

FARMINGTON CITY COUNCIL MEETING

Wednesday, November 19, 2003

FARMINGTON ECONOMIC DEVELOPMENT STEERING COMMITTEE/COUNCIL CHAMBERS

PRESENT: Mayor David M. Connors, Council Members David Hale, Bob Hasenyager, Larry W. Haugen, Susan T. Holmes, and Edward J. Johnson, Planning Commissioners, Cindy Roybal, Cory Ritz, Jim Talbot, and Sid Young, City Planner David Petersen, Citizens Committee Members Rick Mayfield, Sterling Jenson, and Chris Roybal, and Deputy Recorder Jeane Chipman.

Mayor Connors opened the meeting at 5:10 P.M. After months of study and discussion it was now coming time to implement changes in the General Plan and in the zoning ordinances. Mayor Connors said it was necessary to prepare the City for the new development that was inevitable due to the nearly complete I-15 and U.S. 89 reconstruction.

David Petersen led a discussion of the following items:

Review of General Plan Alternatives Proposed to Be Implemented Immediately (Maps, etc.)

A discussion ensued regarding the General Plan map as it had come about because of previous work sessions. Areas designated NMU (Neighborhood Mixed Use) and CMU (Commercial Mixed Use) were reviewed. Property marked MU west of I-15 near the Park Lane off ramp contained wetlands and other sensitive terrain. Some felt that the MU should be extended north so that ample needed land would be allocated for commercial development and required wetland mitigation. Doing so would not prohibit residential development in the area.

The area marked NMU north of Lagoon was discussed. Lagoon had hired a master plan consultant. A new Lagoon Master Plan was near completion. It would be an important document and would be valuable to the City in planning what would be most beneficial in surrounding areas.

Receive Input Regarding How and When TDR Concepts Will Be Presented to the "Receiving Area" Property Owners and the Public

The TDR (transfer development rights) concept may be a source of some controversy by "receiving area" property owners. "Sending area" property owners already had some education about the process. In discussing the issue with the Planning Commission, they felt the more education that could go forward the better, and it should be done in a timely manner. Because of the potential variances of opinion regarding TDRs, Mr. Petersen suggested that the General Plan be amended in sections. Doing so would allow work to go forward.

Ms. Holmes suggested sending a one-page explanation regarding TDR's to the property owners involved.

Mayor Connors wanted to make sure TDR policies and procedures would be very clear for developers as they come to the City with applications.

Prioritization and Selection of Immediate Planning Studies Involving Consultants

TOD (Transit Oriented Developments) Plans and Ordinances

The TOD area shown on the draft General Plan map extended ½ mile out from the commuter rail site. The City officials recognized the usefulness a consultant could be in planning the area. After discussion, the general consensus was to allow the developer to retain his own consultant to take the lead and to do the majority of the work. The City would then hire a consultant to represent the interests of the City and to work with the developer's person.

It was mentioned that there may be Federal grants available which the City should be aggressive in obtaining.

SAMP (Special Area Management Plan) Regarding Wetlands

The SAMP (Special Area Management Plan) was discussed. Mr. Petersen said that 3 or 4 consultants had been interviewed for possible retention by the City.

Discussion of Other Elements

The Committee discussed types of commercial endeavors that could come to the Mixed Use in west Farmington and other areas. The pro-active stance of the City officials may help encourage those types that would be desirable. However, it was mentioned that the market is driven by many different factors. It would be wise for the City to remain flexible and to be open to all ideas. The Committee members all felt there should be design guidelines in place no matter what commercial undertaking wanted to come to Farmington.

Mayor Connors concluded by saying that the work being done was a tough job. There were no necessarily right answers, but it was evident that the City must move forward. He had confidence that City officials would have the insight to make self-corrections as needed. He expressed appreciation for the work of those present.

The meeting ended at 6:15 P.M.

CITY COUNCIL WORK SESSION/ KITCHEN AREA

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

Mayor Connors began discussion at 6:45 P.M. The following items were reviewed:

Consideration of Public Comments related to Potential Projects Fundable under the Federal HUD Community Development Block Grant Small Cities Program.

Mr. Forbush discussed the requirements of the meeting and what had to take place in order to qualify for the Federal funding. The City will be applying for the same project as last year. A roll must be taken of all in attendance during the agenda item. A public hearing will be conducted. The application is due December 1, 2003.

Regional Recreation Center Concept–Bountiful City Joe Johnson and Neil Jenkins, Bountiful City Parks and Recreation Director

The two Bountiful City officials will be present to discuss the possibility of Farmington's involvement in a regional recreation center proposed for Bountiful City.

Consideration of Amendments to the Inter-Local Agreement with Centerville City pertaining to the Tuscany Cove Subdivision related to drainage and drainage fee and amendments of the associated Development Agreement with The Hawkins Company

Changes in the document had come from Centerville as late as today. Those changes were descriptive in nature. No substantive corrections were made. The Mayor expressed concern about language in the document regarding Farmington's obligation to pay Centerville a fee regardless of income. The Mayor did not want to have any such funds come from the General Fund.

Request to vacate a portion of the P.U.E. on Lot 1 of Summer Wood Subdivision/Dick Baldwin

Mr. Forbush stated more information would be presented during the regular session.

Request for "Extension" Agreement on John Stephen White sidewalk requirement

Mr. Forbush described the topography of the land involved. The slope up to an historic wall would require a retaining wall if the wall was to be saved.

Minute Motion Approving Business of Consent

Mr. Forbush reviewed issues involving the E.K. Bailey request for time extension for completion of the Community Center. He stated the company was losing money on the project. None of the Council members felt a need to hold the company to the original completion date.

Walt and Laurel Moyer Agreement

Mr. Forbush stated that, according to his understanding, the Moyer's expected to receive permanent occupancy once the trail easement and the land trade had been accomplished.

Resolution Adopting the Farmington City Emergency Operations Plan

Mr. Forbush stated that the City Attorney had reviewed the document.

Resolution Amending Rules and Regulations related to the rental and use of City owned Park and Leisure Services facilities such as park picnic boweries, baseball diamonds, swimming pool and new Community Center

Mr. Forbush told the City Council that the only part of the agenda item ready for their review was the issues involving the Community Center. The other would come at a later date.

Progress Report/ "Draft" Interlocal Agreement between UTA & Wasatch Front Cities and Counties to facilitate funding and expeditious start of commuter rail project.

A report would be given during the regular session.

Discussion/Strategy for seeking consultant for wetland Special Area Management Plan and for retaining a special use planning consultant to assist the drafting of ordinances.

City staff had been interviewing potential consultants for the work mentioned.

Ken Hardy General Plan/Rezone Proposal

The proposal, if approved, would allow Mr. Hardy to move his excavation business to an area away from the downtown area.

REGULAR CITY COUNCIL/CITY CHAMBERS/CALL TO ORDER

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

Mayor Connors called the meeting to order at 7:05 P.M. The invocation was offered by **Larry Haugen** and the Pledge of Allegiance was led by **Marshall Wiscomb** of Scout Troop 603.

APPROVAL OF MINUTES OF PREVIOUS MEETING

David Hale moved to approve the minutes of the November 5, 2003 City Council Meeting with corrections as noted. **Larry Haugen** seconded the motion. The voting was unanimous in the affirmative. Bob Hasenyager abstained due to his absence during the November 5th meeting.

Susan Holmes moved that the City Council approve minutes for the Special City Council held November 11, 2003. **David Hale** seconded the motion, which passed by unanimous vote. Council members Bob Hasenyager and Ed Johnson abstained due to their absence during the November 11th meeting.

REPORT OF PLANNING COMMISSION (Agenda Item #3)

David Petersen reported proceedings of the Planning Commission meeting held November 13, 2003. He covered the following items:

1. The Planning Commission granted preliminary plat approval for the proposed Farmington Ranches East Subdivision located at the northeast corner of Clark Lane and 1525 West Street
2. The Planning Commission tabled consideration of Ken Farr's request for approval for a lot split of property containing .93 acres located at 878 North Main to enable the application and staff time to work through various proposals to get a better feel for the best option.
3. The Planning Commission recommended that the City Council grant final plat approval for the first phase of the Miller Meadows subdivision located at approximately 600 South 650 West.
4. The Planning Commission heard the third application in the last six months to development land located at approximately 275 South 1100 West. The agenda item was tabled. Public comment had been strong against the request. Mr. Petersen received a letter from Hamlet Homes withdrawing the application.
5. The Planning Commission granted conditional use and site plan approval to establish a "fuel center" located at 1316 North Highway 89. Mr. Petersen reported the application exceeded City ordinance requirements. The request also met all environmental qualifications.
6. The Planning Commission discussed General Plan amendments briefly. They will take several meeting to study the issues in depth.
7. Mr. Petersen stated the Planning Commission had considered a request by Ken Hardy regarding a rezone of property to LM&B. Since the request would be coming before the Council in their current meeting, Mr. Petersen said it may be helpful necessary for them to understand the issues. He explained how the original site for the LM & B zone had been over the overpass on the west side near the County Jail Complex. However, with the reconstruction of the highway,

UDOT had purchased most of the property considered for the zone. It was necessary to find a new location. Several options had been considered. The Pack brothers who own land adjacent to Centerville City to the south, in the west part of Farmington, recommended that a parcel mostly owned by themselves be considered for the LM & B zone. They had proposals including storage units that they would like to use the land for. The LM & B zone would suit their needs and fill the needs of the City. The property was also adjacent to similar uses in the Centerville City and would be consistent with the general use for the land in both cities. There is a piece of the property which is for sale just north of the Pack property. It is currently owned by Del Callister. Because of the future traffic plans for the area, the LM & B would be an ideal zone for the property. After discussion, and by consensus, the Planning Commission indicated they were favorable toward the proposal of Mr. Hardy to move his business to the property in consideration.

8. Mr. Petersen requested the City Council consider a time to interview prospective candidates to fill seats being vacated on the Planning Commission.
9. Mr. Petersen also informed the City Council that owners of the S&S Railroad have requested use of the UTAH tracks between their site and the Fair Grounds. They have requested a letter of recommendation from the City.

REGIONAL RECREATION CENTER CONCEPT/ BOUNTIFUL CITY MAYOR JOE JOHNSON AND NEIL JENKINS, BOUNTIFUL CITY PARKS AND RECREATION DIRECTOR (Agenda Item #5)

Neil Jenkins addressed the City Council. He reviewed site plans and building plans for the proposed Regional Recreation Center to be built on property in Bountiful now occupied by the current recreational facility, popularly called “the Bubble.” The new building would be about 146,000 square feet and would have several different facilities to meet the needs of the South Davis Community.

Mayor Johnson stated the two men had visited all the other municipalities in the South Davis area. They were all in agreement with the concept. No one city can provide for all the recreational needs of its citizens. The only way to provide for the citizens in an appropriate way was to join together. Mayor Johnson reviewed possible funding mechanisms that could be used to pay for the multi-million dollar project. A portion of the tourism tax could be used to fund the ice sheet, since it is a tourism draw. A percentage of the RAP (recreation, arts, and parks tax) could be used to help fund the entire project (not yet authorized). The Davis School District is already a partner and will use two of the three gyms during the school day. All three gyms would be available after school hours for public use. The rest of the funds would be generated by a bond election. Funding sources have been considered for both the capital expense and operational costs.

PUBLIC HEARING: CONSIDERATION OF PUBLIC COMMENTS RELATED TO POTENTIAL PROJECTS FUNDABLE UNDER THE FEDERAL HUD COMMUNITY

DEVELOPMENT BLOCK GRANT SMALL CITIES PROGRAM (Agenda Item #4)

The City Manager, Mr. Forbush was asked by the Mayor to provide explanations as they pertain to the CDBG program. It was noted that the City Recorder retrieved the names and addresses of all in attendance. Mr. Forbush explained the key CDBG facts as outlined in Chapter IV, Application Preparation and Program Guidance. Mr. Forbush explained the range of activities that could be funded by CDBG funds as found in Section 105 of the Housing and Community Development Act of 1974. Qualifications for the Federal funds can come from one of three main categories: (1) projects which provide a benefit to low or moderate income families (most of the grants must meet this criteria), (2) projects that will remove slum and blight, and (3) projects which remove a threat to the health and safety of citizens. He gave examples of how such funds had been used in the past. Mr. Forbush stated that it was important to allow citizens to voice their opinions regarding suggestions. The invitation for receiving suggested projects was provided in the public notice of the hearing. Mr. Forbush explained that approximately one million dollars was allocated to the Davis County Council of Governments. The distribution of those funds will be by competitive applications from Davis County local governments and non-profit organizations.

Public Hearing/Opened and Closed

Mayor Connors opened the meeting to a public hearing. He gave ample time for any one to respond. Mr. Forbush asked that proponents of projects identify the likelihood of displacement of low and moderate income persons with any given project. With no forthcoming comments, the Mayor closed the public hearing and asked the City Manager to continue.

Mr. Forbush stated he was recommending a potential project which could be considered. It would be of benefit to low and moderate income families in Farmington. The area had been surveyed and found to contain at least 53 percent low and moderate income families. The area in consideration was along a portion of State Street and 300 and 200 West Streets. It was suggested that portions of the streets receive new curb and gutter and new storm drain systems. Also, a section of the property would receive sidewalk. This project is the same that was applied for for funding in 2003. The City did not get that grant. Mr. Forbush reviewed costs estimates from last year which revealed the total cost would be around \$281,765. The requested funding from CDBG was \$186,765. Mr. Forbush said these estimates should be evaluated and changed if necessary, including the City match estimate included in the 2002 application.

Motion

Bob Hasenyager moved that the City Council authorize the City Manager to apply for funding under the CDBG Small Cities Program for 2004 for projects as presented in an amount of \$186,765 or the amount adjusted by a new estimate to be provided by the City Engineer. Authorization includes the appropriate match determined by the Mayor and City Manager. **Larry Haugen** seconded the motion, which passed by unanimous vote.

CONSIDERATION OF AMENDMENTS TO THE INTER-LOCAL AGREEMENT WITH

**CENTERVILLE CITY PERTAINING TO THE TUSCANY COVE SUBDIVISION
RELATED TO DRAINAGE AND DRAINAGE FEE AND AMENDMENTS TO THE
ASSOCIATED DEVELOPMENT AGREEMENT WITH THE HAWKINS COMPANY
(Agenda Item #6)**

Mr. Forbush stated there were two actions needed. The Council needed to consider the amendments to the Interlocal Agreement as presented by Centerville, and the Development Agreement with amendments between Farmington City and the developer.

Mayor Connors raised a concern. He stated in paragraph 21 there was language which committed the City to remitting an amount not less than 50 percent of Centerville's drainage fee. If in the future, Farmington City has a change of some kind in their fee structure or Centerville's costs increase, it may be requisite that Farmington make up the difference out of the General Fund. Mayor Connors was adamantly opposed to exposing Farmington City to such a situation. He felt the City Attorney should be consulted before the language was approved.

Motion

After discussion, **Bob Hasenyager** moved that the City Council approve amendments enclosed in the packet to the Inter-Local Agreement with Centerville City subject to the following:

1. Centerville City's approval of the Inter-Local Agreement
2. Final execution of the Development Agreement with the Developer of Tuscany Cove
3. Approval of mutually acceptable Storm Drainage Plan and Construction Drawings for the project by Centerville and Farmington City
4. Resolution of the paragraph 21 regarding fee remittance to Centerville City according to the review of the City Attorney and as it becomes acceptable to Mayor Connors.

Mr. Hasenyager further moved that the Development Agreement with amendments between Farmington City and the developer authorizing the Mayor to sign the same after (1) the developer's new construction drawings have been approved by the City Engineer; and (2) the developer has signed the agreement.

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

**REQUEST TO VACATE A PORTION OF THE PUBLIC UTILITY EASEMENT ACROSS
LOT 1 OF SUMMER WOOD SUBDIVISION/DICK B. BALDWIN (Agenda Item #7)**

Mr. Petersen reported that he, the City Engineer, and Ray White (the City street

superintendent) visited Lot 1 of the Summer Wood Subdivision, and reviewed Mr. Baldwin's request regarding the abandonment of a public utility easement. He recommended the action.

Motion

Bob Hasenyager moved that the City abandon the 15 foot easement on the south border of Lot #1 in the Summerwood Subdivision, 1927 Summerwood Drive. The motion also included authorization for Mayor Connors to sign the Revocation and Abandonment of Easement document. **Ed Johnson** seconded the motion, which passed by unanimous vote.

REQUEST FOR "EXTENSION" AGREEMENT ON JOHN STEPHEN WHITE SIDEWALK REQUIREMENT (Agenda Item #8)

Information given by the City Planner and packet information provided by Mr. Petersen indicated the City Council approved John Stephen White Jr's request on December 11, 2002, for a subdivision consisting of 1 flag lot and 2 existing homes located at approximately 1283 South and 200 East ("Lake Point Place"). As part of this approval the applicant was required to construct curb, gutter and sidewalk acceptable to the City along the full 348.7 feet of frontage of the property abutting 200 East Street. The White's have worked with the City Engineer and officials from UDOT in the design of these improvements.

The placement of an historic rock wall prevents the construction of the sidewalk, but it is still possible to construct the curb and gutter and the asphalt tie-in without compromising the integrity of the rock wall. The applicant's contractor is therefore requesting that the City delay the sidewalk improvements into the future. Doug Cromar from the City Engineers office and Mr. Petersen recommended this because the sidewalk does not tie into any adjacent sidewalk. Most of the parcels on the east side of 200 East are developed without sidewalks. Establishment of an SID or some other mechanism to provide for this type of improvement in the near future is very unlikely. In other words, and historic aesthetically beautiful wall is of more value than a sidewalk that leads nowhere. Moreover, destroying this wall may set a precedent for taking down other historic walls along 200 East in the future.

Motion

After a discussion by the City Council agreeing that the historic wall should be preserved, **Bob Hasenyager** moved that the City Council approve the property owner's request and to defer construction of a public sidewalk along their frontage through a Public Improvements Extension Agreement. **Susan Holmes** seconded the motion, which passed by unanimous vote.

Susan Holmes suggested that the City Council carefully consider establishing a City-wide policy prohibiting the destruction of the historic rock walls that exist in Farmington. She also suggested that because the public will be asked to walk on the sidewalk provided on the west side of 200 East, that the trees be pruned to allow better pedestrian traffic.

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

Mr. Forbush reviewed the reasons behind the E.K. Bailey request for a time extension for completion of the Community Center. After discussion, and by consensus, the City Council agreed that the construction company could have until February 13th to complete the building. The change was to be made in item 9-5.

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

1. Ratification of Construction Bond Agreements previously signed by Mayor Connors.
2. Approval of September's and October's disbursement lists.
3. Authorization for the annual Fire Department Christmas Dinner as requested by Chief Gregory. It is recommended by the City Manager that a contribution of \$350 be given to the Fire Department to finance their Christmas Party. Since the Fire Department is essentially all part-time employees and they get very few benefits from the City, the City Manager recommends this as an on-going City contribution for this event to be taken from the City Council budget.
4. Approval of a Resolution Amending Consolidated Fee Schedule pertaining to Parks and Leisure Services facilities as enclosed.
5. Approval of E.K. Bailey's request for time extension for completion of Community Center. The date set is February 13, 2004.
6. Authorization for Mayor Connors and staff to approve Change Order #4 of the Community Center that pertains to a number of items including additional electrical outlets and the running of conduit for phone lines, etc.

Susan Holmes seconded the motion, which passed by unanimous vote.

WALT AND LAUREL MOYER AGREEMENT (Agenda Item #10)

Mr. Petersen briefly reviewed the agenda item. It was a carry-over from past City Council meetings. When the excavator put the trail through the rear of the Moyer property it was done in a location and at a slope unacceptable to the City. Staff is working with the adjoining property owners for a trail easement that would allow the trail to run at an acceptable slope. However, even if the easement on the adjoining properties did not work out, Staff had worked out a plan whereby the trail could be corrected and connected either through the adjoining properties or to the existing dirt road. Either plan would provide an acceptable trail. Also, there had been negotiations to trade parcels of land which would make the trail the definition of the boundary between City property and Moyer property. The Moyers had agreed to pay for the difference between what the trail would have cost if done correctly and what it will take to re-

excavate and make an acceptable trail corridor. The Moyers currently have a temporary occupancy permit for their home. When all conditions are met regarding the trail, it was expected that the Moyers would gain a permanent occupancy permit.

The Mayor, City Council, City Staff, and Laurel Moyer discussed the issues, including the following points:

- ▮ Staff had consulted the City Attorney and had spent time with Ms. Moyer to work out what they understood was an acceptable agreement.
- ▮ Ms. Moyers was not content with the agreement as presented at the meeting because she felt the temporary easement had no assured closure.
- ▮ Mayor Connors pointed out that both sides were at risk. He had confidence that both sides would move forward in good faith to meet the tenants of the agreement. Once the property trade was recorded at the County Records, the temporary easement would be vacated. Once the Moyers paid the agreed cost of trail improvement and the temporary easement was recorded, they would gain a permanent occupancy permit. The agreement contained incentives for both parties.
- ▮ Several options were considered. Ms. Moyers felt that there was an urgency regarding the settlement and wanted it amended and approved during the current meeting. However, the City Council was willing to table the agenda item to allow time to further negotiate and to firm up the land trade. Ms Moyers was ardent about including language in the agreement that would give a time specific to make the trail easement permanent.
- ▮ Staff stated there had been a great deal of staff time and attorney consultation that had gone into the agreement as it stood. Staff was under the impression going into the meeting that the agreement was acceptable to the Moyers.

Ms. Moyer asked for a temporary recess of the agenda item, which was granted by Mayor Connors

RESOLUTION ADOPTING THE FARMINGTON CITY EMERGENCY OPERATIONS PLAN (Agenda Item #11)

Mr. Forbush stated the item had been reviewed previously by members of the City Council. Suggested appropriate changes had been incorporated. The City Attorney had not yet completed his review of the text. Therefore, this item was tabled until the December 3rd City Council meeting.

Susan Holmes moved that the City Council adopt Resolution No. 2003-59, a resolution

adopting an amended Emergency Operations Plan for Farmington City. **David Hale** seconded the motion, which passed by unanimous vote.

RESOLUTION AMENDING RULES & REGULATIONS RELATED TO THE RENTAL AND USE OF CITY OWNED PARK & LEISURE SERVICES FACILITIES SUCH AS PARK PICNIC BOWERIES, BASEBALL DIAMONDS, SWIMMING POOL AND NEW COMMUNITY CENTER (Agenda Item #12)

Mr. Forbush explained that only that portion of the agenda item dealing with the Community Center building was ready for consideration. The rest would come before the Council at a future meeting. Mr. Forbush had included in the City Council packet a draft "Facilities Use" agreement as requested at a previous City Council meeting.

Mayor Connors asked about the Facilities Use Agreement. He wanted to make sure that the needs of the Farmington Area Baseball League (FABL) would be met. Their circumstances were different than the typical user.

Mr. Forbush said FABL had a separate contract for use. He would review the contract and make sure it was up-to-date.

Motion

Susan Holmes moved that the City Council adopt Resolution No. 2003-60, a resolution adopting and approving rules and regulations for the Community Center of Farmington City with attached "Rule" and the inclusion of language stating that renters must set up tables and chairs and take down tables and chairs. **David Hale** seconded the motion.

In discussion of the motion, **Mr. Hasenyager** said he had questions on two items. Speaking of the draft "Facilities Use Agreement," he felt there should be a way to revoke the agreement if the renters were negligent or if the City found just cause to preempt use (such as a community emergency). Speaking of the Community Center Rules, Mr. Hasenyager also felt that language needed to be added to the "conduct" section of the "Rules" which would include prohibition of offensive actions not just language.

Mayor Connors suggested Conduct rule "a" read, "No foul or abusive language or conduct is permitted at any time."

Both Ms. Holmes and Mr. Hale concurred with the suggested amendments.

A vote was taken on the motion indicating a unanimous affirmative vote.

AMENDED AGENDA, FURTHER CONSIDERATION OF AGENDA ITEM #11

Ms. Moyer stated that after discussion with her husband, they both felt they were still at risk under the current agreement. She felt that she needed to have some way to assure the trail

would not be moved closer to the home than was described in the contract.

Mr. Forbush stated that legally the City could not construct the trail outside the trail easement as stated in the agreement.

Motion and Withdraw

After a brief discussion, **Susan Holmes** moved that the City Council table the agenda item to allow time for the Moyers and the City Staff to negotiate further. **Bob Hasenyager** seconded the motion.

After further discussion wherein Staff explained the detailed negotiations and Attorney work that had already gone into the agreement, **Ms. Holmes** withdrew the motion.

Motion

Susan Holmes moved that the City Council approve the Agreement between the City and Walt and Laurel Moyer. She stated that the Moyers could decide thereafter whether or not they wanted to sign the agreement. **Bob Hasenyager** seconded the motion, which passed by unanimous vote.

Ms. Moyer wanted the City Council to know about a problem they were having with ATV users in the foothills. She said they have four-wheelers near their home from early in the morning to late at night, and that it was very disturbing.

Mayor Connors said that it was a very controversial topic. There would be public hearings in the future to determine what could be done. He encouraged Ms. Moyer to attend the public hearings and voice her concerns.

PROGRESS REPORT/ "DRAFT" INTERLOCAL AGREEMENT BETWEEN UTA AND WASATCH FRONT CITIES AND COUNTIES TO FACILITATE FUNDING AND EXPEDITIOUS START OF COMMUTER RAIL PROJECT (Agenda #13)

Mr. Forbush explained the "Draft" Interlocal Agreement had been reworked and changes had been made since the Council had first received information. However, all elements of the agreement affected only that portion of the project within the UTA right-of-way. Farmington City would still maintain control on designs for the commuter rail station. No action was required on the agenda item. However, the City Council should be prepared to take action some time before the Legislature meets in January.

Mayor Connors stated that the Council had always been in favor of the commuter system. The Interlocal Agreement was part of that process.

DISCUSSION/STRATEGY FOR SEEKING CONSULTANT FOR WETLAND SPECIAL AREA MANAGEMENT PLAN AND FOR RETAINING A SPECIAL USE PLANNING

CONSULTANT TO ASSIST THE DRAFTING OF ORDINANCES (Agenda Item #14)

Mr. Forbush reviewed the agenda item. He stated that several Special Area Management Plan (SAMP) consultants had already been interviewed by City staff. He suggested a sub-committee of City Council members be created to choose the consultant.

Mayor Connors stated the SAMP process needed to move forward with all due speed. He stated that regarding the TOD, his perception of the consensus of the Council was to allow the developer to retain a consultant who would take the lead and do the majority of labor. The City would also retain a consultant to be a part of the process. The TOD planning also needed to move forward.

Bob Hasenyager and Susan Holmes consented to represent the Council on the sub-committee to choose a SAMP consultant. The TOD consultant would be chosen at a later date.

KEN HARDY GENERAL PLAN/REZONE PROPOSAL (DISCUSSION ONLY) (Agenda Item #15)

Packet information indicated Mr. Hardy needed the General Plan Amendment and zoning in order for him to move his business from State Street to an area in west Farmington, south of Glover's Lane, immediately west of the Legacy Highway right-of-way and south of the FAK field office. This property adjoins the manufacturing zone established earlier for the Pack brothers. The Planning Commission was supportive of this concept. Staff is also. The City Planner had explained the agenda item earlier in the meeting. By consensus, the City Council conceptually approved the rezone proposal, adding that no binding action had been taken.

MISCELLANEOUS**Citizen Concern for Speed along Glover Lane**

Mr. Hasenyager had received a call from Eric Burt, representing several of the neighbors along Glover Lane who were concerned about safety. Mr. Burt had complained about the excessive speed along Glover between 200 East and the Frontage Road. The Council discussed the fact that the road was wide, it was sloped toward the Frontage Road, and it was a connector between two main arterial roads. They directed staff to ask Farmington Police to place the speed wagon along the road to help slow the traffic to the 25 mph posted.

Technology Meeting

Mr. Johnson stated there was a meeting of the Technology Committee scheduled for Tuesday, November 25.

Proposed Agenda for the Community Center Open House

Ms. Holmes distributed a proposed agenda for the Community Center Open House. A

brief discussion ensued. It was proposed that the open house be conducted on March 5 and 6. By consensus, the City Council approved the agenda. They suggested that the brass plaque to be installed on the Community Center be unveiled as part of the agenda. Ms. Holmes also discussed the possibility of having a City pin designed and used as part of the celebration. By consensus,

the City Council also approved the suggestion regarding the creation of a pin and the general program Council Member Holmes had put together.

Cultural Council Policies and Procedures

Ms. Holmes stated that the City Council would soon receive information regarding the Policies and Procedures affecting the Farmington Cultural Council. She asked that members review the information and get any suggestions or changes back to her by December 3rd.

Regarding the Cultural Council, Ms. Holmes stated it would be desirable to have citizens from all parts of the City and asked Council members to suggest names if they knew of people who would be capable and willing.

Changes and Delays Affecting Building Rental

Ms. Holmes suggested that because of changes in the building construction it may be wise to postpone rental of the Community Center until everything had been thoroughly checked. She suggested not renting the building until the first part of April. In discussion of the issue, Council members felt that Viola Kenney and Public Works Director, Walt Hokansen, could make that decision. They would support the staff decision in the matter.

Bamboo Floor

Mr. Forbush asked for the Council's approval of the bamboo floor for the Community Center. By consensus, the Council approved the choice.

Shepard Lane Striping

Mr. Haugen stated he had a complaint from a citizen regarding the striping on Shepard Lane. He was asked to call Walt Hokanson regarding the matter.

Concern Regarding the Regional Recreation Center

Mr. Hale led a brief discussion regarding the proposal of the Bountiful Mayor to build a Regional Recreation Center in Bountiful and to have Farmington's full support for the project. Mr. Hale felt the Council needed to fully discuss the matter before lending the City's support to such a significant project. The Mayor and all members of the Council agreed.

Digital Photos of "NRCS" Watershed Projects

Photos in the packet showed work at Rudd Creek Debris Basin by Davis County crews. The balance of the photos related to this issue showed work completed by NRCS contractor (silt fences, revegetation of City reservoir sites, revegetation of roads, etc.) The photos were for the information of the City Council.

Color Photos of 200 East Area

The packet also included color photos of 200 East area (S.R. 106) from State Street to 720 South. Utah Power is raising power poles, removing some trees and trimming others. UP&L is meeting with property owners to work through this project. Work is being done to reduce power outages.

Recruitment Plan for Storm Water Management Technician

A job description and recruitment and selection plan had been included in the packet for the information of the City Council.

Utah Power Contract on S.I.D.

By consensus, the City Council directed the City Manager to move forward with having Utah Power install street lighting in the approved S.I.D. area, although a formal contract was still not available.

Human Services Volunteer Coordinator

Ms. Holmes had a suggestion for the coordinator position. The name was briefly discussed. Mr. Forbush was asked to contact the person to find out if they were available to serve in the position.

Request to Adjust Common Boundaries on Farmington Property #0052

Mr. Forbush explained the request of Bob Murri, owner of Lot #107 in the Hughes Estates Subdivision and owner of a land-locked parcel (lot #0052, .20 acres) in the Lakeview Hills Subdivision, which abuts Lots #107 and #108. He wanted to sell #0052 to the owner of Lots #108 and requested the adjustment of the common boundaries to align with Lot 108. The request met with all current zoning requirements. Mr. Forbush recommended the action.

Larry Haugen moved that the City Council approve the request to adjust the boundaries of Lot #0052 to align with Lots #107 and #108 as presented in the letter from Bob Murri dated November 4, 2003. **Susan Holmes** seconded the motion, which passed by unanimous vote.

Planning Commission Interviews

By consensus, the City Council decided to hold Planning Commission interviews on

December 10 prior to the City Council meeting. The Mayor, the Planning Commission Chairman, Mr. Petersen, and a member of the City Council will conduct the interviews.

S&S Railroad Request

The owners of the S&S Railroad had requested a letter of support from the City to be able to use the UTA corridor for their tracks between their site and the Fair Grounds. Members of the Council were concerned how that would affect the "Rails to Trails" program. The issue would be discussed in detail at a future date.

Invitations

Mayor Connors informed the Council of a Comcast invitation to a open house on December 3rd and an open house invitation to the Davis North Water Treatment Plant.

ADJOURN TO CLOSED SESSION

Susan Holmes moved to adjourn to closed session to discuss strategy as it relates to acquisition of real property and potential litigation at 9:45 P.M. **Larry Haugen** seconded the motion, which passed by unanimous vote.

At 10:05 p.m. **Larry Haugen** moved to go back into open session. The motion was seconded by **David Hale** and passed unanimously.

Cox Development Dispute

A motion was made by **Ed Johnson** to authorize the City Attorney to negotiate on settling the payment dispute with Cox Development. The motion was seconded by **Susan Holmes**. The motion passed with all Council Members voting in favor.

ADJOURNMENT

There being no further business, **Susan Holmes** moved that the meeting adjourn at 10:07 p.m.

Margy Lomax, City Recorder
Farmington City