensus, approved the appointment of Sean Enright to the Storm Water Fees Review Board.

Community TV

Mr. Forbush reviewed the availability of a community TV station for use by Farmington and other public entities. He reviewed information that could be included in broadcasting and said the information could be an extension of the Farmington City *Newsletter*. He suggested that two members of the City Council be assigned to research the advantages and disadvantages of the project.

By consensus, Larry Haugen and Susan Holmes were asked to make up the review committee and bring back information regarding the community TV project.

Somerset HOA Issues

The Chairman of the Somerset HOA had contacted the City with concerns about the Storm Water Utility Fee. The residents of Somerset felt the fee was unfair because they maintained

responsibility for their drainage system. The City had taken responsibility for the streets but not the drainage system.

Mayor Connors commented that it had been the residents' choice to retain responsibility for the drainage system. It would be extremely expensive for them to replace the system as a home owners' association. Mr. Forbush was asked to contact the HOA president again and provide further information.

Ideas/Discussions Related to Increased Staffing

Mr. Forbush discussed job descriptions and salary funding for City Staff needs. Needs included a water drainage official, building inspection staff member, and clerical support for the Building Department. He said that the City had experienced a record increase in building permit requests during recent months.

With the addition of the new staff members, office space and furniture would be needed. Specifically, a customer counter and desk arrangement similar to that installed for the Building Inspection Department. Mr. Forbush review revenue resources for the equipment needs.

Motion

Bob Hasenyager moved that the City Council authorize the requested improvements and purchases as presented by the City Manager. The estimated cost is about \$4,000. **Susan Holmes** seconded the motion, which passed by unanimous vote.

ADJOURNMENT INTO CLOSED SESSION

Bob Hasenyager moved that the City Council adjourn to closed session for the purpose of discussing strategy pertaining to pending litigation as allowed by law. **Susan Holmes** seconded the motion, which passed by unanimous vote. The City Council adjourned to closed session at 8:50 P.M.

At 9:05 p.m. **Larry Haugen** made a motion to go back into open session. The motion was seconded by **Bob Hasenyager** and passed by a unanimous vote.

ADJOURNMENT

There being no further business to bring before the Council and motion by **Bob Hasenyager** the meeting was adjourned.

Margy Lomax, City Recorder