

FARMINGTON CITY COUNCIL MEETING

Wednesday, December 1, 2004

CITY COUNCIL WORK SESSION/EAST CONFERENCE ROOM

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

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

Agenda Item #5--Consideration to rezone property adjacent to Farmington Ranches for A to AE. Mr. Forbush reported three developers were negotiating a cooperative effort toward road alignment in the area.

Agenda Items #6 and #8-- Consideration to rezone property at 400 West and 675 North from BP to CMU AND consideration of the Planning Commission recommendation to enact the CMU zoning text. It was recommended that these two agenda items be considered in tandem. It was also recommended by Staff that because the Planning Commission would be reconsidering their CMU text recommendation the following night, the City Council take public comments and then continue the agenda item until the following meeting.

Agenda Item #9--Consideration of new City logo. Mr. Dutson address ideas for the new logo during the regular Council meeting. Council members felt it may be wise to have a consultant respond to how the logo would best be used.

Agenda Item #10--Firebreak road proposal. Mr. Forbush stated he had been in negotiations with Brent Armstrong regarding road improvements and trail connections on the eastern foothills. Mr. Armstrong would consider participating in road improvement costs and trail easement dedication in exchange for City help with funding access road safety improvements.

Gardner proposal for northern Farmington. Horrocks Engineers had given the Planning Commission a traffic study presentation the previous evening. Information was given on roundabouts and other traffic calming devises for use on Main Street in north Farmington.

Contingency fund balance. Council members asked that Staff keep them informed on the running balance of the contingency fund and approved expenses.

REGULAR CITY COUNCIL/CITY CHAMBERS/CALL TO ORDER

PRESENT: Mayor David M. Connors, 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 Deputy Recorder Jeane Chipman.

Mayor Connors called the meeting to order at 7:00 P.M. **Max Forbush** offered the invocation. The Pledge of Allegiance was led by **Zack Kitchen** of Scout Troop 534.

APPROVAL OF MINUTES OF PREVIOUS MEETING

David Hale moved to approve the minutes of the November 17, 2004, City Council Meeting with corrections as noted. **Larry Haugen** seconded the motion. The voting was unanimous in the affirmative.

APPRECIATION ACKNOWLEDGMENT FOR JOANN CALLAHAN (Agenda Item #3)

Ms. Callahan had been the City's Performing Arts Director since the mid 1990's and had been noted for her work especially with youth. She had won several awards for her work in the City. The Mayor and City Council expressed gratitude for her tireless efforts. Viola Kenney, Leisure Services Director, presented Ms. Callahan with a clock in appreciation for her services.

Ms. Callahan expressed gratitude for the support of the City and said she could not have done the work without the help of City officials and staff. She felt her work had been a labor of love for Farmington.

REPORT OF PLANNING COMMISSION (Agenda Item #4)

David Petersen stated the Planning Commission last met in a regular session on November 11th. A report on that meeting had already been given. However, the Planning Commission did meet in a special study session the previous evening. Rulon Gardner and Horrocks representatives presented traffic study information to the Planning Commission and attending citizens. Several possible alternatives for traffic designs, including roundabouts, were discussed which could help with increased traffic on north Main Street whether or not a commercial project is developed in the area. There was a great turn out from the community.

PUBLIC HEARING: CONSIDERATION TO REZONE A PORTION OF AN 80-ACRE PARCEL ABOVE ELEVATION 4,218 FT. LOCATED NORTH AND ADJACENT TO THE FARMINGTON RANCHES DEVELOPMENT IN WEST FARMINGTON FROM "A" TO "AE" /THE BOYER COMPANY (Agenda Item #5)

Mr. Petersen explained the agenda item. The subject property was in west Farmington. The 4,218 foot elevation line is designated in the General Plan as the cut off mark for limiting development over five-acre lots.

Public Hearing

Mayor Connors opened the meeting to a public hearing.

Patrick Moffat (representative of the developer) stated he was available for questions from the Council if needed.

Public Hearing Closed

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

Mr. Young expressed the shared concern that a transportation plan be carefully considered for the western properties. All interested developers would have to cooperate and take financial responsibility for an appropriate and acceptable design of safe and effective traffic corridors.

Motion

Sid Young moved that the City Council approve Ordinance No. 2004-68, an ordinance amending the Zoning Map to show a change of zone for a portion of property located at approximately 550 North 2000 West from A to AE, contingent on the receipt of an acceptable legal description of the property and noting that the remaining property will remain zoned AA and that all interested developers will cooperate in the design and funding of acceptable road improvements. **Rick Dutson** seconded the motion, which passed by unanimous vote.

PUBLIC HEARING: CONSIDERATION TO REZONE 12.16 ACRES LOCATED AT APPROXIMATELY 400 WEST AND 675 NORTH (PARK LANE) FROM “BP” TO “CMU”/GREG BELL (Agenda #6)

Mr. Petersen introduced the agenda item. Tomorrow night, the Planning Commission would be reconsidering a portion of the CMU text because of a request from Greg Bell. Mr. Bell had asked that the Planning Commission reconsider including storage units as part of the CMU zone. They had earlier excluded storage units from the CMU test. Staff recommended the City Council take public comment and discuss the CMU text and then continue the hearing and agenda item until the December 8th City Council meeting and after the Planning Commission meeting on December 2nd.

Public Hearing

Mayor Connors opened the meeting to a public hearing.

Larry Haugen disclosed a potential conflict of interest. He recused himself from the City Council, stepped down from the rostrum, and did not participate in discussion of the agenda item as a Council Member

Nick Walters (675 North Main) wanted to know if there would be a buffer between the proposed project on the “Bourne” property and the existing residents. Mr. Walters had several

questions about the development possibilities for the property. His property was adjacent to the “Bourne” parcel on the east side.

Mr. Haugen (speaking as a private citizens) felt the “Bourne”property should be zoned commercial and not CMU. The area was prime for commercial development. It should be used for people who exist the freeway and need services. Mr. Haugen was opposed to the rezone to CMU and felt the land should be zoned Commercial.

Public Hearing Closed

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

Motion

After a brief discussion, **David Hale** moved that the City Council defer consideration of approval of an ordinance amending the zoning map to show a change of zone for property located at approximately 400 West 675 North from BP to CMU. The agenda item would be continued to December 8th allowing time to receive further input from the Planning Commission. **Susan Holmes** seconded the motion, which passed by unanimous vote.

PUBLIC HEARING CONSIDERATION OF ANNEXATION PETITION AND ZONING DESIGNATION PERTAINING TO THE ANNEXATION OF .59 ACRES AT APPROXIMATELY 450 EAST STATE STREET. THE ZONING DESIGNATION BEING CONSIDERED IS “LR-F”/JAMES B. KENNARD Agenda Item #7)

Mr. Petersen explained the issues. Mr. Kennard’s property was not a part of the City. Mr. Petersen reported that Mr. Kennard was currently contemplating building a single family home on the property and wished to obtain a building permit. It was Mr. Kennard’s opinion that he could meet all qualifications for a City building permit The City could not consider issuing a building permit until the property was annexed to the City. All proper notification had been mailed to surrounding property owners.

Public Hearing

Mayor Connors opened the meeting to a public hearing.

Public Hearing Closed

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

Motion

After a brief discussion, **Susan Holmes** moved that the City Council approve Ordinance No. 2004-69, an ordinance extending the corporate limits of Farmington City to include the annexation of 0.5981 acres of property located in the vicinity of State Street and Sunset Drive. **Larry Haugen** seconded the motion, which passed by unanimous vote.

PUBLIC HEARING: CONSIDERATION OF PLANNING COMMISSION RECOMMENDATION TO ENACT NEW COMMERCIAL MIXED USE (CMU) ZONING TEXT/ FIRST READING (Agenda Item #8)

Larry Haugen disclosed a potential conflict of interest. He recused himself from the City Council, stepped down from the rostrum, and did not participate in discussion of the agenda item as a Council Member.

Mr. Petersen introduced the agenda item. He discussed some of the proposed uses in detail and requested that the Council consider each carefully. Design guidelines for the CMU are more involved and exacting than they are for the commercial zone.

Public Hearing

Mayor Connors opened the meeting to a public hearing.

Greg Bell (744 Eagle Way, Fruit Heights) felt favorable about the CMU zone and said it would be a good tool for controlling development in the City. His property only had about 9.5 acres of buildable property. That particular property was a gateway to the City and should be well designed. It would be a key in setting the tone for the development of the rest of the property to the north. The property could not be appropriately used for residential projects. It needed to be developed in commercial uses. Mr. Bell felt that the projects he had proposed for the property would be very quality design. He also felt strongly that the storage units suggested would be ideal for the property. With careful design, the units could be class A and would fill a need in the area. David Dixon, Larry Haugen, and he had worked closely designing an auto repair facility. It would need to be the right size and the right look. Mr. Haugen had expressed a willingness to screen the use and to do anything the City asked to make the facility acceptable.

Mr. Hale suggested that possibly the intense uses of a salvage facility be moved to another area. He felt there was value for auto repair service.

Mr. Bell stated that Mr. Haugen was amenable to that suggestion. In response to questions, Mr. Bell stated he would be careful to design traffic patterns to leave access for development to the north.

Larry Haugen felt the Bourne property needed to be zoned commercial. Where people exit the freeway, they need services. He said his facility would be class A and would include enclosures for used cars and cars waiting for repair. He had not kept his current building updated because he knew he would eventually move.

Public Hearing Closed

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

Mr. Hale asked how the City would be able to enforce design standards on auto repair facilities if allowed in the CMU zone.

Ms. Holmes felt that all permitted and conditional uses listed in any zone should have a clear list of restrictions which would address any problem.

Mr. Petersen said there could be a problem with that approach because it would be like legislating each use. It would also eliminate flexibility for some potentially favorable uses.

Mr. Dutson remarked that the design standards were excellent and should be retained.

Mayor Connors asked why “bed and breakfast” uses were permitted and hotels were a conditional use.

Mr. Young expressed concern with the 100,000 square foot limitation in the CMU. He, along with other Council members, felt that may be too large. Commercial uses in the CMU needed to retain a neighborhood-friendly concept. The limit should possibly be held at 65,000 square feet. Mr. Young also had specific questions regarding design standards.

The City Manager expressed his feeling that the Council should at some point address limiting heavy traffic generators that might overpower the carrying capacity of the Park Lane interchange.

Feeling that the City Council could make better use of their time, **Ms. Holmes** felt the Council should consider putting every appropriate use possible in the “permitted” list along with specific and suitable restrictions. Doing so would eliminate the huge number of public hearings now being conducted. She realized there were other members of the Council who felt that the conditional use list was good because each of those uses would have to come before the City for case-by-case review.

Motion

Rick Dutson moved that the City Council continue consideration of an ordinance enacting Chapter 19 of the Farmington City Zoning Ordinance titled "Commercial Mixed Use (CMU) Zone" until the December 8th City Council meeting. **Sid Young** seconded the motion, which passed by unanimous vote.

CONSIDERATION OF NEW CITY LOGO/COUNCIL MEMBER RICK DUTSON (Agenda Item #9)

Rick Dutson recognized and expressed appreciation for the logo committee members. The Committee had worked a long time to come to the decision to be presented during the evening's meeting. They felt the City's logo should be historic to reflect the values of Farmington, but while being historic it should not be outdated. The logo should also be a strong design yet simply so that it could be appropriate for multiple uses.

Scout Eggers further discussed the reasoning used by the committee to design the logo. He showed the basic proposal along with several different kinds of applications.

The City Council discussed the different designs. **Mr. Dutson** suggested having the Council think about the options for a while and then address it again in the future.

Ms. Holmes felt there were some advantageous elements in the proposed new logo. She also felt there should be a time of deliberation before the City Council made a decision. Perhaps there should be some public input regarding the idea.

FIREBREAK ROAD PROPOSAL/DAVIS COUNTY PUBLIC WORKS/HUGHES ESTATES WEBER BASIN ROAD/TRAIL ISSUES (Agenda Item #10)

Mr. Forbush reported a property owner (Mrs. Daniels) in Hughes Estates Subdivision had complained that an early morning user of the fire break road had a gun on the premises. The property owner was extremely concerned and asked that the road be closed. Mr. Forbush reported that there is another good alternative for accessing the firebreak road that would resolve concerns of property owners in the Hughes Estates development. Mr. Armstrong is willing to participate in improvements on the proposed firebreak alternative route south of Davis Creek if the County and the City would participate in fixing a dangerous part of the firebreak road to the north of Davis Creek. The City Manager asked for two actions by the City Council. One was the authorization by the City Council to increase project expenditure by \$5,000 on the firebreak road. The funds would be taken out of the City Council contingency fund. As a condition of approval, it would be necessary for the County to secure the needed access across the Rice and the Armstrong properties.

The other request by the City Manager was to obtain authorization for signage to be installed behind the Hughes Estates Subdivision restricting access to foot traffic only. However, Mr. Forbush felt that the ultimate solution was to gate that portion of the existing fire break road located on City

property on the north and south end of Parcel “B” in the Hughes Estates Subdivision. Access would be denied to everyone except emergency vehicles, the Weber Conservancy District, and foot traffic.

Benefits of the alternate firebreak road alignment in the area would include improved access for fire protection and better public safety.

Motion

Sid Young moved that the City Council authorize an increased expenditure of up to \$5,000 for the encouragement of the County and Brent Armstrong to participate in the reconfiguration of one portion of the fire break road as illustrated on the enclosed map contingent on the County obtaining the Rice and the Armstrong easements and that the road should not be closed until there is an alternative. **Susan Holmes** seconded the motion, which passed unanimously.

The City Council members felt they would like to study ramifications of the proposed gate and barrier before approving their installation.

Ms. Holmes suggested enforcement officers patrol the foothills on a more regular basis especially if people were discharging fire arms within City limits. The use of four-wheel, all-terrain vehicles on the fire break road is not against the law at this point. It is a serious violation, however, if the vehicles leave the road and traverse Forest Service property.

By consensus, the City Council approved the installation of signage restricting the use of the fire break road.

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

Susan Holmes that the City Council approve the following items by consent as follows:

1. Ratification of Construction Bond Agreements previously signed by Mayor David M. Connors.
2. Approval of October’s list of disbursements.
3. Approval of Change Order No. 7 with Nix Construction. The elements in this change order were essential for drainage improvements at North Compton Road and 1100 North.
4. Approval of Public Improvements Extension Agreement with Chase and Valerie Bybee.

5. Authorization for Mayor David M. Connors to sign reconveyance deed to Joan and Merrill Bean. The Quit-Claim Deed reconveys property not being used by the City and not needed for the City for trail and other purposes.
6. Approval of Confidential and Non-disclosure Agreement with Fatpot Technologies, Inc.
7. Approval of agreement with Mis Utah Organization.
8. Approval of Consulting Agreement with David Miner.

Larry Haugen seconded the motion. The motion was passed by unanimous vote.

GINES SUBDIVISION DEVELOPMENT AGREEMENT (Agenda Item #12)

Mr. Forbush addressed the agenda item. He detailed some of the issues involved with the agreement. Under the agreement, Gines agreed to post a bond and pay for a sidewalk and to dedicate the needed right-of-way for the road improvements along 475 South State. The City would pay for the improvements along the 1100 West Street right of way. Gines would dedicate the additional 7 feet of right of way. Gines would also pay for one decorative light for the intersection.

Motion

Rick Dutson moved that the City Council approve the Development Agreement between the City of Farmington and Gary E. Gines, Joleen T. Gines, Kent T. Gines, and Shawn M. Gines, subject to a final reading by the City Attorney, Mayor Connors, and City Staff. **Larry Haugen** seconded the motion, which passed by unanimous vote.

PROPOSED TRAFFIC CODE AMENDMENT (Agenda Item #13)

Mr. Forbush explained that the City Attorney had reviewed the recently approved park rules and had felt that it was more appropriate for the City to amend the Traffic Code prohibiting private parking and vehicle storage in City parks rather than have the information in Title 8, Chapter 4.

Mr. Young expressed his thought that some of the language in the amendment was awkward and possibly unclear. He suggested the attorney review it one more time.

Motion

David Hale moved that the City Council approve the amendment regarding parking in City parks, Section 14-5-105.1. **Larry Haugen** seconded the motion. The Council discussed portions

of the text and felt that it may be well to have the City Attorney review the text one more time. Mr. Hale and Mr. Haugen withdrew the motion to allow time for the review.

DAVIS METRO NARCOTICS STRIKE FORCE INTER-LOCAL AGREEMENT (Agenda Item #14)

Mr. Forbush introduced the agenda item. Lieutenant Allen Swanson (Strike Force Commander of the Davis Metro Narcotics Strike Force) requested approval of the inter-local agreement between the Strike Force and the City. The agreement provided for cooperation between Farmington City, especially enforcement officers, and the Force which was needed because of the growing problem with the production, manufacture, trade and use of illegal controlled substances.

Motion

Susan Holmes moved that the City Council approve the Davis Metro Narcotics Strike Force Inter-local Agreement and authorized the Mayor to sign the same. **Sid Young** seconded the motion, which passed by unanimous vote.

REVIEW OF 1075 WEST ROUND-ABOUT PROJECT/400 WEST TUNNEL PROJECT (Agenda Item # 15) and PROPOSED NEIGHBORHOOD MEETING WITH CLARK LANE HISTORIC DISTRICT (Agenda Item #16)

Mr. Forbush described the location of the round-about and implications for the surrounding traffic. He also reviewed the cost proposal for the landscape design as submitted by. MGB+A (landscape architects).

Mr. Forbush and the City Planner had held a number of discussions with Horrocks Engineers who were making proposed adjustments to the City's Master Transportation Plan. Of great concern was the intersection at 400 West and State Street. The Wasatch Front Regional Council has advised that State Street is the preferred route for the proposed bus rapid transit (BRT) planned for South Davis County. Because of the pedestrian tunnel construction on 400 West, there was a concern among staff that adjoining property owners and other interested parties (Clark Lane Historic District and Lagoon) should be afforded the opportunity to comment on conceptual plans for improving traffic calming and access to the frontage road as well as BRT plans. The City Council discussed the possibility of having a meeting to gain public input. Mayor Connors stressed that Farmington needs the BRT and that it should be supported. Any proposed meeting with abutting property owners should be arranged under the assumption that BRT is a priority for the City. The date of January 19th was discussed for a public open house for all abutting property owners and others.

By consensus, the City Council directed staff to move forward with the plans also to study 400 West and Clark Lane option as proposed by the City Manager and the City Planner to be presented with BRT option on January 19th.

MISCELLANEOUS CITIZENS LETTERS (WAYNE AND SHERIDEN HANSEN, LARRY AND ZACH HAUGEN, VALANNE JEPPSON, REBECCA WENDT AND DAVID DIXON)
(Agenda Item #17)

Larry Haugen disclosed a potential conflict of interest when discussing the Wayne and Sheriden Hansen property. He recused himself from the City Council, stepped down from the rostrum, and did not participate in discussion of the agenda item as a Council Member.

Mr. Forbush briefly reviewed the Wayne and Sheridan Hansen letter. He said that with the possible development of the Haugen property, the Hansen's had decided to put their request on hold concerning vacation of a portion of 600 North Street on the south boundary of their property at 23 East 600 North. Because of this decision they requested the City refund the \$150 processing fee. The City Manager suggested this would be appropriate.

Mayor Connors raised a concern about the contents of the Hansen letter. The letter seemed to imply the City had promised preservation of buildings on their property. Such had not been the case. He asked that Staff respond to the Hansens affirming no promises of any nature had been given them.

The letter from the Haugens required no action. It was a rejection of a site proposal.

The Valanne Jeppson letter expressed a concern about the cost of rental for the Community Center. After discussion and by consensus, the City Council directed staff to have the Leisure Services Counsel review prices and rules. The building had been in operation long enough that a fair evaluation should be possible.

The last letters referred to proposed commercial development near the Cherry Hill Interchange. The proposal had stirred a great deal of interest in the community. Council members felt that previous hearings suggested it would be wise to create a process whereby citizens could obtain a timely and appropriate response from the City Council. Mayor Connors asked that staff have a suggested review and education process prepared for review on December 8th.

Council Members also discussed the advantages of having a second opinion on the transportation analysis and on the economic benefits of a commercial development on the property adjacent to north Main Street. It is also important to inform the community that the City officials have not made any decisions yet regarding the proposed Gardner development.

Motion

Susan Holmes moved that the City Council authorize staff to mail back the \$150 application fee submitted by Wayne and Sheridan Hansen regarding right of way vacation on property located at 23 East 600 North. **Rick Dutson** seconded the motion, which passed by unanimous vote.

MISCELLANEOUS

December 8th meeting

The City Council meeting on December 8th will begin at 6:00 P.M. The audit report will be first on the agenda.

City Museum

Mr. Haugen stated the lights on the Museum were very much appreciated. He also reported that Theda Judd had passed away and that her funeral would be the following Saturday.

Farmington City judged second best city in the state

Mr. Dutson suggested the Standard Examiner article about Farmington be posted in the City Offices. It was an achievement for the City to be rated so highly.

JoAnn Callahan Acknowledgment

Mr. Dutson also suggested that the *Davis County Clipper* be invited to present information regarding Ms. Callahan's retirement and her many contributions to the community in performing arts.

Bert Brothers Cars

Mr. Hale asked that staff investigate the Bert Brothers properties for possible violations. The property has become an eye sore to the community.

Planning Commission Applications

The review committee will interview applicants for the Planning Commission on December 15th.

Brass Comb Building

Max Forbush stated an offer had been made to purchase the old Brass Comb property. The offer was for \$112,000. The City Council would need to authorize the sale of the property.

Susan Holmes moved that the City Council authorize the sale of the Brass Comb property to Bob Steed for \$112,000. **Larry Haugen** seconded the motion, which passed by unanimous vote.

Tax Revenue Possible Redistribution

Mr. Forbush discussed in detail the possibilities of future legislative action to restructure the taxing system which provide revenue to cities. Any such action could have a huge impact on Farmington and could effect potential revenues from commercial developments being considered.

ADJOURNMENT

Rick Dutson moved that the meeting adjourn at 10:45 P.M. **Larry Haugen** seconded the motion, which passed by unanimous vote.

Margy Lomax, City Recorder
Farmington City