

FARMINGTON CITY COUNCIL MEETING

Wednesday, November 3, 2004

CITY COUNCIL WORK SESSION/EAST CONFERENCE ROOM

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

Mayor Connors began discussion at 6:30 P.M. The following items were reviewed:

Agenda Item #7–DMV relocation City officials had met with officials from the Department of Motor Vehicles and had discussed relocation alternatives for the DMV which would be beneficial to all parties. The Council was interested in cooperating with the DMV and discussed options for action. Action to be considered during the regular session involved the DMV’s appeal of the Planning Commission denial to relocate their offices on 200 West.

Agenda Item #8–Corridor preservation along I-15 and Shepard Lane interchange There was an obvious need to take action immediately if a corridor was to be preserved for future transportation needs near the I-15/Shepard Lane interchange. Mr. Hale expressed strong concern that Shepard Lane be protected from high traffic loads and wanted to include language in any documents or agreements that would insure “limited access” on Shepard Lane.

REGULAR CITY COUNCIL/CITY CHAMBERS/CALL TO ORDER

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

Mayor Connors called the meeting to order at 7:00 P.M. **Rick Dutson** offered the invocation. The Pledge of Allegiance was led by **Margy Lomax**.

Mayor Connors commented on the recent election process completed the previous day. Though opinions and ideologies differed greatly, the nation is strong and the process is such that the government is secure due in part to the electoral system. The country’s citizens have the ability to differ and to resolve things peacefully through the ballot box. It is a great system we live under.

Mayor Connors introduced and welcomed Liz Barfuss of the Youth City Council.

APPROVAL OF MINUTES OF PREVIOUS MEETING

David Hale moved to approve the minutes of the October 20, 2004. City Council Meeting with corrections as noted. **Rick Dutson** seconded the motion. The voting was unanimous in the affirmative.

REPORT OF PLANNING COMMISSION (Agenda Item #3)

David Petersen reported proceedings of the Planning Commission meeting held October 26, 2004. He covered the following items:

- The Planning Commission tabled consideration of the request to amend the Cornerstone Subdivision plat by vacating 5 lots and creating 8 lots and to further vacate or abandon the north end of 700 West street north of Emerald Oaks Drive until the Planning Department has sufficient time to investigate the placement of utilities, the plans of Fruit Heights for pedestrian access to the development, and to determine the best way to accomplish a plat amendment.
- The Planning Commission voted to grant preliminary plat approval for the Mountainside Plat F Subdivision located at approximately 775 South 350 East subject to the applicant providing a soils report acceptable to the City.
- The Planning Commission also recommended the City Council grant final plat approval for the Mountainside Plat F Subdivision located at approximately 775 South 350 East.
- The Planning Commission tabled the request for a recommendation to rezone property located at 837 North Main from A and LS to LR until the applicant prepares a schematic plan which complies with City Ordinances and is consistent with an overall Master Transportation Plan prepared for the entire neighborhood or district.
- The Planning Commission voted to grant conditional use approval to allow a home occupation business, consulting, program management and fabrication for turn-key hot rods, in an unattached garage on Lot 114, Farmington Creek Estates, Phase I, 552 South 1025 West. One member of the Commission was not in agreement with the approval.
- The Planning Commission voted to grant preliminary plat and preliminary development plan approval for Farmington Crossing P.U.D. located at approximately 850 North Shepard Creek Parkway.
- The Planning Commission tabled the request for an amendment to Section 11-5-107(7) of the Zoning Ordinance (regarding reconstruction of a building more than 50 percent damaged) until the Planning Department had received input from the

Planning Advisory Service or other sources identifying national standards for the rebuilding of non-conforming structures and to allow time for the Planning Commission to have adequate time to discuss the issues.

- The Planning Commission recommended that the City Council annex the property located at approximately 450 East State Street and zone the parcel LR-F as requested.
- Rod Griffin presented ideas for an in fill development on property located near the City Park and Community Center. At this point in the report, Mr. Forbush commented that because his personal property was impacted by the proposals, he wanted the Mayor and City Council to know a potential conflict of interest could exist. He stated that he and his wife had been contacted by the developer about involving their personal property in the development. Mr. Forbush pledged to recuse himself from discussion or involvement as a public official when and if this proposal comes to public bodies for decisions.

PUBLIC HEARING: CONSIDERATION OF ANNEXATION PETITION (APPLICATION #A-2-04) SUBMITTED BY DAVIS COUNTY AND STATION PARK SOUTH, LLC, TO ANNEX 3.723 ACRES NEAR CLARK LANE IN WEST FARMINGTON (Agenda Item #4)

Mr. Petersen introduced the agenda item. The item had been discussed by the Council in previous meetings and was a house-keeping matter which the City Staff recommended approving.

Mr. Forbush reminded the City Council of previous negotiations providing that with the annexation and recording of this plat, the City will also provide an easement to Davis County for maintenance on the Rudd Creek debris basin. The City will then assume responsibility on Clark Lane road maintenance.

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 the consideration of the City Council. It was noted that there had been no protest or opposition in either the City Council or Planning Commission public hearings regarding this issue.

Motion

David Hale moved that the City Council approve Ordinance No. 2004-59, an ordinance extending the corporate limits of Farmington City to include the annexation of 3.723 acres of

property located in the vicinity of Clark Lane north of the Justice Complex. **Sid Young** seconded the motion. The motion passed by unanimous affirmative vote.

FINAL PLAT APPROVAL CONSIDERATION FOR MOUNTAINSIDE SUBDIVISION, PLAT "F"/GEORGE HADDAD (Agenda Item #5)

Mr. Petersen stated the Planning Commission granted preliminary plat approval and final plat approval of the Mountainside Subdivision located at 775 South 350 East. The Planning Commission recommended approval of the request. No objections or issues had been raised during the Planning Commission meeting.

Motion

Rick Dutson moved that the City Council approval both preliminary plat and final plat for the Mountainside Plat F Subdivision on property located at 775 South 350 East subject to conditions set forth in the Planning Commission letter dated October 29, 2004. **Larry Haugen** seconded the motion, which passed by unanimous vote.

CONSIDERATION OF AMENDMENTS TO DEVELOPMENT RELATED AGREEMENTS PERTAINING TO HUNTER CREEK SUBDIVISION IN WEST FARMINGTON NORTHWEST OF BURKE LANE (Agenda Item #6)

Packet information indicated the proposed agreements had been reviewed by the Assistant City Attorney, Mike Mazuran. The developer had some concern regarding the deadline for extending a looped water line through their development and for extending the period of time for improving off-site streets. The developers of Hunters Creek wanted to extend the period of time when 950 North and 1525 West Streets had to be widened and improved. **Mr. Forbush** provided information to the City Council for general discussion regarding the request. Mr. Forbush reviewed a number of alternatives pertaining to the request for conceptual consideration by the Council.

The City Council was, by consensus, in agreement with what the Staff had proposed in negotiating with the developer. Staff was directed to continue negotiations with the developers and the City Attorney to refine their request for further discussion at a later date.

CONTINUED DISCUSSION/REPORT REGARDING DMV DEVELOPMENT (Agenda Item #7)

Mayor Connors, Council Member Hale, representatives from the County, and representatives from the Planning Commission had met with Department of Motor Vehicle officials on Monday, November 1st. The decision before the City Council was whether or not to uphold the Planning Commission denial of the DMV request. Council members were eager to maintain a cooperative spirit with the DMV and wanted to aid in their relocation efforts. However, in light of the facts

presented and the findings of the Planning Commission, the Council felt appropriate action would be to support the denial of the Commission and turn down the appeal submitted by the DMV.

Motion

Rick Dutson moved that the City Council support the Planning Commission's denial of the Department of Motor Vehicles request for relocation to property on 200 West in Farmington and cited findings of the Planning Commission contained in their letter of October 4, 2004, as reasons for the rejection of the DMV's appeal. **David Hale** seconded the motion, which passed by unanimous vote.

PROPOSED AGREEMENT WITH UDOT AND HORROCKS ENGINEERS TO STUDY CORRIDOR PRESERVATION AND CONCEPTUAL DESIGN OF I-15/SHEPARD LANE INTERCHANGE (Agenda Item #8)

Mr. Forbush reviewed the agenda item. UDOT was currently negotiating a final agreement and cost participation to study and analyze and to eventually establish a footprint location of a future interchange at I-15 and Shepard Lane. UDOT hoped to gain funding participation in the study from the Wasatch Front Regional Council. UDOT had requested City participation but the City Manager reported that would be unlikely since the interchange would be a regional UDOT facility not a City facility. Timing was critical to establish a final alignment because it greatly affected the Hunters Creek development located near the area where the I-15/Shepard Lane interchange was proposed. Mr. Forbush distributed a draft of the reimbursement agreement and recommended the City Council consider approving the agreement. He also recommended the City Council authorize the Mayor to sign an agreement with Horrocks Engineers, stipulating, among other things, that Phase III of the previously submitted "Scope of Work" would not be part of the agreement since the UDOT agreement only provided funding for Phase I and II of the study. Mr. Forbush suggested that the concern raised by Mr. Hale be addressed. Mr. Hale wanted to add language that would insure "limited access" to Shepard Lane. Mr. Forbush also suggested "citizen involvement" be included in the Scope of Work.

Motion

Sid Young moved that the City Council approve the reimbursement agreement with UDOT regarding the study of freeway interchange corridor as proposed in the Horrocks "Scope of Work" letter dated September 21, 2004, conditional upon the "Scope of Work" including the provision that there be limited access to Shepard Lane as a part of all design alternatives. The "Scope of Work" is not to include Phase III as originally proposed. Inclusion of "sufficient public hearings" in the Scope of Work regarding the design of the alternatives should be a part of the Agreement. **Rick Dutson** seconded the motion, which passed by unanimous vote.

Sid Young moved that the City Council authorize Mayor Connors to sign the proposed agreement with the Utah Department of Transportation and that he be authorized to negotiate and sign an agreement with Horrocks Engineers to design conceptual alignments for the proposed interchange at Shepard Lane and I-15, provided that limited access to Shepard Lane will be a part of all design alternatives, that there is an understanding that Phase III be eliminated from the “Scope of Work” and that sufficient public hearings regarding the design alternatives be added to the “Scope of Work”. **Larry Haugen** seconded the motion, which passed by unanimous vote.

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

David Hale moved to approve the following items by consent as follows:

- 9-1. Ratification of Construction Bond Agreements previously signed by Mayor Connors.
- 9-2. Approval of Disbursement List for the months of April, May, June, July, August, and September, 2004.
- 9-3. Ratify application submitted to WFRC for STP/CMAQ funding. This request was previously authorized by the City Manager for the City Engineer to make the submission. The funding request would be for improvement of curb, gutter and sidewalk from the Farmington Creek bridge northwesterly to the Park Lane Main Street intersection. City staff is trying to negotiate a property exchange on the State Highway for S.R. 106 from Park Lane/Main Street intersection north to Shepard Lane and west to U.S. 89. UDOT is unwilling to give enough money to make improvements to the bridge. For this reason, the City is applying for UDOT STP/CMAQ funds. These funds would supplement UDOT Region One funding for completion of these improvements.
- 9-4. Approval for Mayor to sign the acknowledgment of UTA’s tentative budget review as enclosed.
- 9-5. Approval of Cooperative Agreement with UDOT regarding landscaping at Shepard Lane and U.S. 89. This City Manager recommends approval of this item.

Sid Young seconded the motion, which passed by unanimous vote.

A RESOLUTION AUTHORIZING THE ISSUANCE OF INTERIM WARRANTS FOR THE PURPOSE OF EXTENDING THE MATURITY DATE OF CERTAIN OUTSTANDING INTERIM WARRANTS ISSUED IN CONNECTION WITH FARMINGTON CITY, UTAH SPECIAL IMPROVEMENT DISTRICT NO. 2003-01; AUTHORIZING THE EXECUTION AND DELIVERY OF SUCH WARRANTS BY THE MAYOR AND CITY RECORDER, AND RELATED MATTERS (Agenda Item #10)

Mr. Forbush introduced the agenda item. The S.I.D. project is not complete and may not be completed until next spring. This necessitates the extension of interim warrant (construction) financing.

Motion

Larry Haugen moved that the City Council adopt Resolution No. 2004-60, a resolution authorizing the issuance of interim warrants for the purpose of extending the maturity date of certain outstanding interim warrants issued in connection with Farmington City, Utah, special improvement District No. 2003-1; authorizing the execution and delivery of such warrants by the Mayor and city Recorder, and related matters. **David Hale** seconded the motion, which passed by unanimous vote.

RATIFICATION OF FINAL CHANGES OF FINAL DRAFT OF TRANSPORTATION ORIENTED DEVELOPMENT (TOD) ORDINANCE (Agenda Item # 11)

Mr. Petersen briefly reviewed the agenda item. Council members and the Mayor wanted to make sure that paragraph “c” on page 3 was clarified to make sure the meaning and intention was communicated properly.

SALE CONSIDERATIONS FOR BRASS COMB PROPERTY (Agenda Item #12)

Mr. Forbush reported that an offer had been received by the City Offices to purchase the Brass Comb property. The property would be used mainly as a title office company. Several restrictions regarding use of the property were discussed. The proposal would need to be reviewed by the City Attorney.

Motion

Sid Young moved that the City Council approve the sale and authorize the Mayor to sign the proposed agreement subject to appropriate revisions by the City’s legal counsel. **Rick Dutson** seconded the motion, which passed by unanimous vote..

DECORATIVE STREET LIGHTING/475 SOUTH STREET

As indicated by packet information, the recommendation was that the Eagle Creek Subdivision would pay for four of the eight lights by means of Special Improvement District financing. Gines Subdivision would pay for one and would put the same in a bonding agreement. The City would pay for the final three. Each light cost about \$1,700. **Mr. Forbush** briefly reviewed elements of the proposal.

By consensus, the City Council agreed with the concept as presented by the City Manager and gave direction to move forward with the project.

KEN COX SIGNAGE REQUEST LETTER

The City Council held a brief discussion regarding the way finding signage system in the City. It was decided by consensus that the Cox suggestion for signage could appropriately be included in the general way-finding signage project in the City. Max Forbush said he would try to have “temporary signage” installed in the interim.

MISCELLANEOUS

Burn Plant Tour

Mr. Haugen invited all members of the City Council and other City officials to tour the Burn Plant. Those interested should contact Mr. Haugen for suggested dates.

Youth City Council at the Utah Legislature

Mr. Dutson stated the Youth City Council was involved in calendaring for 2005. One of the important calendaring items was their attendance at the State Legislature, which is usually held sometime in January. Mr. Dutson would investigate and find the dates for the event.

Personnel Committee

Mr. Forbush requested that the Personnel Committee of the City Council meet to consider the possibility of providing a flexible work schedule for some employees. He also discussed the funded, unfilled position approved by the City Council. He stated the Staff felt a need for an “IT/information specialist service to be part of the general job description. He and Keith Johnson are still evaluating needs. When they are prepared, the committee meeting will be scheduled.

Health Insurance plan for employees

Mr. Forbush presented information regarding the PEHP health plan agreement for the current fiscal year for City Employees. He asked that the City Council consider its approval.

Motion

Rick Dutson moved that the City Council approve the PEHP Health Plan Agreement for City employees. **Larry Haugen** seconded the motion, which passed by unanimous vote.

Annual ICMA Meeting

Mr. Forbush thanked the City Council for approving his trip to the International City Management Association (ICMA) Convention held in San Diego. The conference included a great

deal of good information that will be of benefit to the City. Mr. Forbush will submit a written report in the near future.

Master Planning for property south of Smith's and north of Park Lane

Mr. Hale led a discussion regarding the importance of property south of the Smith's grocery store and north of Park Lane. The area was crucial to the City and important gateway. It needed to be master planned with input from citizens, professionals, and City officials. The property should not be allowed to develop in a piece meal fashion. There had been citizens volunteer to fund master planning by professional consultants. Mr. Hale was given authorization to speak with those wanting to voluntarily fund the study.

Work Session with Rich Haws

The Mayor commented that Mr. Haws would like to meet with the City Council to discuss funding of infrastructure on property west of the freeway. The meeting was scheduled tentatively for November 17th probably at 5:30 P.M. Mr. Forbush will confirm the exact time with Council members at a later date.

CLOSED SESSION

Rick Dutson moved that the City Council adjourn to closed session to discuss strategy as it relates to pending litigation and acquisition of real property at 8:55 P.M. **Larry Haugen** seconded the motion, which passed by unanimous vote.

At 9:07 p.m. a motion to go back into open session was made by **Rick Dutson** and seconded by **Larry Haugen**.

There being no further business to bring before the Council, the meeting as adjourned at 9:07 p.m. upon motion by **Rick Dutson** and with a second by **Larry Haugen**.

Margy Lomax, City Recorder
Farmington City

