

FARMINGTON CITY COUNCIL MEETING

Wednesday, August 18, 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, City Attorney Michael Mazuran, and Deputy Recorder Jeane Chipman.

Mayor Protem Holmes began discussion at 5:40 P.M. **Mayor Connors** arrived shortly after at 5:45 P.M. The following items were reviewed:

Mr. Mazuran discussed procedures the City Council may consider regarding a potential policy decision involving an inter-local agreement with the Farmington Area Pressurized Irrigation District (FAPID). He stated the record should show that only procedures were talked about and that no pre-determined decisions regarding specifics of the inter-local agreement were discussed. Several items needed review by the Council, including: maintenance of control of public rights-of-way, cost sharing if any when relocation of lines is required, by whom a decision should be made regarding relocation of FAPID lines, and when and where such relocations shall occur. The policy will likely impact other utility agencies and could set precedence for future inter-local agreements. Mr. Mazuran counseled the City Council not to permit FAPID a veto element in the inter-local agreement. If an appeal was ever desired by the FAPID Board, they had recourse through the court system. Mr. Mazuran rehearsed elements of the existing 1991 written agreement with FAPID. Negotiations were under way with FAPID personnel to try to reach a clarification for both parties.

Mr. Forbush suggested: 1) the Council hear all aspects of the FAPID Board's issues; 2) the Council should consider cost sharing when relocation is requested by the City; and 3) the Council should retain control of the public rights-of-way.

The consensus of Council Members was to maintain the responsibility of the City officials in protecting Farmington City's rights to control its own property and finances while cooperating with an institution which provides a great service to the citizens of the City. Continuing negotiations will proceed.

[Mr. Dutson arrived at 6:35 P.M.]

Mr. Mazuran briefly discussed questions regarding the possibility of creating of a 501C3 for Farmington City. Time was short, and so Ms. Holmes requested that the City Attorney discuss possibilities with her, and she would report findings to Council Members.

Mr. Mazuran reviewed procedures for the City Council to hear the appeal of the Davis School District who was appealing the recent denial by the Planning Commission regarding their request for a conditional use and site plan approval to locate a bus compound on District property in west Farmington. The procedure was to hear the School District's reasons for appeal, hear the

comments of a representative of the Planning Commission (likely the City Planner), open the meeting to a public hearing, and then allow the School District to present closing remarks. There was a question as to whether or not the meeting should be opened to a public hearing. However, City ordinance called for a public hearing and a public hearing had been noticed. The Agenda Item was an administrative appeal, and the City Council, if it decided, could act as the Planning Commission in this situation. Mr. Mazuran suggested that if the City Council did not feel the findings of the Planning Commission were clear or sufficient, the issue could be remanded back to the Commission for clarification of findings.

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 7:05 P.M. and offered the invocation. The Pledge of Allegiance was led by **Matt Anderson** of Scout Troop #348.

APPROVAL OF MINUTES OF PREVIOUS MEETING

Rick Dutson moved that the City Council approve the minutes of the August 4, 2004, City Council Meeting as corrected. **Sid Young** 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 August 12, 2004. He covered the following items:

- Mr. Petersen reported on Planning Commission ideas about regulating public input for public hearings. Mr. Talbot, a member of the Planning Commission, had donated a timer for use by the Planning Commission during public input. The Commission had also implemented a sign-up sheet for those who would like to make comments.
- The Planning Commission continued consideration of the Transportation Oriented Development (TOD) Zone draft to August 26th to allow time for additional public input. Mr. Petersen requested that Mr. Carter (City consultant for TOD) detail his report in writing for the review of the steering committee and that the steering committee have another meeting prior to the next Planning Commission meeting. The steering committee meeting was set for 6:00 P.M. on August 26th.

- The Planning Commission granted preliminary plat approval for the Silverwood Estates Subdivision located at approximately 1800 West 1400 North.
- The Planning Commission granted preliminary plat approval to develop a subdivision located on 475 South, west of 1100 West, to be known as Eagle Creek Subdivision, Phase I and Phase II.
- The Planning Commission granted final plat approval to develop Phase II of a subdivision located on 475 South, west of 1100 West.
- The Planning Commission tabled consideration of the final plat for a subdivision located on 475 South, west of 1100 West Phase I pending the resolution of conditions for the preliminary plat request.
- The Planning Commission granted preliminary plat approval for a subdivision located at approximately 2000 North Compton Road.
- The Planning Commission approved the schematic plan for a subdivision located at 1400 West and 475 South.
- The Planning Commission granted final development plan approval and recommended the City Council approve the final plat for the Deer Hollow Planned Unit Development.
- The Planning Commission recommended that the City Council approve rezone of property located at 286 South 200 East from LR to A for purposes of erecting a cell tower.
- The Planning Commission tabled consideration of Woodside Homes request for a recommendation to amend the General Plan on property located west of I-15, south of Shepard Lane, east of the old DRG&WRR tracks at approximately 950 North from Rural Residential Density (RR) to Low Density Residential and to rezone the same property from A to LR until the September 1st meeting. Mr. Petersen briefly reviewed ramifications on transportation in Farmington depending on what connections are made with the future Legacy Highway. A work session has been planned for September 1st.
- The Planning Commission approved the application for conditional use and site plan approval to replace an existing club house located at 1492 West Shepard Lane in an LR zone with a new club house facility at the same location.

- The Planning Commission tabled consideration of site plan approval to construct a building for the Division of Motor Vehicles (DMV) located at approximately one block west of 314 South 200 West until September 1, 2004, anticipating receipt of a traffic study as asked for in the previous meeting and also the resolution of many of the outstanding conditions set forth in that previous meeting.
- The Planning Commission denied the request by David Plummer for a recommendation to waive the park strip requirements on the west side of Clark Lane adjacent to the Buffalo Ranch Subdivision.

PUBLIC HEARING: DAVIS SCHOOL DISTRICT APPEAL OF PLANNING COMMISSION'S DENIAL FOR CONDITIONAL USE AND SITE PLAN APPROVAL FOR A SCHOOL BUS PARKING FACILITY ON GLOVER'S LANE (Agenda Item #4)

Mayor Connors stated that the Davis School District appealed the action of the Planning Commission when on July 13, 2004, the Commission denied the District's request for a bus parking facility at Glover's Lane and I-15.

According to packet information, the City Council, acting in an appeal situation as stated in City Ordinances 11-4-109 and 11-8-107, "shall have all powers of the Planning Commission." Therefore, the City Council may in this instance:

1. Approve the application;
2. Approve the application with condition;
3. Continue the application to a subsequent meeting, or
4. Deny the application.

Public Hearing

Mayor Connors opened the meeting to a public hearing and invited representatives of the Davis School District to present their information.

School District Superintendent Brian Bowles stated the District services 61,000 students and could not provide education without buses. The District had looked for some time for a place to park the buses. The Freeport facility did not allow for the economic services of buses in the south end of the District. The facilities at Viewmont and Woods Cross were no longer sufficient in size to house the buses needed. The District had tried to find places that were viable options for the placement of the bus facility. The District owns the property on Glover's Lane where it is planned a high school will eventually be constructed. By placing the bus facility in the central part of the

County, it would be advantageous for the District. The District must protect the large investment of the buses.

Mr. Bowles reviewed the cost benefits the central location would provide as follows: 1) moving buses to Freeport costs \$75,000 to \$100,000 in additional fuel costs per year; 2) payroll increases a minimum of \$176,500 per year by having all the buses at the Freeport location; 3) there is a significant increase in maintenance costs due to additional mileage; 4) there is an increased need to purchase new buses sooner; 5) there is a loss of “south end” drivers. The conclusion was that a second bus facility was fiscally responsible to all taxpayers.

Mr. Bowles reviewed the routes the buses would take. He recognized that public concern included vehicle emissions. The District had worked to reduce the problems connected with emission. Bus drivers are very carefully trained for safety. The west Farmington site at capacity would hold 100 buses. The facility would be placed on the east end of the proposed location.

The District officials offered to landscape and mitigate the visual impact of the compound. The site could be surrounded by buffering amenities. The planned high school will likely not be built for another 10 to 12 years. In the meantime, there would be open green space and room for playing fields for use by Farmington citizens. There would be security lighting which would comply with Farmington standards acceptable to the City Council. Mr. Bowles referred to Utah Code regulating such facilities. He commented that the District wanted to cooperate with the wishes of the Council.

Rationale for the School District’s appeal as contained in packet information included the following:

Industrial Use: The bus compound is not an industrial use facility. Per Utah Code referenced, the bus compound is considered a building used for educational purposes, on school-owned land. Though not a traditional classroom, buses are a necessary part of the educational system and, therefore, protected under the Utah Code.

Aesthetics: The common concern has been that the facility and buses would be ugly. This is not a legal argument under the Utah Code. In spite of that, the District has offered to mitigate this concern with appropriate landscaping.

Incompatible with Conditional Use Standards, particularly items (1), (3), (4), and (6):

Item #1–Busing of school children contributes to the safety and well being of all students within Davis County, as well as Farmington. Buses are known for their safety, as well as they decrease traffic on City streets. Busing is a necessity for the community at large and a necessary function for the Davis School District, of which Farmington is a part.

Item #3– The goals of any city would be to promote the well being of its citizens and taxpayers at large. The location of this facility provides the opportunity for the School District to responsibly use tax dollars by locating a more central facility for handling south and central students' needs, including Farmington. Prior to engineering this project, the District approached City staff to determine if the site was a compatible location for such a facility. They were assured it was. Hence, they proceeded with design development drawings to present for approval.

Item #4– The bus facility is compatible to adjacent land, in that the surrounding property north and west of the proposed site is District owned for a future high school. The property to the south is proposed industrial and to the east is a major interstate system. To the north, ball fields will separate the facility from future developments. The District is offering to provide a fence and landscape buffer at the west and north portions of the site in spite of the fact that, per Utah Code Section 10-9-106, a city may not impose upon a district such requirements.

Item #6– Regarding safety, buses are known to be one of the safest forms of transportation. There are no known pedestrian or student fatalities involving Davis School District buses. Their drivers are professionally trained and qualified. Buses are serviced and inspected every 1,500 miles. The number of vehicles replaced by students riding buses in Farmington, exceed the total buses expected to be housed at this location.

Proper Drainage The plans show proper drainage and oil collection systems. To the west of the site will be a retention basin, which will serve as part of the landscape buffer zone. Lighting will be installed as a security feature and will be turned off at night, limiting the affect on surrounding areas. Lighting will also serve as a safety feature for employees utilizing the facility.

Traffic: Nearly 75% of the buses will depart the facility, crossing Glover's Lane and accessing the frontage road. Few neighborhood streets will be affected. Those streets that are, would be mitigated by working with City staff to determine which routes can be utilized from the facility. The remaining 25% will be providing service to Farmington and west Kaysville locations. (Routing is a common bus term indicating the direction a bus must travel to any location.)

It was noted that the search for an appropriate location had been ongoing for several years. In 1997, the District sought approval for a facility on Clark Lane, across from the prison. Due to traffic concerns on State Street and following Planning Commission approval, the District decided against that site and sold the property. Since then, several sites were considered, to no avail. The District has outgrown the existing sites at Viewmont, Woods Cross and Davis High Schools. The current site under consideration was, in the view of the District, the best available site in terms of cost, access, and safety. Use of the site would result in the savings of hundreds of thousands taxpayer's dollars.

Mr. Petersen (City Planner) explained that the proposed bus compound would serve the entire south Davis County area. It would be located adjacent to the site planned for the future high

school in Farmington. In 1997, the School District proposed a bus compound located next to the City Shop site on 100 North Street and 650 West. Residents on west State Street were very concerned about the traffic and even though the Planning Commission approved the project, the School District decided not to pursue it, partly because of the protest received.

Notification of the public hearing before the Planning Commission had been mailed to a large circle of citizens. The Planning Commission had conducted a field trip to the site. The Packet included a letter from the Planning Commission dated July 16th wherein was summarized their motion of denial.

Mr. Petersen stated that traffic may be an issue with the bus compound proposed at 500 South Glover's Lane, despite the reality that the proposed high school may generate far more traffic than the bus compound. If approved, the School District would like to begin construction of the bus compound as soon as possible. The compound would initially serve 65 to 75 buses, but would be designed to serve 100 buses at full capacity. It was unclear whether or not the School District must comply with the City's truck (or haul) route ordinance. According to the haul route ordinance, "Restricted Vehicles" must stay on designated truck routes. However, pursuant to regulations set forth in the ordinance, applicants may receive approval to operate or move Restricted Vehicles away from designated truck routes on other City streets. A "Restricted Vehicle" means:

All vehicles, combination of vehicles or combination of vehicles and load having a length of more than forty-five (45) feet or a width of more than eight and one-half (8 ½) feet or a height of more than fourteen (14) feet and all vehicles registered for thirty-six thousand (36,000) pounds gross weight or more.

School buses typically only weigh approximately 23,000 to 25,000 pounds.

Mr. Petersen reviewed reasons as stated in the staff letter dated July 16, 2004, for the Planning Commission denial of the application as follows:

1. The proposed use is not compatible with the character of the site, adjacent properties, surrounding neighborhoods, and/or existing proposed development.
2. No high school presently exists next to the site and it is contemplated that the high school may not be constructed leaving the land available for residential development which is not compatible with the bus compound use.
3. A bus compound of this size would house up to 100 buses which is a huge impact on all facets of life in Farmington. The roads in the area are not capable of handling the extra traffic. The inordinate number of bus trips would create significant safety hazards for citizens along the bus routes in and out of the City.

4. The bus compound is not in compliance with 11-8-105 (1), (3), (4), and (6) referring to the conditional use standards of City ordinances as follows:
 - (1) The proposed use of the particular location is necessary or desirable to provide a service or facility which will contribute to the general well-being of the community;
 - (3) The proposed use shall conform to the goals, policies, and governing principles of the Comprehensive Plan for Farmington City;
 - (4) The proposed use shall be compatible with the character of the site, adjacent properties, surrounding neighborhoods, and other existing and proposed development;
 - (6) Such use shall not, under the circumstances of the particular case, be detrimental to the health, safety, or general welfare of persons residing or working in the vicinity, or injurious to property or improvements in the vicinity. A proposed use shall be considered detrimental:
 - (a) If it will cause unreasonable risks to the safety of persons or property because of vehicular traffic or parking, large gatherings of people, or other causes;
 - (b) If it will unreasonably interfere with the lawful use of surrounding property; or
 - (c) If it will create a need for essential municipal services which cannot be reasonably met.

It was noted that Utah Code 10-9-106 stated that (1)(a)“Each county, municipality, school district, special district, and political subdivision of Utah shall conform to the land use and development ordinances of any municipality when installing constructing, operating, or otherwise using any area, land, or building situated within that municipality only in a manner or for a purpose that conforms to that municipality’s ordinances. (1)(b) In addition to any other remedies provided by law, when a municipality’s land use and development ordinances are being violated or about to be violated by another political subdivision, that municipality may institute an injunction, mandamus, abatement, or other appropriate action or proceeding to prevent, enjoin, abate, or remove the improper installation, improvement, or use.

Mayor Connors invited any citizen who wished to make public comment to come forward.

Karl Asay (850 South 650 West) stated he had a lot of concerns with traffic. He complained about the trucks using Glover's Lane because they did not stop for stop signs and there had been several near collisions. He wondered if the School District had planned for enough student parking if the high school was to be constructed there in combination with the buses. He did not want problems with students parking on Glover's Lane or 650 West. Mr. Asay also stated the roads in the area were not able to handle the bus traffic. He also had concerns with light and noise pollution. He said that Farmington had the jail and was the County seat with all the buildings and facilities attached to that responsibility. The City was so small that it did not have room to hold all the governmental facilities. Other communities have more land and would more likely have a place to facilitate the compound. Residents on Glover's and 650 West will be in danger if the freeway is closed because access will not be available.

Tauna Bounds (678 South 650 West) expressed her concerns. She felt the Planning Commission had done a good job but needed to go even further in describing the problems that the bus compound would create. Development in the west part of Farmington had not been well controlled. The jail was expanding against the wishes of the west side residents. It was obvious that some buses would need to be in the area but the large compound in a residential area was not logical. She felt the District should look at other places where it could be located. The buses warm up for 10 minutes which causes problems with air quality. There is also a problem with speeding buses. Ms. Bounds said that west Farmington residents have an on-going concern regarding follow through with the promises made to citizens there.

Karen Rigby (523 South 650 West) stated she agreed with the Planning Commission in their decision to deny the bus compound. She felt the City officials should ask the School District to construct the bus facility somewhere else. West Farmington is a residential area with a farming emphasis. There are new homes being build, the owners of which would be very disappointed if they knew a large bus compound was going to be their neighbor. Buses will create fumes and increase traffic. It was also a problem that the children living in most of the west Farmington homes would not qualify to ride the buses. Ms. Rigby had worked to get 650 West deemed a hazardous bus route but as yet had not succeeded. The roads were freeway exists, had no sidewalks, and were frequented by prisoners during the day. Ms. Ribgy had contacted UTA and asked that they provide a bus stop at the jail but the request had been denied. She stated that half empty buses drive by the children every day. She also asked the City to conduct an EPA study regarding the air quality that would be impacted by the increased bus vehicles. She said that when the weather changes, the fog sits right in the west Farmington area.

Glenda Rigby stated that she loves Farmington and is an advocate of the historic City. She had concerns about this issue. Among those concerns were bus routes, emissions, and safety training for the drivers. She felt that the District had to provide bus transportation for the entire County, not just Farmington and that the bus compound could go somewhere else. Landscaping will not protect residents from fumes. The majority of the buses will access the frontage road from Glover's Lane. Where will they go when that is closed? Ms. Rigby stated it was obvious the buses would go through

the residential center of the town. She also raised concern about extreme weather conditions sometimes experienced in Farmington, such as high winds. There were already a lot of governmental entities in Farmington. She felt the bus compound was more than the City should have to handle.

Don Francis (578 South 650 West) said he had attended the first hearing before the Planning Commission regarding the bus compound request. He had done some research and found that the bus compound would take a huge amount of land. He wondered if the City Council had taken into consideration the possible problem with oil spills and drainage. In the springtime the water table in the area is at ground level. There will be ground water issues. The large bus compound would not be conducive to the area. The District officials should consider smaller lots throughout the County.

Ron Rigby (523 South 650 West) felt the compound would be much more than a simple storage area. The compound would have to include enough parking for the drivers and would likely include a washing facility, repair shop, fueling station, and other buildings. Because of the high water table the ground is all clay and there will be fuel tank problems. One of the key issues is the children walking up and down the route, because they don't qualify for bus transportation.

Mayor Connors asked if any other citizens would like to give public input. When none came forward, he asked School District Officials if they would like to make a closing response.

Mr. Bowles stated it was the intent of the School District to build a high school on the property. The land was purchased for that purpose. The District wanted to use the land prior to construction of the high school for the bus facility. The design of the high school included parking for 1200 students. The children using the roads are mostly students going to Eagle Bay. The buses would be off the roads before Eagle Bay even started. Mr. Bowles stated that buses do have emissions but the District was very careful to provide vehicles with low emissions, and they are careful about the kinds of fuels used. Mr. Bowles reported that of those existing facilities where buses are currently parked there had been no complaints to date. He reported that there would be some kind of repair and washing facilities on the premises. Mr. Bowles repeated that the District must have buses to get students to schools and to activities. District officials had already looked very carefully at many different possibilities. Because the District uses taxpayer money, officials must take great care to save as much money as possible.

Public Hearing Closed

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

Susan Holmes asked the Mayor to clarify the appeal process.

Mayor Connors stated the agenda item was an administrative appeal and that the City Council must review action taken by the Planning Commission, including reasons for such actions.

The City Council must come to its own conclusion whether to uphold or over rule the denial action taken by the Planning Commission. If the City Council choose to over rule the Planning Commission and grant permission to use the site, then the City Council may act as the Planning Commission and set conditions of approval. The City Council had the option to uphold the Planning Commission's action, reverse it, grant permission with conditions, or remand the agenda item back to the Planning Commission for clarification of its findings.

Mayor Connors asked the question, "If the high school is never built what will happen to the bus compound? Would the School District be willing to relocate the bus facility if the high school is not built, and would they accept such a requirement as condition of approval?"

Mr. Bowles responded in the affirmative to the Mayor's question.

Mayor Connors asked if traffic studies had been done.

David Petersen replied that to his knowledge there had been no traffic studies nor any air quality studies done.

Mr. Bowles responded that such studies were not a part of the ordinary process.

Mayor Connors asked if Mr. Bowles could review benefits of the bus facility to the community.

Mr. Bowles said the bus compound would not be a great benefit to the community per se. However, the property surrounding the facility could be developed jointly with Farmington City to construct some playing fields in a park-like atmosphere. Citizen parking for the fields could be provided. Since the District property is public property, it could work well.

David Hale asked for clarification regarding drainage issues.

Mr. Bowles stated the design of the facility anticipated drainage water would go into the sanitary sewer system. The District had requested the services of Paul Hirst (also the City Engineer) because Mr. Hirst knew the drainage systems throughout the City and could be a great help in providing the best system for the facility. Mr. Bowles referred to the site plan whereon was shown future building sites for a repair building and a washing and fueling station.

Mr. Forbush stated citizen concern regarding routes and traffic impact of the eventually 100 buses was valid. He suggested the City Council may wish to see further details regarding the routes of the buses planned for the near and the distant future. It appeared to him that most buses would be leaving and returning to the site from the east side of I-15. Mr. Bowles confirmed the fact that the majority of the buses would be using the I-15 frontage road toward the southern end of the County. The use would be south of Glover's Lane and east of I-15.

Mr. Bowles stated that if most of the District buses were east and southbound from the site such would cause very little impact to residential areas of the City. He noted the I-15 frontage was already designated as one of the City's haul routes.

Mr. Forbush said it will be the east bound buses that will likely cause the City most of the impact because those buses will need to go through residential areas.

Mr. Petersen had reviewed the City's haul route procedures with the District officials. However, school buses are not "Restricted Vehicles" because they are not long enough or heavy enough. Notwithstanding, the District stated they would comply with the haul route if imposed by the City. Mr. Petersen reviewed the likely amount of trips generated by the buses. School is in session 180 days per year. On each of those 180 days each bus will take one trip in the morning and one trip in the afternoon, plus the trip of each driver twice a day. Based on traffic models for standard developments, a typical subdivision (such as Miller Meadows) would produce traffic trips equal to the bus compound. He reiterated the fact that the bus drivers are highly trained.

Mr. Forbush said that it was true that many high schools do not provide ample parking for their student and faculty drivers. He asked if the District was using valuable parking land for the bus compound that could be better used for student parking.

Mr. Bowles stated that the west Farmington high school was designed to provide 1200 parking stalls. Northridge High has the same amount which has been adequate.

Mr. Young stated he appreciated the fact that the School District had done an exhaustive study of other possible locations. He also appreciated the input by the Planning Commission and the citizens who had given their comments. He felt a need for more information before he could give an informed opinion. He stated that one question he had involved the design of the roads. Typical City roads can handle the daily use of one bus, but can the roads in the Glover's Lane area withstand the volume of buses that will be housed there? He also wanted information regarding specific traffic patterns and estimates of future routes. The number of buses that will need to go east through residential areas was a concern.

Mr. Dutson also appreciated the public input. He asked if it would be at all feasible to distribute the parking facility among other communities in smaller compounds. Doing so would cause much less of an impact on each of the different towns.

Mr. Bowles said a study had been made of that possibility. Existing schools have no room. The central location of the parking facility would be a great cost savings measure and would ensure the safety and protection of the buses and drivers. When the buses are parked at several different locations there is a rise in repairs, damage, and vandalism.

Mr. Dutson asked if the bus facility would be better located in an industrial area.

Mr. Bowles responded that the Freeport Center is an example of an industrial area where a bus compound is located, and it is a good site. The District had tried to obtain a similar location in Centerville but was unable to obtain enough land for the project. The west Farmington property had been studied and found to have good access and enough property to house the facility.

Mr. Dutson commented that he felt he needed clarification of the Planning Commission findings. He reviewed the findings as stated in the Planning Commission letter dated July 16th and felt he would like more detail behind the stated reasons. He also wanted specifics regarding the quality of roads needed to handle the traffic.

Mr. Haugen expressed concern about the pedestrian traffic along the bus routes, citing the fact that children of various ages use the roads at all times of the day.

Mr. Petersen suggested the School District may wish to change their policy regarding giving rides to children in the west Farmington area to provide better safety for their trip to and from school.

Ms. Holmes felt the School District had not sufficiently answered the allegation by the Planning Commission that the proposed bus facility was not compatible with the west Farmington neighborhood. Glover's Lane and 650 West are neighborhoods and residential areas. The compound in the north of the County at the Freeport Center is in an industrial area. The bus compound is an industrial use. Where it is true that School Districts can obtain variances for good reason, there had not been enough information given by the District to show why the use could be considered compatible. Glover's Lane and 650 West have no sidewalks, they are narrow, there is a great deal of traffic, and though those roads were not constructed to that standard, they are used as collectors. Buses already use those roads, but do not pick up the children who live there. Safety on Glover's Lane is a big problem. 650 West is dangerous and is deteriorating. Vehicles do speed in the area. There are a large number of children on the streets, walking at all times of the day. It doesn't matter what age they are, they are in danger. There is property just to the south of the proposed location that is zoned as an industrial area. Ms. Holmes asked if there might be a possibility to make a trade for some of that land. She felt she needed to see more reasons for the justification of the proposed location, not just financial savings. She felt she needed more information before making a decision.

Mr. Bowles stated that if the bus compound was not compatible with the neighborhood, then the high school would not be compatible. The District had no desire to trade for land further south. He stated there was no way to be sure how fast the area would grow. However, District officials were confident there would be a future need for a high school in west Farmington.

Walt Bain (Davis School Board) stated there would definitely be a high school on the site, and traffic from the school would impact the area. The District must be able to bus children to and from school and associated activities. It was paramount that the District have a bus facility in a

central location. Property across the street from the site is zoned industrial. The Legacy Highway is planned to go through the area. Also through that area is I-15 and the railroad tracks.

Mayor Connors said the Council Members had indicated the need for additional information. There seemed to be a lack of reasons why the Planning Commission felt the bus facility would be incompatible with the area. There needed to be better information regarding the traffic routes and impacts. Item #4 of the Planning Commission report was a recital of the ordinance, but not really a list of findings. The Mayor felt it may be well to remand the agenda item back to the Planning Commission for clarification.

Motion

Rick Dutson moved that the City Council remand the Davis School District's request for conditional use and site plan approval for a school bus parking facility on Glover's Lane under current appeal back to the Planning Commission for the purpose further clarification and more detailed findings. Mr. Dutson stated there was a need for the Planning Commission to give more complete reasoning behind their findings. If further investigation was needed, such as traffic studies, etc., then the Planning Commission should conduct further proceedings.

In discussion of the motion, **Mr. Petersen** stated that such traffic studies could include impact on the neighborhood and north and south bound traffic.

Mr. Young stated the traffic pattern and impact of the weight and number of the buses on existing roads was important.

Mr. Haugen stated that emissions and fumes from buses is not like that of cars. An air quality study should likely be conducted. He also felt the District should consider busing west Farmington children until such time that sidewalks are constructed.

Mr. Petersen said the District was anxious to work with the City and that the proposed playing fields and landscape mitigation should be considered in the Planning Commission recommendations. Upon request, Mr. Petersen explained that the Planning Commission could not reconsider its motion because, due to ordinance, the allotted time for reconsideration had expired.

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

**PUBLIC HEARING: CONSIDERATION OF PETITION TO AMEND HIDDEN MEADOWS
SUBDIVISION (CONSOLIDATION OF 3 LOTS INTO 2) WITH RELATED ORDINANCE
AND VACATION ORDER (Agenda Item #5)**

Public Hearing

Mayor Connors opened the meeting to a public hearing and invited the applicant to address the City Council.

Scott Martineau stated the request was made because of the need for landscaping adjacent to the two lots

Public Hearing Closed

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

Motion

David Hale moved that the City Council approve Ordinance No. 2004-46, an ordinance authorizing the Mayor to enter an order vacating and amending lots 17, 18, and 19 of the Hidden Meadows Subdivision and directing that the same be recorded with the Davis County Recorder's Office. **Larry Haugen** seconded the motion, which passed by unanimous vote.

PUBLIC HEARING: CONSIDERATION OF ORDINANCE TO AMEND STREET CROSS SECTION STANDARDS (Agenda Item #6)

Mr. Petersen introduced the agenda item. Due to traffic needs of the City, it was proposed that minor arterial rights-of-way be increased to 100 feet and the width to back of curb be increased from 60 feet to 65 feet. Major collector rights-of-way were to be changed for 66 feet to 80 feet with the width to back of curb to 57 feet. Minor collector rights-of-way would be increased from 60 to 66 feet and local rights of way from 50 to 55 feet with the local width to back of curb decreased from 35 feet to 32 feet. Where the potential impacts on the existing street systems are considered to be great, or in the case of unique circumstances concerning access, topography or street layout, a transportation planning and engineering study may be required.

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 for consideration by the City Council.

Mr. Young asked if the new street standards would match up with adjacent cities.

Mr. Forbush stated that most cities are going to narrow streets. Farmington standards are consistent with neighboring communities.

Motion

Susan Holmes moved that the City Council approve Ordinance No. 2004-47, an ordinance amending Section 12-7-040(1) of the Farmington City Subdivision Ordinance regarding street classification standards. **Rick Dutson** seconded the motion, which passed by unanimous vote.

FINAL PLAT APPROVAL REQUEST FOR EAGLE CREEK PHASE 2 SUBDIVISION/MICHAEL BROWN (Agenda Item #7)

Mr. Petersen reviewed the agenda item. The entire proposed Eagle Creek Subdivision consists of two (2) detached phases: Phase I, located on the north side of 475 South Street, contains 3.87 acres, meanwhile Phase II on the south side of 475 South Street contains more than 8.18 acres. The Planning Commission granted only preliminary plat approval on Phase I of the subdivision as a result of a number of issues that still needed to be resolved on the north side of 475 South Street. Those issues included:

1. Resolution of the vacation of the private street right of way on the north side of the subdivision.
2. Determination of how far west the stub street should be curved to connect to adjacent properties. The Williams family has stated they do not want the road intersecting any of their property.

Mr. Petersen suggested that the City Council consider final approval on Phase II subject to compliance with all requirements of the Planning Commission as noted in their letter of August 13th, including that Mr. Brown must enter into a development agreement with the City, final improvement drawings shall be submitted for review and approval by all City reviewing agencies, the Dennis T. Nelson and Danielle Nelson property adjacent to 1100 West must be identified as a lot or parcel within the Eagle Creek Subdivision Phase II, and a trail corridor must be established by fee title or easement. He stated that items 2, 4, 5, 8, 9 stated in the August 13th letter referred to Phase II and should be set as conditions of final plat approval.

Mr. Petersen reported that the development agreement between the developer and Farmington City should include, among other things, resolution of the 50 foot wide private drive easement issue, the establishment of a trail corridor by fee title or easement, purchase of secondary water for Phase II, installation of public utilities along 475 South, the restriction on further subdivision of the Eagle Creek Subdivision property, and the deferral of impact fees until the issuance of building permits.

Motion

David Hale moved that the City Council grant final plat approval for Phase II of the Eagle Creek Subdivision subject to compliance with all requirements of the Planning Commission as set forth in the Planning Commission letter of August 13th, specifically items 2, 4, 5, 8, 9 and that Mr. Brown must enter into a development agreement with the City of Farmington. **Susan Holmes** seconded the motion.

In discussion of the motion, the **City Manager** asked if the City Council wished to stipulate whether the trail corridor should be established by fee title or easement? By consensus, the Council requested that City Staff check with legal counsel regarding the trail corridor, the 50 foot access easement, and the disposition of the Nelson property. Both Mr. Hale and Ms. Holmes concurred that the motion be amended to include language making it subject to the findings of legal counsel regarding those issues. A vote was taken on the motion indicating a unanimous affirmative vote.

Mr. Forbush explained that the location of the stub street to the north was an issue. The Williams family wanted the stub moved to the west to facilitate full potential for future development of their property.

Susan Holmes stated it would be helpful to the Williams if the stub was moved 22 feet to the west, therefore missing their property completely. The Williams do not want to be involved in the stub situation. Moving the stub to the west would reduce the lots on the west side of the street, but enlarge on the lots on the east.

Mr. Petersen said there were two different property owners involved with the property on each side of the street. If the street was moved to increase the size of the lots on the east, it may unfairly impact the property owner on the west. It may be more fair to move the street 11 feet, thus dividing the loss of property more evenly. The Williams do not want the street taken out of their property as it develops to the north. That way they will not have to fund any of the road improvements.

Mr. Forbush raised a concern with slowing the S.I.D. process. Moving the stub road 11 or 11 ½ feet to the west will not impede S.I.D. progress.

By consensus, the City Council approved moving the stub road 11 or 11 ½ feet to the west as necessary to keep full travel portions of the future street (curb & gutter and pavement) west of the Williams property. Should Williams or others want to subdivide in the future, they would be required to dedicate additional street right of way and to install sidewalk improvements. This is similar to the requirements imposed on the Gines family at 475 South 1100 West.

**FINAL PLAT APPROVAL REQUEST FOR DEER HOLLOW SUBDIVISION/KIM DUNN
(Agenda Item #8)**

Mr. Petersen presented information regarding the agenda item. The Planning Commission recommended that the City Council grant final plat approval for the Deer Hollow P.U.D. on property located at 275 East 100 North. The City Planner discussed the situation involving two lots (lots 5 and 6) which could be divided into two zero lot lines each. The final plat should show two zero lot lines prepared for Lot 5 and two zero lot line lots prepared for Lot 6. The zero lot lines proposed for the two lots could not really be established until the footings and foundations were poured for the two-family dwellings, thus it would be difficult for the developer to meet the condition until then. If the developer did not illustrate on the final plat the zero lot line lots on Lots 5 and 6, then the developer should ask for a plat amendment to construct the attached single-family dwellings planned for those lots. The proposed plat amendment to achieve the zero lot line lots should not be approved until the amended plat was approved by the City Council and recorded at the Davis County Recorder's Office. The zero lot line dwellings are to be owner occupied "for sale" units only.

Motion

Sid Young moved that the City Council grant final plat approval to this subdivision subject to the conditions set forth by the Planning Commission in the letter dated August 13th and meeting all the requirements set for by City ordinances, the City Engineer, Farmington City Public Works Department, the Farmington City Fire Department, Central Davis Sewer District, FAPID, and the Davis County Flood Control. **Larry Haugen** seconded the motion, which passed by unanimous vote.

Because there was some evidence that the developer had already advertised some of the property for sale, **Mr. Hale** asked that City Staff inform the developer of the legal sequence needed before property could be made available for public sale.

REQUEST TO WAIVE STREET "PARK STRIP" REQUIREMENTS AT BUFFALO RANCHES SUBDIVISION (Agenda Item #9)

Mr. Petersen presented the agenda item. The Planning Commission recommended denial of the request by the developers. Farmington received the request to modify street sidewalk standards on the west end of Clark Lane. It was likely because of the miscalculation of the location of a UP&L high voltage electric tower in the design of Clark Lane, that the sidewalk on the south side of Lot 201 would be constricted against the back of curb. Notwithstanding this, the developer had designed his driveway approach into his facility to accommodate a normal park strip. For this reason, and because homes will eventually be built on Lots 1 through 4 of the Buffalo Ranch Subdivision (even though paddocks now exist on these lots), the street cross section regarding sidewalks for Clark Lane should not be modified.

Motion

Susan Holmes moved that the City Council deny the request to permit Buffalo Ranches to eliminate the park strip in their subdivision in order to provide proper snow removal and safe conditions for pedestrians as consistent with the recommendations made by the Planning Commission. **Rick Dutson** seconded the motion, which passed by unanimous vote.

MILLER MEADOWS STORM SEWER PROJECT NEGOTIATIONS/MAX FORBUSH AND RANDY RIGBY (Agenda Item #10)

Mr. Forbush explained the agenda item. He said the improvements described in the packet benefitted both the City and the developer. The developer, Mr. Randy Rigby, et al, was required to pay storm sewer impact fees on all lots developed in his subdivision. Mr. Rigby had announced he would be developing an additional 13 or 14 lots on the Donahue property north of the Miller Meadows Subdivision. The two areas represented the majority of property west of the freeway that would drain water through the pipe system and detention basins described on the map in the packet. However, there was a significant amount of water that drained from east Farmington into west Farmington. Hence, the City needed to participate on this project to some degree. "System Improvements" are covered by City funds, including impact fees. "Project Improvements" are normally paid by developers.

The recommended split in cost was outlined in the funding chart presented in the packet. The City would pay its share both in cash and by in-kind labor and equipment. The developer, in addition to paying impact fees, would pay to the City the sum stated on the chart included in the packet. The developer was asking three additional lots as marked on the development drawing in exchange for having to increase his cost for storm water. He was allowed to do this under the "Conservation Development Ordinances." To this point in time, the developer's initial proposal for the number of lots fell below the maximum allowed. Because his costs increased under the proposal, he wanted three more lots.

By consensus the City Council gave conceptual approval on negotiated solutions to the construction of both "system" and "project" storm sewer improvements in the vicinity of Miller Meadows west to the D&RG tracks based on the Public Works Department doing the work. They suggested that the City Manager formalize an agreement that could cover the suggestions and bring it back for consideration.

50 EAST STREET DEDICATION PLAT ACCEPTANCE (Agenda Item #11)

Mr. Petersen explained that the LDS Church building located on 50 East right off Glover's Lane was in need of an increased parking lot. Church officials were requesting permission to enlarge the lot. There were wetland issues involved. The northwest corner of the project included a small section of designated wetlands. There is an existing road on the Rawl Rice property. The road would need to be shifted, and the shift would take out more wetlands. The developer had contacted the Army Corps of Engineers and discussed the possibility of wetland mitigation. Mr. Petersen had

information from Mr. Butler (Church architect) that there had been approval by the Corps to mitigate the wetlands to the north of the right-of-way. Mr. Petersen recommended the Council accept a 45 foot road extension to the north conditional on the developer meeting all Army Corps requirements. If not, the access road could swerve to the south and decrease the number of parking stalls.

Mr. Butler stated that Mr. Rice wanted to move forward with road improvements as soon as possible. If the road was redesigned from the current proposed plan, it would have to be renegotiated with Rawl Rice.

Motion

David Hale moved that the City Council approve the street dedication plat authorizing Mayor Connors to sign the same subject to proof from the LDS Church and/or architect or engineer that the Army Corps of Engineers had approved the placement of the road on 50 East Street subject to conditional use approval. **Larry Haugen** seconded the motion, which passed by unanimous vote.

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

Susan Holmes moved to approve the following items by consent as follows:

- 12-1. Ratification of Construction Bond Agreements previously signed by Mayor Connors.
- 12-2. Approval of Cooperative “Design Engineering Reimbursement” Agreements with UDOT. One pertains to the design of the 400 West pedestrian tunnel. The other pertains to the 1075 West Shepard Lane intersection improvements. Both projects will be partially funded by grants and partially funded by City matching funds.
- 12-3. Approval of Audit Engagement Agreement with Ulrich and Associates. The City Manager and City Finance Director recommended approval of the audit engagement agreement with the related expansion of services. These additional audit services are recommended by the City Manager and City Finance Director. In the past the City Council had wanted the additional services. In one year it was suggested that City staff send out “Requests for Professional Services” covering the audit function.
- 12-4. Approval of September’s Newsletter.
- 12-5. Authorization to Sponsor a \$1,200 table at Davis Conference Center Grand Gala on September 9, 2004, subject to investigation of Mr. Forbush to determine its appropriateness.
- 12-6. Assignment of City Council Personnel Subcommittee to review Larry Gregory’s Fire Department “Incentive Program” proposal as enclosed in the packet and to

recommend changes to the Municipal Employees Discharge Appeal Board since the State law has changed requiring the City to change its procedures also.

12-7. Adopt a resolution appointing Susan Holmes to Cable Channel 17 Editorial Board.

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

AMENDMENTS TO FARMINGTON CREEK ESTATES DEVELOPMENT AGREEMENT (Agenda Item #13)

Mr. Petersen stated the Farmington Creek Estates is still not recorded. The developer has not received the required CLMOR. Nevertheless, final plat had been granted subject to the development agreement. A new agreement must be ratified because the current agreement with Candland Olsen expires on September 15th. Mr. Petersen reviewed the minor changes of the development agreement.

Motion

David Hale moved that the City Council approve the amendments to the Farmington Creek Estates Development Agreement as presented. **Larry Haugen** seconded the motion, which passed by unanimous vote.

FAPID/CITY INTER-LOCAL AGREEMENT/ DIRECTION AND ASSIGNMENTS FOR FURTHER DISCUSSION (Agenda Item #14)

Rick Dutson moved that the City Council assign Mayor Connors and David Hale to act as a City Council subcommittee to continue negotiations with FAPID regarding the interlocal agreement with them. **Larry Haugen** seconded the motion, which passed by unanimous vote. Mayor Connors and David Hale accepted the assignment. The City Planner and the City Manager will also assist in the negotiations. **Mr. Young** stated it would be key to have the City maintain control of City property.

LOGO SELECTION PROCESS REPORT (Agenda Item #15)

Mr. Forbush had request legal counsel to review the process under which an artist had been chosen to render possible samples of a new City logo. The City Attorney stated the process that had been used was acceptable.

Mr. Dutson stated the subcommittee working the project had contacted Scott Eggers as the artist.

Motion

Sid Young moved that the City Council ratify the selection of Scott Eggers to render proposals for a new City logo which will be presented to the City Council for review. **Susan Holmes** seconded the motion, which passed by unanimous vote.

SOMERSET HOMEOWNERS ASSOCIATION REQUEST/AMY L. HAYTER (Agenda Item #16)

Mr. Forbush referred to a letter written by Amy L. Hayter, the president of the Somerset Homeowners Association, wherein Ms. Hayter asked to meet with City officials to discuss snow removal issues. In an agreement in 1986, the Somerset HOA accepted responsibility for snow removal on their streets. Some of the cul-de-sacs in Somerset could not accommodate the City's equipment at that time. It was Ms. Hayter's understanding that at this point in time the City uses smaller trucks for much of the snow removal process. That being the case, she felt the City could remove the snow in Somerset since the size of the cul-de-sacs would no longer be an issue. Mr. Forbush suggested that the Problems Resolution Committee meet with the Somerset Board along with the Public Works Director and the City Manager to discuss the matter.

By consensus, the City Council approved the proposal for the Problems Resolution Committee to meet with the Somerset Board and discuss snow removal.

MISCELLANEOUS

Mr. Haugen thanked City Staff and the Public Works Department for cutting the weeds in the detention basin near his residence.

Mr Dutson raised a concern that Fruit Heights City had not notified Farmington regarding developments along common borders, specifically the Hidden Creek development. Mr. Dutson had concerns about the impact the connect roads would have on Farmington residential areas and the Mountain Road.

David Hale stated there was a problem with seeing the stop sign after FAK had moved it when working in the Shepard Lane and U.S. 89 area, specifically on 1075 West. Traffic cannot see the stop sign, therefore a safety problem has been created.

Susan Holmes reminded City Council members there would be a ribbon cutting ceremony at 8:30 A.M. on Saturday, August 21st. The ceremony would be brief and all members of the Council were invited to attend.

Ms. Holmes reported there was a lot of speeding problems on 650 West and Glover's Lane. There is also a missing stop sign on 650 West. She asked Staff to check on the City's requirement for new homes on 650 West to construct circular driveways. There are new homes being built that are not including the circular driveways causing safety problems for residents.

She also reported there were significant dust problems being created by construction on the corners 650 West where they intersect with State Street.

Sid Young reported he felt that the work on 5th South was a good thing. Also, he would like more information regarding the philosophy and intent behind the A and AE zone designations.

Mr. Young also asked that the City Council at some point address hazard mitigation legislation. He referred specifically to developments being constructed in areas where earthquakes, wind, and flooding were potentially dangerous.

Mr. Forbush referred to information in the packet regarding “Davis County Walks.” He suggested that the Leisure Services Committee look at the function and include it in their programs as appropriate.

Mr. Forbush stated the “Quality Growth Application” needed the signature of the Mayor after ratification of the City Council to do so.

By consensus, the City Council gave approval for Mayor Connors to sign the Quality Growth Application” form.

Mr. Forbush reported there were some significant amendments needing to be made to the City Budget and suggested holding public hearing on September 15th to make the needed adjustments to the budget. There were enough changes that the City was required by law to hold an amendment hearing. Mr. Forbush reviewed changes and stated the increase of funding could be transferred from the General Fund to Fund 39 for equipment purchases being proposed. Proposed purchases included a riding mower, expenditure of the Homeland Security Fire Grant, logo development, Farmington Creek improvements, employee pay increases, RDA development expenses, and an increase in the City Council contingency fund. He stated the projected revenue for the fiscal year would likely be more than originally estimated by at least \$150,000. The proposed adjustment to expenditures in the General Fund would be \$131,828.17.

By consensus, the City Council approved the budget amendment hearing for the Council agenda on September 15, 2004

Mayor Connors briefly discussed publication regarding the National Disaster Plan and noted incidents in Farmington had been included in the publication. He also stated the Taxing Entity Committee would be meeting on August 25th. There was a brief discussion of the function of the Taxing Entity Committee and its impact on expenditures of RDA funds.

ADJOURNMENT

Susan Holmes moved that the meeting adjourn at 10:40 P.M.

