

FARMINGTON CITY COUNCIL MEETING

Wednesday, November 16, 2005

CITY COUNCIL WORK SESSION/EAST CONFERENCE ROOM

PRESENT: Mayor Pro Tem Susan T. Holmes, Council Members Richard Dutson, David Hale, Larry W. Haugen, Sidney C. Young, City Manager Max Forbush, City Planner David Petersen, and Recording Secretary Jill Hedberg. Mayor David M. Connors was excused.

Mayor Pro Tem Holmes began discussion at 5:30 P.M. The following items were reviewed:

The City Council was asked to consider which road alignments should be reconfigured when the Legacy Parkway is constructed.

Russell Youd of Horrocks Engineers reviewed the proposed road alignments for the south interchange and the State Street connection. He reviewed the following alternatives:

Alternative #1 would be to create an at-grade intersection at West State Street. Motorists would use the Frontage Road rather than 200 West which would reduce the traffic near the public schools. Homes in the area would not have to be demolished. The intersection would eventually warrant a traffic signal. Having UDOT build Alternative #1 may be consistent with the State's jurisdictional transfer of S>R> 227 (200 West/West State) to City ownership.

Alternative #2 would utilize 200 West to create a continuous Frontage Road. Alternative #2 would make it difficult to provide access in the area. The amount of traffic generated in the area would determine whether a traffic signal would be warranted.

John Thomas (Legacy Parkway Project Director) said the State Street and Glover Lane construction would occur simultaneously with the Legacy Parkway project. The Legacy team currently plans to have the State Street overpass touch down 50' past the Mecham's driveway. A retaining wall would protect the Mecham's trees and driveway.

The impact to the property owners in the area would be more severe if a Frontage Road and at-grade intersection at State Street were added since the bridge and roadway would need to be raised, the touch down would be longer, and the retaining wall would be 5' higher than the Mecham's property.

Garn Carroll (Farmington resident) said the Legacy team's proposal would negatively affect the existing homes in the area. He asked why vertical construction could not be used to adjust the clearance for the overpass.

John Thomas said the Legacy team is on a tight schedule and the bids for the project need to be complete by the summer of 2006. The concept they are proposing is a continuation from the

previous effort so it would save time and money. If another alternative is chosen by the community, the City would need to bear the additional costs.

Bryan Adams (UDOT Legacy) said the Legacy team's original proposal would have the least impact to the Mecham property. It would protect the existing trees and would provide access to the property.

David Petersen asked why the road needed to be elevated.

Bryan Adams said the depth of the bridge had thickened so the road needed to be elevated to meet the minimum clearance requirement for Federal highways. The same clearance would be required over I-15, the railroad, and Legacy Highway.

David Petersen asked if it would be possible for the touch down to be located on the west side.

John Thomas said the approach near the intersection would be located between the two alternatives. The at-grade intersection would reduce the amount of traffic on West State Street but it would cause negative impacts to the area.

Susan Holmes said if an at-grade intersection were created, three to four homes on each side of State Street would be impacted. The at-grade intersection would be used by motorists to enter Lagoon. If the intersection were to remain in its current state, approximately three homes would be impacted. An overpass would not be needed at Farmington's south entrance if an at-grade intersection were created.

Max Forbush asked what the cost would be for the construction and how the project would be funded.

John Thomas said the cost would be approximately \$2,000,000.00 which would include the intersection and ramps, but would not include the improvements to the south (near Quantronix). UDOT would contribute to the funding but it would need to be determined how the excess costs would be funded.

State Street residents and City Council members explored different possibilities such as a south interchange and a full interchange on Glover Lane.

Dick Andrews (Lagoon Amusement Park) asked if it would be possible to direct the West State Street and West Farmington traffic to the Park Lane interchange.

Susan Holmes said the City tries to encourage motorists to use the Park Lane interchange. The State Street overpass is necessary for the residents on the west side to access downtown

Farmington. It would also be needed to provide an exit for the west Farmington residents in the event of an emergency. She asked what alternative the State Street residents preferred.

The State Street residents discussed the pros and cons of the two alternatives.

David Hale asked how State Street traffic could be minimized if an at-grade intersection were not created.

John Thomas said the specifics had not yet been determined but the Legacy team would be willing to conduct further studies if it was the desire of the community. He asked which alternative the residents were in favor of.

A Farmington resident asked if the jug handle area would be blocked by the Legacy team's proposed plan. He preferred that the area be left open so he would have access to his property.

John Thomas said in order to accommodate the proposed intersection, the jug handle would be closed off. Access would come from the Frontage Road.

Garn Carroll said he preferred Alternative #2 which did not include an at-grade intersection. All but one resident in attendance agreed with Mr. Carroll.

The work session reconvened in the kitchen at 6:35 P.M. where the following items were discussed:

Agenda Item #4 - Public Hearing: Consideration of Woodside Homes Request to Amend General Plan Map in Northwest Farmington from Rural Residential to Low and Medium Residential and to rezone the property north of Burke Lane and between the UTA (formerly D&RG) and Union Pacific Rail Corridors from "A" and "AE" to "LR" and "R-4"/Schematic Plan Approval Consideration

David Petersen said Mr. Stowell was still frustrated with the density of the Woodside Homes Development. Mr. Anderson and Mr. Richards understood that the proposed density was necessary. The residents near the development said they prefer a flyover rather than a diamond interchange. Woodside Home's proposal had single family housing in the R-4 zone. They had improved their elevations and would continue to do so. The developer would need approval to proceed in order to generate the funding needed to resolve the traffic issues on Shepard Lane.

Agenda Item #10 - Public Hearing: Consideration of Amended Schematic Plan Approval for Northerly Phase of Farmington Crossing at Spring Creek Pond PUD - Garbett Homes

David Petersen said the Schematic Plan was revised to include a stake center in the center of the development. The developer will attempt to find a commercial use for the corner property.

Agenda Item #5 - Public Hearing: Consideration of Ordinance Adopting the Amended Master Transportation Plan

Max Forbush said the public hearing was legally required before the adoption of the Transportation Impact Fee could be considered.

Agenda Item #7 - Public Hearing: Consideration of Amending the FY 06 Municipal Budgets

Keith Johnson said the Storm Drainage category had been altered by \$2,000.00. FATPOT, a local software company that is used by police departments, is considering relocating to Farmington City.

Agenda Item #18 - Tree Trimming in Cemetery

Max Forbush described the tree situation at the cemetery. Utah Power & Light is willing to remove the trees and dedicate some money for tree replacement. There are residents both for and against the removal of the trees.

The work session adjourned at 6:55 P.M.

REGULAR CITY COUNCIL/CITY CHAMBERS/CALL TO ORDER

PRESENT: Mayor Pro Tem Susan T. Holmes, Council Members Richard Dutson, David Hale, Larry W. Haugen, Susan T. Holmes, Sidney C. Young, City Manager Max Forbush, City Planner David Petersen, City Recorder Margy Lomax, and Recording Secretary Jill Hedberg. Mayor David M. Connors was excused.

Mayor Pro Tem Holmes called the meeting to order at 7:00 P.M. **Rick Dutson** offered the invocation. The Pledge of Allegiance was led by Boy Scout **Phillip Heindel**.

APPROVAL OF MINUTES OF PREVIOUS MEETING

Rick Dutson moved to approve the minutes of the October 26, 2005, Special City Council Meeting. **Sid Young** seconded the motion. The voting was unanimous in the affirmative.

Sid Young moved to approve the minutes of the November 2, 2005, City Council Meeting. **David Hale** 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 November 10, 2005. He covered the following items:

- The Planning Commission recommended that the City Council amend the schematic plan for the northerly phase of the Farmington Crossing PUD by creating a site for an LDS Church and still preserving land for commercial use at the southwest corner of Shepard Lane and Shepard Creek Parkway.
- The Planning Commission recommended that the City Council grant final plat approval for phases 2 and 3 of Hunter's Creek subdivision.
- The Planning Commission recommended that the City Council grant final plat approval for phases 1 and 2 of the Spring Creek Estates subdivision.
- The Planning Commission recommended that the City Council grant schematic plan approval for the Woodside Homes development located west of I-15 and 1525 West Street, north of Burke Lane, east of the old D.R.&G.W. Railroad right-of-way and south of Shepard Lane.
- The Planning Commission recommended that the City Council annex the Symphony Homes property in south Farmington east of I-15 as proposed and further recommended that the City Council zone all property west of the old Bamberger right-of-way "AA" and all land east of said right-of-way "LR", and to grant schematic plan approval for the development proposal.
- The Planning Commission discussed The Village at Old Farm Planned Center Development. The applicants submitted information for the Planning Commission's review.
- The Planning Commission discussed possibilities for developing Travis Bell's property which is located near Hillside Meadows and Cave Hollow A. The applicant later discussed the development issues with **Susan Holmes** and **Sid Young**.

PUBLIC HEARING: CONSIDERATION OF WOODSIDE HOMES REQUEST TO AMEND GENERAL PLAN MAP IN NORTHWEST FARMINGTON FROM RURAL RESIDENTIAL TO LOW AND MEDIUM RESIDENTIAL AND TO REZONE THE PROPERTY NORTH OF BURKE LANE AND BETWEEN THE UTA (FORMERLY D&RG) AND UNION PACIFIC RAIL CORRIDORS FROM "A" AND "AE" TO "LR" AND "R-4"/SCHEMATIC PLAN APPROVAL CONSIDERATION - DAVID PETERSEN AND WOODSIDE HOMES (Agenda Item #4)

David Petersen reviewed the history of the Woodside Homes property. He said the major collector would connect Burke Lane to the future Legacy North alignment. He pointed out where the flyovers would be located. The major collector would be used until UDOT constructs Legacy

North Highway. The road alignment will accommodate the Legacy North Highway whether it is a Bangerter Highway type road or a freeway-type road.

Woodside Homes designed their plan around the City's preferred road alignment. He displayed a drawing of the development. The average lot size in the LR zone is 10,700 square feet. The R-4 zone will be made up of single family homes. The Planning Commission recommended that the City Council grant the applicant's request for Schematic Plan approval and to rezone the property. The development will be a Planned Unit Development (PUD) but the PUD suffix will not occur until after the preliminary plan development review.

Public Hearing

Mayor Pro Tem Holmes opened the meeting to a public hearing and invited the applicant to address the Council.

Thayne Smith (Woodside Homes) reviewed the history of the property and the process that had occurred. The initial proposal included four product types and 556 units. To accommodate the Planning Commission, the residents, and the City's traffic engineers, the plan now includes 503 units and the corridor will be lined with town homes. Woodside Homes held a meeting with the residents near the development. The following four conditions were created:

1. City to initiate agreement with UDOT to use corridor for North Legacy flyover not a diamond interchange at Shepard Lane.
2. Develop second phase with construction of Station Park Road to Park Lane.
3. Provide some boundary variation for detached Cottage layout.
4. Incorporate larger lots as a buffer for neighbors to the west.

Mr. Smith summarized the following points:

Project Benefits

- First class, master planned community providing appropriate housing for various lifestyles and needs.
- Includes community uniting parks, trails and architectural design.
- Includes pool and clubhouse maintained by a Home Owners Association.
- Residents will enjoy a prime location in one of Utah's premier communities

Conclusion

- Woodside Homes revised the housing types and roadway layout and incorporated the City's comments into a revised schematic plan with two product lines.
- The overall density is approximately 4.4 units per acre.

- The Station Park roadway alignment was accepted by the City Council.
- The concerns of the nearby property owners were addressed.

Mr. Smith requested that the City Council allow the development to proceed by approving the rezone and the Schematic Plan.

Richard Lindsley (250 South 1525 West) said he is a Farmington Trails Committee representative. He asked that the City verify that the proposed trail is included in the development.

Nate Pugsley (Woodside Homes) said development included a north to south trail system and a trail along the river. Woodside Homes would meet with Trails Committee to determine which side of the creek the trail would be located.

Gary Anderson (1191 North 1500 West) said he approved of the Woodside Homes development and was pleased the developers had compromised by agreeing to the four conditions that were created at the neighborhood meeting.

Bruce Richards (1184 North 1500 West) said he was concerned about how the UDOT property would be maintained until the corridor is constructed.

Paul Hayward (1663 West 1410 North) made the following points:

1. It is critical that the City negotiate with UDOT to insure that the proposed flyover will not be a full interchange at Shepard Lane or at the flyover location. The agreement should be a deeded record.
2. The boulevard is needed to reduce the traffic issues. He suggested development be allowed east of the south green belt but there should not be occupancy north of it until the road is in place.
3. The house plans should be varied.
4. When the highway goes in, there will be a bottleneck between the flyover and the Park Lane area. He suggested the City consider a public safety station in the northwest quadrant of the City.
5. The project should not be viewed as a precedent, but rather as a trade off for the highway corridor.

Kyle Stowell (1764 West Burke Lane) made the following points:

- Average lot sizes in Farmington should be ½ acre lots.
- The 15 homes near the development are on ¾ acre lots or larger.
- The City Council should determine how large Woodside Home's incentive should be for preserving the corridor.

He passed out a graph that suggested that Woodside Homes would gross 90% more from the proposed development than if the development was created with ½ acre lots. He did not think developers should be allowed to control the look and feel of the City. He asked that the schematic plan and zoning approval be delayed until the location of the railroad crossing closures can be determined. He was concerned that the homeowners in the Woodside development would complain about the conditions that are created by horse property.

David Petersen said the City is considering closing the railroad crossing by the S & S Railroad, as well as a crossing in another city.

Public Hearing Closed

With no further comments, **Mayor Pro Tem Holmes** closed the public hearing and asked the City Council for their consideration.

Sid Young asked if it were likely that UDOT would enter into an agreement with the City.

Max Forbush said he contacted a director from UDOT who will research the possibility.

David Petersen said the Planning Commission understood that the agreement may not be possible but asked that the City make an effort to reach an agreement.

Craig Petersen (Woodside Homes Consultant) said with the City's support, it is likely that UDOT would support the corridor preservation and the City's desire to only provide for a flyover.

Max Forbush said the Master Transportation Plan should be amended to show the Shepard Lane crossing further to the north which would indicate the flyover concept.

Rick Dutson asked how much of the Woodside Homes development would encroach on the Class A Business Park.

Nate Pugsley said the encroachment area was approximately 10-15 acres. **Mr. Haws** was a huge advocate of the development.

Rick Dutson asked how the UDOT property would be maintained for the next 28 years.

Russell Youd said it should be made clear that the property is reserved for transportation purposes. A temporary use permit could provide for another use.

Nate Pugsley said Woodside Homes is willing to have the property maintained by the PUD/HOA. The property maintenance terms could be included in their agreement with UDOT.

Max Forbush said Paul Hirst, the City Engineer, said if 1525 West and the jug handle concept to the north were used, it would be a lengthy distance via Shepard Lane before the road could connect back to the Legacy North alignment. Mr. Hirst suggested creating a shorter cut-through so the jug handle (north of Legacy North alignment) would not be overly long. Access would be improved if the jug handle configurations were built with shorter access roads.

David Hale said he felt the construction of the road from Park Lane to the future Legacy North alignment west across the UTA right of way should be done in phases in accordance with traffic growth volumes on the road.

Nate Pugsley said Woodside Homes would like to start their two product lines simultaneously. They planned to facilitate the road during the first phase of construction and planned to completed the road by the beginning of the second phase.

Max Forbush said if the road to south were not constructed, the railroad crossing near the S&S railroad would be dangerous and problematic. He stated it is very important that the road to the south to Park Lane be built as soon as possible.

Motion

Rick Dutson moved that the City Council adopt an ordinance to amend the General Plan and to rezone the property north of Burke Lane and between the UTA and Union Pacific Rail corridors from "A" and "AE" to "LR" and "R-4". **Larry Haugen** seconded the motion which passed by unanimous vote.

David Hale moved that the City Council approve the schematic plan for the development subject to the following conditions:

1. Before a large number of houses are constructed, the road from Park Road to the Legacy North Corridor must be constructed.
2. The open space property maintenance terms shall be included in an agreement between Woodside Homes and UDOT before final approval is granted.
3. The land to be developed adjacent to existing horse property should be fenced if it isn't already. All recorded plats adjacent to existing horse property shall state that conditions created by horses may exist. The adjacent horse property owners shall be advised of such a note on the plats.
4. The City and Woodside Homes shall make their best effort to reach an agreement with UDOT to commit that the preferred corridor for the North Legacy is the flyover to the west and not a diamond interchange at Shepard Lane.

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

PUBLIC HEARING: CONSIDERATION OF ORDINANCE ADOPTING THE AMENDED MASTER TRANSPORTATION PLAN - DAVID PETERSEN, MAX FORBUSH, HORROCKS ENGINEERS (Agenda (tem #5)

Max Forbush briefly reviewed the process that had occurred to amend the Master Transportation Plan (MTP). The Ordinance would be the final adoption and would include the text amendments and changes from the previous plan.

David Petersen said the Planning Commission reviewed the MTP text in October, 2005, and recommended that the Legacy North Highway be a Bangerter Highway type facility.

Ron Mortimer said the Master Transportation Plan should be considered a flexible guide.

Max Forbush said the City Council had the ability to make minor adjustments to the MTP. It could be stated that the City requests that UDOT evaluate the connection at the south exit; the jug handle connection from the Frontage Road should be improved; the flyover is preferred at the north end of the City and an interchange at Shepard Lane is opposed.

Public Hearing

Mayor Pro Tem Holmes opened the meeting to a public hearing.

Paul Hayward (1663 West 1410 North) suggested that in the future, residents ideas should be evaluated prior to adopting Ordinances to amend the Master Transportation Plan.

Public Hearing Closed

With no further comments, **Mayor Pro Tem Holmes** closed the public hearing and asked the City Council for their consideration.

Susan Holmes said the West State Street residents indicated at the work session that they did not want an at-grade intersection.

Ron Mortimer referred to Figure 4-2 of the MTP. The green circle indicates that intersection improvements are needed but the improvement type is not specific.

Larry Haugen said the improvement to the West State Street intersection should not be specific on the MTP since he did not think the residents understood what they were voting for.

Sid Young referred to the full interchange on the south end. He requested a written document stating whether the interchange would be feasible. He asked that input regarding the intersection be submitted by Cory Pope and Horrocks Engineers.

Susan Holmes said it should be stated firmly that the City wants a flyover. The Planning Commission wanted it made clear that the City prefers a Bangerter Highway type roadway.

David Hale said Alternative #2 would direct the traffic away from State Street and 200 West, as well as accommodate for Bus Rapid Transit (BRT).

Susan Holmes said the Planning Commission should funnel traffic through specific areas, rather than through neighborhoods. They should be in agreement with the Burke Lane alignment.

Ron Mortimer said the corridor would be used on an interim basis. They are planning for a two-lane facility to Kaysville. They plan to apply for a grant so the entire facility can be utilized which would reduce the traffic on Shepard Lane.

Motion

Sid Young moved that the City Council approve Ordinance No. 2005-57, an Ordinance Amending the Master Transportation Plan for Farmington City, Utah to include the City Council's comments. **Rick Dutson** seconded the motion which passed by unanimous vote.

PUBLIC HEARING: CONSIDERATION OF RESOLUTION OR ORDINANCE ADOPTING THE AMENDED TRANSPORTATION CAPITAL FACILITIES PLAN - MAX FORBUSH (Agenda Item #6)

According to packet information, the amended Transportation Capital Facilities Plan was mailed to the affected entities and the utilities with the notice which was included in the packet. No comments were received by any of the affected entities or the utilities. The Plan itself was prepared by City Staff and Bob Rosenthal. Approval of this document is the first step in considering amendments to the transportation impact fee which will be considered at the December 7, 2005, City Council meeting which will include a public hearing.

Max Forbush displayed a map which outlined the proposed improvements. The proposed costs would be divided and an impact fee analysis would be done to determine whether the costs were justified. The City Council would be considering the list of capital facilities, the cost breakdowns and the geographic area where the improvements would be performed.

Public Hearing

Mayor Pro Tem Holmes opened the meeting to a public hearing.

Public Hearing Closed

With no forthcoming comments, **Mayor Pro Tem Holmes** closed the public hearing and asked the City Council for their consideration.

Rick Dutson suggested that Item 1.1 state that intersection improvements are needed, but not state that a roundabout will be the solution.

Motion

Rick Dutson moved that the City Council adopt the Resolution to Amend the Transportation Capital Facilities Plan. **David Hale** seconded the motion which passed by unanimous vote. **Larry Haugen** was not present for the vote.

PUBLIC HEARING: CONSIDERATION OF AMENDING THE FY06 MUNICIPAL BUDGETS (Agenda Item #7)

Max Forbush said the budget needed to be amended to include the revenues that were received from federal grants.

Keith Johnson said the police department and fire department have received large grants. He reviewed the line items of the Farmington City Changes to Amend Budget FY 6-30-06. The Total Decrease of the General Fund Balance would be \$66,500.00.

Mr. Johnson reviewed the Farmington City Corporation Budget General Fund Balance. He also reviewed the Capital Projects. The budget for 2006 will increase since only a portion of the museum improvement budget was spent in 2005. The Enterprise Funds and related changes were also reviewed.

Max Forbush said studies had been done in order to alter the Traffic Impact Fees. He suggested that storm drainage studies need be done as well. Drainage studies were done in the Station Park area which totaled \$12,000.00 which needs to be approved.

Keith Johnson reviewed the Farmington City Impact Fees and the Ambulance Fund Balance.

Public Hearing

Mayor Pro Tem Holmes opened the meeting to a public hearing and invited the applicant to address the Council.

Paul Hayward (1663 West 1410 North) said the City should consider charging for fire sprinkler reviews which are required by the Fire Sprinkler Ordinance. The City would earn approximately \$7,000.00 annually, of which a portion could be spent to train new volunteers.

Public Hearing Closed

With no further comments, **Mayor Pro Tem Holmes** closed the public hearing and asked the City Council for their consideration.

Motion

David Hale moved that the City Council adopt AN ORDINANCE AMENDING THE MUNICIPAL BUDGET FOR FISCAL YEAR ENDING JUNE 30, 2006. **Sid Young** seconded the motion which passed by unanimous vote.

The City Council agreed to consider Agenda Item #9 prior to Agenda Item #8.

PUBLIC HEARING: CONSIDERATION OF PLAT AMENDMENT FOR CR ESTATES, VACATING ALL OF LOT 1 AND CREATING TWO NEW LOTS IN ITS PLACE - J.R. WARNER (Agenda Item #9)

Max Forbush said the developer was requesting to subdivide one of his lots to create two lots. The Planning Commission recommended that the City Council deny the request. A letter was received from an adjacent property owner who was also opposed to the lot split.

David Petersen displayed a Vicinity Map and reviewed the request of the developer. He said the Planning Commission and the adjacent neighbor were requesting that the City Council deny the developer's request.

Public Hearing

Mayor Pro Tem Holmes opened the meeting to a public hearing and invited the applicant to address the Council.

J.R. Warner (1286 S Villa La Costa Way, Kaysville) said his initial plan was to create three lots but he chose to apply for two lots so one of the homeowner's could close on his lot. Jeff and Ranae Day opposed the lot split due to the lot's limited buildable space. If a home were constructed near the rear portion of the lot, it may block the Day's view. He had tried to resolve the concerns expressed by the Days but it was difficult due to the creek.

Jeff Day (1754 West Burke Lane) submitted a letter to the City Council to express his opposition to the lot split. A home would block his views due to the location of an easement and the creek. He purchased his property under the assumption that the adjacent property would remain 1.4 acres.

Dennis Park (South Jordan, Utah) said he is a business partner with the applicant. He did not think Mr. Day should be able to dictate where a home can be constructed on the property. Even if the lot is not split, the future property owner could construct a shed that would block the Day's views.

Public Hearing Closed

With no further comments, **Mayor Pro Tem Holmes** closed the public hearing and asked the City Council for their consideration.

David Petersen reviewed the State statute which states that material injury and good cause need to be proven in order to justify the lot split. The applicant would also need an open space waiver since the property is located in the AE zone.

Mr. Warner said he would be willing to dedicate 30% open space.

David Petersen said the open space would be too minimal to justify City maintenance. It would not be useful to the City since it is not considered wetlands and it is not needed for a public trail.

Max Forbush suggested that the item be tabled so the City Attorney could consider the possibility of a deed restriction on one of the lots that could satisfy both parties.

David Petersen agreed that input should be received from the City Attorney. He did not offer a recommendation since he had not personally visited the property to determine whether the Day's view would be blocked if the lot were split.

Motion

Rick Dutson moved that the City Council table consideration of the plat amendment to allow City Staff to conduct site research and to receive input from the City Attorney. **Larry Haugen** seconded the motion which passed by unanimous vote.

PUBLIC HEARING: CONSIDERATION OF PUBLIC COMMENTS RELATED TO POTENTIAL PROJECTS FUNDABLE UNDER THE HUD "COMMUNITY DEVELOPMENT BLOCK GRANT, SMALL CITIES PROGRAM" - MAX FORBUSH (Agenda Item #8)

Mayor Pro Tem Susan Holmes opened the public hearing for the CDBG program and stated that the hearing was called to consider potential projects for which funding may be applied under the 2006 Community Development Block Grant Program. She asked City Manager **Max Forbush** to review the program.

Max Forbush explained that the grant money must be spent on projects that meet one of three Federal criteria. Any project applied for should show (1) a benefit primarily to low-and-moderate income persons; or (2) the project should remove a “slum and blight” characteristic; or (3) the project should justify fixing an immediate threat to health and safety. The Wasatch Front Regional Council in which Farmington City is a member, is expecting to receive approximately \$780,000.00 in this new program year. All eligible activities that can be accomplished under this program are identified in the CDBG Application Guide and interest persons can review it at any time. (Mr. Forbush made copies available to the public.)

The City Manager, **Max Forbush**, read several of the eligible activities listed including water and sewer lines, fire stations, acquisition of real property, provision of public services such as food banks or homeless shelters. Also eligible are loan programs for private businesses which would then hire low income persons and the program can also pay for housing rehabilitation for low income home owners or for persons owning rental housing for lower income persons. The City Manager indicated that in the past, Farmington has received numerous grants under this program which funded the following:

- Sewer line replacement
- Water line replacement
- Storm sewer improvements
- Curb and gutter and street projects
- Acquisition of real property such as the purchase of the old “Acres Market” building and the “Brass Comb” building.

Mr. Forbush said the City has handed out its capital investment plan as part of the regional “Consolidated Plan”. This list shows which projects the City has identified as being needed in the community.

Public Hearing

Mayor Pro Tem Susan Holmes opened the meeting to a public hearing. She asked that anyone with questions, comments or suggestions during the hearing please identify themselves by name, before they speak. The clerk will include the names in the minutes and the City Council would like to specifically respond to the public’s questions during the hearing. Along with the City Council Members and City staff being in attendance, Scott Harbertson, Paula Alder and Sharon Treu, were also in attendance.

Public Hearing Closed

With no forthcoming comments, **Mayor Pro Tem Holmes** closed the public hearing and asked the City Council for their consideration.

Max Forbush recommended that handicap-accessible ramps be installed at intersections that need the improvement. There are several throughout the City that do not meet ADA standards. This project would automatically qualify under the “benefit to low-and-moderate income persons” category. He suggested applying for up to \$150,000 in any one year.

David Hale said certain property owners have old water lines that are causing the water to have a “bad taste”. He asked if water line replacement would qualify for the CDBG Grant.

Max Forbush said an income survey would need to be done to determine if 51% of the area is made up of low and moderate income persons. The application would need to be turned in by the first part of December.

Sid Young suggested that the Grant be used to purchase property to house a fire station.

Max Forbush said fire station property would not qualify for the Grant since 51% of the entire City would have to have to be “low-and-moderate income”.

Motion

Rick Dutson moved that the City Council instruct the City Manager to apply for the CDBG Grant which would be used to install handicap-accessible ramps at intersections throughout the City. **Larry Haugen** seconded the motion which passed by unanimous vote.

PUBLIC HEARING: CONSIDERATION OF AMENDED SCHEMATIC PLAN APPROVAL FOR NORTHERLY PHASE OF FARMINGTON CROSSING AT SPRING CREEK POND PUD - GARBETT HOMES (Agenda Item #10)

David Petersen reviewed Garbett Home’s previous schematic plan. The plan was amended to provide property for an LDS stake center in the center of the development. The developer plans to market the corner property for a commercial use. The Planning Commission recommended approving the Schematic Plan but requested that connections be provided to the south of the development.

Public Hearing

Mayor Pro Tem Holmes opened the meeting to a public hearing and invited the applicant to address the Council.

Noel Balstaedt of Garbett Homes said their previous Schematic Plan was approved but it needed to be amended to include the LDS stake center. Garbett Homes will attempt to find a commercial use for the corner property.

Gary Anderson (1191 North 1500 West) serves as the clerk for the Farmington stake. There will be a tremendous amount of growth in the area so the stake center will be needed to accommodate the future members. He suggested that the developers move the right-in/right-out further to the north.

Randy Klein (Trails Committee Representative) said the trail is wide enough to accommodate an asphalt path, soil path, or a road base path.

David Petersen said the Development Agreement may need to be modified to show the trails side by side.

Merry Dean (958 North Shetland Lane) said she is the President of the Condo Association. She said there is a need for a stake center in the area. She was pleased the developer had attempted to meet the needs of the neighbors.

Joe Olschewski (LDS Church Real Estate Agent) said the stake center property was needed since there was no other land in the area that would accommodate a stake center. The location of the proposed stake center would create a flow that would be positive for the LDS Church and the development.

Paul Hayward (1663 West 1410 North) said he was pleased the stake center was located in the center of the development so the property on Shepard Lane could have a commercial use. He recommended that the City Council approve the Schematic Plan.

Public Hearing Closed

With no further comments, **Mayor Pro Tem Holmes** closed the public hearing and asked the City Council for their consideration.

Rick Dutson said he was pleased with the Schematic Plan. He was also pleased the property on the north end would remain commercial. He said he appreciated Garbett Homes' generous donation which would leave a positive impact on the community.

David Hale recommended that the stake center traffic be directed to the side of the stake center to avoid traffic issues similar to those of the Steed Creek chapel. He suggested that Garbett Homes dedicate the roadway to the City so snow plow service could be provided.

Noel Balstaedt said Garbett Homes did not have the right of way but they could make an attempt to obtain it.

Motion

David Hale moved that the City Council approve the amended Schematic Plan for the northerly phase of the Farmington Crossing at Spring Creek PUD which shows a site for a church near U.S. 89 and leaves the northwest corner of the property adjacent to U.S. 89 open for possible commercial development. **Rick Dutson** seconded the motion which passed by unanimous vote.

CONSIDERATION OF RANDY KLEIN'S SUGGESTIONS FOR CONTROLLING DOG WASTE AT HERITAGE PARK - RANDY KLEIN (Agenda Item #11)

Randy Klein suggested that signs be posted at Heritage Park to remind people to clean up their dog's waste. The sign posts could have litter bags attached that could be used by the dog owners. He volunteered to maintain and fill the litter bag containers. He asked if leaving animal waste in the City's parks was considered littering.

Max Forbush said signage could be posted. Information could also be included in the City's website and newsletter.

Neil Miller said Heritage Park was not the only park experiencing the dog waste problem. He was concerned the litter bags would be misused by the children at the park.

Sid Young said it would be appropriate to post signage but not to burden the police force.

Randy Klein suggested that the City consider a recycling program.

Max Forbush said recycling efforts were previously attempted but it cost the City a significant amount of money.

Council Member Haugen reported on recycling efforts occurring at the Burn Plant. He said recycling dumpsters located in the City created maintenance challenges in keeping the areas clean.

The City Council agreed to consider Agenda Item #18.

TREE TRIMMING IN CEMETERY - MAX FORBUSH / NEIL MILLER (Agenda Item #18)

According to packet information, there are eight trees on the south side of the cemetery. The abutting property owners to the trees want them removed. Earlier a resident who walks through the cemetery did not want them removed. Therefore, the trees were not removed and only trimmed by Utah Power. Utah Power is willing to remove the trees at no cost to the City. If it isn't done now, it will have to wait three years; that is the next time Utah Power crews will be in Farmington to do the trimming.

Max Forbush reviewed the packet information. He said property owners adjacent to the cemetery requested that the trees be removed. Doris Pearce objected to the trees being removed and

submitted a letter and a petition to the City Council. He displayed an aerial photo which showed the trees in question.

Neil Miller recommended that the existing trees be replaced by trees that would be more appropriate under power lines and that do not cause a mess.

Doris Pearce said she represents residents who are strongly opposed to the trees being removed.

Ronna Hunter (221 East 600 South) said three of the pine trees are adjacent to her home. She would like the trees removed because they are messy and she is concerned that they will be blown over during a windstorm.

A Farmington resident who lives at 291 East Spencer Way said his house is adjacent to the cemetery. He would like the trees removed because they are messy. He said the trees are unattractive since they have been trimmed so many times.

Rick Dutson asked Mrs. Pearce if she would be opposed to the trees being replaced by other trees.

Mrs. Pearson said she had received feed back from many residents who were opposed to the trees being removed. She said she received more petitions to protect the trees than she had sent out.

David Hale said some of the residents were opposed to the trees being removed because they thought it would be paid for by the City.

The City Council agreed to have the Problems and Resolutions Committee meet with Neil Miller, Walt Hokansen, and Max Forbush to form a recommendation that would be ratified by the City Council at a later date.

The City Council agreed to consider Agenda Items #13 and #14.

POLICY CONSIDERATION PERTAINING TO THE ACCEPTANCE OF LANDSCAPE ADJUSTMENTS RESPONSIBILITY TO CITY CURB AND GUTTER AND SIDEWALK PROJECTS - MAX FORBUSH (Agenda Item #13)

Max Forbush passed out photos of the work that was done on State Street by the Public Works. He also showed the work that was done on West State Street and 300 East. A property owner on West State Street requested that the City replace sprinklers that were broken during the construction process. The property owner also requested that the City have the sprinkling system extended to the curb and that sod be installed. **Mr. Forbush** asked the City Council to decide whether the improvements should be made to the curb line or whether the City should require the

adjoining property owners to be responsible for the work. In the past, improvements were done by the property owners. The amount of street improvement projects could be limited if the City were responsible to install the sod and sprinklers.

Walt Hokansen said the cost to install the sod and sprinkler would be approximately \$500.00-\$1,000.00 per lot. The cost to improve the corner lots would be double. The residents were informed prior to the construction that they would be responsible to complete the improvements. A few of the property owners had already completed their improvements. Concern was expressed about the elderly residents being able to complete the work.

The City Council agreed that the property owners should be responsible to complete the landscaping. They recommended that friends and family help the elderly property owners with the improvements. The City Council requested that City Staff prepare a resolution stating the City's policy.

WEST STATE STREET AT-GRADE INTERSECTION DISCUSSION WITH THE UTAH DEPARTMENT OF TRANSPORTATION - MAX FORBUSH (Agenda Item #14)

Russell Youd said an at-grade intersection would not likely be constructed in conjunction with the Legacy North Highway due to the time restraints put on the Legacy North team. He suggested that the City consider other alternatives.

David Hale said he was told by Cory Pope that the at-grade intersection would not be possible due to the environmental constraints.

Larry Haugen suggested C.D. roads be used on each side of the highway.

Max Forbush suggested that Mr. Youd prepare a letter stating that the City prefers that traffic circulation near the jug handle access be improved to mitigate the effect Legacy North Highway will have on the City.

Sid Young suggested that Mr. Youd prepare a letter stating that a full interchange in south Farmington near Glover's Lane is not an option.

Motion

David Hale moved that the City Council authorize Horrocks Engineers to draft a letter (which will be signed by the Mayor) to encourage UDOT to contribute to directing traffic onto a continuous Frontage Road near the south interchange. The letter should also encourage UDOT to consider the jug handle interchange rather than an at-grade intersection. **Sid Young** seconded the motion, which passed by unanimous vote.

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

Rick Dutson moved that the City Council approve the following items by consent as follows:

- 12-1. Ratification of Construction Bond Agreements previously signed by Mayor Connors.
- 12-2. Approval of FATPOT Records Management Police Software Agreement. This program is being financed under a Federal Grant and has been reviewed by the City Attorneys.

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

LOBBYING EFFORTS FOR NEW POST OFFICE - MAX FORBUSH (Agenda Item #15)

By consensus, the City Council members gave conceptual approval for the City Manager to finalize a letter to the United States Postal Service regarding the City's need for a new post office.

FLOODPLAIN AND STORM WATER MANAGEMENT ISSUES - MAX FORBUSH (Agenda Item #16)

Max Forbush said there is a Federal regulation that pertains to the flood plains. A Letter of Map Revision (LOMR) is needed to remove property from the flood plain map. The County will attempt to obtain easements in west Farmington to build up the banks and build a bridge in an attempt to eliminate the broad flood plain area. The County will also attempt to make improvements to the large flood plain north of the UTA tracks near the fair grounds. It has not yet been determined whether the County will participate in removing the constriction on Farmington Creek.

Mr. Forbush said another Federal regulation was imposed on all small cities in May, 2003, which pertains to the new storm water regulations. It requires the builder to file with the State for a Utah Pollution Control permit for any development that disturbs over one acre of land. The permit requires a Storm Water Pollution Prevention Plan (SWPPP) which would prevent pollution from spreading to other areas. The State now wants the local storm water official to enforce the Utah Pollutant Discharge Elimination System (UPDES) permit. **Mr. Forbush** recommended that the City Council oppose the State's enforcement policy since it could create adverse political pressure on the governing body if they were to enforce the rules.

Motion

David Hale moved that the City Council oppose the State's enforcement policy and support City Staff's position. **Rick Dutson** seconded the motion, which passed by unanimous vote.

Max Forbush said that in May, 2003, the City set a goal to develop an ordinance that would mandate storm water clean up and pollution prevention in the City. The City will keep the ordinance as simple as possible and will use existing procedures.

FARMINGTON GREENS CORRESPONDENCE (Agenda Item #17)

Max Forbush referred to a letter received from Proterra, Inc. requesting that they be reimbursed for the cost to lower the gas line on Clark Lane as part of the storm water piping project. City Staff recommends that the developer be reimbursed; that the expense be added to the project costs and that it reimburse as directed in the Reimbursement Agreement the City has previously signed with the developer.

Motion

Rick Dutson moved that the City Council authorize the City Manager to submit a letter to Proterra, Inc. stating his recommendation. **Larry Haugen** seconded the motion, which passed by unanimous vote.

Max Forbush said Charles Akerlow of Proterra, Inc. requested a meeting with the City to discuss the possibility of the City paying for the park and its maintenance, although the Development Agreement stated that the developer would be responsible to build the park and the Homeowners Association would be responsible for its maintenance. Mr. Akerlow also stated that he would like to discuss the street lights for the development with City Staff.

Mr. Forbush suggested that the Problems and Resolutions Committee meet with Proterra, Inc. to develop a plan to accommodate an LDS church site that would be acceptable to the City Council.

Susan Holmes said Proterra, Inc. should be responsible for the park and decorative lighting since the development is a Planned Unit Development so the Homeowners Association should not have to collect dues to cover these costs.

CANVASS OF MUNICIPAL GENERAL ELECTION RESULTS (Agenda Item #19)

Margy Lomax passed out the Official Election Results for the Farmington City General Election. She said 27 provisional ballots were received, of which 8 were rejected because the voters were not registered.

By consensus, the City Council members gave conceptual approval of the Official Election Results.

CLOSED SESSION

Rick Dutson moved that the City Council adjourn to closed session at 11:15 P.M. to discuss matters relating to pending litigation and the acquisition of real property. At 11:40 p.m. a motion was made by **Larry Haugen** and seconded by **Rick Dutson** to go back into open session. The motion passed with a unanimous vote.

DAVID BARNEY CLAIM

The City Manager reported the City's insurance adjuster had further investigated the claim of David Barney of damage to his home's stone window sill. The adjuster once again recommended that the City deny the claim. A motion was made by **David Hale** and seconded by **Rick Dutson** authorizing that a letter be sent to Mr. Barney denying his claim. The motion passed with all Council Members voting affirmatively.

ADJOURNMENT

There being no further business, the meeting was adjourned at 11:45 p.m. upon motion from **Rick Dutson** with a second by **Larry Haugen**.

Margy Lomax, City Recorder
Farmington City