

FARMINGTON CITY COUNCIL MEETING

Wednesday, November 20, 2002

CITY COUNCIL WORK SESSION/WEST CONFERENCE ROOM

PRESENT: Mayor David M. Connors, Council Members David Hale, Larry W. Haugen, Susan T. Holmes, Edward J. Johnson, City Manager Max Forbush, City Planner David Petersen, Police Chief Wayne Hansen, and Deputy Recorder Jeane Chipman. Mayor Connors attended the last part of the work session. He arrived late due to his attendance at the Davis County COG meeting. Council Member Bob Hasenyager was excused.

Mayor Pro Tempore Haugen began discussion at 6:35 P.M. The following items were reviewed:

- \$ Mr. Forbush stated Community Development Block Grant potential projects would be discussed. A public hearing would need to be conducted during the regular session to gather any possible suggestions from the community for the projects. He was also prepared with suggestions.
- \$ An application from Michael and Jody Gray regarding a lot split and waiver of open space requirements for property at 224 West 1000 North would be discussed. The Grays were concerned about an extension agreement required by the Planning Commission regarding future sidewalk construction. A portion of the property abuts North Compton Road and the elevation difference from the property to the street is very steep at the site of the potential sidewalk construction.
- \$ Item # 6 would be deleted from the agenda.
- \$ Item #14 was discussed by Chief Hansen. Council Members had been interested in studying speed limit consistency on Main Street through the City. The Chief discussed governing policies directing speed limit designations.

REGULAR CITY COUNCIL/CITY CHAMBERS/CALL TO ORDER

PRESENT: Mayor David M. Connors, Council Members David Hale, 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. Council Member Bob Hasenyager was excused.

Mayor Connors called the meeting to order at 7:00 P.M. The invocation was offered by David Hale and the Pledge of Allegiance was led by James Fulks of Scout Troop 1837.

APPROVAL OF MINUTES OF PREVIOUS MEETING

The minutes of the regular City Council meeting held November 6, 2002 and the special City Council meeting held October 29, 2002, were read and corrected. **Susan Holmes** *MOVED* to approve the minutes as corrected. **Larry Haugen** 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 14, 2002. He covered the following items:

1. The Planning Commission recommended approval of an application by Michael and Jody Gray for schematic plan and conservation requirement waiver for a proposed lot split located at 224 West 1100 North in an LR-F zone (S-5-02). The Planning Commission recommended an extension agreement be entered into in order to provide a sidewalk along their property line on 200 West if future needs dictated. The 200 West slope at the right-of-way line is very steep.
2. David Griffin obtained a recommendation regarding final plat approval for the Griffin Subdivision consisting of six lots on 7.37 acres located at 711 South 1200 West in an AE zone (S-12-01). Mr. Petersen explained drainage challenges in the area and said staff had suggested an alternate road standard which included swales for water retention. Further discussion would be forthcoming during the evening=s agenda item #5.
3. Much of the Planning Commission meeting was spent discussing the proposed Original Townsite Residential Rezone (OTR), which had undergone a great deal of public hearing and sub-committee work. Further discussion would be forthcoming during the evening=s agenda item #12.
4. The Planning Commission recommended a request by Randy Lewis to convert the 2 two-family dwellings located on Lots 1 and 2 of the Held Subdivision into condominiums. The Subdivision is located at approximately 50 West 500 North in an R-2 zone (C-10-02). The agenda item would come before the City Council sometime in December. Council Members inquired regarding drainage problems previously experienced on the property. Mr. Petersen stated it was his understanding that the developer is in the process of resolving the problem as required by the City.
5. The Planning Commission considered an annexation and zone designation petition for 433.384 acres of unincorporated territory in Davis County located northwest of the present corporate City limits west of the Denver Rio Grande Western railroad tracks, north of the Farmington Ranches Subdivision, and west of the Kaysville City limits (A-1-02). The Commission reviewed a schematic plan which had some problems. However, they were only considering annexation at the time and recommended to the City Council the approval of the annexation request and zone designation for part of the property as AA@ and part as AAE.@

6. The Planning Commission recommended approval of an application from Jon A. and Kathleen Streadbeck to have the City vacate approximately 12 feet on the east side of the 100 East right-of-way located at 258 East 100 East in an R-2 zone (STR-1-02). The issue will come before the City Council in December.

7. The Planning Commission also recommended the Bonneville Shoreline Trail Memorandum of Understanding which will be discussed on the evening=s agenda

8. Mr. Petersen inquired whether or not the Council would like to hear a report on a recent trip taking by the City Planner and Mr. Chipman regarding conservation trusts and trail issues. It was decided a shortened version of the report would be heard during City Council meeting on December 11th.

**PUBLIC HEARING: COMMUNITY DEVELOPMENT BLOCK GRANT
HEARING/CONSIDERATION OF PUBLIC INPUT FOR POTENTIAL PROJECTS
(Agenda Item #4)**

Mayor David M. Connors opened the meeting to a *PUBLIC HEARING* for the CDBG program and asked Mr. Forbush to give a summary of the program and the purpose of the hearing.

Mr. Forbush stated that the hearing was being called to consider potential projects for which funding may be applied under the 2003-04 Community Development Block Grant Program. It was explained that the grant money must be spent on projects benefitting primarily low and moderate income persons. The Wasatch Front Regional Council, in which Farmington City is a member, was expecting to receive approximately \$800,000 in this new program year. All eligible activities that can be accomplished under this program are identified in the CDBG Application Guide and interested persons can review it at any time. Mr. Forbush then read several of the eligible activities listed including construction of public works and facilities, such as water and sewer lines, fire stations, acquisition of real property, provision of public services like food banks, homeless shelters. Also eligible are loan programs for private businesses which would then hire low income persons. The program can also pay for housing rehabilitation for low income homeowners or for persons owning rental housing for lower income persons. Mr. Forbush indicated that in the past Farmington had received a number of CDBG grants to install sanitary sewer along Main Street, storm sewer on 100 North, water mains in west Farmington, etc. A roll was taken of citizens in attendance.

With no forthcoming comments, **Mayor Connors** *CLOSED* the public hearing and asked the City Manager if he had specific suggestions for the grant application.

Mr. Forbush suggested two projects. The first was construction of storm sewer on State Street 400 West with replacement of an existing ditch with curb and gutter. He also suggests curb and gutter be installed on 300 West including new drive approaches. An income survey would have to be conducted to see if the area qualified.

The other suggestion was to request \$75,000 to \$100,000 to improve handicap access in the City. Some intersections need wheelchair ramps and there are some architectural barriers in the parks and City buildings which could be improved.

Mr. Haugen suggested that the City consider including in the grant request help with sidewalk construction along the frontage road near Glover Lane where children traverse on their way to school.

Mr. Forbush stated doing the frontage road project may be problematic because the children come from such a broad area. Surveying the entire area to determine the percentage of low or moderate income qualifications would be a daunting.

**PUBLIC HEARING: SCHEMATIC PLAN APPROVAL FOR LOT SPLIT ON
MICHAEL AND JODY GRAY PROPERTY AT 224 WEST 1100
NORTH/CONSIDERATION OF WAIVER OF OPEN SPACE REQUIREMENTS
(Agenda Item #5)**

David Petersen explained the request by the Grays. He stated potential buyers had requested information regarding the possibility of subdividing the property. The Planning Commission reviewed the request and recommended approval. However, they felt a deed restriction should be placed on the corner lot which restricted further subdivision in exchange for the conservation waiver being requested. The Planning Commission also required that an extension agreement be recorded against the lot regarding construction of a sidewalk along the east property line. The Grays had asked the extension agreement not be required because the property is so steep and sidewalk construction would require the removal of from 3 to 6 mature trees which provide shade and esthetic qualities to the property and surrounding area, The Grays felt construction of the sidewalk would be prohibitively expensive and may not even be possible given the slope of the ground.

Mayor Connors opened the meeting to a *PUBLIC HEARING*.

Jay Ferrin (215 West 1100 North) wanted clarification regarding the sidewalk issue. It was his opinion the request by the Grays should be approved without the extension agreement.

Mayor Connors *CLOSED* the public hearing and asked the Council for their consideration.

Ed Johnson *MOVED* that the City Council accept staff recommendation to delete the extension agreement for sidewalk construction and that the request for schematic plan approval for a lot split on Michael and Jody Gray=s property located at 224 West 1100 North, including a waiver of open space requirements be approved. The motion included a deed restriction on the corner lot wherein no further subdivision may take place on that lot. **Susan Holmes** seconded the motion, which passed by unanimous vote.

**CONSIDERATION OF CONDOMINIUM FINAL PLAT APPROVAL FOR HELD
SUBDIVISION (Agenda Item #6)**

The agenda item was deleted from the agenda but is to be rescheduled for the December 4th City Council meeting.

**EXTENDED SIDEWALK IMPROVEMENTS ALONG EAST SHEPARD LANE (Agenda
Item #7)**

Mr. Forbush reported actions in response to Knowlton Elementary PTA officials= request for sidewalk installation along Shepard Lane where school children walk to and from the elementary building. The project was installation of curb, gutter, and sidewalk on the south side of Shepard Lane adjacent to and east of the new Bayview Animal Hospital. Mr. Forbush had contacted the owner of the rental home in question and received permission to fill in the area and construct a side walk. The City Manager and the City Finance Director had found approximately \$5,500 remaining in the sidewalk capital fund (Fund #44) that could be used for the project, along with \$5,000 from the Street Department operating budget. A letter to Ahmad Jaber of the Utah Department of Transportation had been sent requesting aid for the project.

Mayor Connors interjected that he had met with Mr. Jaber. He reported that there was a possibility of reimbursement for the project. He also wanted to report that Mr. Jaber was very complimentary about the City=s staff and their cooperative spirit. Mayor Connors also stated that COG had voted to consolidate all member cities into Region 1. One reason was that Region 1 was under the direction of Mr. Jaber, whom City officials had found amiable.

Susan Holmes asked if there would still be enough money in the street department funds to accomplish planned improvements on City property near Heritage Park.

Mr. Forbush stated money for sidewalk could be part of the Heritage Park development budget.

Susan Holmes *MOVED* the City Council authorize funding for emergency installation of curb, gutter, and sidewalk across the Patterson frontage on the south side of Shepard Lane adjacent to and east of the new Bayview Animal Hospital. **Dave Hale** seconded the motion, which passed by unanimous vote.

**POTENTIAL S.I.D. PROJECT AREA/ REVIEW OF MICHAEL BROWN AND
OTHERS= LIST OF POLICY QUESTIONS REGARDING POTENTIAL STREET
DEDICATION IN VICINITY OF 1100 WEST AND 500 SOUTH IN WEST
FARMINGTON (Agenda Item #8)**

Mr. Forbush reviewed potential S.I.D. project areas throughout the City, including:

1. Construction of a 10-inch water line south from the David Griffin subdivision through Shirley Rae Drive, thence both east and west along Glover=s Lane (west

to Farmington Creek and east to 650 West). Under this provision, the City would pay 25 percent of the 8 inch line and the materials cost to expand the pipe diameter from 8 inches to 10 inches.

2. The Michael Brown, et al., improvements as outlined in the memo included in the packet.
3. 450 South curb, gutter, and sidewalk to finish the frontage improvements of the Buckley property.
4. Curb, gutter, and sidewalk around the periphery road of 1500 West and 1875 North in the Oakridge area. Most of this improvement would be sidewalk, because curb and gutter already exists on 1875 West on the south side.
5. Curb and gutter extended along 106, the diagonal, between east State Street and 100 South.
6. Sidewalk improvements along 200 South Street, from 200 East to Main Street.
7. Curb and gutter improvements on 200 East, east side of the road, from Glover Lane to Lund Lane subtracting those areas that have already been improved.
1. Mr. Forbush also suggested improvement along north Main Street (curb, gutter and sidewalk beginning at Shepard Lane extending south to Burke Lane, both sides of the street). He suggested that the City should ask the State Transportation Commission to allocate State funds to bring this section of State Highway up to standards in exchange for the City accepting it as a City street once improvements were completed.

The Council discussed the suggestions.

Mr. Forbush inquired if the Council would be interested in negotiating with the Utah Department of Transportation to make improvements on north Main Street in exchange for the City taking the street and assuming maintenance responsibilities.

Susan Holmes asked how much the maintenance would cost.

Mr. Forbush stated all cost capital improvements should be provided by UDOT. He was not sure what the cost would be. Thereafter, Class AC@ Road Funds would be allocated to the City to aid with maintenance. The road would have to be improved to City standards prior to City=s ownership.

Mayor Connors stated he would be willing to approach the Transportation Commission about this proposal and also the proposal for UDOT to assist in the resurfacing of 1075 West Street behind the K-Mart building.

Mr. Haugen suggested adding improvements at Glover=s Lane and the frontage road for safety reasons.

Ms. Holmes also suggested looking at the Glover Lane overpass and 650 West improvements.

Mr. Forbush discussed such possibilities and said he would review the list of suggestions and come back with a refined proposal. He then asked four policy questions specific to Michael Brown, et al, property in west Farmington to which the Council reached consensus as follows:

1. Is the City willing to rezone the property AE to accommodate smaller lot sizes, i.e., one acre instead of two acres. The City Council agreed the property may be rezoned AE. However, it was noted that no commitment should be assumed by the property owners. They were reminded rezoning action should be recommended by the Planning Commission before officially being considered by the City Council.
8. Is the City Council willing to give appropriate waivers from conservation zoning requirements without value considerations? The City Council wanted to review the issue on a case by case basis, allowing the Planning Commission review process flexibility to attached appropriate conditions.
9. Is the City willing to pay for storm sewer cost on this project, i.e., piping, in-let boxes, and construction and demolition of detention basins? The City Council felt such was the responsibility of the property owners. There may be a possibility of including storm sewer costs in the S.I.D.
10. Is the City willing to front the cost required for preparing a street dedication plat? The City Council was willing to consider doing so.

AUDIT REPORT FOR FISCAL YEARS 2002-2003 AND PRESENTATION OF CERTIFICATE OF ACHIEVEMENT FOR EXCELLENCE IN FINANCIAL REPORTING/KEITH JOHNSON AND ULRICH AND ASSOCIATES (Agenda Item #9)

Mayor Connors recognized the excellent work of the City=s Finance Director Keith Johnson and presented him with the Certificate of Achievement for Excellence in Financial Reporting, which had been awarded to Farmington City. The award was given by the Government Finance Officers Association.

Mike Ulrich reported the audit of the City=s finances had been completed and had been given a Aclean opinion.@ Financial records in the City had followed the standards set by National and State laws and had complied with testing methods. Mr. Ulrich spent time in reviewing specific details of the audit with the City Council.

Larry Haugen *MOVED* to accept the audit of City Financial Records for the Fiscal Year 2002-03. **Susan Holmes** seconded the motion, which passed by unanimous vote.

REQUEST TO AMEND SUBDIVISION STANDARDS AND SPECIFICATIONS/ DAVID GRIFFIN (Agenda Item #10)

David Petersen reviewed the request to amend subdivision standards and specifications, specifically as such would relate to the Griffin Subdivision in west Farmington. Drainage in much of west Farmington is an issue because the property is so flat. Staff had considered solutions and after research suggested the adoption of a modified model found in use in North Logan. The North Logan model used a concrete gutter-type support on the outer edge of the asphalt, followed by a swale sufficient to retain storm water runoff for an area, then landscaping and the option of a sidewalk. Mr. Petersen suggested the road standards alternative in rare occasions when drainage was a problem.

Mr. Forbush stated provisions would have to be in place to guarantee the maintenance of the swale land by property owners. If the swale area were to be overgrown, filled with debris or other landscaping, etc., it may not retain water and could cause serious drainage problems.

A discussion of sidewalk installation along Shirley Rae Drive, in the Shire Lane cul-de-sac, along 700 South, and along 1100 West ensued. Due to the nature of west Farmington and the high water table, it was felt that sidewalks should be required as a matter of safety for citizens. The equestrian trail on the west side of 1100 West would be retained.

Susan Holmes *MOVED* to conceptually approve the alternate street standard as represented by the North Logan model subject to review by City personnel to accommodate specific Farmington needs. She also moved that the new standard be applied to the Griffin Subdivision consisting of six lots on 7.37 acres located at 711 South 1200 West in an AE zone, wherein the street standard will include sidewalks in the Shire Lane cul-de-sac and the north side of Shirley Rae Drive and 700 South Street adjacent the Griffin property. **Larry Haugen** seconded the motion, which passed by unanimous vote.

MINUTE MOTION APPROVING BUSINESS OF CONSENT (Agenda Item #11)

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

- 11-1. Ratification of construction bond agreement previously signed by Mayor Connors.
- 11-2. Authorization for the Mayor to sign AFeed America@ proclamation as enclosed.
- 11-3. Approval of Gene and Rebecca Mann easement agreement as enclosed.
- 11-4. Approval of rental agreement with Davis county for Building #2 at the Davis

County Fairgrounds. The building will be rented by the Performing Arts group of the City.

- 11-5. Approval of letter of agreement with the Utah Office of Preservation pertaining to the grant received for the Tithing Office (City Museum) project.

Larry Huagen seconded the motion, which passed by unanimous vote.

ORIGINAL TOWNSITE RESIDENTIAL ZONE AND RELATED ORDINANCES/FIRST READING (Agenda Item #12)

David Petersen explained the proposed Original Townsite Residential Zone. He walked the Council through provisions of the ordinance. Mr. Petersen said public hearings had indicated citizens in the affected area were not interested in Ainfill@ ordinances. A working committee had been organized consisting of 9 residents from the study area. The ordinance had been carefully reviewed by the working committee, after which they identified six areas of particular interest. They were:

11. Secondary dwellings
12. No flag lots but special exceptions for lot width
13. Construction quality
14. Garages
15. Building height
16. Front yard fences

Mr. Petersen and the City Council discussed each item. Special exceptions as noted in item #2 would need to go to the Board of Adjustments. Some members of the Council asked that the BOA approval option be confirmed to make sure it would be the best procedure.

Mr. Haugen asked about the fence restrictions for corner lots.

Mr. Johnson referred to comments submitted by Alys Revell in a letter dated October 7, 2002, and asked if they had been incorporated into the text.

Mr. Petersen was asked to refine the ordinance according to comments made by the City Council, including how to handle fencing on corner lots and pertinent comments by Ms. Revell, and have it ready for the public hearing on December 4th.

BONNEVILLE SHORELINE TRAIL MEMORANDUM OF UNDERSTANDING (Agenda Item #13)

Mr. Petersen explained that the Bonneville Shoreline Trail Memorandum of Understanding (MOU) had been sent to cities in the County for their consideration. It stipulated that if the municipality were to use the Bonneville Shoreline Trail logo, it must abide by

restrictions as outlined in the MOU. He said that both the Planning Commission and the Trail Committee had recommended authorization for the City Officials to accept and sign the MOU.

Mayor Connors wanted to clarify that signing the MOU did not imply a predetermination regarding motorized vehicle use on the hillside. The MOU did include item 9, which read: **A**In areas where the trail cannot be built to these criteria, especially where the trail allows motorized ravel, a segment may use the title **A**Bonneville Shoreline Trail Connector@ to lead users from one segment to another.

Larry Huagen *MOVED* that the City Council authorize signature by City Officials of the Bonneville Shoreline Trail Memorandum of Understanding. **Ed Johnson** seconded the motion, which passed by unanimous vote.

SPEED STUDY LETTER TO UDOT/RECONSIDERATION (Agenda Item #14)

The City Council by consensus felt a need for more information regarding the speed study along Main Street. The Police Chief and City Manager will meet with Horrocks Engineers and report back to the Council.

UTOPIA COMMITTEE MEETING REPORT/COUNCIL MEMBER JOHNSON (Agenda Item #15)

Mr. Johnson reported the committee had met last week. There had been good attendance. Committee members discussed the proposal from UTOPIA and Dynamic City. Some of the members were engineers and stated they would volunteer time to look at where and how conduit could be laid, criteria and standards regarding the conduit sizes, etc. Several issues could be previewed by committee members and then discussed with the City Manager and the City Engineer prior to meetings with UTOPIA people. The committee members would need an accurate map of the City. It would be helpful for the City Manager and City Engineer to discuss layout especially in critical areas. The volunteer engineers could use their contacts with providers to get their input regarding the project. Design criteria information would be vital to making a good decision. Information gathered from UTOPIA may be good, but it would be better to get even more from other sources.

Susan Holmes stated such technological advances should be considered especially when recognizing the possibility of a development such as the one being proposed in west Farmington by Rich Haws. Fiber optics could give that development an edge in commercial competition. Decisions need to be made early.

Mr. Johnson also commented that if conduit lines were to be placed underground, it may be wise to consider giving maintenance contracts to entities other than Public Works.

FUTURE MEETINGS/NOVEMBER 21BECONOMIC DEVELOPMENT MEETING

**AND INTERVIEW ASSIGNMENTS FOR NEW PLANNING COMMISSION
CANDIDATES (Agenda Item #16)**

The Economic Development meeting will begin at 5:30 P.M. and will end at 7:30 P.M. The meeting will be held at City Hall.

Interviews for Planning Commission candidates will be conducted by the Mayor, Council Member Hale, and Planning Commission Chairman Hoffman at 5:30 P.M. on December 4th.

MISCELLANEOUS

Graffiti in the Skate Board Park

Mr. Johnson reported seeing some graffiti in the south park.

Legal Policies from the League of Cities and Towns

Ms. Holmes stated she would email Council members information recently gained from the Utah League of Cities and Towns.

Open House Regarding Heritage Park

Mr. Hale reported an open house wherein 114 citizens attended to comment on proposed Heritage Park amenities.

Cherry Hill Concerns

Council Member Hale reported that Bruce Lloyd, representing Cherry Hill, had contacted him regarding his concern that Heritage Park (with the water playground element) would compete unfairly with concessions at Cherry Hill. Once Mr. Hale reviewed the nature of Heritage Park with Mr. Lloyd, he seemed okay with the City=s intent.

Grant Research

Mr. Forbush suggested retaining Steve Klass, whose services could help the City find grant opportunities that may help fund City Park and Leisure Service projects. Mr. Klass=s services would cost \$2500.

Susan Holmes *MOVED* that the City Manager be authorized to move forward with Mr. Klass=s proposal to find revenue sources and identify qualifying projects subject to review of his proposed agreement by the City Attorney and subject to the Mayor signing the agreement. **Larry Haugen** seconded the motion, which passed by unanimous vote.

Creek Lane Alterations

Mayor Connors stated he had heard from a citizen living near Creek Lane that he was

unhappy with the fact that the City had removed right-turn barriers on the east end of Creek Lane.

Creek Lane is the east/west street running from U.S. 89 to north Main Street. It is located north of the Foxglove Shopping Center.

Mr. Forbush stated the action had been taken because of general congestion in the area due to UDOT construction and detours. Motorists traveling from the Smith=s parking lot eastbound on Creek Lane and from there southbound on Foxglove Road experience difficulty in making a left-hand turn off Foxglove onto Shepard. Traffic was going east on Creek Lane to egress the area, thus causing a backup on Creek Lane because left-hand turners blocked all cars.

Mayor Connors reported the citizens pointed out that the barrier had been placed there to discourage traffic from using Creek Lane. The barrier had been placed there after a great deal of public input, but was removed without any public notification or comment. The City Manager acknowledged he had given approval because it made sense to him and staff yet he readily acknowledged the Mayor=s perspective. He apologized for not considering Governing Body input. He simply hadn=t considered the ramifications of the decision.

Commuter Rail Stop in Farmington

Mayor Connors reported the list of recommended stops in Davis County for the Commuter Rail included Farmington City.

MINUTE MOTION ADJOURNING TO CLOSED SESSION

Susan Holmes *MOVED* to adjourn to closed session at 10:50 P.M. to discuss strategy as it related to potential litigation and acquisition of real property. **David Hale** seconded the motion, which passed by unanimous vote.

At 11:05 p.m. David Hale moved to go back into open session. The motion was seconded by Larry Haugen with all Council Members voting in the affirmative.

There being no further business, upon motion of David Hale, the meeting was adjourned at 11:05 p.m.

ADJOURNMENT

Margy Lomax, City Recorder
Farmington City