

FARMINGTON CITY COUNCIL MEETING

Wednesday, January 10, 2001

CITY COUNCIL WORK SESSION/WEST CONFERENCE ROOM

PRESENT: Mayor Bell, Council Members Connors, Dixon, Hasenyager, Haugen, and Johnson, City Manager Forbush, City Planner Petersen, and Recording Secretary Chipman.

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

1. It is possible that sufficient numbers of property owners in the unincorporated west Farmington area are interested in annexing to the City.
2. Negotiations are continuing between the City and the Hughes family regarding the Hughes subdivision and purchase of property for the 2 million gallon water reservoir tank. Mr. Dixon and staff spent many hours in meetings discussing the issues with the Hughes family.
3. A request was made to have the City auditor review details of the budget audit with the City Council in a work session.
4. Mr. Connors reported that he and Viola Kinney met with Jim Walker, who is interested in a post on the Leisure Services Committee. More would be explained in regular session.
5. Discussion of Agenda Item #11 regarding the sound mitigation berm in regular session will include disclosure of timing problems and issues regarding the Weber Basin Aqueduct line. Weber Basin authorities are adamant about not having fill on top of the aqueduct line where the sound berm is proposed.

REGULAR CITY COUNCIL/CITY CHAMBERS/CALL TO ORDER

PRESENT: Mayor Gregory S Bell, Council Members David M. Connors, David J. Dixon, Bob Hasenyager, Larry W. Haugen, Edward J. Johnson, City Manager Max Forbush, City Planner David Petersen, City Recorder Margy Lomax, and Recording Secretary Jeane Chipman.

Mayor Bell called the meeting to order at 7:00 P.M. The invocation was offered by Larry Haugen and the Pledge of Allegiance was led by Max Forbush.

APPROVAL OF MINUTES OF PREVIOUS MEETING

The minutes of the December 13, 2000, City Council Meeting were read and corrected. **Larry Haugen** *MOVED* to approve the minutes as corrected. **David Dixon** seconded the motion.

The voting was unanimous in the affirmative.

STATE OF THE CITY ADDRESS/MAYOR BELL

Mayor Bell reviewed the historical nature of City officials to preserve the unique character of Farmington City and said currently officials are striving to maintain that character and quality of living through conservation measures. He said the City should go slow with development and make developers go slow to ensure quality growth. He complimented City Council Members and Staff by name and accomplishments. Mr. Bell reported achievements made by the City during the past year including downtown improvements, a new post office that will soon be under construction, realigning 100 East to alleviate the dangerous 5-point intersection. He said at the beginning of the year the Council had goals including a trails plan, progress towards a plan for recreation and parks, increasing non-residential tax base, improving and upgrading equipment for fire and police departments, and redevelopment of critical parts of downtown. Significant progress had been made on all fronts. He said Farmington was probably the best town in which to live and work. He appreciated the quality of the Council Members and the City Staff.

REPORT OF PLANNING COMMISSION (Agenda Item #3)

Mr. Petersen reported that Susan Holmes is now the Chairman of the Planning Commission, with David Hale as Vice-Chairman. Larry Jensen would be the representative of the Planning Commission to the Board of Adjustment.

CONSIDERATION OF REAPPOINTMENT OF KENT FORSGREN TO PLANNING COMMISSION (Agenda Item #4)

Mayor Bell recommended the reappointment of Kent Forsgren to the Planning Commission. Mr. Forsgren had replaced a member on the Commission who had to leave before their term expired on December 31, 2000, and thus had had a short time on the Commission.

David Dixon *MOVED* to reappoint Kent Forsgren to the Planning Commission to serve until December 31, 2003. **David Connors** seconded the motion. The vote was unanimous in the affirmative.

REVIEW OF TRAILS AND SIDEWALK MASTER PLAN AND RELATED PLANNING COMMISSION RECOMMENDATIONS (Agenda Item #5)

Mr. Petersen led a discussion of the draft document entitled "Farmington City Trails and Sidewalk Master Plan." Consideration by the Council included:

- The Planning Commission and Trail Committee found it easier to manage trail discussions if each trail had an identifying name. Thus they proposed each trail have a name, such as "Lagoon Trail." However, when it came to naming trails after a person in the community, the Planning Commission felt it may be unwise to do so because someone deserving the honor may be unavoidably left out. The Commission wanted to leave that option open, however, to have the leeway to name a trail after someone who wanted to donate enough money to construct a trail.
- Mr. Haugen suggested naming a trail after an historical name of Farmington--such as North Cottonwood trail.
- Existing and proposed trails were indentified. It was interesting to note that not many of the proposed trails would have to be built exclusively by the City.
- A discussion was held about the possibility of making the Trail Committee a standing advisory committee. The Trail Committee requested standing committee status in order to serve as advocates for sidewalks and trails including trail safety and education programs. Council suggestions included having the committee take on a broader role such as open space conservation or City shade tree standard enforcements, etc. Others felt the Planning Commission could fill the need for trail and sidewalk advocacy and saw no need for an added committee. The consensus of the Council was to wait until the January 24th meeting at which time a public hearing would be conducted regarding the document "Farmington City Trails and Sidewalk Master Plan."
- The Planning Commission again strongly encouraged the addition of the Bamberger corridor to the Trail Master Plan Map.

PROGRESS REPORT ON SALES AND PURCHASE AGREEMENT AND RELATED BUSINESS PERTAINING TO ACQUISITION OF CULINARY WATER 2MG RESERVOIR SITE (Agenda Item #6)

Mr. Forbush and David Petersen led a discussion regarding the Conservation Easement Agreement and the Purchase and Sales Agreement as related to the Hughes Subdivision. Mr. Dixon, Mr. Forbush, and Mr. Petersen had met at length with the Hughes family and negotiated over points of dispute. Lynn Summerhays had also been present. Mr. Forbush distributed red-lined documents and reviewed in detail, including the following points:

Reservoir Real Estate Purchase and Sales Agreement

- Upon purchase of the property intended for construction of the 2 million gallon

reservoir, the City's use of the property should not be limited. City Attorney Mike Mazuran recommended that the City should be able to use the reservoir site for any lawful purpose if the property is purchased for full market value. The consensus of the Council was in agreement with the City Attorney with provision that language be provided to afford citizen participation during conditional use permit public hearings.

- Regarding water reservation for 60 lots in west Farmington owned by the Hughes family, the City acknowledges that the new reservoir will have capacity to serve all properties in west Farmington including lots in the Hughes Farm. It was the consensus of the Council that no specific lot numbers should be included and no warranty should be specified.
- The Council agreed that the City pay for 1/3 of the cost of constructing an 8-inch water line in Lucky Star Way to serve the Hughes Farm Subdivision. It was further proposed that the Developer pay 1/3 and the Boyer Company pay 1/3 of the cost of said 8-inch water line.

Conservation Easement

- The Council felt that Davis County should be responsible for flood control on the conservation property and that the City should be the grantee of the conservation easement.
- Regarding the Environmental Warranty found in paragraph 24 of the conservation easement, the Council felt that it was only fair that the property owner indemnify the City against acts under the control or caused by the property owner.
- The developer suggested that the grantee should be able to vacate and/or terminate the agreement at any time. The Council disagreed with the developer and determined that this term of the agreement should be held inviolate.
- The developer suggested that the sentence in Section 9 (p) be stricken which referred to activities on or uses of the property not specifically listed, etc. The Council felt the sentence should be left as was because it was standard for conservation easements. Terminology could be added permitting gardens, grass, and landscaping.
- The idea of permitting construction of gazebos or placement of trampolines, etc., should possibly be discussed with the County, however, the City Council believed this use should not be permitted anywhere in the conservation easement.

- After discussion of paragraph 16, the Council felt that the City should not be held liable for private property and the paragraph should remain as it was originally.
- The developer asked if paragraph 12 could be deleted from the Conservation Easement document. It was the consensus of the Council that the paragraph be left as in the document, however, it could be rewritten to seem less onerous. The Conservation Easement would be tied to the property in perpetuity regardless of State statutes.

Mr. Forbush stated that there were timing difficulties associated with the agreement. Such pending projects included the sound mitigation berm and the 2 MG reservoir construction and monetary implications for both projects. He also stated there is a problem with a remnant parcel which needed to be resolved before subdivision approval could go forward.

AGENDA AMENDMENT

In order to accommodate those in attendance, the Mayor asked that the sequence of agenda items be altered.

REVISED BUILDING PERMIT ORDINANCE AND PERTINENT AGREEMENT RELATED TO ISSUANCE OR NON-ISSUANCE OF BUILDING PERMITS IN SUBDIVISIONS WHERE STREETS ARE NOT PAVED (Agenda Item #10)

Mr. Forbush explained the proposed ordinance and ramifications of enforcement. [Mr. Connors was temporarily excused at 9:00 P.M.]

Mr. Forbush said that Fire Chief Gregory had some concerns regarding public safety if permits were issued when road pavement was not complete. He tried to accomplish a compromise in the ordinance that would allow development to go forward while still protecting public safety.

Mr. Dixon suggested including a standard requiring the type and amount of compacted roadbase determined by a qualified soils engineer for the temporary road finish to be provided by developers in order for permits to be initiated so that roads would be passable in inclement weather.

David Dixon *MOVED* that the City Council approve Ordinance No. 01-01, with the suggested amendment, an ordinance amending Section 12-2-030 of the Farmington City Municipal Code and adopting and enacting Sections 12-2-045 and 12-2-047 of the same regarding the issuance of building permits and certificates of occupancy in conjunction with subdivision development and that the content of the companion agreement to the ordinance also be approved with comments and revisions as discussed. **Larry Haugen** seconded the motion. The City Council voted unanimously in favor.

REVIEW OF ANNUAL AUDIT REPORT/KEITH JOHNSON AND CHARLES ULRICH (Agenda Item #12)

City Financial Director Keith Johnson and City Auditor Charles Ulrich were present and reviewed the annual audit report including the following points:

- A transmittal letter was included in the front of the audit report which had been compiled by Keith Johnson. The letter included graphics which made the report easier to understand.
- Mr. Ulrich reviewed each major section of the auditor report for the Council.
- State officials are interested only if expenses as shown in the report were budgeted. Revenues and coverages are not looked at.
- The report was an unqualified clean opinion by the auditors.
- GASB requirements will have to be followed by the City starting in 2002. Mr. Ulrich said training sessions would be available to assist the City in filling the State requirements.
- A work session regarding the audit report was set for February 21, 2001, at 6:30 P.M.

PROGRESS REPORT ON NEW SHOP SITE NEGOTIATIONS WITH UDOT (Agenda Item #7)

Mr. Forbush reviewed cost analysis of the new public works building including available revenues and anticipated expenses. Total available monies for construction was \$1,075,758.00. Shop construction was estimated at \$1,074,630.00. The property at 1525 West 875 North had been previously purchased for \$198,281.00. By consensus the Council had no objections to moving forward with the presented site of preference.

CONCEPTUAL CONSIDERATION ON AMENDING LOT BOUNDARIES IN SHEPARD HEIGHTS SUBDIVISION (Agenda Item #8)

Mr. Forbush inquired of the City Council what their preferences were regarding lot line locations for property to be used as equestrian/pedestrian trail sites near Bella Vista Drive. By consensus, the Council had no objections to the lot line changes as presented in the meeting.

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

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

- 9-1. Approval of Construction Bond Agreements previously signed by Mayor Bell
- 9-2. Approval of November's Disbursement List.
- 9-3. Approval of Quality Growth Grant Contract. Approval authorizes the Mayor to sign the contract.
- 9-4. Authorization to Mail Letter to Lion's Club clarifying recent Agreement with the City. The Lion's Club President did not think the Club should be responsible for maintaining the structural integrity or the surface of the wall itself. This letter clarifies the City's intent.
- 9-5. Ratify Mayor's approval and signing of agreement with the "Miss Utah" Organization. This agreement was due by the end of December. Staff did not know of the deadline until after the last City Council meeting. Therefore, the agreement was on the agenda for ratification.
- 9-6. Approval of Animal Control Agreement with Davis County. This was the standard agreement that the City Council has approved in years past. The main difference is that the cost is 5% more than the calendar year 2000. The exact charges for the services for the calendar year provided by the County will be \$10,459.38. The city Manager recommended approval.
- 9-7. Approval of Changes in Culinary Water Service Policies. There were two changes. One was the change to the water shut-off notice as shown on an enclosed sheet in the City Council packet. The second was the beginning of the direct-pay service that the City has promised customers for a long time.

Larry Haugen seconded the motion. The vote was unanimous in the affirmative.

PROPOSED AMENDMENTS TO NOISE MITIGATION COOPERATIVE AGREEMENT WITH UDOT, STATUS OF SOUND MITIGATION PROJECT, CONSIDERATION OF RELATED ACTIONS (Agenda Item #11)

Mr. Forbush reviewed the status of the sound mitigation project and negotiations with the Utah Department of Transportation (UDOT) regarding advancement of the UDOT contribution to sound mitigation construction. He said an agreement had been made, pending approval of the Council, which stated UDOT would reimburse Farmington City for the amount of invoices sent them by Farmington within 15 days of receipt. The Council briefly discussed the

design of the rock wall for the top of the berm. It was the consensus that the wall should be a replica of Farmington stone.

Bob Hasenyager *MOVED* that the City Council approve the "Noise Mitigation Cooperative Agreement" to authorize the City Manager to send a letter to the concrete fence subcontractor to commence construction of the fence panels for the top of the sound mitigation berm, and to authorize the Public Works Department to commence construction or realignment of the 24-inch Weber Basin pipeline along the frontage road near the proposed side for the sound mitigation berm. **David Dixon** seconded the motion. The City Council voted unanimously in favor of the motion.

Mr. Dixon reported that the Hughes family was willing to allow the City to use as much of the dirt from the reservoir site as was needed for the construction of the sound mitigation berm.

ACCEPTANCE OF AUDIT

Larry Haugen *MOVED* to accept the audit report as presented during the evening's meeting. **Ed Johnson** seconded the motion. The City Council voted unanimously in favor.

CONCEPTUAL REVIEW OF PROPOSED WEST FARMINGTON ANNEXATION CONFIGURATIONS/STRATEGY FOR INVITING ADDITIONAL PARTICIPANTS (Agenda Item #13)

Packet material indicated that a letter (enclosed with packet) had been sent over the signature of David Petersen to unincorporated Davis County property owners. Some of the property owners had responded wanting to annex to enable the construction of a City water line to extend from their development eastward to obtain water from 1100 West and possibly westward to 1525 West. This subdivision does not have any improvements although it is platted without a dedicated public street. There are underlying street rights-of-way. The City Manager and City Planner intend to meet with these folks and if they are eventually annexed to suggest that they participate in a special improvement district to install curb and gutter, sidewalk, and full street improvements along with water line improvements. If they agree to do this, it may be advantageous at the same time for property owners to Knighton Subdivision to petition for annexation and to also consider participating in a special improvement district to install sanitary sewer and culinary water.

Mr. Forbush also reviewed the scope of another pending annexation which included the area north of Clark Lane to Shepard Lane between the D.R.&G. and Union Pacific Railroads. Mr. Forbush said that citizens in this area would like input into the development of a General Plan for the area. Road configuration would be of prime importance. The consensus of the Council was to have a public hearing regarding the issue.

[David Connors returned to the meeting at 10:20 P.M.]

MISCELLANEOUS

Information in the packet included:

14-1. Members of the City Council are reminded that a work session with representatives from the Utah Department of Transportation and the Wasatch Front Regional Council has been set for 5:30 P.M. on January 24. At this meeting these representatives will report their plan for corridor preservation of future phases of Legacy.

14-2. The City Manager wanted to know when to schedule the discussion regarding the sale of the cannon and when to schedule a hearing with property owners along 1100 West to consider opening 900 North Street in the Oakridge area. It was decided that the "cannon issue" would be addressed at the February 21, 2001, meeting. No date for a hearing was set considering the "900 North/1100 West Street opening issues". Mr. Forbush is to discuss this first with the City Council prior to scheduling a hearing.

14-3. Subsequent to a previous request of the City Council, the City Manager and the Leisure Services Director solicited a proposal from a consultant to develop a Leisure Services/Park Master Plan, which would eventually be an element of the General Plan. If the City Council approves of the consultant's "scope of work," a committee would be necessary to review the scope of work and to participate in the actual development of the Master Plan. Presently the idea for the committee makeup would be two members of the City Council, members of the Leisure Services Board, a representative from the Planning Commission, Viola Kenney, Max Forbush, and David Petersen. David Connors and Ed Johnson volunteered to represent the Council on the committee.

A brief discussion regarding affordable housing ensued. Mr. Hasenyager and the Mayor agreed to form a working committee to look at affordable housing alternatives.

Mayor Bell requested that Mr. Forbush review a request for water billing adjustment submitted by Bruce Barton.

In discussion of requests for Farmington to provide ambulance service for the rodeo events to be sponsored by Davis County held in conjunction with the upcoming Olympics, Mayor Bell reported that Lane Beattie stated that OPECS will bear the expense of ambulance costs and law enforcement over time. Mr. Forbush reported that when meeting with County officials last week, he conveyed the City's expectation of being reimbursed for these services.

Mr. Johnson asked if the City still had a Community Services Committee.

Mayor Bell reported that no one has been found to head such a committee and therefore it is non-functioning. Some communities, such as Layton, have had great success with their Community Action Committee.

Mr. Johnson asked if the patch on the frontage road near Glover Lane was permanent.

Mr. Forbush said the patch was temporary and when warmer weather comes, it will be fixed. The patch is there because the City crew recently completed the 10" water line connection between Glover's Lane and the north edge of Cave Hollow Plat "K". This important connection provides the looping necessary for better flow capacity thus enhancing fire protection in the area. The developer of Cave Hollow "K" provided \$5,000 as a contribution toward this cost.

Mr. Connors inquired about the City noise ordinance in relation to the use of truck air brakes, especially on the hill near the new Cherry Hill interchange. He said the area will become quite noisy as more trucks use the improved road.

Mr. Forbush said he would investigate and return with a report, however, it was his impression in previous research that enforcement of an ordinance prohibiting "jake brakes" might be difficult.

Mr. Connors reported that he and Viola Kinney had met with Jim Walker, who indicated an interest in becoming a member of the Leisure Services Committee. Action will be forthcoming.

He also reminded members of the suggestion made by Mr. Dixon to promote the construction of a community performing arts center. He felt the idea should not be forgotten.

Mr. Forbush reported that he had contacted Associated Food Stores about a potential grocery store for the downtown area. Representatives of Associated didn't have much of an interest in opening a store in Farmington.

Mr. Haugen distributed articles of interest in favor of the Waste Management Systems. He also asked that the City crews be asked not to plow snow so close to the curbs of 5th North. It makes it very difficult to get out of driveways.

Mr. Hasenyager reported unsatisfactory walking conditions for school children walking to and from the Jr. High and Farmington Elementary. Construction of the Farmington Area Baseball League's (FABL) storage facility had caused the problem. He would like a solution to the matter.

Mr. Forbush said he would look into the matter.

Mr. Hasenyager also wanted to know if the City Youth Council selection was being conducted under more favorable conditions than what happened last year.

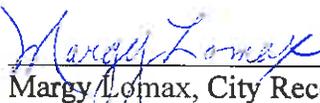
Mr. Johnson said he was over-seeing the process and would ensure a fair selection.

Mr. Forbush invited Council Members to attend the Elk's Lodge presentation of Citizens of the Year to Joey Hansen and Pat Sorensen on January 18, 2001, at 7:30 P.M. He also distributed a copy of a letter written to Robert Payne from Craig Wentz. He also suggested that the Mayor's State of the City address be included in the upcoming City newsletter.

Mr. Forbush informed the Council of a request by Candy Olsen regarding his desire not to dedicate the pocket park to the City with the first phase of development as agreed upon for his pending subdivision development. After discussion, the Council was reluctant to change the requirement in the Development Agreement without the Mayor and Max speaking with Barnes Bank who loaned money for the development. It was the consensus of the Council that Barnes Bank should honor provisions in the Development Agreement, but did authorize the Mayor flexibility in resolving the problem.

ADJOURNMENT

David Connors *MOVED* that the meeting adjourn at 11:00 P.M.



Margy Lomax, City Recorder

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FARMINGTON CITY COUNCIL MEETING

January 24, 2001

7:00 p.m.

Present: Mayor Gregory S Bell, Council Members David Connors, David Dixon, Larry Haugen, Bob Hasenyager, and Ed Johnson, Max Forbush, City Manager, David Petersen, City Planner, Margy Lomax, City Recorder,

WORK SESSION:

At 5:30 p.m. a meeting was held with representatives from the Utah Department of Transportation, the Wasatch Front Regional Council, Planning Commission Members, Mayor Bell and City Council Members and Max Forbush and David Petersen to discuss the Corridor Preservation Study on Legacy Highway north of Burke Lane in Farmington.

Consultants for UDOT and the WFRC presented the new alignment for Legacy North without any on or off freeway-to-freeway connections at Shepard Lane as have been previously included. Elimination of the freeway-to-freeway connections pleased City officials who thanked UDOT and WFRC officials for listening to the City's concerns. Public hearings will be scheduled in the near future to finalize the Corridor Preservation Study.

An informal work session was held prior to Council meeting at 6:30 p.m. A brief review of the Hughes Farms Development Agreement and Conservation Easement was given by Max Forbush. He stated there were no substantive changes from the previous draft agreement. The rock wall and stream channel will not be a part of the Conservation Easement now.

Discussion followed regarding the sound wall up against the Cave Hollow Plat K Subdivision. It was determined that the sound wall would have a drop of approximately 4" steps to accommodate the slope in elevation in order to maintain the height required by UDOT for noise mitigation. Construction of the sound wall panels will begin shortly without the decorative leaf curl.

Council Member Hasenyager stated that he had called Layton City to get a sense of how many acres the Layton Hills Mall is located on so as to compare that amount with the 460 acres in west Farmington that is proposed for annexation into the City. The Layton Hills Mall is located on approximately 260 acres, which would be just a little over half the size of the area being proposed in west Farmington for commercial development.

REGULAR CITY COUNCIL MEETING/CALL TO ORDER

The City Council meeting was called to order by Mayor Bell at 7:00 p.m. The invocation was given by Mayor Bell and Margy Lomax led the audience in the Pledge of Allegiance.

PRESENTATION OF PLAQUES TO GARY PAYNE AND KIM WALLACE

Mayor Bell presented plaques to Gary Payne and Kim Wallace expressing appreciation for their service on the Planning Commission. Gary Payne had brought architectural skills to the Commission and Kim Wallace engineering skills. Mayor Bell expressed heartiest thanks to them and their families for the many hours of service.

READING AND APPROVAL OF MINUTES OF PREVIOUS MEETING

A motion to approve the minutes of the City Council meeting held January 10, 2001, was made by David Connors and seconded by Larry Haugen. The voting was unanimous in favor and the minutes were approved as written.

PLANNING COMMISSION REPORT

David Petersen reported that the last Planning Commission meeting had been a training session wherein the City Attorney, Michael Mazuran, had been present to discuss ethics, the City's General Plan and the subdivision process. All Commissioners had been in attendance and were given updated ordinances and handouts pertaining to their role as Planning Commissioners.

PUBLIC HEARING:

Consideration of Ordinance Adopting the Farmington Creek Trails and Sidewalk Master Plan (an element of the City's General Plan).

David Petersen introduced Diana Atkins, the consultant from Parsons Brinkerhoff, who has been working for the last couple of years with the City staff and the Farmington City Trails Committee in the preparation of the text to the Trails Master Plan, an element of the Farmington City Comprehensive General Plan, which was adopted by the City Council on March 18, 1998. The text document is titled "Farmington City Trails and Sidewalks Master Plan". Copies of the draft plan were available for the public at the meeting.

Ms. Atkins stated that there are a number of goals and objectives in the plan plus guidance on signage. She stated that the most important thing is that the plan has to be implementable. The majority of the implementation of the trails will take place through future development with no expense on the part of the City. She stated that they tried to develop a plan that would be a stepping stone but one that could begin to be implemented. There are a whole host of other things to be done such as engineering and design work, maintenance issues, trailheads, bicycle parking, rest stops, etc.

Mayor Bell then opened the meeting to a public hearing and recognized the presence of Anne Martinez and Niels Plant from the Trails Committee.

Harlow Wilcox, 1149 South 200 East, addressed the Council asking, "Where is the great demand and need for these trails?" He felt trails throughout the City should be left at one or two. He questioned if we need or want a myriad of trails. He felt only 2% of the population use the trails that many people walk on the sidewalks instead of trails for safety reasons. He indicated there were existing trails such as the Farmington dike, the stock road south of Glover's and which parallels the railroad tracks, and a trail up Farmington Canyon to the Sunset Campground. He questioned whether the City could afford the maintenance and liability for trails. He felt the Council should do things more pleasing and more needed by the citizens, to look at the overall needs and demands for services that are important.

Shannon Hicks, 511 South 111 West, daughter of Glenda and Wendell Leavitt, spoke. They are against a proposed trail to connect the frontage road easterly to 450 South Street across property owned by her parents. She indicated she and her parents are upset about the proposed trail and do not want it there. She referred to a prior time when Gordon Van Fleet was the Mayor and a road was installed at 620 South through the Leavitt's property. She said her dad gave the property for the road on the condition that the City would not touch any other of his property.

David Leavitt, son of Glenda and Wendell Leavitt, spoke indicating that there is a 90° jog in the property where the proposed trail is located and that by putting a trail there eliminates access. The Leavitts want to develop their property and sell it as a whole piece. He suggested that property owners be notified by direct mail when any issue directly involves their property.

Council Member Dixon stated that the City has no prescriptive right to take their property. If the property is developed, the

City may encourage a trail to go through it. He said the Trail Master Plan is more of a "wish list" where the City would like to see trails. It is not something the City is forcing people to do.

Mayor Bell stated that the trails plan was similar to the transportation plan in that plans need to be made so that when development occurs those plans have a possibility of being implemented. He stated that every city has a Master Plan and a Transportation Plan and that many also have a Master Trails Plan. He said the City has not affected the Leavitt's property in any regard.

Max Forbush stated that he remembered when the 620 South road was constructed and that the City did not force the Leavitts to give any land. It was at the time of the development of Grass Valley Acres Subdivision. A dedicated road was needed in order for the Leavitt property to be developed with building lots on both sides.

Anne Martinez, a member of the Trails Committee, stated that she spends time on the trails and sees many others using them including equestrians, pedestrians, bicyclists, etc. It is her belief that Farmington can be a "walking" community. She stated she moved to Farmington from California where development has occurred on the foothills and there is no trail access to the Forest Service property or to the beaches. She stated that the Trails Committee feels strongly to continue to implement this work.

Brent Armstrong reported that he has walked the Lagoon Trail and that the asphalt on that trail is breaking up due to tree roots and is in need of repair. He stated that this is a long-term issue as far as maintenance of the trails. He felt the Council should delay action on this agenda item to give the citizenry time to read the text.

Mayor Bell responded that maintenance for the Lagoon trail, except for the asphalt paving, is the responsibility of Lagoon. The City is trying to stay away from blacktopping trails.

Mark Mansell 259 South 75 West, questioned whether the old Bamberger right-of-way could be taken back by the State and used for commuter rail. Mayor Bell stated that commuter rail would be on the Union Pacific tracks located in west Farmington.

There being no further public input, at 7:50 p.m. the Mayor closed the public hearing.

Diana Atkins stated that maintenance of the trails is expensive. She said there are a number of ways to fund them and encouraged the Council to find a way to do so. She stated that the text does not commit the Council but gives flexibility. The goals in the plan came from the Trails Committee. It was the intent of the Committee to have the trails located as close to water as possible.

Council Member **Connors** stated that he has been on the Council for seven years and feels one of the most important things is for Farmington to be a walkable and accessible community. He is a staunch supporter of trails. He recognized that a substantial amount of effort has gone into the plan, and felt the Council should press forward and adopt it.

A motion was then made by **David Connors** to adopt the proposed Farmington City Trails and Sidewalks Master Plan, which is an element of the City's General Plan. The motion was seconded by **David Dixon** with a unanimous vote in favor.

Consideration of Sales and Purchase Agreement with the Stoddard Family and the Sales and Purchase Agreement with the Hughes Family and related Development Agreement and Conservation Easement Form

Max Forbush, along with Council Member **David Dixon**, **David Petersen**, City Attorneys, **Michael Mazuran** and **Lisa Romney**, had met with the Hughes and Stoddard families to work out details of agreements regarding the Hughes Farms Subdivision and the construction of a 2MG water reservoir by the City. The discussion involved three different documents - (1) Development Agreement; (2) Conservation Easement; and (3) Sales & Purchase Agreement. There were no substantive changes from copies provided in the City Council packets. A consensus had been reached on most of the issues and it was the Hughes' desire to schedule for final plat approval on the City Council agenda of February 7th.

Consideration of Paul Hayward Voting District Proposal

Paul Hayward had previously submitted a proposal to the Council to have the City divided into four equal neighborhood voting districts with four Council seats being represented by individual districts. The fifth Council seat would be "at-large" until the west side development and growth justify another district. The Mayor would be an at-large position.

Mr. Hayward asked the Council to establish an ordinance review committee or task force to study the feasibility of this issue. He felt there are advantages for the candidates and residents to have

the election structured this way. He gave examples of other cities who have implemented this, i.e., mainly larger cities except for South Salt Lake who has a population of approximately 17,000.

Margy Lomax issued a report stating that incorporating this proposal would create problems due to the fact that the County establishes the voting precinct boundaries and are bound by State law to limit each precinct to 1,000. By combining precincts to create four neighborhood voting districts, it would require additional balloting, duplication of voting books and confusion as to who would be eligible to vote for which candidate.

Larry Haugen stated that Farmington is a growing community, especially when the west side develops. He felt the proposal was something to be looked at.

David Connors stated he had given the issue serious thought and felt there is a sound argument on both sides. He is a definite supporter of geographical diversity on the Council, but does not feel voting districts are the answer right now. He was not in favor of setting up districts. He felt maybe over time if geographic representation is not being represented on the Council, it could be looked at again.

David Dixon said he could see advantages both ways. He felt he could have campaigned a lot better in just one individual neighborhood district. He suggested the possibility of having Council Members assigned to certain areas of the City. He did not feel it would be divisive.

Bob Hasenyager, who was Co-Chair of Farmington Festival Days prior to running for Council, stated that the objective of the Festival Days is to bring people together in unity and give a sense of community and belonging. He felt the proposal would not accomplish this. He felt the City is being represented fairly under the current system and would hate to see the City broken down into certain segments.

Mayor Bell stated that it is difficult to mount a campaign. In the last election there were 16 candidates. The Council now geographically represents the City except for the Oakridge area. Council Member Connors is from the extreme north end; Council Member Dixon lives at 1100 North; Council Member Haugen at 500 North; Council Member Johnson at 1250 South; and Council Member Hasenyager at the southern most boundary.

Ed Johnson asked Paul Hayward how the Council could give better representation. He asked for suggestions on how they can be

more approachable and expressed assurance that they can be called at any time with concerns and issues.

Minute Motion Approving Business of Consent

A motion was made by **David Connors** and seconded by **Larry Haugen** to approve the items of consent as listed below. The vote was unanimous in favor by four of the five Council Members. Council Member Ed Johnson left the meeting for a few minutes and was not present for the vote.

- 8-1. Approval of Construction Bond Agreements for December 2000.
- 8-2. Approval of Public Works Department's recommendation declaring two vehicles surplus and authorizing their sale. City staff is to receipt the proceeds from the sale into Fund 37, the Capital Equipment Fund reserved for Public Works use.
- 8-3. Approval of the Utility and Third-Party Work Agreements between the City and UDOT regarding Legacy Highway.
- 8-4. Ratification of the City Manager's submission of the 2001 UDOT Enhancement Grant for the construction of either an overpass or an underpass at 400 West near I-15.

Resolution Accepting for Study the Rich Haws, et al, Petitions to Annex Approximately 462 Acres in West Farmington/Consideration to Study a Proposed Ordinance Amending the City's General Plan Pertaining to the Proposed Annexation Area.

The area proposed for annexation is located north of Clark Lane to a point 330 feet south of Shepard Lane between I-15 and the D&RG railroad tracks.

The City Manager recommended that in the near future a work session be held with the City Council and Planning Commission on the General Plan and also to have a meeting with the property owners to get their reaction. He felt it would be best to adopt an amended Comprehensive General Plan for the area at the same time the annexation is approved and to zone the annexed property to Zone "A" as a holding zone.

David Dixon disclosed that he has a conflict of interest concerning this annexation issue; that he is preparing a master plan for the area for the developer and will not be voting on it.

It was pointed out by David Petersen that a public hearing on this issue has to be held by the Planning Commission and then by City Council.

David Connors moved to accept for study the annexation petitions of Rich Haws, et al., to annex approximately 462 acres in the west Farmington area and to move forward to study all the issues. The motion was seconded by **Bob Hasenyager**. Council Members Haugen, Johnson, Connors, and Hasenyager voted yes with Council Member Dixon abstaining.

Bob Hasenyager felt the annexation is a very significant development, a citywide issue and that input should be received from the general public in addition to property owners. It was decided two meetings would be held, one with property owners, and another in an open-house format for the general public. The joint Planning Commission and City Council meeting will be held February 22nd.

Policy Question Related to the 1525 West Annexation and Culinary Water Master Plan for the Area.

The City has received petitions for annexation from property owners owning property in proximity to 1525 West south of The Boyer property. These property owners want to annex in order to get culinary water to their homes. As staff reviewed the petitions, they felt property owners living in the Knighton Subdivision along Shirley Rae Drive should be invited to join in the annexation with possible City participation in the cost of the water line through the proposed annexed areas.

Max Forbush stated that the Six-Year Capital Facilities Plan is used to develop impact fees for water projects proposed for the west Farmington area. He is proposing the property owners pay the equivalent cost of an 8" line from 1525 West near the sewer pump station to 1100 West and then south through Shirley Rae Drive. He suggested using a special improvement district for the property owners to finance this project after they are annexed into the City. The City would pay the cost of upsizing these lines from 8" to 10" and 12" lines, The City would also offer to waive 50% of the impact fee for those paying a portion of the upsized main line adjacent to their property.

The Council had no objection to Mr. Forbush moving forward with his proposal.

HUD Grant Application Amendments

The Mayor and Max Forbush had met with Lane Nielson of the Wasatch Front Regional Council and Aric Nielsen of Davis County regarding the HUD Grant application that has been applied for to purchase three properties in the downtown area--the Holmes property, The Brass Comb, and the The Red Fox Gallery. The amount applied for was \$350,000. Mr. Neilson had told them Farmington's application did not have much of a chance in being approving as submitted. In order for an application to be approved it must meet one of three national criteria dealing with (1) health and safety threat; (2) elimination of slum and blight; and (3) benefit to low and moderate income people.

Mr. Nielson suggested the application be pared down to two properties, to drop The Red Fox Gallery from the application, and apply for only \$200,000. If the grant is approved, one of the options would be to tear down one of the buildings, probably the Holmes property (glass business), then establish a new business there with 51% or more of the employees being from low or moderate income families. The project could take up to two or three years to complete. Ideas were discussed on how the money could be used in fixing up the downtown area. The City Manager was authorized to move forward with it.

Miscellaneous

Ed Johnson reported a bad section of sidewalk at 1235 South and 151 East.

David Connors reported that at 1075 West a light is needed and that there is no striping for 1/3 of a mile.

Larry Haugen presented at letter signed by all members of the Historic Preservation Commission stating they are in favor of selling the cannon and having a replica made. They believe the money from the sale should go toward publication of the book, *My Farmington*, and towards a museum. A hearing on the cannon will be held February 21st.

He also reported a problem with the striping of 100 North and 100 East which has a wide jog, the width of a vehicle. He feels the striping should be changed to help the flow of traffic.

Mayor Bell reported, as a matter of information, the different assignments he has in conjunction with his responsibilities as Mayor, such as Chairman of the Davis County Council of Governments; member of Business Development Fund;

Ex-Officio member of Wasatch Front Regional Council; delegate from Davis County COG for Envision Utah; Chairman, Open Space Committee; and member of the Master Plan for the Shorelands.

Max Forbush had three items of miscellaneous business to cover. The first was approval to authorize signing the bid award to Webber Drilling for the well as part of the Boyer and Farmington Greens developments. The well will be drilled south of the City's old shop area, located on the corner of Woodland Park. It will cost another \$200,000 to equip the well and build the pump house.

David Connors moved to authorize Max Forbush to sign the issuance of the "Notice of Award" to Webber Drilling for drilling of the well. The motion was seconded **Larry Haugen** with the voting being unanimous in favor.

The second issue was an invitation to the Council to an Envision Utah meeting on January 31.

The third item was that Mr. Forbush had approached Bob Murray, a property owner in the west Farmington area, regarding selling some of his property to the City for a park. He is willing to work with the City in selling a couple of acres a year. Mr. Murray wants the City to pay for the appraisal which will be cost between \$3,000 or \$4,000. Mr. Forbush was authorized to move forward and to have the appraisal done.

Adjournment

There being no further business, upon motion of **Larry Haugen** and seconded by **David Connors**, the meeting was adjourned at 10:00 p.m.



Margy L. Lomax
City Recorder

FARMINGTON CITY COUNCIL MEETING

Wednesday, February 7, 2001

CITY COUNCIL WORK SESSION/FARMINGTON BAY YOUTH DETENTION FACILITY

PRESENT: Mayor Bell, Council Members Connors, Dixon, Hasenyager, Haugen, and Johnson.

Prior to the regular City Council meeting, the City Council held an informative dinner meeting at the Farmington Bay Youth Detention Facility beginning at 5:30 P.M.

REGULAR CITY COUNCIL/CITY CHAMBERS/CALL TO ORDER

PRESENT: Mayor Gregory S Bell, Council Members David M. Connors, David J. Dixon, Bob Hasenyager, Larry W. Haugen, Edward J. Johnson, City Manager Max Forbush, City Recorder Margy Lomax, City Planner David Petersen, and Recording Secretary Jeane Chipman.

Mayor Bell called the meeting to order at 7:00 P.M. The pledge of Allegiance was led by Farmington Scout Troop 300 and the invocation was offered by David Connors.

APPROVAL OF MINUTES OF PREVIOUS MEETING

The minutes of the January 24, 2001, City Council Meeting were read and corrected. **David Dixon** *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 January 25, 2001, including the following items:

- The Planning Commission recommended approval for rezone of five parcels on the east side of 200 West Street across from the Jr. High from LR (Large Residential Single Family) to R-4 (Multiple Family).
- A recommendation from the Planning Commission was coming to the City Council for approval of a street vacation for a portion of the Clark Lane right-of-way included within the boundaries of the Farmington Ranches Subdivision, Phase II plat, that lies below the platted lot on exhibit A.
- Mr. Petersen reported having received drawings for the new Post Office sign. He was told that unless the Council requested a different type of sign, the one

presented would be installed. The general consensus of the Council was that they would like a different sign than the one offered. A brief discussion ensued regarding a proposed meeting with Post Office officials on February 15th. The Mayor and members of the Council were concerned that Mr. Dixon be at the meeting, and he was not available on February 15th. They also wanted the Architectural Committee present during the meeting.

**RECOMMENDATION BY LEISURE SERVICES BOARD TO APPROVE
COMPREHENSIVE LEISURE SERVICES AND PARK MASTER PLAN PROPOSAL
AS SUBMITTED BY MGB+A/BECKY HAYWARD (Agenda Item #4)**

Becky Hayward (member of the Leisure Services Committee) briefly outlined the scope of work proposed by the MGB+A company. She said the work would greatly benefit the City, and, considering the current increase of growth and development, it was the ideal time to master plan goals, funding, and property purchase for leisure services projects. The cost of retaining MGB+A was reasonable. Considerations in master planning would be given citizen input. Ms. Hayward also said the Leisure Services Committee had already invested a great deal of time in the effort and was willing to do more to make the project a success.

Mr. Forbush said the scope of work included five tasks which were presented in the packet: 1) data collection/research and analysis; 2) conceptual leisure services and parks master plan study; 3) preliminary comprehensive Master Plan; 4) comprehensive Master Plan; and 5) presentation of the completed Plan to the City Council.

Following a brief discussion, **David Connors** *MOVED* that the City Council authorize the City Manager, Leisure Services Committee, and staff to move forward with this proposal; authorizing the cost to be budgeted out of the Parks Capital Improvements Project Budget to be paid for by the park/recreation impact fees. **Ed Johnson** seconded the motion. The City Council voted unanimously in favor.

**PUBLIC HEARING: CONSIDERATION OF REQUEST TO VACATE PORTIONS OF
CLARK LANE RIGHT-OF-WAY FRONTING BOYER PROPERTIES (Agenda Item #5)**

David Petersen reviewed the agenda item for the Council and said it would be prudent not to vacate any more of the easement than necessary until the rest of the development in the area was platted. Any future easement vacation action would be dove-tailed into the usual subdivision process.

Mayor Bell opened the meeting to a *PUBLIC HEARING*. With no forthcoming comments, he *CLOSED* the public hearing and asked for comments from the Council.

Bob Hasenyager *MOVED* that the City Council approve Ordinance No. 2001-04, an

ordinance vacating a certain portion of the Clark Lane (110 North) public right-of-way at approximately 1900 East located within Farmington City, State of Utah, as recommended by the Planning Commission. **David Connors** seconded the motion. Four members of the Council voted in favor of the motion, with David Dixon abstaining.

FINAL PLAT APPROVAL REQUEST FOR FARMINGTON RANCHES DEVELOPMENT, PHASE I AND II/THE BOYER COMPANY (Agenda Item #6)

Mr. Petersen discussed the agenda item and said the final plat was acceptable to City Staff with the exception that a few minor revisions had been called for by the City Engineer. There remained an issue to be resolved wherein the two large developments under consideration pertaining to different elevations and the timing for the construction of 1525 West by both developers.. The road adjacent to the two developments would have to be engineered to match. Also, the future church property originally illustrated on the Boyer development was larger than needed. The developer was proposing to reduce the property designated for the LDS Church and use the remaining parcel for three building lots. The over all count of lots would not increase; three lots would be eliminated in another area of the development. After being questioned, Mr. Petersen reported there was ample access to the conservation lands to the west through the development and that access was assured through the development agreement.

The Council discussed the need to make sure that the road elevation problem on 1525 West was satisfactory and that approval included conditions regarding water supply. It was also stated that the Boyer Company had been cooperative and good to work with and that the development was a great example for such endeavors as Envision Utah.

David Connors *MOVED* that the City Council approve Phases I and II of the Boyer Company contingent on their compliance to the Development Agreement and all City laws, procedures, etc. **Ed Johnson** seconded the motion. During discussion, Mr. Connors amended the motion to include conditions proposed by the Planning Commission on February 8, 2001, including:

1. Conditions of preliminary plat approval.
2. Requirements and conditions as set forth in the Farmington Ranches Development Agreement (Agreement #2000-23).
3. Review and approval of the final plat and improvement drawings by the City Engineer, Public Works Department, Fire Department, Central Davis county Sewer District, and Weber Basin Conservancy District, and
4. The developer shall obtain any necessary permits from the Davis county flood control.

Mr. Johnson concurred with the amendment.

Mayor Bell called for a roll call vote. Council Members Connors, Hasenyager, Haugen, and Johnson voted in favor of the motion. Council Member Dixon abstained. The motion passed.

FINAL PLAT APPROVAL REQUEST FOR HUGHES FARM WITH ASSOCIATED AGREEMENTS (SALES AND PURCHASE AGREEMENT, DEVELOPMENT AGREEMENT, CONSERVATION EASEMENT AND OTHER RELATED EASEMENTS)/FLATROCK, L.C. (Agenda Item #7)

Mr. Forbush introduced the agenda item. Negotiations with the Hughes family had raised areas of concern which included:

Attorney Fees Provision in Conservation Easement

Larry Corbridge (attorney for the developer) contended that language he alleged to have been recently added to the development agreement regarding attorney fees and owner liability would be detrimental to marketing. He also felt that since the language was not included in City ordinances it was an unfair requirement.

David Connors held a different view and felt that a prudent buyer would see the language as protective of property value in that not only the buyer but adjacent property owners would be held responsible to care properly for the conservation lands. He felt, however, that the language could be redrafted to ensure a fair hearing by an impartial third party, e.g.: a judge. It was intended that attorney fees only be exacted upon default.

Mayor Bell stated that as with all such cases, prevailing parties do not pay attorney fees. He also stated other developments have similar development agreements. The agreements and attending ordinances have been put in place to give incentives to developers to create a better product.

Mr. Corbridge felt City ordinances should be amended to include language regarding attorney fees so developers in the initial stages could make decisions based on all the facts. He reiterated his concern about the impact of the language on the potential buyer.

Mr. Connors said the language afforded a level of protection for both the City and the buyer.

Mayor Bell stated any conservation easement must also include enforcement.

David Dixon stated his empathy for the developer due to the inclusion of the language late in negotiations. He also said conservation easements must be tailor-made for each development because so many variables exist.

Discussion ensued at length including the following points:

- The developer had requested a site-specific conservation agreement, different from the standard agreements.
- The City Council was resolute about upholding the substantive tenets of the conservation easement agreement.
- The Boyer Company's conservation agreement also includes language regarding attorneys' fees.
- Constrained land versus conservancy lots.

After discussion, the developer consented to retention of language regarding attorney fees in paragraph 11 of the agreement and the City Council, by consensus, agreed to delete such language only on page 8, #25 of the conservation easement agreement.

Temporary Open Space Easement

According to the developer, the easement agreement would not allow road improvement or reservoir construction. **Mr. Hughes** asked for a delay in the signing of the document until all needed improvements were made, possibly at the time of Phase II development. It would seem reasonable since the open space parcel was intended for a trade with property within Phase II anyway.

Council Members were reticent to delay the agreement. It was felt all appropriate agreements must be in place for the current development under consideration, regardless of any future plans for adjacent property. Such future plans may not materialize.

By consensus, the Council agreed that the open space agreement could be redrafted to allow necessary improvements as long as language still protected the open space allotment. It was agreed that the developer would redraft the agreement for consideration by the City.

Trails Restricted Area Provisions

Both the City Council and the developer were anxious to have a clear statement regarding trail improvements through the subdivision and continuing to above the reservoir site. Language to date was not explicit. Also, it was uncertain whether or not the current City Council was able

or even willing to try to bind future councils to trail mandates for property not yet annexed. By consensus, the Council agreed that the developer would work out language for consideration by the City Council that would give guidance for future trail improvement and define two alternate routes. The language would also indicate the current subdivision is providing trail access to the mountains via a 6-foot wide sidewalk. Future trail improvements to the east in unannexed areas could be sidewalk or more conventional trail construction.

Sound Wall Easement on Hughes Frontage Road Property for Permitting Storm Water Piping on City's Davis Creek Property

The City Council and developer discussed the possibility of rerouting the storm water piping path and providing permission by the City to allow for construction of the piping onto City property. In exchange, the City would like an easement from the Hughes family to extend its sound wall on their property near Davis Creek and the I-15 east frontage road. The action would save money for the developer. Mr. Hughes stated he understood the proposal and was in agreement, providing two concerns were addressed: 1) a large tree in the area needed to be preserved, and 2) the wall needed to be constructed in a manner that would preserve the beauty of the nearby stream. By consensus, the Council agreed, but it was noted that the Utah Department of Transportation would also be involved in the decision-making process. They may not be able to comply with preservation attempts for the tree and the stream.

David Dixon *MOVED* that the City Council grant final approval to Hughes Farm Subdivision contingent and concurrent with developers signing the Sales and Purchase Agreement, the Development Agreement, and associated easement agreements and that if there were any substantive changes in those documents, they were to be reviewed again by the City Council. **Bob Hasenyager** seconded the motion, which was then passed by a unanimous vote.

Mr. Hasenyager felt that any apparent redundancies in conservation easements and City ordinances were inconsequential. City ordinances may change from time to time. The conservation easements provide for conditions to remain on property in perpetuity regardless of ordinance amendments. He also stated he thought ordinances should be reviewed and determinations should be made by the City Council which of the tenets should be held resolute even when making adjustments for the different needs of developments.

Mr. Forbush also raised the need for drafting conservation ordinances for regulating non-residential property.

MINUTE MOTION APPROVING BUSINESS OF CONSENT (Agenda Item #8)

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

- 8-1. Approval of Construction Bond Agreements previously signed by Mayor Bell.

- 8-2. Approval of December's list of disbursements. If any member of the Governing Body has any questions pertaining to any of the disbursements, please contact Keith Johnson prior to the meeting.
- 8-3. Approval of Improvements bond agreement with Pam and Ray Wilcox.
- 8-4. Approval of Sales and Purchase Agreement for 2MG Reservoir with Lynn and Lorraine Stoddard.
- 8-5. Ratification of Bod Award to Webber Drilling to drill Well #2 replacement. This item was approved at last Council meeting. Just to make sure that the record is set it was noticed on the agenda property this time and therefore it is requested that the decision be ratified.
- 8-6. Approval of easement agreement with Stephen and Susan Flanders. The Flanders own part of the 1525 West right-of-way. They want credit for two water impact fees in exchange for them permitting a 10 foot easement to complete the water line that is presently under construction . This agreement is recommended instead of going to court to fight over whether or not the City has prescriptive rights to place utilities under ground in the road.

Larry Haugen seconded the motion, which was approved by unanimous vote.

LEGACY PARKWAY, UTILITY AND THIRD-PARTY WORK AGREEMENT (Agenda Item #9)

Information in the packet indicated the agreement stated the City enumerated some betterment proposals pertaining to lighting and fencing across State Street and pertaining to the water lines mentioned in the agreement. Staff has attempted to negotiate with UDOT relative to their replacement of the 10-inch water line with a 12-inch water line within a casing to go under both I-15 and that portion of the new Legacy Highway.

UDOT, in their letter of January 23, 2001, indicated they were willing to work with the City in negotiating final arrangements for that betterment. The City Manager believed this letter was encouraging but there was no clear-cut answer as to how much of the project will be classified as a betterment and how much of it will be as a commitment for UDOT to do. At any rate, the City Council does not have to make a final decision on these items until the design builder provides an actual cost of what these improvements will be. The Legacy Parkway Utility and Third Party Work Agreement and associated agreement for vested rights would not be ready for Council consideration until a future meeting.

Larry Haugen *MOVED* to repeal the decision of the City Council at its January 24,

2001, meeting regarding the Legacy Parkway Utility and Third Party Work Agreement. **David Connors** seconded the motion, which was approved by a unanimous vote.

ANNEXATION PROGRESS REPORT INCLUDING 1525 WEST AND VICINITY (Agenda Item #10)

The City Manager and City Planner met with property owners in Knighton Subdivision and also with property owners wanting to annex and create a Special Improvement District east of 1525 West. The owners were very interested in annexation, especially in order to connect to City water. **Mr. Forbush** explained the position of the property owners within certain areas west of the railroad tracks and outlined City proposals for improvements if they decide to annex. Annexation of the property would benefit the City because it would allow for the correction of infrastructure problems, allow the City to collect impact fees, and assist in development within General Plan requirements.

By consensus, the City Council directed Mr. Forbush to offer interested citizens in Knighton subdivision and the area between 1525 and 1100 West at about 500 South the provision to pay 25% of the per lineal front foot cost of installing an 8" culinary water line.

SHEPARD HEIGHTS PROPOSED AMENDED PLAT (Agenda Item #11)

The City Manager previously reviewed the item with the City Council and provided an amended plat showing the final outcome of how much of the new lot will be taken from the City's culinary water reservoir.

By consensus the City Council gave conceptual approval to the amended plat.

FUTURE CALENDARING EVENTS (Agenda Item #12)

The following information was given to the City Council:

1. A meeting with Post Office officials had been proposed for February 15, 2001, at 8:30 A.M. The Council was concerned about the timing since Mr. Dixon would not be able to attend. The meeting to be held on the 22nd of February will be with the Planning Commission.
2. The proposed annexation hearing as requested by Rich Haws, et al., was approved for March 14, 2001, at 7:00 P.M. The meeting will be a joint City Council/Planning Commission meeting.
3. Legacy Highway North Open Houses. The closest of these two meetings will be held at the Syracuse City Hall February 21, 2001 from 4:00 P.M. to 7:00 P.M.

APPOINTMENT TO DAVIS COUNTY TRANSPORTATION TASK FORCE (Agenda Item #13)

Because Larry Denham (current member of the Davis County Transportation Task Force) is not longer able to service, it was necessary to select another citizen from Farmington to serve on the task force. Mayor Bell nominated Neils Plant.

Larry Haugen *MOVED* that Neils Plant be asked to serve as a member of the Davis County Transportation Task Force. **David Connors** seconded the motion, which passed by a unanimous vote. Max Forbush was directed to call Neils Plant to determine his level of interest.

MISCELLANEOUS

David Dixon discussed possibilities for development in the west part of Farmington as proposed by Richard Haws. Prospects for light industry, commercial, business, and residential development were reviewed. Current residents have indicated a desire for buffering between homes and businesses.

Ed Johnson reported a new Youth City Council Mayor had been elected.; her name is Kaci Wood.

David Connors inquired about the automatic utility payment now being offered by the City Offices. He also asked about the feasibility of direct deposit of payroll checks.

Larry Haugen reported applications for the Historical Committee and been submitted. It was decided that he would interview prospective members and report to the Council for their consideration.

Mr. Haugen also discussed relocation of his auto business with the Council. Some possibilities were reviewed with no conclusive ideas emerging from the discussions.

Mr. Dixon expressed his feeling that the City General Plan should be reviewed at which time decisions for property use could be suggested regardless of current zoning. Then when the best uses are identified, zoning could be evaluated and amended where necessary and beneficial to the City and its residents.

Max Forbush detailed financial data regarding engineering costs and other expenses relative to the Special Improvement District in downtown Farmington. He stated assessment costs could be justified way above the \$19.50 per front foot estimated on the original "Notice of Intent" document. He recommended capping the curb and gutter assessment at \$19.50 and suggested sending a letter of explanation with the preliminary assessment notice illustrating the very heavy investment being made by the City for related road improvements in addition to

picking up extra SID costs. . He explained the reasons for the overages in the projects and possible sources for revenue to make up the difference. Total construction cost of the SID area was \$1,201,302.90. The property owners' portion totaled \$347,430.50.

Mayor Bell asked about the letter from the State Auditor's office related to over-expenditures in some departmental budgets. Mr. Forbush reported that he and Keith had a plan to over-estimate ending expenditure lines for the budget sufficient to cover unanticipated end-of-year expenditures.

Mr. Forbush reported that the Conover/Dyches developers wished to enter into an extension agreement with the City regarding road improvements. If an extension agreement was approved, the City could make future improvements at a time when all contiguous frontages could be improved in a uniform manner. The Council gave approval for the requested concession..

Mr. Forbush reported that Candland Olsen had complained about the \$20,000.00 engineering review fees for his development. The Council discussed options, but decided no compromise could be offered Mr. Olsen that was not offered to other developers.

After a brief discussion regarding improvements on Highway 89, Mr. Forbush was directed by the City Council to compose a letter to UDOT urging their support in extending Legacy Highway improvements beyond Burke Lane to the Cherry Hill interchange.

Mr. Forbush also reported actions being taken to prepare the old City Works Building for demolition. It had recently collapsed under heavy snow. By consensus, the Council directed Mr. Forbush to award a demolition bid and bring it back to the Council for ratification.

ADJOURNMENT

David Connors *MOVED* that the meeting adjourn at 10:00 P.M.



Margy Lomax, City Recorder
Farmington City

FARMINGTON CITY COUNCIL MEETING

Wednesday, February 21, 2001

CITY COUNCIL/CITY AUDITOR MEETING/DINNING AREA OF CITY HALL

PRESENT: Mayor Bell, Council Members Connors, Dixon, Hasenyager, Haugen, and Johnson, and Recording Secretary Chipman.

Mayor Bell began the meeting with the City Auditors at 6:05 P.M. The following items were reviewed:

- The meeting with Charles Ulrich, City Auditor, was being held without City Staff present so as to ensure open disclosure of any problem areas that could possibly develop. The Auditors are employed by the City Council, and it was helpful to have them report directly to the Council providing unrestrained information which could be helpful to the Council as they safeguard public monies.
- The Auditor commented on additional training that could possibly benefit some employees in specific areas.
- When Council Members review the list of disbursements they should especially review indication of large payments, to whom, and for what purpose.
- It is important that internal controls within the City's system include no segregation of duties. There should always be verification of expenditures by more than one person.
- Budget overages is an area that should be constantly monitored. Too often budget overages are not noticed until the end of the year. It is a problem which warrants evaluation.
- City councils can shift monies from one department to another without a public hearing. They cannot, however, approve an over-all increase in the budget without a public hearing.
- Computer software being used in Farmington is excellent. It has been acquired over years with yearly updates. Many small cities cannot afford the quality that is found in Farmington. Farmington should strive to maintain that quality.
- The Council and the Auditor discussed the advantages that could result if a separate tracking system was used to evaluate swimming pool finances and any other seasonal programs that straddle fiscal years.

CITY COUNCIL WORK SESSION/ DINING AREA OF CITY HALL

PRESENT: Mayor Bell, Council Members Connors, Dixon, Hasenyager, Haugen, and Johnson, City Manager Forbush, City Planner Petersen, and Recording Secretary Chipman.

The following items were briefly reviewed by way of preparation for the regular meeting:

- Joe Wilcox had collected over 200 signatures in opposition to the sale of the antique cannon. He will likely present the petition to the Council during the regular meeting. Daughters of the Utah Pioneers will also be present. In general they are in favor of the sale, providing they share in the proceeds. There are at least three parties interested in purchasing the cannon.
- In regard to the infill ordinance, it is Staff's recommendation that a scoping meeting be planned to better define what is the Council and citizen wishes are regarding the development of the downtown area. The information-gathering meetings should be held before consultants are retained.
- It was suggested that the need for professional service proposals regarding the architectural design of the new shop building be open to all who want to submit such. Mr. Forbush reported insurance coverage for the loss of the old building (which was severely damaged due to snow fall on the unstable roof) was fortuitous considering timing and need. Demolition of the old building will begin on February 22nd.
- Agreements associated with the Hughes Farm Development have been delayed somewhat.
- The Post Office building design has received favorable comments. Roofing material is still in question. If the budget allows, real copper will be used and allowed to fade naturally to gain natural patina color. Council Member Dixon said it would not be acceptable to him to use material with a fake patina coloring. The clock tower has been approved.
- Mr. Forbush said having to move a 24-inch irrigation pipe line for the sound berm project is worrisome because of expense and difficulty. He said the Weber Basin Water Conservancy District is still reviewing the City's proposal.
- There have been unsubstantiated reports of the Legacy Highway contractor negotiating with owners of County property in the foothills above Farmington for purchase of an estimated 50,000 truck loads of dirt to be used for the Legacy

Highway. The Council expressed grave concern over such possibilities and directed Staff to investigate legal and political safeguards.

REGULAR CITY COUNCIL/CITY CHAMBERS/CALL TO ORDER

PRESENT: Mayor Gregory S Bell, Council Members David M. Connors, David J. Dixon, Bob Hasenyager, Larry W. Haugen, Edward J. Johnson, City Manager Max Forbush, City Recorder Margy Lomax, City Planner David Petersen, and Recording Secretary Jeane Chipman.

Mayor Bell called the meeting to order at 7:00 P.M. The invocation was offered by Pastor Jerry Koetitz of the Promised Assembly Church located in Kaysville and the Pledge of Allegiance was led by Troops 283 and 1837 of Farmington.

APPROVAL OF MINUTES OF PREVIOUS MEETING

The minutes of the February 7, 2001, City Council Meeting were read and corrected. **Larry Haugen** *MOVED* to approve the minutes as corrected. **David Connors** 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 February 8, 2001. He covered the following items:

- The Planning Commission tabled review of the schematic plan for the proposed Tuscany Cove at Lake Point Subdivision located at approximately 1700 south (Lund Lane) and 300 East pending a field trip to the location by the Planning Commission. Instead of having the road designed to stub into adjacent property, the Planning Commission felt a cul-de-sac would better protect the hillside from unnecessary scaring. They wanted to see if the number of lots could be decreased. And they felt a waiver of open space requirements could be beneficial in trade for trail corridor property in the area. Planning Commission members also had serious reservations about a fault line running through the development and asked to see soils reports.
- Richard Ellis's application was approved for a platted lot split for property located at 388 North Main.
- The Commission approved the County's request to modify conditional use permit C-15-96 by providing a roof covering over the stock pens located on the north side of the Legacy Center riding and rodeo arena located at 151 South 1100 West.

The Legacy Center is the only venue hosting an Olympic event in 2002. The roof will improve conditions for animals used during competition.

- Consideration of an amendment to Section 12-2-030 of the Subdivision Ordinance and Enacting Sections 12-3-045 and 12-2-047 of the same regarding the issuance of building permits and certificates of occupancy in conjunction with subdivision development was tabled. The Commission requested language redraft to help protect home owners from penalties resulting from potential developer neglect of road maintenance. Mr. Petersen said the Attorney's office had been contacted. Public Works Staff had suggested a 24 hour notification period for repair of road problems in new developments.
- The Planning Commission discussed proposed annexation and development of the west Farmington area between Clark Lane on the south, Shepard Lane on the north, I-15 on the east and the old D&RG Railroad on the west. They received citizen input regarding zoning and master planning. Petitions for annexation have not yet been certified due to mistakes with some signatures.
- Mr. Petersen reported the Board of Adjustment meeting held on February 15. He said the Board approved a variance for Barrett Packet who requested consideration of garage construction in a front yard setback area of a dwelling located at 1171 North Main. The front yard was so deep that the garage location was still 50 feet behind the home on the adjacent property.
- A request by Randal Rigby was tabled. He had asked for a variance to side yard setback standards where he wanted to construct an accessory building located at 245 South Cobblecreek Road. The Board felt additional information was needed. The Board will meet again on March 15th to consider the request.
- Mr. Petersen asked for input from the City Council regarding a request by Anson Clark who would like to purchase the home on the corner of Shepard Lane and Main Street where he would open a barber shop home occupation. The home occupation would be allowable. However, Mr. Clark wanted to gain approval for a barbershop pole/sign for the property which would not meet City ordinances. Mayor Bell asked that Mr. Petersen and Mr. Dixon meet with Mr. Clark regarding the request.

**CONSIDERATION OF RECOMMENDATIONS TO SELL "CIVIL WAR CANNON"
LOCATED NEAR CITY HALL (Agenda Item #4)**

Mayor Bell said the agenda item was not posted as a public hearing but that the Council was willing to take limited public comment. He briefly reviewed the history of the cannon as

facts had become available. The cannon was found to be a Civil War cannon manufactured in 1864 and was not a part of the pioneer background of Farmington. It had possibly been brought to the area by Lagoon and from time to time been neglected. It was probably the Daughters of the Utah Pioneers (DUP) who ultimately rescued the artifact and had it mounted on the base currently displayed in front of the City Hall. The City Council was faced with several options including either selling the cannon or preserving it in Farmington. He invited Annette Tidwell (representing the DUP) to address the Council.

Annette Tidwell said any time there are items of historical significance involved, it was an emotional thing. The DUP was very interested in promoting a City museum, and since the cannon is not the "Old Sow" of pioneer heritage it may be well to sell it and use the money to promote the collection and preservation of Farmington artifacts. Ms. Tidwell expressed sympathy for those who felt the cannon should be kept in Farmington because it had been a part of some Farmington celebrations for many years. She felt the museum could better benefit citizens.

Mayor Bell said the City had recently regained possession of the old "Tithing Office" next door to the City Hall by canceling the lease with the Lions Club. That building will be used to house the proposed museum. The Mayor invited Joe Wilcox to speak to the Council.

Joe Wilcox stated he felt the cannon was an important part of Farmington history and should not be sold. It would not be the same to have a replica of the cannon on display in the City. He presented the petition signed by citizens opposed to the sale. Mr. Wilcox presented a picture of the Davis County Militia in front of the County Courthouse in downtown Farmington and felt that proved the cannon was part of the history of the area. He felt it was illogical to preserve antiques of Farmington if the most valuable antique were sold in doing so. He did not believe the cannon was a Civil War cannon. Nor did he believe the cannon was purchased originally by Lagoon. Mr. Wilcox felt tax revenues should be used to support the museum and not the sale of the cannon. The rewriting of "My Farmington," which contains many mistakes, should be done through the use of other funds and reimbursed by the sale of the book. The possible theft of the cannon should not be the impetus to get rid of it.

David Barney reported having signed the petition but said he was not in possession of all the facts at the time. After hearing more details of the real history of the cannon, he supported its sale for the promotion of the museum.

Mayor Bell read into the record portions of a letter written by the DUP which indicated the DUP were hesitant to see the cannon sold, but realized its true history does not reflect, nor coincide with any of the real pioneer events. The cannon was manufactured in 1864 and was in fact a Civil War cannon. Research had proven difficult, but facts seemed to indicate that the cannon was purchased from Mexico and brought to Farmington by Lagoon, after which it was discarded and later recovered by Dr. Robert C. Robinson who gave it to the City. It was not used much even by the City and was again abandoned in a field. Years later, the DUP members in the

area rescued it from a scrape metal merchant and had it mounted with an official plaque placed on it mistakenly calling it the "Old Sow." It was used occasionally for the 4th and perhaps the 24th of July holidays in Farmington.

Mayor Bell asked for comments from the Council.

Larry Haugen said the cannon did have some significance but not what was originally thought. He felt proceeds from the sale could be used to redo "My Farmington" and to initiate the establishment of the new museum. He did not want to sell the cannon but felt it was the best thing to do because it would preserve other valuable antiques which were fast disappearing from the area. Mr. Haugen felt some urgency in obtaining funds to rescue artifacts for Farmington.

David Dixon wished there had been more history about the cannon to help make a better decision. He said he agreed with Mr. Haugen and felt it would be for the greater good to sell the cannon. If the cannon had more association with Farmington history, his decision would be different.

Ed Johnson said he found it difficult to part with any item of historical nature. On the other hand, he felt the Council should be forward looking. The sale of the cannon would benefit many people and the City would have a replica to remind its citizens of the story and the sacrifice of predecessors. If there are valuable artifacts leaving Farmington, then time is of the essence, and the Council needs to move quickly. He would have been influenced to keep the cannon if there had been specific stories regarding its history.

David Connors said he held a different view than those expressed. He felt that the history of the cannon was significant in that it was a Civil War cannon. It was therefore an important and intriguing piece. He felt it was very important to preserve it, and the best way to do that was to allow it to be cared for in a Civil War museum. The sale, therefore, would not be a loss but a preservation. Farmington City would not be able to preserve the cannon in the proper way. Mr. Connors said he and his wife had hoped for the day with the City would have its own museum. Farmington is a community of rich history. Sending the cannon to a Civil War museum and at the same time helping to launch a City museum met dual purposes—both good.

Bob Hasenyager expressed an uncertainty regarding the history of the cannon and wished there was a way of collecting more concrete evidence of the facts. He felt the cannon may be of significance to both Farmington and Utah and commented that it may be well to hang on to the cannon to allow more time for research and study. Once the cannon is sold, it cannot be retrieved. The amount of money in question is not really that large and may not be worth the lose of the cannon if in deed it is found to be of historical value to the community.

Mr. Hasenyager *MOVED* to retain the cannon until such time that more historical facts can be ascertained and that other sources of revenue be found for museum support and to help

the Daughters of the Utah Pioneers rewrite "My Farmington" until they can realize revenues through sales.

The motion died due to lack of a second.

Larry Haugen *MOVED* that due to the fact that there is no way to gain much more information regarding the cannon, it be sold and that proceeds be used to assist in the republication of "My Farmington" and to initiate the new City museum.

David Dixon seconded the motion.

In discussion of the motion. **Mr. Connors** said it would be important to choose the purchaser carefully. He recommended the cannon not be sold necessarily to the highest bidder but to the party who demonstrated the best ability for preservation and public display. He recommended that the motion be amended to incorporate that thought.

Mr. Haugen concurred with the suggested amendment as did Mr. Dixon.

Mayor Bell requested a roll call vote. Council Member Hasenyager voted nay. Council Members Haugen, Connors, and Johnson voted yea. Council Member Dixon voted nay. The motion passed 3 to 2.

Discussion continued after the vote. Council Members expressed the following points:

- \$25,000.00 for investment into the museum will have a limited advantage.
- The Council did not have to make a final decision until all purchase proposals were received. At that time, if a suitable buyer is not found, the cannon could remain in Farmington
- Proper preservation would require financial investment.
- If a museum is to be successful in Farmington, time is of the essence. Some citizens owning artifacts will not donate them unless there is a suitable location to house and protect them. Some such artifacts are becoming harder and harder to obtain.

CONSIDERATION OF PETITION TO AMEND LOT LINES TO LOTS 71 AND 72 IN SHEPARD HEIGHTS SUBDIVISION/PETERSON DEVELOPMENT (Agenda Item #5)

David Petersen explained City ordinances which restricted rear yards backing onto front yards and said zoning ordinances dictate that main buildings must face front regardless of the

shape of the building lot. Upon possible approval by the City Council of lot line amendments to the Shepard Heights Subdivision, if the new home on Lot 71 faces North Compton Road and the driveway approach comes off North Compton or Grandview Drive, the home would meet City ordinances. Double-frontage lot provisions in City ordinances may not apply because neither street is classified as a major street on the Master Transportation Plan.

David Dixon said it would be better to avoid double frontage lots in almost any situation.

Victor Barnes (representing Petersen Development) explained the reasons for the request. He said east-facing homes were more popular and easier to sell. He said Petersen Development was not building the homes, but rather selling the lots. It was a potential buyer who suggested the new configuration. Mr. Barnes said the actual lot lines would not be adjusted until the property is sold and only if the buyer requests the change.

The Council discussed possible home placement and slope impacting building pads. After discussion, **Mayor Bell** noted the Council was negative towards double frontage lots, narrow frontages, and the change in the direction of the building pad for lot 71. He suggested trying to market lots 71 and 72 together to avoid the problems.

No action was taken by the Council.

CONSIDERATION OF CITY PLANNER'S RECOMMENDATION TO HIRE "IN-FILL ORDINANCE" CONSULTANT (Agenda Item #6)

Packet material indicated estimated costs and scope of work for consultant work regarding in-fill ordinances for Farmington City. A grant had been awarded the City in the amount of \$15,000.00 which must be matched with an equal amount from the City. The money would be used to pay: 1) City staff time devoted to the project, 2) CRS for mapping and other information needs, #3) the City Attorney for their legal review, and 4) a consultant to handle a major portion of the project.

Max Forbush said Staff had discussed the issues and felt scoping sessions would be of great benefit. It would be very helpful to gain Council and citizen input before beginning work on the proposed ordinance.

After a brief discussion, the Council decided to hold a joint meeting with the Planning Commission to scope work for the ordinance on April 12 at the regular Planning Commission meeting.

Mr. Petersen suggested contracting with Arlo Nelson to begin preparations for the work. Mr. Nelson's qualifications and the City's past experience with Mr. Nelson were favorable.

Mr. Nelson also has a vested interest in Farmington due to his residence in the City.
Mr. Forbush and Mr. Petersen will work out the details.

WAYFINDING SIGNAGE ALTERNATIVE BY GUIDANCE PATHWAY SYSTEMS
(Agenda Item #7)

Mr. Forbush presented alternatives regarding signage for City streets as proposed by Guidance Pathway Systems. The Council discussed details of alternatives including cost, design and maintenance. Council Members preferred revised alternative #2 by consensus.

Mr. Hasenyager suggested that since the wayfinding signs were to help direct people to County and State facilities, it may be appropriate to approach those agencies to see if they would help fund the signs. Discussion ensued. Council Members were sensitive to the facts that other agencies likely have not budgeted for the signs, Farmington is the County seat and therefore has additional obligations, and the signs would benefit Farmington citizens as well as visitors. Noting such, Mr. Forbush was directed to tactfully make inquiries about the possibility of funding participation by other agencies.

SALE OF CLARK WATER COMPANY SHARES/IMPEDIMENTS AND SOLUTIONS
(Agenda Item #8)

Packet material indicated that if approved, authorization would permit the City Manager to recommend and vote for taking whatever measures are necessary to expedite the sale of water shares in Clark Water Company in order for the City to reduce its liability exposure as a result of the irrigation dam presently existing on the west side of I-15 right-of-way. A meeting was held on February 21, 2001 with Ralph Wilcox and Jerry Hess of Davis County wherein alternatives were discussed. Mr. Hess and Mr. Wilcox submitted paper work to accommodate sales of the water to the Federal government. The State Engineer's office may require quiet action to erase any conflicts with water rights. The cost of the quiet title action may diminish the Farmington City's share of the proceeds. Estimated sales revenue at one time was from \$20,000 to \$25,000. However, the greatest benefit in the sale of the water rights is the disincorporation of the Clark Water Company. If this occurs, the irrigation structure can be pulled and liability exposures to the City would be vacated.

Ed Johnson *MOVED* to authorize the City Manger to attend and represent Farmington City at the Clark Water Company meeting to be held Friday evening, February 23, 2001. David Dixon seconded the motion. Four members of the Council voted in the affirmative. Mr. Hasenyager abstained because of employment with the Bureau of Wildlife Management, which may benefit from the sale of the company.

CLARK LANE REALIGNMENT STUDY CONSIDERATION/DAVID PETERSEN
(Agenda Item #9)

Packet material indicated that Mr. Petersen had met with Rich Haws (developer interested in west Farmington) and Byron Parker (UDOT representative) and representatives from Ames Construction. Ames Construction has been awarded the contract to construct the Legacy Highway. Before they begin construction of Legacy Highway, Ames plans to fill and construct the 1100 West northern extension and the Burke Lane/West Farmington interchange ramp. City input regarding a proposed ramp realignment near Clark Lane and the D&RG tracks. If the proposed realignment does not decrease projected traffic counts (e.g., less future traffic on State Street and 200 West) then the City may not wish to pursue the realignment. It was suggested that Horrocks Engineers be hired to evaluate the realignment.

Ed Johnson *MOVED* to authorize City Staff to arrange for minimal traffic engineering study on the proposed change to the Legacy Highway/Clark Lane intersection at near the D&RG tracks and 1100 West. **Larry Haugen** seconded the motion. The motion passed by a unanimous vote.

ARCHITECTURAL DESIGN OF NEW SHOP BUILDING CONSIDERATIONS
(Agenda Item #10)

Mr. Forbush reviewed the agenda item. Suggestions for possible architects had been offered. However, it was felt that the project should be publicized to receive proposals in an open manner. The project may include a storage facility along with the new shop building, or the two uses could be separate buildings.

David Dixon recommended that notice be published for “request for qualifications” (RFQ). Such action would inform the City Council about their options.

Bob Hasenyager *MOVED* to authorize the City Manager to publicly notice the City Shop project for bid. Notification will be “Request for Qualifications.” **David Connors** seconded the motion, which was passed by a unanimous vote.

MINUTE MOTION APPROVING BUSINESS OF CONSENT (Agenda Item #10)

Larry Haugen *MOVED* to approve the following items by consent as follows:

- 11-1. Approval of construction Bond Agreements previously signed by mayor Bell.
- 11-2. Approval of January’s List of Disbursements.
- 11-3. Ratification of Bid Award by City Manager for Demolition of “old City Shops Building.” The apparent low bidder to the project is ABCO Construction out of Corrine, Utah. Their bid was \$7,800.00. Since time is of the essence, the City

Manager, as per approval at the last City Council meeting, has awarded the bid to this company.

- 11-4. Approval of "Merchant Agreement Addendum" with First Security Bank to provide Credit Card Services. This approval authorizes Mayor Bell to sign the enclosed addendum thus enabling the city to continue having credit card services for Pioneer Christmas, Festival Days, etc. The City permits customers to buy boutique items with credit cards. Evidently First Security Bank misplaced the original Merchant Agreement. This agreement will be a replacement of the original agreement.
- 11-5. Approval of March's Publication of "Farmington Newsletter."
- 11-6. Approval of Expenditure Request to Buy "Windows" Software (\$25,000) for S.I.D. billings from City council Contingency Fund. This coming year the City needs to replace most of its computer programs that are DOS based with Windows based software. Since the City Staff will need to mail out preliminary S.I.D. assessment notices, they want to do this on the computer program which cannot be done without converting to the Windows operating system. The City Council contingency fund budgetary item has a \$30,000.00 budget. Approximately \$3,500.00 has been spent to date.
- 11-7. Appointment of Niels Plant as Farmington's Representative on County's Transportation Committee. This is a carryover item from the previous meeting. Niels has accepted appointment to this position.

David Dixon seconded the motion.

In discussion of the motion, **Mr. Connors** suggested a rewording in the disclaimer regarding FABL independence from the Leisure Services Board. Connotations of the existing statement seemed negative, which was not the intent. The vote of the Council was unanimously in favor of the motion.

RESOLUTION: (1) APPOINTING BOARD OF EQUALIZATION FOR S.I.D. 99-1; (2) SETTING THE BOARD HEARING DATES FOR REVIEW AND CONSIDERATION OF OBJECTIONS AND CORRECTIONS TO ANY PROPOSED ASSESSMENT; (3) AUTHORIZING CITY RECORDER TO PUBLISH AND MAIL NOTICES OF BOARD OF EQUALIZATION MEETINGS; AND (4) RELATED MATTERS (Agenda Item #12)

Mr. Forbush distributed proposed assessment rolls and discussed action required of the Council in regards to the Board of Equalization for the downtown S.I.D. Appeal dates were set for March 19, 20, and 21 from 6 P.M. to 7 p.m. Three members of the City's Governing Body

comprise the Equalization Board. Three members are required to be present for the Board to consider appeals. Mayor Bell and Larry Haugen volunteered to be present for all three sessions. Mr. Connors would attend on March 19th, Mr. Johnson on March 20th, and Mr. Hasenyager on March 21st to fill the requirement for the third member of the board each night. The City Manager, the City Financial Director, and the City Engineer would also be present each of the three evenings.

David Dixon *MOVED* to approve Resolution No. 2001-05, a resolution of the City Council of Farmington City, Davis County, Utah appointing a Board of Equalization and Review Board for Farmington Special Improvement District No. 99-1; setting the dates for the Board of Equalization to hear and consider objections and corrections to any proposed assessments, authorizing the City Record to publish and mail a notice of meeting of said Board of Equalization and review, and related matters. **Larry Haugen** seconded the motion. The vote of the Council was unanimous in the affirmative.

RESOLUTION RECEIVING 1525 WEST AREA AND KNIGHTON SUBDIVISION ANNEXATION PETITIONS FOR STUDY (Agenda Item #13)

Mr. Petersen presented brief information relative to the annexation area and citizen input.

Bob Hasenyager *MOVED* to approve Resolution 2001-06, a resolution receiving an annexation petition for purposes of City Council review and hearing. **Larry Haugen** seconded the motion. Four members of the Council voted in the affirmative. Mr. Dixon abstained because his brother owns property in the area under consideration.

PROGRESS REPORT OF HUGHES FARM DEVELOPMENT AGREEMENT; 2MG RESERVOIR SITE SALES AND PURCHASE AGREEMENT; AND ASSOCIATED AGREEMENT NEGOTIATIONS (Agenda Item #14)

It was noted that **Mayor Bell** and **Mr. Forbush** would negotiate further with the Hughes family in regards to the Hughes Farm Development and the new reservoir and report progress to the City Council at a later meeting.

REPORT ON ARCHITECTURAL REVIEW COMMITTEE'S MEETING WITH POST OFFICE OFFICIALS (Agenda Item #15)

Mr. Forbush invited the City Council to the Planning Commission meeting to be held the following evening. The Architectural Committee had reviewed plans for the new Post Office building and had discussed recommendations with Post Office officials. Some issues still to be resolved involved roofing material, landscaping for some of the parking area, and the appearance of the rear of the building.

REVIEW OF WASTE CONNECTION GARBAGE COLLECTION PROPOSAL (Agenda Item #16)

Mr. Forbush had been approached by the district manager of Waste Connections of Utah Inc., David Boren. When the company took over waste collection in Farmington in 1998, there were several problems and complaints registered by citizens. In recent months, however, some improvements have been made. Mr. Boren now wishes to extend the agreement allowing his company to continue to serve Farmington City. Mr. Forbush said the cost of the service was acceptable. He also said that Public Works had been asked for their input. Rate adjustment discussion was warranted for future budget hearings.

By consensus, the Council directed Mr. Forbush to move forward with actions required to retain Waste Connection of Utah, Inc., as Farmington's garbage collection contractor.

RATIFYING APPROVAL TO PUBLISH 15-DAY NOTICE TO SELL CITY PROPERTY (OLD STATE REHABILITATION OFFICE AND REMNANT PARCEL OF OLD "ACRES MARKET" PROPERTY) TO THE REDEVELOPMENT AGENCY OF FARMINGTON AS PER UCA 17A-2-1230 (Agenda Item #17)

Packet material indicated that Jerry Preston had expressed a willingness to buy the old Rehabilitation office from the Redevelopment Agency for a price of \$138,000. The City Staff recently received word from Gary Payne that the School District is now reluctant to purchase the remnant Acres market parcel because it is not big enough to put in the number of parking stalls they need. Other financing arrangements will need to be arranged through the Redevelopment Agency.

David Connors *MOVED* to approve Resolution No. 2001-07, a resolution ratifying publication of 15 days' notice pursuant to Utah code annotated 17A-2-1230 of intent to convey properties to the Farming City Redevelopment Agency. Upon a second from Bob Hasenyager, the City Council voted unanimously in favor of the motion.

CITY COUNCIL MEETING SUSPENDED IN FAVOR OF REDEVELOPMENT AGENCY MEETING

At 9:25 P.M. the City Council meeting was suspended in order for the Council to convene in a meeting of the Redevelopment Agency. At 10:20, the City Council meeting was reconvened.

MISCELLANEOUS

Ed Johnson inquired about the wetland mitigation in connection with the sound berm soon to be constructed along the frontage road south of Glover Lane.

Mr. Forbush reported that the area will be retained in a flood detention basin.

Mayor Bell said Governor Leavitt had requested cities in Davis County to joint in efforts regarding the law suit brought against proponents of the Legacy Highway. Under the Governor's invitation, the cities would be considered "friends of the court."

Mr. Forbush reported that the City Engineer suggested engineering the master road plan for the east bench. Such action would determine road alignment for future development and would benefit the City by ensuring the best possible product. The Council gave conceptual approval.

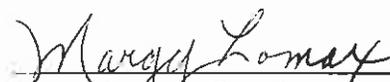
Mr. Forbush reported Richard Ellis had requested permission to remove two English walnut tree in the City right-of-way along 4th North between Main and 1st East. He would replace the tree with two sugar maples. The older tree is encroaching on the street and adjacent property. By consensus, the Council directed the City Manager to contact either the City Works Department or an arborist for professional advice. If the decision is made to remove the older tree, replacement trees should be at least 2-inch caliber.

MINUTE MOTION ADJOURNING TO CLOSED SESSION TO DISCUSS STRATEGY AS IT RELATES TO PENDING LITIGATION (Agenda Item #18)

David Dixon *MOVED* to adjourn to closed session at 10:30 p.m. to discuss strategy as it relates to pending litigation. At 10:55 p.m. a motion was made by **Ed Johnson** to go back into open session. The motion was seconded by **David Connors** with all Council Members voting in favor.

The meeting was reconvened in open session but there being no further business to conduct, upon motion of **Larry Haugen** the meeting was adjourned at 10:55 p.m.

ADJOURNMENT



Margy Lomax, City Recorder
Farmington City

FARMINGTON CITY COUNCIL MEETING

Wednesday, March 7, 2001

CITY COUNCIL WORK SESSION/WEST CONFERENCE ROOM

PRESENT: Mayor Bell, Council Members Dixon, Hasenyager, Haugen, and Johnson, City Manager Forbush, City Planner Petersen, City Engineer Hirst, and Recording Secretary Chipman. Council Member Connors was excused.

Mayor Bell began discussion at 6:30 P.M.

Paul Hirst presented cross section engineering designs for the sound mitigation system near the frontage road and Glover Lane. He said the design was in accordance with UDOT specifications. Because of the Weber Water Conservancy District overflow pipeline running west under that particular section of road, it was necessary to alter the earthen berm to lessen weight. Several options were available. It would be possible to construct two decks of prefabricated wall at that point or to install "geo-foam" over the pipeline section. The geo-foam would cost about \$8,000 more. The Council discussed the options.

Mr. Dixon expressed concerns about the appearance of the double decked wall. The width of the berm required to facilitate a 2 to 1 slope on the east face of the proposed berm was discussed. Paul Hirst reported that there was insufficient width within the prescribed location previously established by UDOT. By Council consensus, Mr. Forbush was asked to contact UDOT and ask if the 22 foot distance was really required or if the concrete fence on top could be moved further west to accommodate achieving the 2 to 1 minimum slope on the east side of the berm. Mr. Dixon also proposed paying the extra money for the geo-foam because it would be a better product and the appearance would be preferable. By consensus the Council agreed.

Other items of discussion included:

- Consideration of an ordinance rezoning 5 parcels on the east side of 200 West near Farmington Jr. High from LR to R-4. Mr. Petersen reported the request had been initiated by the Planning Commission. He also said there had not been much public comment to date.
- Approval of an amended plat in the Shepard Heights Subdivision to better accommodate a trail corridor. Mr. Forbush felt if the amendment was approved it should be done subject to Creekside participation in cost sharing.
- Mr. Forbush explained the resolution adopting previously accepted Farmington City Storm Sewer Plans, which would be a benefit to the City and affected developers.

- Mr. Hasenyager raised a concern regarding the Hughes Farm negotiations and agenda item #9. Mr. Hasenyager detailed brief concerns expressed by Constance Hughes. After discussion, however, it was determined that discussion of Item #9 “Hughes Farms Development Agreement, Sales & Purchase Agreement and Associated Agreements and Business” was unnecessary during the evening’s meeting. Negotiations were near completion and could be finished by appropriate City officials.

REGULAR CITY COUNCIL/CITY CHAMBERS/CALL TO ORDER

PRESENT: Mayor Gregory S Bell, Council Members David M. Connors, David J. Dixon, Bob Hasenyager, Larry W. Haugen, Edward J. Johnson, City Manager Max Forbush, City Recorder Margy Lomax, City Planner David Petersen, and Recording Secretary Jeane Chipman. The City Engineer, Paul Hirst, was present during discussion of Agenda Item #12.

Mayor Bell called the meeting to order at 7:00 P.M. The invocation was offered by Ed Johnson and the Pledge of Allegiance was led by Farmington Scout Troop 1616.

APPROVAL OF MINUTES OF PREVIOUS MEETING

The minutes of the February 21, 2001, City Council Meeting were read and corrected. **David Connors** *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 February 22, 2001. He covered the following items:

- The Planning Commission approved a metes and bounds subdivision for Richard O. Ellis on property located at 388 North Main.
- The Planning Commission recommended a plat amendment for lots 21, 22, 29, and 30 of the Shepard Heights Subdivision, the tank site and open space area to accommodate a better trail alignment for the site.
- The Commission discussed proposed changes to Chapter 12 (Conservation Subdivision Development Standards) of the zoning ordinance.
- The Commission tabled consideration of a recommendation to the City to amend Section 12-2-030 of the Subdivision Ordinance and Enacting Sections 12-3-045

and 12-3-047 of the same regarding the issuance of building permits and certificates of occupancy in conjunction with subdivision development.

- The Commission took a field trip to the Tuscany Cove Subdivision and liked the developer's proposed design with the exception of the northern section of the project. They felt the slope was too great in that area for the number of building lots proposed.

Mr. Hasenyager asked that City Council members who live in the vicinity of proposed developments be invited to attend future field trips by the Planning Commission. He said it would be helpful to Council Members if they had an interest in specific developments to attend such trips.

PUBLIC HEARING: CONSIDERATION OF ORDINANCE REZONING 5 PARCELS (1.7 ACRES) ON THE EAST SIDE OF 200 WEST NEAR FARMINGTON JR. HIGH FROM LR (LARGE RESIDENTIAL) R-4 (MULTI-FAMILY) (Agenda Item #4)

Mr. Petersen reviewed the history of the request and said Planning Commission reasoning was to have the parcels in question zoned in accordance with the Master Plan and to have them consistent with surrounding properties.

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

Terry Hess (221 North 200 East) said he owned a duplex in the area being considered and did not see a need to have the zone up-graded. He felt there would be a disadvantage to letting apartment buildings be built in the area. Parking was a problem, especially in the summer when the nearby park was used for ball games.

Mark Wangsgard (125 South 200 West) represented his wife, who initially asked City officials about the possibility of rezoning the parcels. His wife owns a home in the area. Mr. Wangsgard asked questions about what could be constructed in the zones being discussed. He also asked why the orthodontist office was allowed in the area. He felt it was logical to have the area rezoned to match the surrounding property.

Dennis Knowles (owner of the orthodontist office) said the office had been allowed by the City 13 years previously because the building was too small for a residence and suited his needs perfectly. He was in favor of the rezone if it allowed his business to conform to City ordinances.

Mr. Petersen explained the features of the two zones under consideration.

Hearing no further comments from the public, **Mayor Bell** *CLOSED* the public hearing and turned time to the Council for comment.

David Dixon said he noticed a trend in the area that he felt should be deterred. The historic district on the west end of State Street needed to be protected from development which would change its nature. There is also a need to keep the traffic on 200 West and the area of west State Street to a minimum.

David Connors asked if the only difference in the zoning being requested is that multi-family dwellings would be a permitted use as opposed to a conditional use.

Mr. Petersen confirmed that was the case.

Mayor Bell stated the evident reason for the Wangsgard request was to make the parcels more transitional in nature. The Wangsgards wished to sell the property giving potential buyers information regarding possible development as allowed in the proposed rezone.

Mr. Wangsgard expressed the strong feeling that it would only be fair to allow the rezone. His wife had health problems that necessitated moving to a warmer climate. The couple were having a difficult time selling the home because of its location. A zone change would be very helpful.

The Council discussed the issue further and decided that the whole area needed to be evaluated and proper zoning considered according to Master Planning. No action was taken.

PUBLIC HEARING: APPROVAL OF SHEPARD HEIGHTS SUBDIVISION AMENDED PLAT WITH ACCOMPANYING VACATION ORDINANCE (Agenda Item #5)

Mr. Petersen explained the reason for the plat amendment request. The trail corridor would be greatly improved and align more accurately with existing topography. It would fix several problems.

Mayor Bell opened the meeting to a *PUBLIC HEARING*. With no forthcoming comments, he *CLOSED* the public hearing.

David Dixon *MOVED* to adopt Ordinance No. 2001-08, an ordinance authorizing the Mayor to enter an order vacating and amending lots 21, 22, 29, and 30 of the Shepard Heights Subdivision and directing that the same be recorded with the Davis County Recorder's Office, that the plat for the Shepard Heights Subdivision, lots 21, 22, 29, and 30, be amended as presented during the meeting, and that the Mayor be authorized to sign the amended plat and the vacation ordinance upon agreement with the Creekside Developers governing the sharing of expenses and proceeds of Lot 203. **Larry Haugen** seconded the motion, whereupon it was passed by unanimous vote.

MINUTE MOTION APPROVING BUSINESS OF CONSENT (Agenda Item #6)

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

- 6-1. Ratification of Construction Bond Agreements previously signed by Mayor Bell.
- 6-2. Approval of the replacement bond between the City and KFP. This escrow agreement replaces the Letter of Credit that is being released. The Developers (KFP) have chosen to finance the security for their warranty under an escrow agreement rather than the Letter of Credit Option.
- 6-3. Approval of the Legacy Parkway Utility and third Party Work Agreement. The agreement is now ready and has been reviewed thoroughly by the City Attorney. The City Manager recommends approval of this Agreement.
- 6-4. Approval of the CRS proposal to update the City's Culinary Water Master Plan document. This proposal is in the budget and is to be financed with water impact fees.
- 6-5. Appointment of Debra Osoro to the Historic Preservation Commission replacing Donald Smith whose term ends December 31, 2002.

Ed Johnson seconded the motion. The Council voted unanimously in favor.

**RESOLUTION ADOPTING FARMINGTON CITY STORM SEWER MASTER PLANS
(Agenda Item #7)**

Mayor Bell said the resolution had been reviewed briefly in the Council's study session. The City Attorney had recommended one change in the resolution as marked on the document presented in the packet. Also the date needed to be changed to March 2001.

David Connors *MOVED* to adopt Resolution No. 01-09, a resolution adopting Storm Drainage Master Plans for areas located within Farmington City, Utah. **David Dixon** seconded the motion. It was passed by a unanimous vote.

**RESOLUTION AUTHORIZING SALE OF TWO PROPERTIES TO THE
REDEVELOPMENT AGENCY OF FARMINGTON CITY (Agenda Item #8)**

Packet material indicated the properties to be sold to the Redevelopment Agency of Farmington includes the old State Rehabilitation Office and the remnant parcel adjacent to the School District building. Under the RDA agenda it is proposed that these two parcels be resold—one to Jerry Preston and the other to the School District.

Mayor Bell reported meeting with the School District. The parcel was not practical for the District because of the size and shape. The School District were willing to share in costs for street lights on frontage adjacent to their property.

Larry Haugen *MOVED* to adopt Resolution No. 01-10, a resolution authorizing the sale to the Redevelopment Agency of Farmington City of two properties owned by Farmington City Corporation. The motion was seconded by **David Connors**, after which it pass by a unanimous vote.

HUGHES FARMS DEVELOPMENT AGREEMENT, SALES AND PURCHASE AGREEMENT AND ASSOCIATED AGREEMENTS AND BUSINESS (Agenda Item #9)

Negotiations are near completion for the Hughes Farm Development documents. There was not discussion of the agenda item.

SOUND WALL BERM CONSIDERATIONS AND CHALLENGES (Agenda Item #10)

Max Forbush reported sound barrier panels will be placed on the Cave Hollow sound mitigation wall beginning Monday, March 12, 2001.

UPCOMING CITY COUNCIL SPECIAL MEETINGS (Agenda Item #11)

Mr. Forbush reminded Council members of the joint City Council/Planning Commission open house scheduled as a scoping meeting to review comments and opinions of interest regarding the Leisure Services/Park Master Plan between 5 P.M. and 7 P.M. on March 14th. It was suggested that the Council attend sometime around 6:15 or 6:30 on that evening.

A second joint City Council/Planning Commission hearing was scheduled at 7:00 P.M. in the Davis School District Auditorium adjacent to State Street at 7:00 P.M. The meeting will provide property owners in the proposed Haws annexation area a public forum.

REPORT: MEETING WITH DESIGN BUILDERS OF LEGACY HIGHWAY (Agenda Item #12)

A meeting was held for Monday, March 5th, at 8:30 A.M. **Mr. Forbush** reported proposals for betterments over State Street would include wrought iron fencing and pedestrian walkways on both sides of the overpasses. He also stated the State officials said it was their understanding that fill dirt for Legacy Highway would be coming from areas north and south of City limits, not from within the Farmington area.

Mr. Hasenyager inquired about the impact of the overpass on the residents on west State Street.

Mr. Forbush said that as the design concepts develop, it would be a good idea to invite residents to an open house to get their input and inform them of intents.

Council Members questioned the design of the overpass and whether or not it would work well with the trail system. Other questions were raised, and the Council directed Mr. Forbush to investigate by contacting State officials and asking about the flexibility of the Environmental Impact Statement.

REPORT: MEETING WITH UDOT RELATIVE TO CITY SHOPS/LEISURE SERVICES BUILDING PROPERTY AND SITE (Agenda Item #13)

Mr. Forbush distributed information regarding proposals for the new City Shops/Leisure Services Building Site and funding for same. He discussed alternatives and negotiations with UDOT officials. Mr. Forbush presented suggested alternatives to the City Council. UDOT had expressed their desire to have the City contribute property outright, as other cities had done.

Mayor Bell stated the Council's desire to cooperate with UDOT, however, Farmington was in a different situation than other cities since an expensive shop building had to be relocated.

Mr. Forbush briefly discussed the possibility of having the building expanded in size to house Leisure Services offices and storage. He stated there was a great need in the City for more room. The City quickly outgrows new buildings if they are not large enough.

By consensus, Mr. Forbush was directed to negotiate with UDOT officials and ask for UDOT to consider one of two options. The first option, including conveyance of City right of way to UDOT without charge, with the City purchasing an additional five acres from UDOT at 40,000 per acre conditional upon UDOT trading remnant parcels south of Glover's Lane totaling 8+ acres for 7½ acres of City land at the north end of 1525 West street. The second option was for the City to buy the five acres from UDOT with a \$62,500 credit applied against the purchase for the City conveying its street rights of way to UDOT at one half their appraised value. Either a trade of property or have UDOT split the difference in cost with the City. The Council did not consent to giving the property outright to UDOT.

100 NORTH 100 EAST STRIPING PLAN ALTERNATIVES (Agenda Item #14)

Mr. Forbush discussed street striping alternatives for the intersection of 100 North/100 East as presented in the packet. After a brief discussion, by consensus the Council approved option #2.

MISCELLANEOUS (Agenda Item #15)

Mr. Forbush said the Utah Housing Authority Finance Agency would like to meet with the City Council. A date will be set for the first City Council work session in April to accomplish this meeting.

Viola Kinney was asked to present information regarding the Farmington Soccer League. Ms. Kinney said due to the destruction of the soccer goal posts in the recent collapse of the old City Works Building, it was time to evaluate the success of the City's Soccer League. She had investigated the pros and cons with citizens active in the City's league and the AYSO and the South Davis League. Youth in the City are split three ways—some attending each of the three leagues. There seemed to be no real advantage in the City having its own league. By consensus the Council agreed that the City's league could be discontinued.

Ms. Kinney also discussed the request by the Men's Baseball League to rent Shepard Field during the summer. She had studied costs for the use of the field and proposed a \$25.00/evening fee to be charged to users.

Mayor Bell asked that more research be conducted regarding rental charges, especially in light of what other cities charge. There was no objection to having the field rented on nights when it was not occupied by FABL.

Ms. Kenney stated FABL will be asked to turn in their schedule by April 1st, after which any open dates will be available for rent.

Mr. Forbush reported that Mr. Hirst had informed him that UDOT's Burke Lane/Lagoon Drive signal project would be completed by Memorial Day.

Mr. Hasenyager reported a zoning difficulty in Aegean Village. Denny Fitfield had contacted Mr. Hasenyager and said zoning was hindering the sale of the twin homes because of complications with insurance.

Mr. Forbush said the City Attorney reported the zone would allow the twin homes to be ordinance conforming through grandfathering.

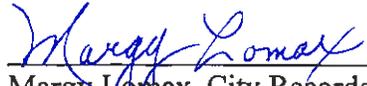
Mayor Bell stated the problem could be solved through making the property vested rights. Max was directed to follow through on this matter.

Larry Haugen reported a recent meeting of the Farmington Historical Committee. Since May is history month, the committee would like to have elementary students draw pictures of historical sites around Farmington and enter them in a contest. The winners could be hung in the halls of City Hall. He asked that the winners be presented their awards by the Mayor during a City Council meeting. The Mayor and Council consented and felt it was a good idea.

Ed Johnson said the Youth City Council is participating in a fund raiser held for the Children's Justice Center and invited Council Members to participate.

ADJOURNMENT

David Connors *MOVED* that the meeting adjourn at 9:05 P.M.



Margy Lomax, City Recorder
Farmington City

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JOINT CITY COUNCIL/PLANNING COMMISSION MEETING

Wednesday, March 14, 2001

JOINT CITY COUNCIL/PLANNING COMMISSION MEETING AT DAVIS SCHOOL DISTRICT BUILDING

PRESENT: Mayor Gregory S Bell, City Council Members David M. Connors, Bob Hasenyager, Larry W. Haugen, Edward J. Johnson, Planning Commission Chairman Susan Holmes and Commissioners Kent Forsgren, Linda Hoffman, Mary Anne Scott, and Sid Young, City Manager Max Forbush, City Planner David Petersen, and Recording Secretary Jeane Chipman. Excused were Council Member David J. Dixon and Commission Members David Hale and Larry Jensen.

Mayor Bell called the meeting to order at 7:00 P.M. The invocation was offered by Larry Haugen and the Pledge of Allegiance was led by Kent Forsgren.

DISCUSSION WITH PROPERTY OWNERS REGARDING THE HAWS, ET AL ANNEXATION (Agenda Item #1)

Mayor Bell opened the discussion by briefly explaining the context and general goals of the evening's public forum. He invited citizens to informally contribute their input regarding the possible annexation of land between Clark Lane on the south, Shepard Lane on the north, I-15 on the east, and the old D&RG Railroad on the west. The Mayor then asked that everyone present introduce themselves, after which Rich Haws (developer) began by reviewing his conceptual ideas for development within the area of consideration.

Rich Haws made the following points:

- In order to have the area of possible annexation developed in a beneficial manner for local citizens and Farmington as a whole, proactive steps should be taken expediently. Master planning would be essential.
- Because of the forthcoming interchange planned for Burke Lane, the area is prime for commercial development. Commercial development would actually be of help to the City because it will provide added tax base.
- Traffic concerns are crucial to development in the area. Issues include keeping heavy traffic away from the City's historic district located on State Street and 200 West (where schools are located). The City is also very apprehensive about heavy traffic along Shepard Lane. The developer's architect had proposed traffic master planning ideas which could help resolve those problems. The goal was to keep major traffic along Burke Lane and away from the residential portions of the area.

- In keeping with good design principles, it was planned that commercial development would be buffered to protect residential developments. Areas of high density housing could be part of the buffering.
- Other ideas for use would include retail stores, park-and-ride areas, hotels, restaurants, business parks, and perhaps some light industry.
- In order to maintain the quality of living in Farmington two elements must be a part of any development: 1) careful master planning, and 2) ordinances requiring architectural themes, guidelines and CC&Rs (covenants and restrictions). These two elements could help maintain property value and would be kept in place through development agreements.
- The ideas being presented are conceptual in nature. The developer was only currently interested in the southern portion of the property. But it was felt wise to look at the entire area for master planning. It was also felt wise to annex the entire property, which would benefit the City and help control road designs while Legacy Highway is being constructed.

An open discussion ensued which included the following thoughts:

- A 300 foot beltway is being planned for highway development in the area. The City is being asked not to develop on that easement.
- The Bear River pipeline has been planned to traverse the area adjacent to and east of the D&RG Railroad tracks.
- It will take 10 to 15 years to fully develop the area under consideration.
- City officials have received word that UDOT plans to open one lane of traffic going each way on the Burke Lane ramp leading to Clark Lane and 1100 West in the fall of 2001.
- Citizen concerns if the area should go commercial included increased crime, ugly buildings in their back yards, increased traffic, loss of rural atmosphere, property devaluation, tax increases, how to pay for increased police and fire protection, how to fund infrastructure, impact of zoning changes, and density of housing.
- Wetland issues impact the area. The Army Corp of Engineers no longer have the extensive power over wetland designation that had been recently experienced. Also, the City is not in the business of wetland designation. It was not the intent of the developer to mitigate wetland on anyone else's property in the area. With joint

planning it was hoped everyone, even owners of wetland property, could benefit from master planned development.

- The developer intended to landscape and to use wetlands as planned open space to enhance the area aesthetically.
- The City officials' major objective was to protect and enhance quality of life in Farmington. City officials have neither requested or encouraged retail development in Farmington. The area under consideration is unique in that there will be no way to stop commercial development. The construction of the freeway connection (Highway 89, I-15, Legacy and the construction of Farmington Greens and Farmington Ranges in west Farmington) will force commercial development. Property around the Burke Lane interchange will not be a residential area. However, the City officials will support citizens' wishes and will try to mitigate the impact of commercial development by buffering as much as possible if that is the wish of the citizens.
- The developer was supportive of keeping a small "village" type commercial development rather than the large covered mall design.
- Citizens stated the more detailed planning made available, the more they will feel comfortable with what is happening. They were adamant about being a part of the process. City officials were anxious for their input.
- Citizens wanted to have the property zoned at the time of annexation. A discussion of zoning possibilities ensued. In general, it was felt that if the property was to be annexed as "A" (agricultural) upon annexation, it would protect citizens from higher taxes. At the time of development and potential property sales, the property could be rezoned to mirror mutually acceptable master planning, i.e., commercial zoning.
- A question was raised regarding Special Improvement Districts for the area. It was noted that any S.I.D. within the City is initiated by the citizens living within the area of concern. A majority of property owners (usually figured by land area) must vote for an S.I.D. before it can be enacted.
- A work session including residents, City personnel, and the developer was planned to further discuss options and master planning ideas. The schedule is to be announced.

At 8:40 P.M., discussion regarding the proposed annexation property concluded and the Planning Commission was excused.

CONSIDERATION OF A THIRD AMENDMENT TO THE MASTER DEVELOPMENT AGREEMENT FOR THE FARMINGTON PRESERVE DEVELOPMENT (Agenda Item #2)

David Petersen briefly outlined the request by Farmington Preserves to amend the development agreement. The developer had requested that two ancillary properties be excluded from the project. Concerns were raised regarding landlocking the parcels and the maintenance of the excluded lands. It was decided by consensus to have the item brought back for discussion at the next City Council meeting when all Council Members are present.

CONSIDERATION OF FARMINGTON RANCHES REGARDING WEBER BASIN SIGNATURE ON PLAT (Agenda Item #3)

Mr. Petersen reported the City staff had been approached by Dick Moffet regarding waiving requirements to have secondary water providers sign the final plat before lot sales can begin. Mr. Moffet indicated financial considerations were driving the request. It is the policy of the City to include secondary water providers as signers on the plat. However, the ordinance was unclear, and the City Attorney felt the ordinance was ambiguous enough that it should probably be rewritten.

By consensus, the Council directed that the policy and intent of the City was to have all service providers sign plats. Therefore, even though the Council was sympathetic to the developer, Farmington Preserves should not receive a waiver.

MISCELLANEOUS

A brief discussion was held regarding the Hughes Farms development and trail agreements. Most Council members felt that the City should retain open options as to what kind of trail could be installed east of the future 2 MG water reservoir above the Hughes Farms development.

ADJOURNMENT

The meeting adjourned at 9:20 P.M.



Margy Lomax, City Recorder
Farmington City

FARMINGTON BOARD OF EQUALIZATION AND REVIEW

Monday, March 19, 2001
Tuesday, March 20, 2001
Wednesday, March 21, 2001
6:00 p.m. - 7:00 p.m.

WEST CONFERENCE ROOM/CALL TO ORDER

Meetings were held at the Farmington City Hall in the West Conference Room on Monday, March 19, Tuesday, March 20, and Wednesday, March 21, 2001, of the Board of Equalization and Review to review statements, comments, and complaints from property owners in the Special Improvement District 99-1.

Monday, March 19th

Present: Mayor Gregory S Bell, Council Members Bob Hasenyager and Larry Haugen, City Manager Max Forbush, City Finance Director Keith Johnson, City Recorder Margy Lomax, Ron Rash of Caldwell Richards Sorenson, City Engineers.

Citizens appearing before the Board were:

Terry Smoot, representing properties at 348 North and 368 North 100 East, property numbers 23085 and 23088 questioned the measurements on the square footage of his assessments for item #3, the 6" flat work. For 348 North, it showed 105 sq. ft. and on his rental property at 368 North, it showed. There was a discrepancy between the City's measurements and Mr. Smoot's. It appeared to him that there was double billing for the sidewalk measurement. It was determined that the Finance Director would go to the properties and verify the measurements and report the same to Mr. Smoot.

Richard Ellis, 44 East 400 North, property numbers 23081 and 23082. The Finance Director explained that 125' on his house needed to go on the corner house instead. The aggregate amount shown on the assessment was the correct amount. He told Mr. Ellis he would finalize the assessment and let him know.

Herb and Dona Jensen, 466 North 100 East, property numbers 23067 and 23092. They explained that they had sold their corner lot property to Darrin Williams, property number 23094, but that as part of the sales agreement the Jensens were to pay for the S.I.D. assessment. They will be pay the final assessment for property number 23094 in full at receipt of the notice.

Jay Jenkins owns a duplex on 100 North, property number 27014. His assessment total was \$2,047.80. He wanted verification of the assessment amount to ensure he had been given credit for 116 sq. ft. of his driveway that had been broken by the contractor for the Sewer

District which the Sewer District was to pay for. The Finance Director reviewed the assessment with him and verified that the credit had been given. The amount assessed is the correct amount.

Hal Fitzgerald, 49 East 200 North, property number 21065. He read a letter he had previously sent to the Mayor and City Council stating that it had been represented to him by an employee of the City, Ray White, that the drive approach was included in the cost of the curb. He also had called Ray to confirm the information. Relying on the representation of Mr. White, Mr. Fitzgerald had an additional drive approach placed in front of his orchard. He had been assessed \$256.80 for that approach and was protesting the charge.

Mayor Bell apologized for the miscommunication. It was noted that the "Notice of Intent" had been mailed to all property owners prior to beginning the S.I.D. project and it stated very clearly that the drive approach was not included in the cost of the curb.

The Board was concerned about granting Mr. Fitzgerald's request to reduce his assessment by \$256.80 due to the precedent it would set. Mayor Bell suggested that possibly a better way to handle it was to have the City make some kind of allowance for Mr. Fitzgerald and not the S.I.D. Board. No final decision was reached at this time.

Tuesday, March 20th

Present: Mayor Gregory S Bell, Council Member Ed Johnson, Council Member Larry Haugen, City Manager Max Forbush, City Finance Director Keith Johnson, City Engineer Ron Rash of Caldwell Richards Sorenson, and Deputy Recorder Sue Bryce.

Citizens appearing before the Board were:

Melvin and Ernestine Held, 112 North 200 East, Property #27010 - When the Helds deeded 20 feet of right-of-way to the City, an agreement was made that they would not be charged over \$7.60 per lineal foot for improvement assessments. They were charged \$17.68 per lineal foot, and do not believe the property measurements are correct. It appears that an adjacent parcel may have been added to their property on the assessment. Keith Johnson noted that the Helds were charged half the normal fee for half of the property footage on the longest side of their property and were given a credit in accordance with the agreement made earlier. He reviewed the footages and charges to show how the City arrived at the figure they were charged. The Helds stated they were not concerned with any of the other charges except along the side of the property that was measured at 255 feet, and the full charge of \$17.68 per lineal foot rather than the \$7.60 that was agreed upon. Mr. Held also noted there may be a slight discrepancy on the measurements due to the fact the curb and gutter was moved a couple on feet on one side of the street and not on the other side. City staff

will obtain a copy of the deed mentioned earlier and the legal description of the Held's property and get back to them to resolve these issues.

Ab Mayo, 133 North 100 East, Property #26047 - The Mayos were assessed one half of the total fee on their improvements according to an agreement made earlier with the City. They are concerned about the total square footage of the driveway area, 188.20 sq. ft., and that they may have been charged for 6" flatwork when they believe the flatwork is only 4" thick. Max Forbush explained that the drive approach between the curb and sidewalk is 6" thick and the remainder of the driveway area is 4" thick flatwork. The City will send someone out to re-measure the area to verify the correct square footage.

Richard and Gayle Mayfield, 277 North 200 East, Property #26071 and #26072 - The Mayfields received a bid from the contractor for \$505.00 to do the necessary improvements on thier properties, but they decided to go through the City with the S.I.D. and were charged \$806.25. They thought the fee would be less. Had they known, they would have gone with the contractor's bid. Mr. Mayfield said he never signed the assessment form from the City. Keith Johnson remembered that it was Mayfield's son who was out when he and Ray White were taking the forms around for signatures and he believed it was his son who signed their form. The Board will consider this assessment and get back to the Mayfields.

Cameron Forbush, 80 North 100 West, Property #29012 - Mr. Forbush had two concerns about his drive approach and driveway. The letter he received from the City indicated two separate charges, but when the engineer and city worker came by his place, he was told the approach would be included with the curb and gutter assessment at no extra cost. He agreed to have the work done as long as there were no additional charges. He was surprised to see the additional assessment on his bill. Before he became a school teacher, he did concrete work as a contractor. He thinks he could have done a better job and for less, and wishes he would have done the work himself. His other concern is that when the work was done on his driveway, the contractor tore up a portion of his old driveway, rather than saw cutting it, and left a six foot gap between the new portion of driveway and what is existing. He had intended to replace the old driveway eventually, when finances are available, not necessarily at this time.

Max Forbush referred to the Letter of Intent sent by the City that stated the drive approach would *not* be included with the curb and gutter assessment. He offered a proposed solution might be for the City to do the preparation work and possibly reimburse the expense of the concrete for the 6' gap when the owner is prepared to replace the old portion of the driveway. The Board must abide by the rules for the S.I.D. in the Letter of Intent but will consider the issues raised by Mr. Forbush and get back to him. Mayor Bell added that even though a City employee erroneously quoted some charges, the matter of setting a precedent within the district should be avoided, and as Mr. Forbush had come forward to The Board of Equalization, it is upon them consider a solution to make things right for him.

Cameron Forbush expressed his appreciation and acknowledged that he was always in favor of the project as it has improved the aesthetics and possibly property values in the area.

In summary, the Board will review the issues brought forth by the property owners and respond to each of them some time after the final hearing on Wednesday. Ray White will be invited to review the issues with the Board.

Wednesday, March 21, 2001

WEST CONFERENCE ROOM/CALL TO ORDER

PRESENT: Chairman Greg Bell, Board Members Bob Hasenyager and Larry Haugen, City Manager Forbush, City Planner David Petersen, City Engineer Ron Rash, and Recording Secretary Chipman.

The Board was available for citizen comments at 6:00 P.M.

ETSIL AND IVALYNN FISHER (333 NORTH 200 EAST)

Mr. Fisher expressed his strong opposition to the special improvement district (S.I.D.) and the cost imposed upon him. He said the work was not an improvement and indeed caused inconvenience due to parking problems. He also said his home was now downhill from the road which will increase drainage problems on his property. He had voiced his disagreement at the time the S.I.D. was adopted, but felt it was forced upon him.

Chairman Bell reminded Mr. Fisher that through due process, citizens had decided by a majority vote to enact the S.I.D. and accepted resulting costs. The Board was currently hearing complaints regarding specific problems with the improvements made and asked Mr. Fisher if he had any such complaints.

Mr. Fisher reported the following problems:

- The fill dirt grade around the driveway approach is not adequate.
- The house is much lower than the road.
- The water meter is placed too low.

Mr. Forbush was asked to see that Mr. Fisher's complaints regarding fill dirt and the water meter were addressed by City crews. Regarding the raised road, **Chairman Bell** said engineers had determined the placement of the road in consideration with all surrounding areas

and the best possible solution. He further explained the S.I.D had been enacted to upgrade infrastructure for the downtown area. The road and the 70-year-old sewer was especially in need of replacement for safety and health reasons.

Mr. Fisher stated the cost of the S.I.D. would not be offset by the increase in property value. He also felt his taxes would increase and was concerned about that.

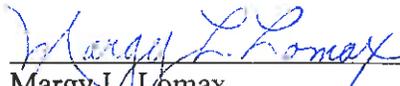
Mr. Forbush said the City would not raise taxes to pay for the S.I.D.

REVIEW OF ALL CITIZEN COMPLAINTS

Keith Johnson reviewed the actions of the Board over the past three nights and distributed information regarding all corrections. Mr. Johnson covered the corrections in detail. A report of the corrections is appended herewith.

ADOPTION OF CHANGES

Larry Haugen *MOVED* that the Board of Equalization recommend the adoption of all changes and corrections of errors as reported. **Bob Hasenyager** seconded the motion. The Board voted unanimously in favor.



Margy L. Lomax
City Recorder

FARMINGTON CITY COUNCIL MEETING

Wednesday, March 21, 2001

CITY COUNCIL WORK SESSION/WEST CONFERENCE ROOM

PRESENT: Mayor Bell, Council Members Dixon, Hasenyager, Haugen, and Johnson, City Manager Forbush, City Planner Petersen, and Recording Secretary Chipman. Mr. Connors was excused.

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

- Mr. Forbush distributed an amended agenda.
- Agenda Item #5 regarding ordinance amendments had been recommended by the Planning Commission.
- Agenda Item #6 regarding Tuscany Cove had been reviewed by the Planning Commission who recommended approval with conditions. Planning Commission comments included concern about home construction on steep terrain, concern involving a fault line running through the area, and support for waiving open space requirements in trade for trail easement property.
- Agenda Item #8 was addressed regarding the third amendment to the Farmington Preserve Development Agreement requested by Dick Prows. Mr. Petersen said he had discussed the item with the City Attorney who suggested approving the third amendment to avert possible litigation. Mr. Petersen briefly explained the inverse condemnation which may be involved. Council members expressed concern for residents and the currently inadequate maintenance and condition of ancillary property involved.

REGULAR CITY COUNCIL/CITY CHAMBERS/CALL TO ORDER

PRESENT: Mayor Gregory S Bell, Council Members David J. Dixon, Bob Hasenyager, Larry W. Haugen, Edward J. Johnson, City Manager Max Forbush, City Planner David Petersen, City Recorder Margy Lomax, and Recording Secretary Jeane Chipman. Council Member David M. Connors was excused.

Mayor Bell called the meeting to order at 7:15 P.M. following the meeting of the Board of Equalization and the City Council's work session. The invocation was offered by David Dixon and the Pledge of Allegiance was led by Kaci Wood, Youth City Council Mayor.

APPROVAL OF MINUTES OF PREVIOUS MEETING

David Dixon *MOVED* to approve the minutes of the March 7, 2001, City Council Meeting and the March 24, 2001, Joint City Council/Planning Commission Meeting. **Bob Hasenyager** seconded the motion. The voting was unanimous in the affirmative.

SWEARING IN OF YOUTH CITY COUNCIL

The Mayor and Members of the Farmington Youth City Council were present. **Mayor Bell** invited them to stand in front of the audience as he conducted the swearing in ceremony. The Mayor then had each member introduce himself or herself and congratulated them on their accomplishments. The City Council individually greeted each member of the Youth Council.

REPORT OF PLANNING COMMISSION (Agenda Item #3)

David Petersen reported proceedings of the Planning Commission meeting held March 8, 2001. He covered the following items:

1. The Planning Commission recommended approval of the schematic plan for the proposed Tuscan Cove at Lake Point Subdivision located at approximately 1700 South (Lund Lane) and 300 East. The recommendation came with conditions.

2. The Planning Commission reviewed a request by Dixon Ford for a lot split by metes and bounds located at 1058 Compton Road. Ordinance requirements did not allow the split by metes and bounds. The Commission took no action.

3. The Commission appointed a subcommittee to make more detailed recommendations regarding the proposed amendment to Chapter 12, "Conservation Subdivision Development Standards" of the Zoning Ordinance.

4. The Commission did not have time to consider issues regarding a proposed deli and catering business at 93 East 100 North.

5. Jerry Tulley discussed the possibility of reducing the size of the 3.5 acre grand green in the Farmington Greens development.

PUBLIC HEARING: CONSIDERATION OF ORDINANCE TO AMEND 12-2-030, AND TO ENACT SECTIONS 12-3-045 AND 12-2-047 REGARDING THE ISSUANCE OF BUILDING PERMITS AND CERTIFICATES OF OCCUPANCY IN SUBDIVISIONS WITHOUT FULLY IMPROVED STREETS (Agenda Item #5)

Mayor Bell introduced the agenda item briefly. He then opened the meeting to a *PUBLIC HEARING*. Seeing no one who wanted to comment, the Mayor *CLOSED* the public hearing and turned the item to the Council for consideration.

Mr. Hasenyager felt that since the Planning Commission had formed a subcommittee for further study, they should be allowed the time needed to complete their work. He *MOVED* to table consideration of an ordinance to amend 12-2-030 and to enact Sections 12-3-045 and 12-2-047 regarding the issuance of building permits and certificates of occupancy in subdivisions without fully improved streets. **David Dixon** seconded the motion after which the Council voted unanimously in favor.

PUBLIC HEARING: SCHEMATIC PLAN REVIEW/TUSCANY COVE PROPOSED DEVELOPMENT (Agenda Item #6)

David Petersen reviewed the agenda item and presented the yield plan as designed by the developer. He reviewed recommendations by the Planning Commission including:

- Elimination of Lot #17.
- Clarification of slope districts (which had been altered by the developer to allow greater density).
- Slope characteristics especially of the northern end of the development where most building pads would be on lots averaging a 27% slope. The Commission had recommended shifting the cul-de-sac further to the south and reconfiguring lots and building pads to comply with the shift and avoiding steep slopes. There was no recommendation to decrease the lot number further.
- Waiving open space requirements in exchange for trail easement property to the east of the development.
- A thorough study of possible fault line impacts on property owners due to the fault line running through the property. A second opinion had been requested from the Utah State Department of Geology.
- Conveying the narrow strip of land on the southwest corner of the development to the adjacent property owner so that the property would be maintained. The strip was created because of how the road had to be engineered.
- Water lines and roads were to be designed in conjunction with the Planning Department.

Mr. Petersen said the minimum lot size was 9000 square feet and that road access to property to the north could be handled better from areas other than Tuscany Cove.

Mayor Bell suggested the developer submit building pad designs early in the process to facilitate benefits to both the City and the developer.

Mr. Dixon inquired what City ordinances requirements would apply to developers who create slopes greater than 30 percent on property due to road or other construction.

Mr. Petersen said the Planning Department relies on original existing conditions to interpret ordinances. He commented that the terrain to the north of Tuscany Cove was very steep. If a road were to be cut through that area, it would be a very long road without possibility of residential development on either side because the cut would make adjacent property slope more than 30%

James Jenkins (developer) commented on the Planning Commission's concern about the fault line. He said the Wasatch Front is riddled with thousands of fault lines that traverse residential developments. A 40 foot no-build easement has been imposed in Tuscany Cove—20 feet on each side of the line. He asked that if the State report is favorable, he be allowed to keep the no-build zone at 40 feet and not increase it.

Mr. Petersen reported the Planning Commission had been willing to wait for the second opinion coming from the State. If the State's report is favorable he saw not problem with allowing Tuscany Cove to leave the 40 foot easement as is. Mr. Petersen said he felt 40 feet was a large protection zone compared to what other developments have provided.

Mr. Dixon concurred that such fault lines usually do not slip enough to impact outside of the 40 foot easement.

Mayor Bell stated that by consensus the Council concurred that if the State report is favorable, Tuscany Cove can go with the 40 foot easement.

Mr. Jenkins said his plan was to redesign the development to move the cul-de-sac further to the south. He said he intend to reconfigure the lots to be similar to flag lots, to which the Council reacted negatively.

David Dixon suggested removing one lot in the cul-de-sac, redesigning the circle further to the south, and making each of the 3 remaining lots better able to handle the slope of the terrain.

Bob Hasenyager asked if by moving the circle to the south it would compress the existing lots below acceptable sizes.

Mr. Jenkins responded that each lot would still have at least a 100 foot frontage. The lots on the west would be between 16 and 17 thousand square feet. Mr. Jenkins asked about the

requested trail easement. He said the owner of the land where the easement would be placed has asked that the property not be cut up by a trail through the middle. He felt since there was already a power line easement on the property that would be an ideal place for the trail location.

Mayor Bell asked if Mr. Jenkins possessed clear title to the trail easement property. He said approval of a waiver would be conditional on Mr. Jenkins obtaining a title report to ensure that a perpetual easement would be binding. The Mayor opened the meeting to a *PUBLIC HEARING*. There were not comments made, so the Mayor *CLOSED* the public hearing.

David Dixon *MOVED* to approve the schematic plan of the proposed Tuscany at Lake Point Subdivision located approximately at 1700 South (Lund Lane) and 300 East with the following conditions:

1. The cul-de-sac be shifted to the south, eliminating one lot from the northern end of the development, increasing the size of the remaining lots, and reconfiguring them to better deal with the slope.
2. All discussed trail easements be recorded to ensure perpetual binding and location and construction schedules be shown at preliminary plat review.
3. At or before preliminary plat review, the builder shall provide building pad designs for all questionable lots in the development, including driveway configurations.
4. Concerns as listed by the Planning Commission shall be addressed.

Ed Johnson seconded the motion. The City Council voted unanimously in favor.

Mayor Bell said it was the sense of the Council that if the report of the State Geological Department indicated the developer's plan to impose a 40 foot no-build easement on top of the fault line was sufficient, the Council would concur.

MINUTE MOTION APPROVING BUSINESS OF CONSENT (Agenda Item #7)

The Council briefly discussed the items of consent including budget work sessions and hearing schedules, rental of City Hall (the Mayor asked that comparative rental fees be studied), park facility lock up times (Mr. Dixon suggested a later lock up time could deter property abuse), the addition of the Historical Committee's elementary art contest to the Newsletter, and a public hearing scheduled for April 12th in the Kendall Building.

Larry Haugen *MOVED* to approve the following items by consent as follows:

- 7-5. Ratification of construction bond agreements previously signed by Mayor Bell.
- 7-6. Approval of February's list of disbursements.
- 7-7. Approval of the budget review schedule for April, May and June.
- 7-8. Approval of April's Farmington Newsletter as enclosed.
- 7-9. Approval of Park Custodial and Maintenance Agreements. There are two agreements. One is with Robert Huff and the other is with his wife, Elda Huff. The scope of services are listed on the back of the agreements. These agreements have been in operation for the past several years. The agreement is being renewed with one change—a \$25.00/month increase. Approval of the agreement is recommended by Neil Miller, Parks Superintendent, Walt Hokanson, Public Works Director, and by the City Manager.
- 7-10. Approval of Resolution changing rules and regulations regarding rental of the City Building. The rule changes approved by the Resolution were typed in red and attached to the Resolution.

David Dixon seconded the motion which was then passed by a unanimous vote.

THIRD AMENDMENT TO FARMINGTON PRESERVE DEVELOPMENT AGREEMENT/DICK PROWS (Agenda Item #8)

Packet material indicated Dick Prows, David Petersen, and Mike Mazuaran had been working for the past several months in an attempt to amend the Farmington Preserve Development Agreement. The Development Agreement is a multi-party agreement which has been signed by 11 of the 12 parties. Only Farmington City has not signed the agreement.

Mr. Petersen said ancillary properties shown on an attached map to the proposed changes were wetlands. Eliminating them from the Prows development would not deny owners access. The Army Corp of Engineers and Davis County have approved the amendments proposed.

Mayor Bell invited Dick Prows to address the Council.

Dick Prows (developer) said the amendments would lift wetland designation from the ancillary properties and allow mitigation off site. He explained the court's ruling against the County which awarded owners of the Kerr property a huge judgment, much higher than had been anticipated.

Mr. Hasenyager stated the development agreement had been negotiated in good faith and the property had been considered in its entirety. He was concerned about benefits to the residents which would be negated by the amendment. Mr. Hasenyager felt the City had an obligation to the citizens to preserve those benefits or receive comparable compensation.

Mr. Prows felt that the mitigated wetlands off site would be enhanced and therefore of equal value to citizens. In response to a question about the trail system, Mr. Prows said the trail planned for the development would remain.

After a lengthy discussion, the City Council directed staff to confer with the City Attorney and report back to the Council.

[**Mayor Bell** requested that the agenda be amended to handle item #10 before item #9 in order to accommodate residents in attendance. By consensus, the Council agreed.]

HAWS ANNEXATION/MASTER PLAN WORK COMMITTEE APPOINTMENTS
(Agenda Item #10)

Council Member Dixon declared a conflict of interest and exempted himself from discussion of the agenda item. He made not comments during consideration of the Haws annexation issues.

Mr. Forbush said results of the previous week's joint City Council/Planning Commission meeting regarding the Haws Annexation proposal was to create a working committee to consider all issues and concerns and make a recommendation to the City about master planning and annexation properties.

Mr. Haugen suggested the addition of more citizens, specifically from areas outside of the annexation area. A brief discussion ensued.

Mr. Hasenyager said the annexation posed controversial questions which would have significant impact on the entire City. He agreed with Mr. Haugen that representation should include more than stake holders.

Mr. Forbush reminded Council members of timing issues involving the design and construction of Legacy Highway. He also stated Kaysville may demonstrate some interest in annexing portions of the same property.

A discussion ensued. By consensus the Council agreed to have suggested names submitted to the City Manager for membership on the work committee and that the committee should include citizen representation outside the area of annexation.

Ed Johnson *MOVED* that the City Council appoint representatives to the “Haws, et al Annexation and General Plan Amendment Committee” as follows:

Bob Hasenyager
Larry Haugen
Susan Holmes
Linda Hoffman
Sid Young, alternate
Rich Haws from the Stonebridge Group
Another member of the Stonebridge Group as determined by them
Mike Romney
Rick Johanson
Helge Nielson
Roger Child, representing the LDS Church property
Two to three other citizens from outside the annexation area

The first work session will be held in April.

Larry Haugen seconded the motion. The motion passed by a unanimous vote with David Dixon abstaining.

REPORT ON THE FINDINGS/RECOMMENDATIONS FROM THE BOARD OF EQUALIZATION ON S.I.D. 99-1; ORDINANCE CONFIRMING THE ASSESSMENT ROLLS AS ADJUSTED AND LEVYING AN ASSESSMENT AGAINST CERTAIN PROPERTIES IN FARMINGTON, UTAH, SPECIAL IMPROVEMENT DISTRICT 99-1 FOR THE PURPOSE OF PAYING FOR THE COST OF IMPROVEMENTS WITHIN THE DISTRICT; ESTABLISHING A GUARANTY FUND AND RELATED MATTERS (Agenda Item #9)

Mayor Bell reported the Farmington Board of Equalization had met March 19, 20, and 21, 2001, for the purpose of hearing public comments regarding proposed assessments for the Downtown Special Improvement District.

Keith Johnson, City Finance Director, distributed a report of the adjustments made due to citizen input and staff study. Mr. Johnson detailed the correction of errors or adjustments as noted:

- Errors in measurements were corrected for Byers, Sloan, McDonald, Mathias, Hess, Munk, Ellis, Smoot, Mayo, and Held properties. The cost of some sidewalk had been added twice on some of the properties.
- Fitzgerald had relied on erroneous information given by a City employee to his

detriment and decided to install a second driveway increasing his assessment. He would not have installed the second drive had he had accurate information. The Board of Equalization determined to waive the cost of the second driveway approach.

- Mayfield had been told the cost of his driveway by the subcontractor would be no more than \$505.00 and had not signed the authorization form. Therefore, he did not want to pay for more than the quoted amount. The Board reassessed Mr. Mayfield for the \$505.00 amount.
- The Cameron Forbush driveway was removed too far on to the property. He reported having been told the work would be done at no cost to him. His assessment was discounted \$136.96 because of the excess driveway removal. The City Manager will follow up with Mr. Forbush.
- Wilcox had not been charged for a driveway approach when the City had committed to cover the cost since the slope was changed to aid driveway slopes across the street.
- The street frontage width shown on the Andreason property had been written upside down. Instead of 99 feet, the correct amount was 66 feet. Therefore, the Andreason had been overbilled.
- Ed Fisher protested the S.I.D. project and said he had been opposed to it from the beginning. He said it was forced on him and he saw no benefit. City staff will evaluate the need to provide Mr. Fisher with more fill dirt and will check the height of the water meter. No adjustment was recommended on his assessment.

Mayor Bell reported the final assessments for the Downtown Special Improvement District had all been corrected. Assessments will be mailed to property owners who will have 15 days to submit payments if they choose to prepay their assessments rather than having them financed over a 10-year period.

Larry Haugen *MOVED* that the City Council approve Ordinance No. 2001-12, an ordinance confirming the assessment rolls as adjusted and levying an assessment against certain properties in Farmington, Utah, Special Improvement District No. 99-1, Davis County, Utah (The "District") for the purpose of paying the costs of constructing improvements on certain streets within the District consisting of the excavation and construction of curb and gutter, sidewalk, asphalt roadway, concrete driveways, removal of existing concrete flatwork or asphalt paving, removal and replacement of sidewalk, and all other miscellaneous work necessary to complete the improvements in a proper workmanlike manner; establishing a guaranty fund;

establishing the effective date of this ordinance; and related matters. **David Dixon** seconded the motion.

Larry Haugen *MOVED* to receive and accept the report of the Board of Equalization and Review for the Farmington City, Utah Special Improvement District No. 99-1 (the "Board") as presented to the City Council on March 21, 2001, which had reviewed statements, comments, and complaints on each property in Farmington City as listed in the minutes of the hearings of the Board held on March 19, 20 and 21, 2001. **Bob Hasenyager** seconded the motion after which the City Council unanimously voted in the affirmative.

Due to the an inadvertent error in the order of the above mentioned motions, **Larry Haugen** *MOVED* to withdraw the motion regarding Ordinance No.2001-12 for the purpose of reconsideration. **Bob Hasenyager** seconded the motion, which was passed by a unanimous vote.

Larry Haugen *MOVED* to reconsider adoption of Ordinance No.2001-12 which would follow the action by the City Council receiving and accepting the report of the Board of Equalization. **David Dixon** seconded the motion, and the City Council voted unanimously in the affirmative to adopt the ordinance as written.

HUGHES FARM DEVELOPMENT AGREEMENT/SALES AND PURCHASE AGREEMENT AND RELATED MATTERS (Agenda Item #11)

The Mayor, City Council, and City Manager discussed wording in the Sales and Purchase Agreement related to future trails off site of the Hughes Farm Development proposed by the Hughes family. Because of the impact the development has on other vital projects in the City, it was reluctantly decided to move the development along to benefit the greater good.

Larry Haugen *MOVED* to conceptually approve changes to the Sales and Purchase Agreement as submitted to the City by the Hughes family. **Bob Hasenyager** seconded the motion. A roll call vote was conducted. All members of the Council present voted in favor of the motion, except Mr. Dixon, who voted against it. The motion passed 3 to 1.

SOUND WALL PROGRESS REPORT (Agenda Item #11)

Mr. Forbush reported that anticipated funds remaining from the sound wall construction projected by the City Manager as subsidy for the downtown streets project may not be available. Costs of the sound mitigation berm and wall will likely be more than anticipated. Moving the Weber Basin 24-inch water line was very expensive. Subsurface soil at the site is very unstable. Work on Cave Hollow Plat K sound wall was underway. The berm there had been built up and compacted by City crews. The City Engineer reported by letter that the wall placed on the 30-inch piers should be able to withstand a 100-mile-per hour wind storm with no more than a on-half inch deflection on the top of the wall. This calculation is based on compaction of the fill

material being at least 95%. Mr. Forbush reported on correspondence he had received from UDOT, and the City Engineer related to pending construction difficulties of the berm and wall near the Weber Basin overflow pipe. He said more study would be completed and brought back to the Council.

The City Manager said that Todd Jensen had been contacted about moving the wall to the west. Mr. Jensen said there could be no flexibility on the placement of the wall on top of the frontage road berm. The wall could not be moved to the west to get the 2 to 1 slope on the City side.

Mr. Forbush also said the fiber optic manhole is right where the wall will be placed on top of the berm and will have to be moved to the east. He is meeting with officials to discuss the move. He also said the sound wall panels will be installed on the Cave Hollow berm within the week.

Mr. Dixon asked that further investigation take place because the original design by UDOT indicated a different placement of the wall.

MISCELLANEOUS

Larry Haugen received complaints about parking on 100 East and State Street. The parked vehicles obstructed the view of on-coming cars.

Bob Hasenyager discussed a letter from Leslie Rossi who suggested extension of the sidewalk from the Cave Hollow "K" boundary north to the corner of Glover Lane and the frontage road to help children going to and from school. The Council discussed the safety issue and referred it to the City Manager for further evaluation.

Max Forbush said Jerry Preston had approached Mr. Christensen to purchase his property east of the Fire Station. Part of the property would be used for expansion of the Fire Station and part would be used for Mr. Preston's proposed development. The cost of each party's participation was discussed briefly.

Mayor Bell directed the City Manager to further negotiate with Mr. Preston to ensure the best arrangement for the City.

The Council briefly discussed the proposed Preston project, its impact on the downtown area, and the availability of affordable housing in Farmington. The City Manager was asked to invite Mr. Preston to the next City Council meeting.

Mr. Forbush said the City Recorder had certified the annexation petition recently submitted to the City regarding property located in the vicinity of 1525 West and 500 South..

Over 60 percent of the property owners involved had agreed to the annexation. However, Mr. Forbush felt there would probably not be sufficient percentages to agree to a special improvement district for the area.

Mr. Forbush reported negotiations between Tom Owens and Roy Love over the Heidleburg Road. It had been agreed that the two property owners, Mr. Haugen, and the City would each pay one-quarter of the cost of surveying the road to help resolve issues in the vicinity that had been on-going for years. After the survey is complete, an agreement would be presented to the Council for consideration.

MINUTE MOTION ADJOURNING TO CLOSED SESSION TO DISCUSS STRATEGY AS IT RELATES TO ACQUISITION OF REAL PROPERTY AND/OR PENDING LITIGATION (Agenda Item #9)

Larry Haugen *MOVED* to adjourn to Closed Session at 10:00 P.M. **David Dixon** seconded the motion, which was unanimously approved. At 10:15 p.m. a motion was made by **David Dixon** and seconded by **Larry Haugen** to reconvene in open session. The motion was unanimously approved.

Mayor Bell thereupon reported to the Council that a complaint had been received from a resident living on 300 West, south of State Street regarding an unsightly condition in his neighbor's front yard. A "tree house/fort" has been constructed in the front yard of Steve and Becky Dragon by their 11 year old son. The construction is in violation of City Code, and the City Planner was instructed by the Mayor to move forward to have the violation corrected..

It was also reported that Ames Construction is looking into the possibility of opening a gravel pit in the foothills straddling the Farmington/Centerville City boundary line to be used in excavating 400 thousand cubic yards of material for the construction of Legacy Highway. Mayor Bell reported that he and Council Member Bob Hasenyager were to meet with Centerville City officials on Thursday, March 22, to discuss the matter. It was suggested it might be a good idea to alert Craythorne, Parsons, Staker and Fruit Heights City to the possibility of the gravel pit.

ADJOURNMENT

There being no further business, upon motion of **Ed Johnson**, the meeting was adjourned at 10:25 p.m.



Margy Lomax, City Recorder
Farmington City

SPECIAL FARMINGTON CITY COUNCIL MEETING

March 29, 2001

8:00 a.m.

Present: Mayor Gregory S Bell, Council Members David Connors, David Dixon, Ed Johnson, Bob Hasenyager, and Larry Haugen, Michael J. Mazuran, City Attorney, Max Forbush, City Manager, David Petersen, City Planner, and Margy Lomax, City Recorder,

The special City Council meeting was held to discuss the "Third Amendment to Farmington Preserve Development Agreement" (Prows, Becknell and Alles). Mayor Bell called the meeting to order at 8:05 a.m.

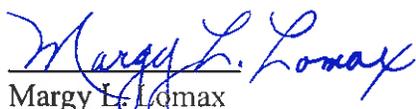
A motion was made by **David Connors** to go into closed session to discuss acquisition of real property and pending litigation. The motion was seconded by **David Dixon**. The motion passed with all Council Members voting in the affirmative.

At 10:00 a.m. a motion was made by **Bob Hasenyager** to reconvene in open session. **David Dixon** seconded the motion. All Council Members voted affirmatively and the motion passed.

A motion was then made by **Bob Hasenyager** to hold another Special City Council Meeting by means of teleconferencing on Friday, March 30, 2001, at 11:00 a.m. to hold a closed session relative to acquisition of real property and pending litigation. **David Connors** seconded the motion and it passed with all Council Members voting in the affirmative. The base point for the teleconference will be the City Hall.

The agenda item regarding "Fencing alternatives for the Main City Park" was tabled until the next regular City Council meeting to be held April 4, 2001.

There being no further business, a motion to adjourn was made by **Bob Hasenyager**. The meeting was thereupon adjourned at 10:00 a.m.


Margy L. Lomax
City Recorder

SPECIAL FARMINGTON CITY COUNCIL MEETING

March 30, 2001

11:00 a.m.

The special City Council meeting was held via teleconferencing as allowed by statute with the base point being located at the Farmington City Hall.

Present via teleconferencing:

Mayor Gregory S Bell, Council Members David Connors, David Dixon, Ed Johnson, Bob Hasenyager, and Larry Haugen, Michael J. Mazuran, City Attorney, Max Forbush, City Manager, David Petersen, City Planner, and Margy Lomax, City Recorder,

The meeting was called to order by Mayor Bell at 11:00 a.m. Inasmuch as the meeting had been called to discuss potential litigation and the acquisition of real property, Mayor Bell called for a motion to go into closed session. **Council Member David Dixon** so moved with **Council Member David Connors** seconding the motion. All members of the City Council voted unanimously in favor. The meeting was then convened in a closed session at 11:05 a.m.

At 12:00 p.m. a motion was made by **David Connors** to go back into open session. The motion was seconded by **David Dixon** and voted on unanimously. The meeting was thereupon convened in open session.

Farmington Preserve Project - 3rd Amendment Agreement

Discussion was held on whether the City should sign the 3rd Amendment and Release of Certain Governing Documents on the Farmington Preserve Project which is an amendment to the Development Agreement for Farmington Preserve. The Council was concerned about preserving the nature of the development as it had been originally presented. The 3rd Amendment Agreement deals with eliminating the designation of wetlands on ancillary properties located in the Farmington Preserve project area. The main reason for eliminating the "wetlands" designation is to reduce the risk of exposure for inverse condemnation suits.

Davis County has a judgment against it for \$1.6 million handed down on the Kerr property which is located in the project area. That lawsuit is now in the appeal process.

Mayor Bell stated that he was not adverse to going forward with the Agreement under three conditions:

- 1) If the judgment comes back under \$550,000, the City wants every dime of that spent toward acquiring the other properties;

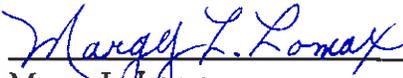
- 2) The City wants a protection strip around the lower square if not the upper Milo Kirkham piece; and
- 3) The City wants a side letter with the County stating that they will go forward on the 14 acres and that there is no chance of them backing out.

A motion was made by **David Dixon** to authorize the Mayor to sign the Agreement with the three stipulations as outlined previously by Mayor Bell, that the City encourages a letter from the County, require the protection strip around both properties, and if the judgment is less than the \$550,000 bond which has been placed by the Developer, that the proceeds go toward acquiring the additional parcels. The motion was seconded by **David Connors**. A roll call vote was taken by Mayor Bell with each Council Member voting yes. The motion passed unanimously.

Council Member David Dixon then moved to authorize the Mayor to sign a quit-claim deed quit claiming any interest the City has in water rights over and across Shepard Creek Parkway. The motion was seconded by **Council Member Bob Hasenyager** and passed with all Council Members voting in favor.

The City Attorney and City Manager were directed to contact the primary parties involved with the 3rd Amendment Agreement to see if the three stipulations could be resolved.

There being no further business, upon motion of **Larry Haugen**, the meeting was adjourned at 12:10 p.m.



Margy L. Lomax
City Recorder

FARMINGTON CITY COUNCIL MEETING

Wednesday, April 4, 2001

CITY COUNCIL WORK SESSION/WEST CONFERENCE ROOM

PRESENT: Mayor Bell, Council Members Connors, Dixon, Hasenyager, Haugen, and Johnson, City Manager Forbush, and Recording Secretary Chipman. Also present were representatives of the Utah Housing Commission, specifically the CROWN Program, A.J. Anderson and Susan Herd.

Ms. Anderson and Ms. Herd presented a video showing the need for and benefits of CROWN homes in the State of Utah. The CROWN Program is a "lease to own" program where government and private agencies work together to make affordable housing available to qualified individuals. Ms. Anderson and Ms. Herd explained the program and requested that the City Council consider providing property on which CROWN homes could be constructed. The program focuses mainly on new construction, not remodel of existing homes. The homes would be built to be consistent with neighborhoods and would be available for people in a wide range of situations who could not otherwise afford to build houses. The CROWN program is a 15 year lease to own program which gives tax credit to investor-owners. Council Members and the Mayor asked questions about several aspects of the program. There was not time to cover every detail during the meeting. However, the ladies offered to give further information as the City has time to consider possible involvement.

After the discussion regarding affordable housing, the following agenda items were reviewed:

- The Mayor had contacted Marda Dillree and Tom Warne regarding the use of gravel from the Farmington foothills for construction of Legacy highway. The use of local gravel was not the idea of the State officials. The decision is one which will be made by the County. The issue will be discussed further.
- Mr. Forbush commented on negotiations between the City, developers, and the County regarding amendments to Farmington Preserve Development Agreement. The City Attorney had given input. City officials expressed concern that County interests be respected while protecting the City.
- Mr. Petersen said Agenda Item #4 regarding converting two duplexes into condominiums in the Held Subdivision drew strong public comments during the Planning Commission meeting.
- Mr. Forbush reported that an amended agenda would be distributed during the regular Council meeting.

REGULAR CITY COUNCIL/CITY CHAMBERS/CALL TO ORDER

PRESENT: Mayor Gregory S Bell, Council Members David M. Connors, David J. Dixon, Bob Hasenyager, Larry W. Haugen, Edward J. Johnson, City Manager Max Forbush, City Recorder Margy Lomax, City Planner David Petersen, and Recording Secretary Jeane Chipman. The City Engineer, Paul Hirst, attended for items 12 through 16.

Mayor Bell called the meeting to order at 7:10 P.M. The invocation was offered by **David Petersen** and the Pledge of Allegiance was led by **David Dixon**.

APPROVAL OF MINUTES OF PREVIOUS MEETING

The minutes of the March 21, 2001, City Council Meeting were corrected. **David Dixon** *MOVED* to approve the minutes as corrected. **Ed Johnson** seconded the motion. The voting was unanimous in the affirmative. Mr. Connors abstained due to his absence during the March 21st meeting.

The minutes of the March 19, 20, and 21, 2001, Board of Equalization were considered. Mayor Bell, Council Members Ed Johnson, Larry Haugen, and Bob Hasenyager served as Board Members for those meetings. **Larry Haugen** *MOVED* to approve the minutes. **Ed Johnson** seconded the motion, which was then pass by a unanimous vote of the Board Members.

REPORT OF PLANNING COMMISSION (Agenda Item #3)

David Petersen reported proceedings of the Planning Commission meeting held March 22, 2001. He covered the following items:

1. Mr. Petersen had notified downtown residents of the upcoming public meeting to be held April 12th regarding the possible development of an in-fill ordinance which would affect the area. He expressed gratitude to Troop 103 for helping distribute the notices door to door.

2. The Planning Commission approved the preliminary plat for the Farmington Greens (PUD) Plat I . Jerry Tulley (designer) commented on design characteristics of the project and wished to address the Council about reducing the "grand" green in the center of the development.

3. The Planning Commission held a public hearing and approved a request for conditional use approval to convert the 2 two-family dwellings located on lots 2 and 3 of the Held Subdivision into condominiums. The Held Subdivision is located at approximately 50 West 600 North in an R-2 zone. Approval was granted with the conditions that the developer construct drainage improvements acceptable to the City and that landscaping be completed as per original plans . Mr. Petersen said the request would require a vacation ordinance prior to recordation as a condominium. Recordation

would be simultaneous with the new plat. The vacation ordinance could be approved pending developer compliance with City conditions.

5. The Commission recommended that the City Council amend Section 11-27-111(2) of the Zoning Ordinance regarding the minimum area requirements for Planning Unit Development (PUD) to reflect that the minimum area for a PUD shall meet the minimum lot size standards established for the zone. Jerry Preston was present in the Planning Commission meeting and gave builder input.

6. The Commission recommended the amendment of Chapter 12 of the Zoning Ordinance, "Conservation Subdivision Development Standards." A public hearing is planned to gather citizen input on the topic.

7. Commission Member Mary Anne Scott presented information about an open space corridor concept for property bordering both Farmington and Centerville.

8. The Commission had requested information regarding a new ride being proposed by Lagoon.

9. Mr. Petersen reminded Council Members of the joint City Council/Planning Commission meeting to be held April 12, 2001, in the Kendall Building on the second floor.

PUBLIC HEARING: CONSIDERATION TO GRANT CONCEPTUAL APPROVAL TO CONVERT TWO DUPLEXES INTO CONDOMINIUMS IN THE HELD SUBDIVISION AT 600 NORTH AS REQUESTED BY ANDERSON HOMES, LLC (Agenda Item #4)

David Petersen reviewed the agenda item and the problems not yet resolved by the builder, specifically regarding drainage. He mentioned that a bond had not been obtained from the developer which was unfortunate. Landscaping had not been completed, however because current use was permitted, landscaping had not been a condition of approval. If the project is approved as a condominium, bonding and landscaping can be required. Mr. Petersen also cited the builder had used red clay which was impervious and hard to grow plants in. Brad Palmer, the neighbor to the south, had requested a fence between the two properties and had commented on increased water on his property.

Mr. Haugen said there were springs all throughout the area and that drainage pipes had been placed there many years ago. He thought the pipes emptied onto the property and had not been addressed during construction.

Mr. Petersen reviewed Planning Commission conditions for approval and reminded Council Members of the UDOT requirement to maintain line of sight through prudent use of landscaping.

Joel Anderson (builder) was invited to address the Council. Mr. Anderson said the homes were currently rental property. The landscaper got a late start in the fall and was unable to finish the work before bad weather came. The landscapers were supposed to complete the detention pond to aid in the drainage problems. His comments was that the drainage systems intended for the driveways was totally missed. He was willing to make drainage improvements as required by the City. Mr. Anderson then discussed the loan requirements necessary before individuals could buy the units—one of which was to have the project made into a condominium. He knew that the City was in favor of owner-occupancy. He stated he did not have the funds to install the fence as required by the Planning Commission.

Mr. Dixon asked about emergency vehicle access.

Mr. Anderson said guest parking had been provided which would give room for emergency vehicles. The guest parking was a gravel area adjacent to the concrete driveway.

Mr. Connors asked about Mr. Anderson's initial work with the development and with Mr. Lingard, who began the project.

Mr. Anderson said he purchased the property from Mr. Lingard.

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

Martin Tolbert (part owner of the property) said there were significant drainage problems on the property. He expressed concern about his financial investment and said he was in favor of the project being made into a condominium but not until the improvements were made.

Julie Aamodt (tenant) said she was moving from the building but she would like to clarify some of the information regarding the development. She had been told the units were for sale from the beginning. However, the buildings cannot be sold currently due to what she understood to be illegal loan procedures. She had experience a great deal of water damage inside the unit. The garage floor was not poured to drain away from the house. Parking was insufficient. Landscaping had been paid for by the tenants.

Brad Palmer (525 North Main) said water problems existed on the property before the two duplexes were built. The construction had made matters worse. He did have a drainage system on his property to handle on site conditions, but since construction the water amount had increased markedly. Mr. Palmer's neighbor to the south had threatened legal action for increased water on that property. Mr. Palmer was also in favor of the fence requirement imposed by the Planning Commission as a condition of approval for condominium status.

Mayor Bell *CLOSED* the public hearing and turned the meeting back to the Council for discussion.

Mr. Petersen was asked about requirements for a PUD and for a condominium. PUD developments require a better fire wall than the Anderson homes have. PUDs also require separate water and sewer laterals. The Anderson homes do not have separate sewer laterals. However, the Anderson homes would qualify for condominium approval.

David Dixon *MOVED* to approve the request to convert two duplexes into condominiums in the Held Subdivision as outlined subject to adherence to conditions set forth by the Planning Commission including installation of a fence and resolution of drainage problems which may consist of a trench at the garage entrance with piping to the detention basin, completion of the detention basin, overflow piping to Farmington Creek, and other measures as determined by the developer's engineer and approved by the City Engineer. Also that the City engineer investigate the need for drainage resolutions on the west side of the property and that no drainage be allowed onto adjacent property. Also that the landscaping be completed according to original agreements and that material other than gravel be used for additional parking if needed as reviewed by the Architectural Committee, City Staff, and the City Engineer. **Bob Hasenyager** seconded the motion.

In discussion of the motion, **Mr. Connors** asked that it be made clear that the drainage resolutions be reviewed by the City Engineer and not designed by him. Also, that the City Attorney have input regarding action taken.

Mr. Dixon concurred and also expanded the motion to include the requirement to install a fence on the south and west of the subdivision.

Mr. Petersen stated a 6 foot fence would meet ordinance standards.

To clarify, **Mr. Dixon** restated the motion as follows:

It is *MOVED* that the City Council approve Anderson Homes, LLC, request to convert two duplexes into condominiums in the Held Subdivision at 600 North Main Street as outlined subject to adherence to conditions set forth by the Planning Commission in the City Planner's letter to Joel Anderson dated March 30, 2001, and that the developer's engineer formulate resolutions to drainage problems to be completed by the developer and which are acceptable to the City Engineer, that landscaping be completed according to original agreements, that a 6 foot fence be installed on the south and the west of the subdivision of material acceptable to City Staff unless relieved of this requirement by adjacent property owners, and that material other than gravel be used for additional parking, if needed, as reviewed by the Architectural Committee and City Staff.

Bob Hasenyager concurred with the restated motion. The motion was approved by a unanimous vote.

CONSIDERATION OF PETITION TO ADJUST LOT LINE BETWEEN LOT 12 & 15 IN SUMMER WOOD SUBDIVISION (Agenda Item #5)

Mr. Petersen briefly reviewed the agenda item and stated no new lot would be formed. The lot line between the two properties would be straightened. He was unsure regarding utility easements on the property involved.

David Connors *MOVED* to approve the lot line adjustment subject to a check on utility easement conditions. **Larry Haugen** seconded the motion, which was then passed by a unanimous vote.

REVIEW OF JERRY PRESTON PROPOSAL TO PURCHASE CHRISTENSEN PROPERTY AND RESELL A PORTION THEREOF TO FARMINGTON CITY (Agenda Item #6)

Mr. Forbush explained the development proposal by Jerry Preston which would provide additional property to allow expansion of the current fire station if so approved by the City Council.

Jerry Preston reviewed funding scenarios and possibilities that would allow the City to acquire property. He detailed property costs and suggested possible City participation amounts. Mr. Preston stated it did not matter to him what action the City took. He would develop the property according to whatever decision the Council made.

Mr. Forbush said a memo had been submitted by the Fire Chief justifying expansion (included in the packet). He also said the Fire Chief may be in favor of a satellite fire station somewhere in Farmington. However, because of costs involved, Mr. Forbush suggested the current station be expanded instead of building an additional satellite station.

The Council discussed the issue including the following points:

- The City could consider making the downtown station a satellite station and building a larger facility in an appropriate location somewhere else in the City, e.g., west Farmington.
- Constructing a satellite station would be costly and would also necessitate the hiring of additional personnel. Overhead costs would increase.
- There was concern expressed about letting a developer's project drive the decision about whether or not to expand the current fire station, especially if the Fire Chief feels an expansion is a "stop gap" measure.
- Council Members wanted to be sure it was understood that no commitment was being made to expand the fire station or to approve any development if indeed they did approve the purchase of the Christensen property.

- Several members of the Council felt the property should be purchased while available. Future events may make the purchase impossible or even more costly. Purchase costs could be covered through fire impact fees.
- The City Manager had suggested the purchase as a way to help improve properties in the RDA area and to provide for potential expansion of the fire station.
- The developer will proceed separate from the fire station expansion issue.
- Jerry Preston responded to a City Council question stating that in his opinion the asking price of the property in question is higher than the fair market value. The City Manager reported the property is in the BR Zone, not a residential zone. Because of zoning, the owner felt he could ask for a higher amount (\$133,000).
- The capital needs of the Fire Department should be carefully studied before a site plan is approved.

Mr. Dixon felt the proposal was premature and that the process of the presentation may not be according to established City policies.

Mayor Bell asked each Council Member for their opinion. The majority believed it was important to move forward with a proposal to purchase the Christensen property with the understanding that the purchase would have no bearing on future design or the size of an expansion. It would simply preserve alternatives for a future date.

REVIEW OF KELLY MANN REQUEST (Agenda Item #7)

Mr. Mann has applied for a State History Grant to rehabilitate and improve the looks of the Red Fox Gallery. The grant requires a \$5,000 match. Mr. Mann is requesting a \$2,500 loan from the City as part of the match requirement.

Mr. Forbush discussed the agenda item. He said City participation could allow Mr. Mann to clean up and beautify the Red Fox Gallery property, which would enhance goals of the RDA. Upon consideration however, Mr. Forbush felt there is an issue of precedence which should be considered.

A brief discussion ensued. By consensus, the City Council gave conceptual approval for City participation in the project, which included matching grant funds from the Pioneer Communities Grant Program. It was suggested proposal for some type of revolving loan fund that could be established to help all such endeavors. RDA involvement was suggested. Mr. Forbush is to return with a recommendation.

DISCUSSION ITEM: REVIEW OF FARMINGTON GREENS DEVELOPMENT PROPOSAL/CONSIDERATION TO MODIFY OPEN SPACE ARRANGEMENT (Agenda Item #8)

David Petersen presented a suggestion from Jerry Tulley of the Farmington Greens Development wherein the “grand green” (3.5 acres) would be reduced by the addition of building lots. There would be no loss of open space since the lots would be removed from other areas of the development to make way for redistributed open space. Mr. Tulley had suggested open space could be enlarged at the entrance of the development and that a pocket park could be added to another area of residents. Mr. Tulley felt the “grand green” was out of proportion to the development and that it would attract sports like soccer. There would be insufficient parking for such activities. Mr. Petersen said Mr. Tulley had repeatedly said if the City Council did not approve of the change, he would stay with the original design.

The Council discussed the suggestion. They were generally not in favor of changing the design. They felt the open space would be heavily used and enjoyed by local residents and that the 3.5 acre space opened onto the larger open space in a desirable development feature.

In discussion of the proposed home designs, Council Members expressed a dislike for the small cottage design. They preferred up-scale attached town houses.

THIRD AMENDMENT TO FARMINGTON PRESERVE DEVELOPMENT AGREEMENT/DICK PROWS (Agenda Item #9)

Mayor Bell reviewed portions of the recent draft to the Third Amendment Farmington Preserve Development Agreement. The agreement had been discussed by the City Council in several special meetings during the past week.

Mr. Prows stated he felt the agreement would eliminate any risk for all parties involved.

The Council briefly discussed the amendment. It was stated that as a courtesy to Davis County paragraph #3 on page 3 would be eliminated.

David Dixon *MOVED* to approve the document entitled “Third Amendment and Release of Certain Governing Documents/Farmington Preserve Project” eliminating # 3 on page 3 and authorizing the Mayor to sign same along with making any minor changes he deemed necessary. If major changes were made, they would be brought back to the Council for consideration. **David Connors** seconded the motion, after which it was approved by unanimous vote.

MINUTE MOTION APPROVING BUSINESS OF CONSENT (Agenda Item #10)

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

- 10-1 Authorization for Public Works Department to scrap the 1975 Dodge small dump truck and donating the remains to the Kidney Foundation to dispose of the shell of the truck.
- 10-2 Approval of enclosed letter to David Barney.

Larry Haugen seconded the motion. The vote was unanimous in the affirmative.

ORDINANCE AMENDING 12-2-030 AND ENACTING 12-2-045 AND 12-2-047 PERTAINING TO THE ISSUANCE OF BUILDING PERMITS IN UNIMPROVED SUBDIVISIONS (Agenda #11)

Bob Hasenyager *MOVED* to approve Ordinance No. 01-17, an ordinance amending Section 12-2-030 of the Farmington City Municipal Code and adopting and enacting Sections 12-2-045 and 12-2-047 of the same regarding the issuance of building permits and certificates of occupancy in conjunction with subdivision development. **Ed Johnson** seconded the vote. The City Council voted unanimously in favor.

HEIDELBERG ROAD AGREEMENT PROPOSAL (Agenda Item #12)

Mr. Forbush explained a proposed agreement regarding the Heidelberg Road. Neighbors had had difficulties over the road for many years. Mr. Forbush said the agreement would allow the City to receive dedication of the right-of-way through quit-claim issuance by Mr. Haugen and Mr. Owens. The City in turn would maintain the road. If property to the west ever developed, more property would have to be conveyed in order to bring the road up to City standards. Mr. Owens agreed to purchase and plant evergreen trees along the west side of properties on the east side of the road to hide trash dumpsters and recreation vehicles parked in the rear of the fourplexes in Stonybrook..

David Dixon *MOVED* to approve the agreement as outlined upon review by the City Attorney and to authorize the Mayor to sign the agreement. **David Connors** seconded the motion. The Council voted unanimously in the affirmative. **Larry Haugen** abstained due to conflict of interest.

RESOLUTION TO CONSIDER PACK ANNEXATION PETITION FOR STUDY (Agenda Item #13)

Mr. Petersen outlined the area of proposed annexation.

David Connors *MOVED* to adopt Resolution No. 01-14, a resolution receiving an annexation petition from the Darryl D. and Joyce S. Pack living trust for consideration by Farmington City. **David Dixon** seconded the motion.

In discussion of the motion, **Mr. Hasenyager** asked if the Legacy highway would impact the annexed area.

In response, **Mr. Petersen** said Legacy would be going through the area but that it would not effect the annexation. It had been the request of the applicants to have the property annexed as M-1 zone.

Mr. Forbush recommended that the subcommittee reviewing annexation property to the north also take the Pack Annexation property under advisement. The Council concurred.

POLICY ISSUES: DRAFT LETTERS TO UDOT (Agenda Item #14)

Ed Johnson *MOVED* to authorize letters to the Utah Department of Transportation regarding 1) Request for Extension of Legacy Highway Limits, and, 2) Farmington City Proposal to Assume Ownership of Parts of State Road 106 and 227 in Farmington. **Larry Haugen** seconded the motion, which was thereafter approved by a unanimous vote.

REPORT ON LEISURE SERVICES/PARKS OPEN HOUSE AND SURVEY (Agenda Item #15)

In a brief discussion, by consensus the Council felt they were not ready to consider building a recreational center. Parks needed to be finished first. It may even be wise to let the private sector handle any possible recreation center. However, there was a great need for a performing arts center. It was also stated that the survey now being conducted would be helpful in deciding future needs of recreation in Farmington. There was a short discussion of cooperation with high schools for use of basketball courts. Also discussed was the aging character of Farmington citizens and future needs for such citizens.

HOKANSON/TAYLOR ANNEXATION/TRAILS ISSUE (Agenda Item #16)

According to packet information, Lois Taylor had approached the Planning Commission and requested a discussion of withdrawing the current annexation petition involving her property, which is a joint petition with Don Hokanson. She would then re-petition for annexation without the Hokanson property. Mr. Hokanson was having reservations regarding placement of a trail system through parts of the subdivision and had not signed agreements requisite to annexation.

Mayor Bell explained the trail problem. Placement of the trail at the top of the sand pit area would probably violated the privacy of property below. Placement of the trail at the top of the hill would hamper building lot development. In meetings between City Staff and the property owners, compromises had been reached that would possibly resolve the issues. However, access to the two proposed lots on top of the hill would require a single stem creating a flag lot.

After discussion, by consensus the Council agreed with the concept of allowing access to the two upper properties by a single private entrance provided all City standards were adhered to. There seemed no other way to allow development of the area. Conceptual approval of the "flag lots" would not impact adjacent neighbors negatively and would allow annexation petitions to move forward.

FENCING NEEDS/PROPOSALS WITH MIKE AND DOTTIE HATCH WHOSE PROPERTY ABUTS THE CITY'S MAIN PARK/SWIMMING POOL COMPLEX (Agenda Item #17)

Mr. Forbush reviewed the agenda item for the City Council. Mike and Dottie Hatch had approached the City Manager requesting City participation in replacing a wooden fence which abuts the City's Main Park and swimming pool area with a slatted chain link fence. Other fences in the area had been replaced because park users had encroached on private property.

By consensus the Council approved funding participation and directed the City Manager to work with the Hatch family in replacing the fence with a solid wood or wood look-alike fence east of the cul-de-sac at the end of 100 West.

MISCELLANEOUS (Agenda Item #18)

Bob Hasenyager asked if the City would be notified of any action taken by the County in regards to using gravel from the foothills in the south part of Farmington.

Mr. Hasenyager requested that the City investigate the possibility of funding a consultant to research future tax needs of the City. The Council by consensus directed Staff to explore the possibility and cost of such a study.

The Council discussed business park needs in Davis County and the resulting tax benefits that could arise from such a park.

David Connors reported a large pot hole near the intersection of Kensington Street and Somerset Road.

Mr. Connors also lamented the terrible traffic situation at Main Street and Shepard during rush hour. The Council discussed the possibility of asking UDOT to install a signal there prior to dedication of the road to the City.

Mr. Connors inquired about the timing of improvements to the entrance of Somerset Farms for which Somerset residents had donated \$9,000.

Mr. Forbush said the Public Works Department was aware of the project but had not yet had sufficient time to start it. It may be as much as 2 to 3 months before work on the entrance can start.

Ed Johnson said he had received a call from Ellen Lunt stating there was no street sign on Woodland Drive.

Mr. Johnson asked when the City would begin construction on the sound berm.

Mr. Forbush reported the agreement with the Hughes family regarding the two million gallon reservoir had not yet been signed. When that is complete, dirt can be excavated for the sound berm.

Mr. Dixon asked if there were plans to repave Compton Road.

Mr. Forbush stated the road would be repaved. It would be a priority in the upcoming Streets Improvement Budget

Mayor Bell invited members of the Council to a meeting on May 16 starting at 9 A.M when mediation of a pending litigation would take place.

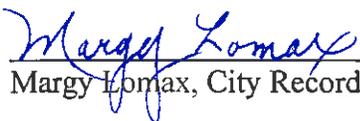
Mr. Forbush reviewed a letter from Michael Brown regarding possible annexation of property in west Farmington. About 12 property owners were involved in the area. The area is problematic and would require special attention by the City. Some exceptions to City standards would have to be made in order to allow annexation and development. Mr. Forbush said issues involve room for sidewalks, road width, lot frontage shortages, and legal issues. An S.I.D. may need to be created, but other property owners would have to be included in order to have sufficient funds for the project. The City Manager said the project would prevent blight in the area.

Mayor Bell suggested having the project wait until June when budget hearings and other pressing matters had been resolved. He directed staff to negotiate possible solutions to the problem before scheduling an audience before the City Council.

Mr. Forbush said Viola Kinney had requested permission to replace a \$2000 computer with surplus soccer funds. The Council approved the request.

ADJOURNMENT

Larry Haugen *MOVED* that the meeting adjourn at 10:50 P.M.



Margy Lomax, City Recorder

FARMINGTON CITY COUNCIL MEETING

Wednesday, April 18, 2001

CITY COUNCIL WORK SESSION/WEST CONFERENCE ROOM

PRESENT: Mayor Bell, Council Members Connors, Dixon, Haugen, and Johnson, City Manager Forbush, City Planner Petersen, and Recording Secretary Chipman. Council Member Hasenyager was excused.

Mayor Bell began discussion at 6:40 P.M. The following items were reviewed:

- A brief discussion of amending ordinance 11-27-111(2) of the City's Zoning Ordinance reducing minimum area requirements for PUD's was led by Mr. Petersen. The Planning Commission suggested setting no minimum area requirements on PUDs except those indicated by existing lot size standards in the zoning ordinance. Mr. Petersen expressed some concern about allowing PUD's in areas under 1 acre.
- Mr. Petersen said staff was asking for City Council input regarding Chapter 12 of the Zoning Ordinance (Conservation Subdivision Development Standards) pertaining to conservation land meanings and conservation lot standards.
- Item #6, consideration of ordinance amending Held Subdivision by vacating lots 1 and 2 for the purpose of establishing a condominium plat, was briefly reviewed.
- Mr. Forbush reviewed item #7 regarding property negotiation actions for UDOT surplus properties, Bob Murray and Lewis Nord property, and Eric Swanson's request to purchase a portion of the Spencer Reservoir site.
- Names have been submitted for the West Farmington Annexation/Master Plan Committee.
- Jay Ferrin has requested a reduction of the Board of Adjustment fee regarding an issue he needs to bring before the Board of Adjustment.
- Item #13 involves a change in a previous agreement which overlooked the need for a right-in/right-out access to a portion of the Farmington Preserve Project.
- Mr. Forbush expressed his support for approval of an amendment to the Solid Waste Collection Agreement with Waste Connections of Utah, Inc.
- Item #15 involved the approval of the Shepard Heights Amended Plat Agreement with Creekside LLC.

- Item 16, resolution authorizing Inter-Local Agreement with Davis County pertaining to completion of north end of “North Compton Road” by Davis County, was briefly discussed.

[Mr. Dixon arrived at 6:55 P.M.]

- Mr. Petersen reviewed issues regarding a request for a slight adjustment on the plat of the Rose Cove project.
- Mayor Bell reported that contractors for Legacy Highway wanted to use gravel from Farmington’s east bench above the aqueduct road, specifically from property owned by Brent Armstrong. In visiting with Governor Levitt’s office, the Mayor learned that the Governor also felt there should be no more gravel pits along the Wasatch Front. Mayor Bell asked if the Council felt he should visit with Mr. Armstrong. By consensus, the Council supported the visit.

REGULAR CITY COUNCIL/CITY CHAMBERS/CALL TO ORDER

PRESENT: Mayor Gregory S Bell, Council Members David M. Connors, David J. Dixon, Larry W. Haugen, Edward J. Johnson, City Manager Max Forbush, City Planner David Petersen, Deputy City Recorder Sue Bryce, and Recording Secretary Jeane Chipman. Council Member Hasenyager was excused. Also present was Douglas Cromar, representing the City Engineering firm CRS.

Mayor Bell called the meeting to order at 7:10 P.M. The invocation was offered by Max Forbush and the Pledge of Allegiance was led by Mayor Bell.

APPROVAL OF MINUTES OF PREVIOUS MEETING

Larry Haugen *MOVED* to approve the minutes of the April 4, 2001, City Council Meeting. **David Dixon** seconded the motion. The voting was unanimous in the affirmative.

Ed Johnson *MOVED* to approve the minutes of the special City Council meeting held March 29, 2001. **Larry Haugen** seconded the motion. The voting was unanimous in the affirmative.

David Connors *MOVED* to approve the minutes of the special City Council meeting held March 30, 2001. **Ed Johnson** seconded the motion. The voting was unanimous in the affirmative.

REVISED AGENDA

The agenda for the evening was revised to allow participants time to arrive and to allow time for staff to gather information needed for certain agenda items. **Mayor Bell** suggested that on future

printed agendas, times shown next to agenda items either be eliminated or explained as estimates only and not binding.

PUBLIC HEARING: CONSIDERATION OF AMENDMENTS TO CHAPTER 12 OF THE ZONING ORDINANCE (CONSERVATION SUBDIVISION DEVELOPMENT STANDARDS) PERTAINING TO CONSERVATION LAND MEANINGS AND CONSERVATION LOT STANDARDS (Agenda Item #5)

Mayor Bell opened the meeting to a *PUBLIC HEARING*. With no forthcoming comments, Mayor Bell *CLOSED* the public hearing and stated that the ordinance was not yet ready for action by the Council.

PROPERTY NEGOTIATION ACTIONS/ISSUES REGARDING 1) UDOT SURPLUS PROPERTIES, 2) BOB MURRAY/LEWIS NORD PROPERTY, 3) ERIC SWANSON'S REQUEST TO PURCHASE PORTION OF SPENCER RESERVOIR SITE (Agenda Item #7)

UDOT Surplus Properties

Mr. Forbush reviewed negotiations with UDOT over property purchases. The City and UDOT have agreed on the City's purchase of the approximately five acres of land for a new City Shop/Leisure Services Building located northwest of the current shop on the old Candland Olsen property. The sale will close in approximately one month. Terms of the purchase of this property is \$40,000.00 per acre with the City receiving a credit of one-half the value on adjacent street rights-of-way being conveyed to UDOT from the City for the Legacy Highway Project. The credit value will amount to about \$62,500.00.

UDOT has indicated they are willing to sell in excess of 8 acres of property adjacent to Legacy Highway and south of Glover's Lane for about \$45,000.00 per acre. Some discussion has occurred between the Mayor and the City Manager regarding the City's potential purchase of the property to be used for future industrial trade property (i.e., Hokanson, Lakes, Hardys, etc.). A funding source to help purchase this property could possibly be the sale of the City's 7 1/2 acres north of Burke Lane purchased from Shauna Clawson. Additional funding could be provided by Zion's Bank's line of credit tool. The "line of credit" debt could be paid off by the sale of parcels of the acreage to be purchased.

UDOT has another parcel of vacant property northeast of the Rulon Homer residence. With the elimination of most of the M-1 industrial at the end of 250 South, this parcel might be ideal for the development of some kind of housing. The City Manager suggested the concept of a CROWN Housing Development on this property using RDA funds generated from the U.S. 89 Development Project Area.

Mayor Bell indicated the Council should consider the issues involved and that the item should be considered again at a later meeting.

Bob Murray/Lewis Nord Property

Mayor Bell and the City Manager met with the property owners, Bob Murray and Lewis Nord. The City's appraiser was also present. Currently, the property does not have public access and there is a blanket easement on the entire property. Because of these shortcomings, the property was appraised at less than \$15,000.00 per acre. The property owners want \$35,000.00 per acre. The City Manager believed that if the easements can be reduced in size across the property thus enabling future construction of buildings in strategic locations, then an offer of \$25,000.00 per acre would be a reasonable asking price. The property owners have asked the City to submit an offer, and they would consider it. The purchase price would be conditional on the City's ability to remove a substantial amount of blanket easements over the property.

Mayor Bell indicated the issue should be considered during the budget work sessions and hearings. Also, that Oakridge Park Development should be considered in the budget discussions.

Eric Swanson's Request to Purchase a Portion of the Spencer Reservoir Site

Mr. Forbush said Eric Swanson would like to increase his building lot by purchasing a strip of land from the City adjacent to his land. Mr. Forbush indicated the City Engineer could be asked to evaluate the feasibility and need of constructing an additional water tank next to the Spencer tank on the City's property. If there is not a need, the Swanson request could be approved. After discussion and consensus, the City Council supported the action contingent on Mr. Swanson's agreement not to contest the development of a trail through the area.

CREATION OF WEST FARMINGTON (HAWS, ET AL) ANNEXATION/MASTER PLAN COMMITTEE (Agenda Item #8)

The Mayor and City Council discussed names for the West Farmington Annexation and Master Plan Committee. Names were listed in order of preference and the City Manager was asked to contact those listed in order until three consenting members are found.

REPORT OF PLANNING COMMISSION (Agenda Item #3)

The last Planning Commission meeting was a joint City Council/Planning Commission meeting on in-fill ordinance development. Mr. Petersen reported that RFPs would be issued during the week. He said 25 written public comments had been collected during the in-fill public hearing. Copies of the comments would be given the City Council.

Mr. Petersen said developers for the Rose Cove Senior Housing at Shepard Creek had noticed a problem on the plat as previously approved. Parcel C on the plat would be landlocked if approved as it stands currently. The developer asked that a slight property line adjustment be made to allow a 50 foot frontage for access.

Discussion ensued including the following points:

- A set number of dwelling units had been approved. The developer indicated they would not request permission to increase that number. The City Council indicated they were not willing to increase that number.
- Previous development agreements needed to be researched to verify facts and previous agreements regarding land use and resident numbers allowable.
- The City Attorney needed to be contacted to review all the issues involved.
- The developer was made aware of the possible need for two points of access for Parcel C. The City Engineer had indicated such a possibility to the developer.
- The developer committed to preserving the previously approved trail.
- It was the sense of the Council that Parcel C would not be separately developable. It would be part of the development ideas already approved for adjoining properties. Therefore, there was a question about approving the lot line adjustment for the frontage access since no access would be needed other than that which would be available for adjacent properties.
- The developer maintained that the frontage would add to the value of the property. Otherwise it would be useless.
- The property is zoned R4 and is 2.13 acres.
- The Council felt that conditions should be in place that Parcel C could not be used for residential development.
- Mr. Dixon suggested a no-build easement along the property line shared by Rose Cove. He suggested 100 feet.
- Keith Bennett (representing the developer) felt a 25 foot easement already existed and that 100 feet would be arbitrary. The easement should be set at the time use is known.

David Dixon *MOVED* that authorization be granted to approve the plat revisions to allow a 50 foot frontage wherein access to the property could be placed, that approval include the provision that an 80 foot no-build easement be placed on the boundary of the property line adjacent to the Rose Cove development which would be temporary and which may be modified at the time Parcel C is developed, that Parcel C shall not be used for residential developments, and that the approval be subject to a development agreement if appropriate conditions are not already in existing development agreements. **Larry Haugen** seconded the motion which was then approved unanimously.

PUBLIC HEARING: CONSIDERATION OF ORDINANCE AMENDING HELD SUBDIVISION BY VACATING LOTS 1 AND 2 FOR THE PURPOSE OF ESTABLISHING A CONDOMINIUM PLAT (Agenda Item #6)

Mr. Petersen explained that the issue was a follow up item that had been discussed at the previous Council meeting regarding establishing a condominium plat on the Held Subdivision. The approval would not be signed or recorded until bonding is posted and conditions of the approval are met by the developer.

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

Martin Tobert (59 West 600 North) expressed his support of the condominium action. He asked if the City Council could aid in expedition of the process. His complaint with the developer, however, was a civil matter and the City could not become involved.

Mr. Petersen said the developer was clearly in violation of the site plan. If the developer does not comply with City requirements, legal action could be taken.

Mayor Bell suggested allowing the developer one month to take action at which time the situation could be re-evaluated and possible legal action considered. With no further public comments, the Mayor *CLOSED* the public hearing.

David Dixon *MOVED* that the City Council approve an ordinance authorizing the Mayor to enter an order vacating and amending lots 1 and 2 of the Held Subdivision and directing that the same be recorded with the Davis County Recorder's Office with the direction that staff not record the order vacating and amending Lots 1 and 2 until all conditions for condominium approval as set forth by the Planning Commission and City Council have been met. **Ed Johnson** seconded the motion.

However, after discussion of the motion, it was decided to wait until conditions had been met before approving the vacation ordinance. Mr. Dixon *WITHDREW* the motion and Mr. Johnson concurred. No action was taken to allow both the vacation and the condominium request to be considered simultaneously.

PUBLIC HEARING: CONSIDERATION OF ORDINANCE AMENDING 11-27-111 (2) OF THE CITY'S ZONING ORDINANCE REDUCING MINIMUM AREA REQUIREMENTS FOR PUD'S (Agenda Item #4)

David Petersen reviewed the agenda item. He said the General Plan clearly indicates a preference to owner-occupied dwelling units. The Planning Commission had recommended the minimum area for a Planned Unit Development should meet the minimum lot size standards established by the Zoning Ordinance. However, Mr. Petersen expressed concern that if the limit was too low there may be situations and small parcels where density could be unwisely increased to the detriment of the community.

Mr. Dixon said he felt that one of the original intents of creating PUD ordinances had been lost. One advantage of PUD development was to provide a way wherein the City could obtain open space and trail development, etc., in exchange for density bonuses for the developer. Such trades would not be feasible on lots under an acre. He suggested study of a new category perhaps called "attached housing" which could cover smaller lots needing some of the advantages of PUDs.

Mayor Bell suggested that Mr. Petersen redraft the ordinance considering the "attached housing" approach and bring it back to the Council for consideration. He also suggested that the City Attorney be involved in the redraft and that the current PUD ordinance be left as it is. The Mayor opened the meeting to a *PUBLIC HEARING* but there were no comments, so he *CLOSED* the hearing.

REQUEST TO MODIFY DATES OF BUDGET REVIEW SESSIONS (Agenda #9)

After discussion, Council Members decided to move the budget meeting scheduled for May 9, 2001, to Thursday May 10, 2001.

CONCEPTUAL PROPOSAL FOR FLAG LOTS/TRAIL ON MERRILL LAW PROPERTY (Agenda Item #10)

The Council discussed the agenda item and felt the drawing submitted was not good enough quality to be able to clearly understand what was being requested. It was also noted that the request did not meet ordinance requirements. Staff was asked to request a better drawing. It was also suggested the Council may wish to take the time for a field trip to see the property in person.

BOARD OF ADJUSTMENT FEE REDUCTION REQUEST/JAY FERRIN

The City Council discussed the request by Mr. Ferrin to reduce the Board of Adjustment fee. It was noted that City costs with such requests were justified and therefore needed to be reimbursed. Also, Mr. Ferrin had not shown a hardship case nor other justification for the fee reduction.

Mayor Bell said that hearing no motion, the item was declined.

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

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

- 12-24. Ratification/Approval of Construction Bond Agreements previously signed by Mayor Bell.
- 12-25. Approval of March's Disbursement List.
- 12-26. Approval of Facilities Use Agreement with the Farmington Area Baseball League. Enclosed agreements were thoroughly reviewed by staff, City Attorney and the President and Secretary of FABL.
- 12-27. Approval of Resolution Enacting Fees for Non-Community Sponsored Use of Ball Field Lighting. This resolution is recommended by Neil Miller, Viola Kinney and Max Forbush subsequent to a study done by the three to evaluate the cost of lighting.
- 12-28. Approval of Service Agreement with UTA related to Shuttle Bus Service to and from Lagoon. A similar type of agreement has been approved each year for the past several years. The fee for the service is going up \$400.00 this year.
- 12-29. Approval of Change Order #1-1525 West Water Line Project. The City Engineer and City Manager recommend approval of the same.
- 12-30. Approval of Public Works Department's Request to Purchase Diagnostic Equipment. The City Manager recommends approval of this request. Money for the equipment is from insurance proceeds and not from the general fund. Part of the insurance proceeds are for labor costs that the City and already budgeted. Purchase of the equipment would do a lot to maintain morale.
- 12-31. Approval of May's Newsletter.

David Connors seconded the motion, which was then approved by unanimous vote.

RATIFICATION OF APPROVAL OF THIRD AMENDMENT AND RELEASE OF CERTAIN GOVERNING DOCUMENTS: FARMINGTON PRESERVE PROJECT (Agenda Item #13)

After discussion of the issues involved, David Connors *MOVED* to ratify the approval of the Third Amendment and Release of Certain Governing Documents for Farmington Preserve

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

AMENDMENT TO SOLID WASTE COLLECTION AGREEMENT WITH WASTE CONNECTIONS OF UTAH, INC. (Agenda Item #14)

Mr. Forbush briefly reviewed the agenda item.

David Connors *MOVED* to approve the Amendment to the Solid Waste Collection Agreement with Waste Connections of Utah, Inc., subject to the provision that no fee increase shall exceed more than 5 percent per year. **Ed Johnson** seconded the motion. The motion was approved by a unanimous vote.

SHEPARD HEIGHTS AMENDED PLAT AGREEMENT WITH CREEKSIDE LLC (STEVE BRANDLEY AND CHRIS HAERTEL) (Agenda Item #15)

Mr. Forbush reviewed the agenda item.

David Dixon *MOVED* to approve the Shepard Heights amended Plat agreement with Creekside LLC. **David Connors** seconded the motion. The motion was pass by a unanimous vote.

RESOLUTION AUTHORIZING INTER-LOCAL AGREEMENT WITH DAVIS COUNTY PERTAINING TO COMPLETION OF NORTH END OF NORTH COMPTON ROAD BY DAVIS COUNTY (Agenda Item #16)

Mr. Forbush said the agreement had been suggested by Jerry Hess of Davis County and had been reviewed by the City Attorney. The work will cost approximately \$16,500. The County will get back about \$4,000.00.

Larry Haugen *MOVED* to adopt Resolution No. 2001-16, a resolution approving an inter-local cooperation agreement between Farmington City and Davis County. **David Connors** seconded the motion, which was then approved by unanimous vote.

ASSIGNMENT OF DEVELOPMENT AGREEMENT (FARMINGTON GREENS) FROM CLAIMS, INC. TO PROTERRA COMPANIES, INC. (Agenda Item #17)

Mr. Forbush said the City Attorney had suggested the letter enclosed in the packet be sent to Wayne Petty over the Mayor's signature.

David Connors *MOVED* to authorize the City Manager to send the proposed letter regarding the assignment of the Development Agreement for "Farmington Greens" from Claims, Inc. to Protterra Companies, Inc. as suggested by Mike Mazuran to Wayne Petty. **Larry Haugen** seconded the motion. The motion was approved by unanimous vote.

A RESOLUTION AUTHORIZING THE ISSUANCE AND PROVIDING FOR THE SALE OF \$258,441.08 FARMINGTON CITY, UTAH SPECIAL ASSESSMENT BONDS (Agenda Item #18)

Mr. Forbush reviewed the agenda item for the Council.

Larry Haugen *MOVED* to approval Resolution No. 2001-17, a resolution authorizing the issuance and providing for the sale of \$258,441.08 Farmington City, Utah, Special Assessment Bonds, Series 2001 (Farmington City, Utah, Special Improvement District No. 99-1) (The "Bonds"), fixing the interest rates to be borne thereby, prescribing the form of bond and interest rates, maturity and denomination of said bonds; reaffirming the creation of a guaranty fund as provided by statute; and related matters. **David Dixon** seconded the motion, which passed by unanimous vote.

REVIEW OF WATER TANK/200 EAST WATER LINE TRANSMISSION BIDS (Agenda Item #19)

Mr. Forbush detailed bids received for both work on the water lines and the 2 million gallon water reservoir tank. He also covered public improvements promised by the City in regards to Lucky Star way rough grading, construction of certain improvements and reimbursements, excavation and removal of dirt and material, and waterlines and storm drain lines. Bids for the water lines ranged from \$277, 644 to \$445,000. Bids for the reservoir ranged from \$759,553 to over a million dollars. Mr. Forbush then discussed the details of the water system development projects expense and budget summary. The discussion included engineering estimates and cost portions for the City and developers (Farmington Ranches and Farmington Greens). Estimates looked favorable.

REMINDER OF IMPORTANT CITY COUNCIL MEETINGS (Agenda Item #20)

Wasatch Front Regional Council meeting at Davis County Courthouse on April 25th.

Meeting with Transportation Commission on April 20th at 9:00 A.M. It was noted that the City would like to encourage Trax and commuter rail through the City. It would also be helpful to have a station in Farmington especially in light of Lagoon traffic and the junction of three major highways in the City. A park and ride facility could possibly be one of the heaviest used in the along the Wasatch Front.

The first Budget Work Session with full City Council at 6:00 P.M. on April 25th. As part of this agenda, a HUD CDBG hearing will be required to announce the City's intended project which is the acquisition of the Brass comb property. A public hearing will be required.

A "Tree Utah" Planting Project on 100 East at 9:00 A.M. on April 28th is scheduled. Council Members were encouraged to attend..

MISCELLANEOUS (Agenda Item #21)

David Dixon commented that Rich Haws had discussed street names for streets in his proposed development near Burke Lane. Burke Lane curves and may be better renamed when it traversed new developments. Names for the proposed commercial area were discussed.

Mr. Haugen suggested the original name of Farmington be used somewhere. The original name was North Cottonwood.

Ed Johnson reported the City's Youth Council had nominated Lindsey Granger as the youth citizen of the year. The Council agreed with the selection. Mr. Johnson also reported pot holes by the City's south park on the frontage road. He also stated the City's annual egg hunt was well attended and successful.

David Connors asked if new Youth Council advisers had been appointed.

Mayor Bell said attempts had been made to find new advisers but none had been found yet.

Mr. Connors also asked about the work on the Somerset Farms entrance.

Mr. Forbush said he would contact Walt Hokanson of the City's Public Works Department to see about the project.

Mr. Haugen asked that the elementary student Farmington history art project be on the next City Council agenda so the winners of the contest could be presented their awards.

Mayor Bell said there was an Envision Utah seminar on street designs. CRS personnel had been alerted. A seminar for fire station personnel was also scheduled.

Mr. Forbush asked if the Council would like to have an ordinance drafted requiring citizens not to use irrigation water between the hours of 10 A.M. and 6:00 P.M. After discussion, the Council felt the City should lead out in water conservation but that penalties for non compliance could wait until July to see if they were needed.

Mr. Forbush reported the insurance company covering the old City shop building had informed him they would deny the City's claim due to defective building standards. By consensus, the Council felt the City should legally fight that decision, since the building did not have defective building standards. It had been in use for 30 years.

Mr. Forbush reviewed the situation with the annexation petition by Lois Taylor and Don Hokanson. Trail placement is still a big problem. Mrs. Taylor has been anxious to get the annexation

completed so that she can develop her land inside City limits. Several options were discussed. Mr. Forbush said he would contact Mrs. Taylor and discuss options with her.

Mr. Forbush reported the annexation involving parts of west Farmington were problematic. The property was owned by Mr. Brown and other property owners. He asked if two members of the Council would consider meeting with the property owners to discuss options for resolution.

Mayor Bell felt the Council did not have time right now, especially because of up-coming budget hearings. He suggested extending application deadlines to allow such a meeting after budget hearings were completed.

Mr. Dixon said he felt the property owners themselves were not in unity regarding solutions. He felt staff should suggest they work out problems first and then bring their wishes to the City.

ADJOURNMENT

David Connors *MOVED* that the meeting adjourn at 10:00 P.M.



Margy Lomax, City Recorder
Farmington City

SPECIAL FARMINGTON CITY COUNCIL MEETING

April 25 2001

6:00 p.m.

Present: Council Members David Connors, David Dixon, Larry Haugen, Bob Hasenyager, and Ed Johnson, Max Forbush, City Manager, Keith Johnson, Finance Director, and Margy Lomax, City Recorder, Mayor Bell was excused from the meeting to attend a Shorelands Committee meeting.

At 6:08 p.m. a motion was made by Ed Johnson to nominate David Dixon as Mayor Pro Tem with Larry Haugen seconding the motion. The motion passed by Council Members Dixon, Haugen, Hasenyager, and Johnson voting in favor. Upon arrival of Council Member David Connors, this action was rescinded and Mr. Connors conducted the meeting acting in his capacity as Mayor Pro Tem.

PUBLIC HEARING:

Community Development Block Grant (CDBG) Hearing to Discuss the Acquisition of the "Brass Comb" property located at 79 North Main Street as the Proposed Project for the 2001-2002 Small Cities Grant Program.

The City Manager stated that this was the second public hearing held prior to filing the final application. The City has received a commitment for funding its project from the Davis County Council of Governments (COG) for \$150,000 if the City successfully files an application and completes all of the requirements. The project will include acquisition of the "Brass Comb" property located at 79 North Main Street, the necessary appraisals, evaluation by an architect for the removal of blight, and analysis how blight might be removed which may include renovation or reconstruction. The project is being funded 100% by the Community Development Block Grant with no City matching funds. The project should not affect the displacement of any low or moderate income families. The present owners of the property are selling it to relocate their business in another section of the City.

Council Member Johnson questioned if there were a time limit on the project. The City Manager responded that it was to be completed in 1½ years. It will be necessary to obtain an option to purchase the property, do an environmental assessment, then after a number of hearings, the State will give notice to proceed to purchase the property, probably sometime in late July or early August of this year.

The meeting was opened for public comment at 6:15 p.m. There being no public comment, the public hearing was closed.

A motion was made by Council Member Bob Hasenyager directing the City Manager to file the final application to get the project underway. A second to the motion was made by Larry Haugen with the voting being unanimous in favor.

Budget Work Session for Upcoming Fiscal Budget Year 2001-2002.

The following department heads addressed the Council pertaining to fiscal needs for the upcoming fiscal year for their respective departments: Viola Kinney, Leisure Services; Larry Gregory, Fire Department; Jeff Jacobson, Police Department; and Walt Hokanson, Public Works Department.

Viola Kinney - Leisure Services Department

Viola Kinney opened her remarks by asking what should be done in looking toward the future. She reported that the Leisure Services Department is waiting for a report from MGB+A, a consulting group which is preparing a Master Plan Study for the Leisure Services Department. This report should be out by the end of May.

Leisure Service surveys were sent to all residents with their utility bills the first of April. Those surveys have been coming in with about 60 - 65% in favor of some tax increase to build a Performing Arts/Recreation Center with approximately 25% dead-set against a tax increase. They will have a final tally in approximately two weeks.

The Leisure Services Department has a new computer software program for registration, but they are hesitant to hook it up until they know where they will be permanently located. They have outgrown the area where they are presently located and need additional space. The City will be constructing a new Public Works building to replace the existing one being taken for the construction of Legacy Highway. The City Manager stated that a decision on space for the Leisure Services Department needs to be made within one month. The City needs to vacate the current building within one year.

Ms. Kinney stated that it is hoped to offer more preschool and adult activities, stating that most of the focus has been on youth.

Larry Gregory, Fire Chief

Chief Gregory expressed appreciation for the support given to the Fire Department by the Council. A new fire engine is being

built to Farmington's specifications and will be finished May 29. The Fire Department has saved approximately \$30,000 in this year's budget to use for the loose equipment for the new engine. This money will be included in the amended budget to be presented to the Council for their consideration.

He reported that one of the assignments he was given when he was hired was to upgrade the training of firemen. He was pleased to report that the level of training is up in that almost every fire fighter is Fire Fighter II Certified and all are EMTs except for two new members.

Budget items for the upcoming fiscal year include a request for a new vehicle for the Fire Chief; UCAN fees in the amount of \$6,300 (fees for 800 megahertz radios - \$17.50/radio per year); two radios for the new engine in the amount of \$4,600; increase for duty crew of \$1.00 per hour; an ice machine for rehabilitation and an addition to the Fire Station. Chief Gregory pointed out that there is a great need for more storage space. With the new engine coming, the tanker truck will need to be stored outside. When the new engine arrives the Department will have 3 pumpers, 2 ambulances, 2 auxiliary 200-gallon tanks, the tender, backup command vehicle, storage carrier, the bat wagon, and the Bronco.

Chief Gregory suggested that the City should purchase property in the southwest area of Farmington for a future satellite fire station to provide for better access to the west side due to the freeway and railroad tracks separating the City.

Chief Gregory praised the volunteers of the Fire Department and again thanked the Council for their support.

The City Manager stated that the City providing ambulance service has been a good thing that the ambulance is self-supporting.

Jeff Jacobson - Police Department

Chief Jacobson stated that he had only two issues - (1) a computer for traffic studies that will be part of the trailer which was purchased last year; and (2) a grant to hire an officer for three years. The grant is paid at 100% for three years. The officer would be working in the schools and would be much more involved in the school system than the DARE officer.

The Chief reported that all of the old radios which were replaced due to the conversion to the 800 megahertz system have been sold.

Chief Jacobson said that Farmington has one officer per 1,200 people which is about where we need to be. Farmington does have a lot of transient-type people due to the fact it is the County seat and Lagoon is located in the City. Lagoon does hire City officers to patrol there during the summer for \$16 per hour. Chief Jacobson reminded the Council that development of any nature that comes to the City has an impact on the Police Department.

Walt Hokanson - Public Works Department

He stated their Department would like a new asphalt roller for working on the streets and an to add an additional employee to work in the shop with Adrian Herrera on maintenance and upkeep of vehicles. Presently they are doing all the Fire Department's vehicle maintenance and would be willing to do the same for the Police Department with the added personnel.

Mr. Hokanson stated that there are a lot of projects going on right now -- the sound wall in south Farmington, the entrance to Somerset Farms, the bridge at Pointe of View, etc.

He pointed out that the annual spring clean up has gotten very large, that it used to be just the central part of town that participated in it, but now more and more residents are taking advantage of it. In the future it might be cost prohibitive to offer the service.

Council Member Connors asked if the City has any problem meeting water needs. Mr. Hokanson stated that there are no problems, but the Public Works Department has been receiving information from the Governor's office and others for the City to promote xeroscape to help conserve water.

Mr. Hokanson stated that his Department would like to plant grass on the three-corner park at Main and 100 East. He said the main cost would be a sprinkler system for \$3,000 to \$4,000. A volunteer committee is working on a design for the park, but a final design has not yet been decided upon.

Budget Work Session

After hearing from the department heads, the City Manager, Max Forbush and Keith Johnson, the Finance Director, reviewed the proposed amended budget and the proposed new budget for FY 2001-2002. These reviews included the General Fund and Capital Funds. Discussion was held regarding potential bonding projects. One project involves construction of the new shop building and the other one pertains to possible bond election for a Performing Arts

City Council Meeting

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Center and recreation facility. No final action or decision was made on either proposal.

A motion to adjourn was made by **David Dixon** and seconded by **Larry Haugen**. The meeting was adjourned at 9:35 p.m.



Margy L. Lomax
City Recorder

FARMINGTON CITY COUNCIL MEETING

Wednesday, May 2, 2001

CITY COUNCIL WORK SESSION/WEST CONFERENCE ROOM

PRESENT: Mayor Bell, Council Members Connors, Dixon, Haugen, and Johnson, City Manager Forbush, City Planner Petersen, and Recording Secretary Chipman. Council Member Hasenyager was excused.

Mayor Bell began discussion at 6:40 P.M. The following items were reviewed:

- Agenda Item #5. Property near 1525 West (within Davis County limits) currently under consideration for annexation to the City had originally been parceled without consideration for street right-of-way. This rendered development problematic.
- Agenda Item #6. Bids were currently available for the 200 East Water Transmission Line and the 2 million gallon water reservoir.
- Gravel pit needed for Legacy Highway. The City had received information that the contractor for the Legacy Highway was proceeding with plans to take gravel from the east bench of Farmington and Centerville.
- Agenda Item #7. A tentative budget had been prepared for adoption by the City Council for study as prescribed by Utah law.
- Agenda Item #8. Proposed changes regarding the City's conservation ordinance had been recommended by the Planning Commission.
- Agenda Item #9. The Rose Cove Senior Housing Plat Amendment Agreement would be discussed during the regular session.

REGULAR CITY COUNCIL/WEST CONFERENCE ROOM/CALL TO ORDER

PRESENT: Mayor Gregory S Bell, Council Members David M. Connors, David J. Dixon, Larry W. Haugen, Edward J. Johnson, City Manager Max Forbush, City Recorder Margy Lomax, City Planner David Petersen, and Recording Secretary Jeane Chipman. Council Member Bob Hasenyager was excused. City Engineer Paul Hirst arrived at 7:45 P.M. for discussion of Agenda Item #5.

Mayor Bell called the meeting to order at 7:00 P.M. The invocation was offered by **Margy Lomax** and the Pledge of Allegiance was led by **Larry Haugen**.

APPROVAL OF MINUTES OF PREVIOUS MEETING

Larry Haugen *MOVED* that the minutes of the April 18, 2001, City Council Meeting be approved. **David Dixon** seconded the motion. The voting was unanimous in the affirmative.

AWARD PRESENTATION – 4TH GRADE HISTORIC ART COMPETITION
(Agenda Item #3)

Fourth grade students from the City's 4 elementary schools were present to be awarded prizes for their art entries in the 4th Grade Historic Art Competition. **Annette and Zelda Tidwell** of the Farmington Historic Commission were present to introduce each winner. The students were invited to show their renditions of historic places in Farmington. **Mayor Bell and Larry Haugen** represented the City Council in congratulating each of the winners.

REPORT OF PLANNING COMMISSION (Agenda Item #4)

David Petersen reported proceedings of the Planning Commission meeting held April 26, 2001. He covered the following items:

1. The Planning Commission conducted a joint agenda item discussion with the Farmington Board of Adjustment. The Planning Commission approved the construction of a 20' high 24' by 60' hay barn located at 215 West 1100 North in a LR-F zone (application #'s C-5-01 and BOA-4-01). Reasons cited for the action of the Commission were: The barn would assist Mr. Ferrin (applicant) with maintenance of his large animals in a manner that would decrease his work load in his aging years. The barn supported the rural atmosphere of the community, and it was consistent with the area.

2. Preliminary plat approval for the proposed Tuscan Cove at Lake Pointe Subdivision located at approximately 1700 south (Lund Lane) and 300 East was tabled for the following reasons: (1) off-site trail easements needed to be clarified and confirmed, (2) off-site water easements to the new reservoir needed to be confirmed by good-faith letters, (3) off-site storm water easements acceptable to the City from 200 East west to the general vicinity of the Lagoon billboard near 1470 South and the frontage road needed to be confirmed by good faith letters, and (4) secondary access to property to the east of the subdivision needed to be reviewed by the City Attorney and staff. Such access was the concern of the property owners involved and needed to be resolved between them.

3. Central Valley Builders, LLC, requested a modification of previous conditional use approval for The Estates at Shepard Creek. The Planning Commission approved 4 house designs for the remaining lots in Phase I. Reasoning included the fact that the percentage of homes designed with garages as a subordinate element of the architecture had been met. It was noted

the builder did not intend on using any siding on the new homes and was proposing a quality of homes that seemed acceptable to local residents.

4. **Mr. Petersen** distributed summary notes of comments received during the joint City Council/Planning Commission meeting held April 12th. That meeting was held to discuss possible infill ordinances for down town Farmington.

In discussion of the comments, the following points were made:

- **Mayor Bell** noted that the City is not making an effort to facilitate development in the area, but rather to look to the future and protect Farmington residents' wishes.
- It may be necessary to consider some kind of rezone or overlay for portions of the downtown area to protect it from unwanted increase in density.
- The majority of the citizens responding to the public hearing in April were opposed to infill development in the down town area.
- Conducting more public hearings on the issues may result in gathering more of the same kinds of comments, not new information.
- Public comment indicated opposition to flag lots, opposition to increased density and multi-family dwellings, and a need for design guidelines. The Council felt those three issues should be studied.

David Dixon *MOVED* that the Planning Commission be directed to recommend ways to implement the results of the public hearing on infill ordinances and to study the stated intent of the City Council regarding: (1) outlawing flag lots in the down town zones, (2) establishing a new zone (except in the current BR zone) which would render multi-family dwellings as conditional use, and (3) providing design guidelines for the down town area.

In discussion of the motion, Mr. Dixon suggested that citizens be notified why the City is taking this action. The reasons include protecting property values and preserving the unique character of the down town area.

Larry Haugen seconded the motion, after which is was unanimously approved.

1525 WEST ANNEXATION ISSUES/MIKE BROWN (Agenda Item #5)

Property owners interested in annexing property in west Farmington near 1525 West requested the City Council's general position on the creation of a special improvement district once the property is annexed. In connection with the creation of the improvement district they hoped to obtain certain waivers relative to the construction of public improvements along an unplatted street running west from 1100 West Street.

The City Manager and the City Planner had met with the property owners and identified several problems associated with the neighborhood. None of the property owners can obtain building permits because they do not front a public street. Moreover, there is not water in the area. A sewer line has been installed adjacent to the north side of the 50' right-of-way shown on the plat. The sewer line easement is 20' wide. The City Manager has given property owners estimates of what costs would be involved in creating a special improvement for the area to remedy the situation. The estimates were included in the packet. Other property-owner requests to the City Council included: (1) approval of a non-conforming street length permitting development beyond the 1,000 foot limit; (2) a waiver for immediate need for sidewalks to get consensus of property owners to participate in the improvement district; (3) permission to construct the road right-of-way at 55 or 60 feet instead of the required 66 feet; (4) that the City cover costs of drainage beyond the cul-de-sac to wetland areas and; (5) that the City pay partial costs of improvements for possible non-participating owners to be repaid at a later date. The City Manager had recommended that negotiations between City staff and property owners be made to encourage 100 percent street dedication even if some of the adjoining property owners have to pay for the cost of said frontage improvements. In order for an improvement district to be created, all property owners must be willing to dedicate the right-of-way as a public street. An improvement district cannot be created unless improvements are placed on a dedicated street.

Dan Cook, Mike Brown, and Marty VanWagoner represented property owners involved.

The following items were discussed:

- Property owners were interested in keeping the width of the road narrow to keep traffic speed down. The Council indicated it may be possible to allow the street width to be 55 feet.
- The Council indicated a willingness to allow an extension agreement for each property owner regarding sidewalk construction. Curb and gutter would have to be constructed when road improvements were made, but sidewalks could be delayed until building permits were issued and homes were constructed. However, once 50 percent of sidewalks were constructed, all owners would have to install sidewalks.
- Although not opposed to road improvement, some property owners indicated they were not interested in participating in the costs of the improvements.
- Storm drainage to the wetland area on the Johnson property was discussed.
- Possible road configuration through the area was reviewed.

David Dixon declared a possible conflict of interest due to the fact his brother was a property owner in the area. However, Council members felt the relationship of Mr. Dixon to a property owner

did not impede his ability to be fair and that he should participate in the discussion. It was the consensus of the Council that they would like to accommodate the property owners in solving the problems existing on the land. Property owners felt the next step would be to get all owners to agree to dedicate the appropriate width of public street to the City.

AWARD OF 200 EAST WATER TRANSMISSION LINE AND 2 MG WATER RESERVOIR PROJECT BIDS (Agenda Item #6)

David Connors *MOVED* that the City Council award the bid for the 200 East Water Transmission Line and 2 MG Water Reservoir Project and authorize the City Manager to issue a "Notice to Proceed" on these projects subject to the submittal of adequate security agreements from the developers of Farmington Ranches and Farmington Greens. **Ed Johnson** seconded the motion which was then passed by unanimous vote.

[The agenda was amended to accommodate public in attendance.]

ROSE COVE SENIOR HOUSING PLAT AMENDMENT AGREEMENT (Agenda Item #9)

Mr. Petersen reviewed the agenda item for the Council. City ordinances prohibited the plat amendment without a development agreement. Mr. Petersen discussed 3 paragraphs added to the document, to which the developer had agreed. The City Attorney had not yet completed his review of the agreement. The Council discussed details of the agreement.

David Dixon *MOVED* to authorize the Mayor to sign the Development Agreement for Parcel C of the Shepard Creek Southwest Subdivision subject to the change in Paragraph #8 clarifying the preservation of the open area set back easement and keeping it an unencumbered buffer between Parcel C and Rose Cove, and a change to Paragraph #6 restricting any development on Parcel C to conditional use. Authorization was subject to legal counsel review of the development agreement. **David Connors** seconded the motion, which was then approved by unanimous vote.

MISCELLANEOUS (Agenda Item #10)

Mr. Forbush introduced Margaret Bott (41 East 1340 South) who was requesting a reduction in fee waiver.

Margaret Bott said she was going to request conditional use to open a home-occupied business for a pre-school. Ms. Bott said the pre-school would not produce enough revenue to justify the \$200 application fee and asked that the Council consider reducing the fee.

After discussion and noting the City sustains expenses in such applications, **David Connors** *MOVED* to reduce the fee for Ms. Bott to \$50. **David Dixon** seconded the motion. The motion passed by a unanimous vote.

**ADOPTION OF TENTATIVE BUDGET FOR CITY COUNCIL REVIEW AND STUDY
(Agenda Item #7)**

Mr. Forbush said State Statutes required cities to adopt tentative budgets for study during their first meeting in May. The tentative budget given Council members. Mr. Forbush reviewed the salient portions of the budget and briefly covered funding possibilities for the new shop (which had to be scaled back), repaving needs in the City and the fact that much of that work would have to be postponed (North Compton Road would be repaved), the failure of the insurance company to pay for damages sustained by the old public works building during a last winter snow storm, and the expenses incurred by the special improvement district in down town Farmington. Mr. Forbush said the budget reflected no tax increases.

David Connors *MOVED* to adopt the tentative budget as presented for study. **David Dixon** seconded the motion which was passed by unanimous vote.

CONSERVATION ORDINANCE PROPOSED CHANGES (Agenda Item #8)

Mr. Petersen reviewed to some extent the proposed changes to the Conservation Ordinance. Points made in the ensuing discussion included:

- The document proposed the policy to require something in trade for open space waivers.
- Some areas of the document were still unclear in regards to differences between and relationship of conservation lots and constrained lands.
- Language regarding sensitive area designation was a concern for the City Attorney.
- Language needed to be added to the ordinance regarding the Conservation Form so that developers are informed in the initial stages of projects.

The Council asked David Connors and David Dixon to form a sub committee to meet with Staff after the City Attorney had done his review. The sub committee would edit the document further and bring it back to the City Council for their final consideration. **Mayor Bell** asked that the document make it clear that no credit would be given developers for constrained land in open space calculations.

MISCELLANEOUS, CONTINUED

Mr. Forbush presented a request by the Davis County Commission regarding a beer license for the fair grounds during this year's County Fair activities in preparation for the 2002 Olympic

Rodeo event scheduled for February 2002. He outlined the different types of licenses provided in City Ordinances.

The Council discussed the request. The concern was that police protection may need to increase in order to handle the situation. It was the consensus of the Council that they should be sensitive to the special conditions required by the Olympics, but that they were very hesitant to allow the license past 2002. It was suggested that perhaps a special event licensing procedure could be developed in City ordinance.

Mayor Bell suggested he visit the County Commission and relate the Council feelings regarding the license. The Council agreed.

The City Manager reviewed proposals for trail location as part of the Taylor/Hokanson annexation agreement proposal that had been on-going for months. The trail issue had delayed annexation and development. City Staff had created a trail system idea that seemed acceptable to all parties.

Mr. Forbush also asked how the City Council would like to handle screening for architects for the new City Public Works building. It was decided that two local architects, the Mayor, and the City Manager would form an interview team. Interviews would be conducted during the first weeks of May.

Viola Kinney had requested permission to allow swimming pool employees to swim free during their non-working hours. The Council approved the request by consensus.

Mr. Connors said the intersection of Shepard and Highway 89 was become increasingly worse. It was also noted that Smith's was concerned about the traffic pattern and may consider moving because customers were being negatively impacted.

Mr. Haugen said the tree planting event was very successful. However, one owner may not take proper care of the new trees. The situation should be monitored by the City.

ADJOURNMENT

David Connors *MOVED* that the meeting adjourn at 10:00 P.M.



Margy Lomax, City Recorder
Farmington City

SPECIAL FARMINGTON CITY COUNCIL MEETING

May 16, 2001

9:00 a.m.

Present: Mayor Gregory S Bell, Council Members David Connors, David Dixon, Larry Haugen and Bob Hasenyager and Craig Wentz, Esq.. Council Member Ed Johnson was excused.

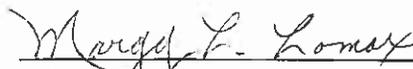
The meeting was held at the law offices of Christensen & Jensen, P.C., 50 South Main, Suite 1500, Salt Lake City, Utah.

The meeting was called to order by Mayor Bell at 9:00 a.m. A motion to go into closed session to discuss pending litigation was made by **David Dixon** and seconded by **Larry Haugen**. The motion was unanimously voted upon.

Council Member Hasenyager was excused at 3:00 p.m.

A motion to reconvene into open session was made by **Larry Haugen** and was seconded by **David Dixon**. The motion carried with a unanimous vote.

At 3:45 p.m. a motion to adjourn was made by **David Connors**. The meeting was thereupon adjourned.



Margy L. Lomax
City Recorder

FARMINGTON CITY COUNCIL MEETING

Wednesday, May 16, 2001

CALL TO ORDER

PRESENT: Mayor Gregory S Bell, Council Members David M. Connors, David J. Dixon, Bob Hasenyager, Larry W. Haugen, Edward J. Johnson, City Manager Max Forbush, City Recorder Margy Lomax, City Planner David Petersen, and Recording Secretary Jeane Chipman.

Mayor Bell called the meeting to order at 7:05 P.M. The invocation was offered by Larry Haugen and the Pledge of Allegiance was led by Bob Hasenyager.

APPROVAL OF MINUTES OF PREVIOUS MEETING

The minutes of the special City Council meeting held April 25, 2001, were corrected. **David Connors** *MOVED* to approve the minutes as corrected. **Ed Johnson** seconded the motion. The voting was unanimous in the affirmative.

The minutes of the May 2, 2001, City Council meeting were considered. **Ed Johnson** *MOVED* to approve the minutes as corrected. **Larry Haugen** seconded the motion. The voting was unanimous in the affirmative with the exception of **Bob Hasenyager** who abstained due to his absence during the May 2nd meeting.

REPORT OF PLANNING COMMISSION (Agenda Item #3)

David Petersen reported proceedings of the Planning Commission meeting held May 10, 2001. He covered the following items:

1. David Freed and Dal Freeman made a courtesy visit to the Planning Commission to present information regarding the new Cliffhanger ride at Lagoon.
2. The Planning Commission recommended minor plat approval for the Estates at Shepard Creek, Phase II, the last 6 lots of the subdivision.
3. The Planning Commission recommended to the City Council schematic plan approval for the proposed townhouse project proposed by Jerry Preston near the current Fire Station in downtown Farmington.
4. The Planning Commission approved the construction of a 120 foot high cellular tower to be located in the southwest corner of the Bourne property next to Farmington Creek at approximately 200 South 800 West. The tower will hold three carriers. It replaces two other

towers being displaced by Legacy Highway. The City Council asked about the height of the tower, saying it seemed excessively high. Mr. Petersen reported the Planning Commission had expressed concern about landscaping which had not been required on previous towers. They did approve the tower subject to the builder providing a landscape plan and a bond for future landscape needs if such proves necessary.

5. The Planning Commission recommended annexation of unincorporated territory in Davis County located west of 1100 West near Glovers Lane and adjacent to both sides of 1525 West South of Clark Lake. They also recommended zoning areas higher than 4,218 feet elevation as "A" and areas lower as "AA."

PUBLIC HEARING: CONSIDERATION OF ORDINANCE ANNEXING 1525 WEST AREA, KNIGHTON SUBDIVISION, AND PROPERTY SOUTH OF GLOVER'S LANE AND DESIGNATING ZONING FOR THE AREAS TO "A" AND "AA". (Agenda Item #4)

David Dixon disclosed that his brother was the owner of property in the area being discussed.

Mr. Petersen detailed the areas being considered for annexation and gave a brief history of what residents had done thus far. Residents wanted access to City water, which would be less expensive if they are annexed into the City. Staff had suggested the residents expressing interest in annexation canvass neighbors to determine the extent of desire for annexation. Tables included in the packet showed the percentage of land owners (calculated by acreage) who were for and who were against annexation in the different areas.

As a courtesy to property owners on the private lane (about 450 South), City Staff had arranged a meeting so interested parties could discuss dedication of the lane as a public road and subsequently to create a Special Improvement District to install public improvements. The annexation must take place before the creation of an S.I.D. could be accomplished.

The Knighton area group was also contacted as a means to include them, thus possibly reducing the cost of a Special Improvement District (S.I.D.). Since the initial proceedings, the Knighton area dropped in percentage of those wanting annexation. The current percentage was 47 percent.

The Nelson family (property owners along 1100 West) were not opposed to dedication of the road to allow for the creation of an S.I.D. They were, however, opposed to being annexed.

The overall percent of property owners in favor of annexation was 58.64 percent. If the Knighton area was dropped from the annexation proposal, the percentage would rise to 63.5 percent. The Planning Commission had recommended annexation of the entire area, including the Knighton area to allow the City to control development in that area. The Planning

Commission also recommended that everything east of the 4,218 elevation line be zoned "A" upon annexation. Everything west of the 4,218 line was recommended for "AA" zone. The recommendation was consistent with the General Plan. Some lots would be divided by two different zones. The Planning Commission discussed the zoning proposal and most members felt it would be consistent with approvals given previous developments.

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

Richard Lindsley (250 South 1529 West) said he had helped to initiate the annexation petition. He was in favor of the action and felt water access would be a great benefit to the area.

Charlene Tschaggeny (1289 West Governors Circle, Woods Cross) expressed concern that the lots in the proposed annexation area be allowed to be subdivided and approved as building lots. The "AA" zone (which restricts density to 5 acre lots) was disturbing to Ms. Tschaggeny. Some property owners held land smaller than the 5 acres required.

Mayor Bell explained some of the problems involved in allowing development in the area and said the City Council was willing to work with citizens to resolve the issues.

Mr. Petersen commented that such lots could become "legally non-conforming lots" and still be developed. Agreements could be reached with property owners when development proceeds.

Ellen Perkins (property owner on 1525 West) inquired about snow removal if the area were to be annexed. She reported the County had taken care of snow removal in an excellent manner. She also asked how the City would be able to increase their work load to include residents in west Farmington and if the cost would be exorbitant. Ms. Perkins wanted to know what else the residents would receive if annexed in addition to water service.

Mr. Forbush responded the City's portion of taxes collected totaled about 13 percent. Therefore, the increase in property taxes levied against annexed properties would likely be around 13 percent. If land use is changed, however, property value may increase, thus increasing the overall taxes levied. In response to a question from Ms. Perkins regarding whether or not residents could be forced to be a part of the annexation, Mr. Forbush said annexation laws direct that if over 50 percent of property owners vote for annexation, then all properties are included in the City. He said a major benefit of City affiliation is water. He discussed the costs of water service. Another major benefit is fire protection.

David Griffin (424 South 10 West—property owner on Shirley Rae Drive) identified himself as the property owner who had withdrawn his name from the list of those in favor of annexation, dropping the percentage in the Knighton area. He said he wanted to eventually build a home on the property and was not necessarily opposed to annexation. However, he withdrew

his favorable vote because in discussions with City Staff he was unable to secure assurances regarding plat planning (water line placement, etc.). He realized the area would develop and would not remain as rural as it is currently. He did not want to lose "green belt" classification any sooner than necessary. He expressed his hope that the City could work with him in planning for future plat design and guaranteeing those plans would not be changed.

Jonathan Hughes (925 Mountainside Drive) wanted the City to annex his property. He said otherwise the area would be at the mercy of county development plans which he felt were not in his favor.

Mike Brown (2018 North Kingston) asked if annexation could be partial in the different areas, leaving lots here and there out of the city.

Mayor Bell said if annexation were approved it would have to include entire areas. Indiscriminate parcels could not be eliminated.

Mr. Petersen commented that not all owners along the private lane had submitted petitions. When polled, it was found that 10 of the 13 property owners who favored the creation of an S.I.D. which can only occur with annexation, but had failed to submit an annexation petition.

Glen Rollins (Shirley Rae Drive) said he felt there was no advantage in being annexed because he would not be allowed to build on his property.

Mr. Petersen said Mr. Rollin's property would be considered as legally non-conforming, and he could obtain a building permit.

With no further comments, the **Mayor CLOSED** the public hearing. The City Council discussed issues including the following points:

- In order to resolve issues in problematic areas, an SID would have to be created. Such action may prove very difficult in some areas, thus the Staff had suggested eliminating some of the areas under consideration.
- The area is within the natural annexation area for the City of Farmington. Sooner or later, the area would most likely need to be annexed.
- Benefits to the annexed areas include more than access to City water. Advantages also include emergency services, public works services, and City planning. The City has innovative and affective ordinances which have proven to be very beneficial in protecting residents and City interests.

- It was noted the City Council wished to be sensitive to citizen wishes both in favor and in opposition to annexation. It was a difficult decision to make. The City was aware that costs associated with increased taxes and with the creation of an S.I.D may be a burden.
- It would not be wise to eliminate small portions of the land to accommodate those wishing not to annex. Doing so would create problems with emergency calls, disproportionate improvement costs, addresses, and other City functions.
- City planning is more focused toward urban development than Davis County because counties generally are not focused toward carefully guiding urbanization. Residents would enjoy better developments if done according to Farmington City standards.
- If Farmington City will eventually have to provide services to the area, it is only reasonable that the City have input and control of master planning.

David Dixon *MOVED* that Ordinance No. 2001-18, an ordinance extending the corporate limits of Farmington City to include the annexation of a part of southwest Farmington located adjacent to both sides of 1525 West south of Clark Lane, the Knighton Subdivision, and property south of Glovers Lane and amending the Farmington City zoning map to zone and designate the area as "A" and "AA" upon its annexation to the City. **Ed Johnson** seconded the motion.

In discussion of the motion, there was some question whether or not a super majority was needed to annex property. **Mr. Connors** commented on the difficulty of the decision being made. He said from a planning perspective annexation of as much property as possible was rational. It would provide benefits not otherwise obtainable. It seemed that the time was right.

Larry Haugen said he had talked to Mike Jones (resident in the Knighton Subdivision) who was adamantly against annexation. Mr. Haugen said the majority of property owners were against annexation in that specific area.

Mayor Bell called for a roll call vote. Council Members David M. Connors, David J. Dixon, Bob Hasenyager, and Edward J. Johnson voted in favor of the motion. Larry W. Haugen voted against the motion. The motion passed 4 to 1 in favor of the annexation.

PUBLIC HEARING: SCHEMATIC PLAN CONSIDERATION FOR JERRY PRESTON DEVELOPMENT LOCATED NEAR THE FIRE STATION (Agenda Item #5)

David Petersen reviewed the application for the City Council. He said there were two areas wherein the City Council would have to waive ordinance restrictions, which was allowable under certain circumstances. He also said an overlay PUD zone would increase the area to more

than 5 acres. The development would benefit the RDA and the City's fire station. The two issues requiring Council waiver included lot size for one lot and rear-yard set back standards in two places.

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

Jerry Preston (347 East 100 North) addressed the Council. He reminded the Council that he had been before them previously and received input regarding the development. He had also contacted neighbors and received their input. The development was designed in a way so as to reduce negative impact on surrounding property owners. His intent was to buffer the area between residences and commercial uses.

Richard Hincks (158 East 100 North) was concerned about the reduced rear yard set backs. He felt the reduction affected more than just one building along his shared property boundary. He was also concerned about the density of the project.

With no further comments, the **Mayor** *CLOSED* the public hearing.

Mr. Dixon raised 17 points he felt did not comply with City ordinances and expressed concern the project proposed was not within City standards. The following were included among his concerns: 1) according to ordinances, a planned unit development cannot be approved by the City unless it is under single ownership, 2) the dead end street design, 3) the lack of room for emergency vehicle turn around, 4) the density planned was too great for the area, and 5) parking was not sufficient.

Mr. Petersen expressed his opinion that Mr. Dixon may have made some errors in his interpretation of some of the ordinances but acknowledge Mr. Dixon's opinion may be valid on some points.

Mr. Preston addressed the issue about road design. He said the street was not a through street intentionally. Citizens on 100 North were opposed to having the area open to traffic coming from the commercial uses onto their street. He felt the project provided resolution to many problems found in the vicinity, including blight and the need to expand the fire station. He said he could redesign the project into apartment units and could gain approval without the need to gain waivers from the City because such use was permitted within the zone. However, he was confident that was not what the City Fathers wished for the area.

David Connors said it was disconcerting to hear of such problems at this point in time. He felt the City Council had been trying to work with the developer and that the developer was trying to accommodate what was best for the City. He suggested setting up some kind of mechanism to resolve the difficulties raised by Mr. Dixon.

Mayor Bell suggested creating a subcommittee to work with the developer composed of David Dixon, Dave Connors, David Petersen, the developer, and a member of the Planning Commission.

Mr. Forbush commented that the Redevelopment Agency had been established to encourage the City flexibility and creativity in cleaning up blighted areas. Public benefits gained through the support of developments such as Mr. Preston's included tax increment, removal of blight, and an expanded fire station. Such benefits should be given weighted consideration when making decisions.

Clyde Terry (167 East 100 North) said his only opposition to the development was if the road were allowed to go through to 100 North. He supported the proposal otherwise. He felt the development would significantly improve the area and would safe guard residents from encroachment by commercial uses. He encouraged the City Council to approve the variances which would allow the project to proceed. (Three other local citizens were asked about the road. Each responded they did not want the road to go through to 100 North.)

In response to a question about ownership, **Mr. Petersen** said the application had been submitted as "owner occupied."

Mayor Bell asked other neighboring residents who were present at the meeting how they felt about the development road being extended to 100 North. Sheryl White, Clyde Terry, and Richard Hincks opposed the idea.

David Connors *MOVED* that the City Council table consideration of the schematic plan for the Jerry Preston development located near the Fire Station in downtown Farmington pending the outcome of subcommittee discussions. **Ed Johnson** seconded the motion, which was then passed by a unanimous vote of the City Council.

PUBLIC HEARING: MINOR PLAT APPROVAL REQUEST FOR "THE ESTATES AT SHEPARD CREEK PUD, PHASE II" (Agenda Item #6)

Mr. Petersen explained the agenda item. He said the builder for the The Estates at Shepard Creek PUD had changed from Alpine Homes to Central Valley Builders. The new builders had applied for approval of new elevation designs. The Planning Commission had reviewed and approved the designs subject to the new builder following all conditions required of the previous builder. Mr. Petersen discussed the garage as an element of the designs and said it had been the intent of the Planning Commission to keep garages as "set back" elements of the homes.

Marty Biljanic (Central Valley Builders) said the request was for the last 6 lots of the subdivision. He commented that the homes would not include siding, which had been opposed by

current residents. Instead, the exterior would include stucco.

Mayor Bell opened the meeting to a *PUBLIC HEARING*. With no forthcoming comments, the Mayor *CLOSED* the public hearing.

Mr. Petersen explained the previous builder had been required to build a certain percentage of homes with the garage "set back" element. The previous builder had build 50 percent of the homes built in such a manner, which exceeded the required percentage. Central Valley Builders were being asked to build at least 2 homes of the 6 with the recessed garage design. Also, other design components included a street tree at least every 40 feet. The builder had indicated a willingness to comply with all requirements.

David Dixon *MOVED* that the City Council approve the minor plat request for six lots as presented during the meeting for "The Estates at Shepard Creek PUD, Phase II" subject to conditions as set forth in the Planning Commission letter dated May 11, 2001, and the City Council letter dated March 12, 1999. **Larry Haugen** seconded the motion. The City Council voted unanimously in favor.

PUBLIC HEARING: COMMUNITY DEVELOPMENT BLOCK GRANT HEARING TO CONSIDER 2001-2202 PROPOSED PROJECT: ACQUISITION OF "BRASS COMB" PROPERTY (Agenda Item #7)

Max Forbush requested the City Recorder circulate a sign up sheet to record residents in attendance, which was required by law. He explained the scope of the project and detailed acquisition procedures. The City had received a commitment for HUD funding allocated by the Davis County Council of Governments in the amount of approximately \$150,000. Purchase of the Brass Comb property located at 79 North Main Street would allow removal of slum and blight characteristics. The scope of the project includes appraisal and professional structural and code assessment of the building with recommended solutions. The public hearing was the second before the City Council. Mr. Forbush explained the project would not displace any residential housing or have an adverse affect on it. Mr. Forbush explained the need for City matching funds. In addition to all members of the Governing Body, Max Forbush, David Petersen, Margy Lomax, and Jeane Chipman, the following persons were present who had come to address other City Council agenda items: DeVan Pack, John Swain, Lois Taylor, Tara Burdick, Scott Taylor, Merrill Law and Milo Kirkham.

Mayor Bell opened the meeting to a *PUBLIC HEARING*. With no forthcoming comments, the Mayor *CLOSED* the public hearing.

David Connors *MOVED* to approve the final grant application submitted to the Utah Department of Community and Economic Development; authorization for the City Manager to move forward in budgeting \$25,000.00 in City matching funds for the project. **David Dixon**

seconded the motion. The motion passed by unanimous vote.

CONSIDERATION OF COMMITTEE RECOMMENDATION PERTAINING TO DESIGN OF 5-WAY INTERSECTION OPEN SPACE AREA (Agenda Item #8)

John Swain (City consultant to work with the committee to recommend open space design) addressed the Council. He explained the goals of the committee and said they felt it was important to retain the character and flavor of the City in such a predominate area. He detailed design features such as cobble stones, berming, trees, statues, pavers, lighting, water features, benches, and the desire to keep the area low maintenance. He said the committee wanted to tell the history of the City as well as represent the future of the town. Mr. Swain also identified several fund-raising ideas presented by committee members. He said it would be ideal to develop improvements in a phased manner.

Mayor Bell suggested the statues represent not only pioneers but other phases of the town's history. He also suggest O.C. Tanner trustees be approached for financial help.

Mr. Forbush said it would be wise to begin some portions of the development in order to discourage unsightly weeds. The Public Works Department had suggested creating the project in at least two phases.

Mr. Hasenyager wanted to be sure the area was well lit, especially after trees matured for safety and esthetic reasons.

The City Council was generally in favor of the design plans being made.

[The agenda sequence was adjusted to accommodate residents in attendance.]

HOKANSON/TAYLOR ANNEXATION AGREEMENT (Agenda Item #12)

Mr. Forbush distributed the latest draft agreement for the Hokanson/Taylor annexation and briefly discussed its contents.

Merrill Law (1474 North Main) spoke to the Council and expressed is disapproval of the agreement. He felt the City should trade an equal amount of land in order to obtain the property needed for the proposed trail.

Mr. Forbush reminded Mr. Law that in trade for the current trail proposal, Mr. Law was receiving permission to develop two flag lots east of the development.

Mayor Bell commended that the Council was opposed to flag lot development but agreed to the two flag lots in order to acquire the trail and because the two lots would not impact any

other property owners. The Council was unwilling to extend further concessions for the trail.

Mr. Forbush suggested the agreement be redrafted to state sidewalk would only be required on the west side of the cul-de-sac up to the beginning point of the trail. Council member Dixon suggested that a continuation of the sidewalk around the cul-de-sac would not be precluded, if the developer chose to do so.

David Connors *MOVED* to approve the Hokanson/Taylor Annexation Agreement as amended according to Mr. Forbush's and Mr. Dixon's suggestions. **Larry Haugen** seconded the motion. The motion was passed by a 4 to 1 vote. **Mr. Hasenyager** opposed the motion.

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

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

- 9-1. Ratification of construction bonds previously signed by the Mayor.
- 9-2. Authorization for Larry Gregory to sign the Memorandum of Understanding with Hill Air Force Base as enclosed.
- 9-3. Approval of June's Farmington's Newsletter.
- 9-4. Authorization for Mayor to sign KFP Release of Easement as enclosed.
- 9-5. Appointment of Jeane Chipman as Deputy City Recorder to be able to legally represent the City when the Recorder is not able to attend meetings.

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

ARCHITECTURAL SERVICES CONTRACT FOR DESIGN OF NEW SHOP/LEISURE SERVICES BUILDING WITH DIXON AND ASSOCIATES (Agenda Item #10)

David Dixon declared a conflict of interest and excused himself from the rostrum and from discussion of the agenda item. He referred Council Members to the "Disclosure Statement from Council member David J. Dixon" submitted earlier to the City.

The item was briefly discussed. **Mr. Forbush** noted the fee for services by Dixon & Associates was the lowest of any received. Mayor Bell mentioned Mr. Dixon had designed the existing Shop/Leisure Services building and City officials had been pleased with the product and previous service experience.

David Connors *MOVED* to approve the Architectural Services Contract for Design of the New Shop/Leisure Services Building with Dixon and Associates and authorize the Mayor to sign same. **Larry Haugen** seconded the motion. The motion was pass by a 4 to 0 vote. Mr. Dixon did not vote.

TRAILS EASEMENT AGREEMENT WITH DAVIS COUNTY (Agenda Item #11)

Mr. Forbush said the agreement formalized a verbal commitment by the County to provide a trails easement along Farmington Creek in back of the Justice Complex.

Bob Hasenyager *MOVED* to approve the trails easement with Davis County regarding trails along Farmington Creek to the south of the Justice Complex. **David Connors** seconded the motion which was passed by unanimous vote.

PROGRESS REPORT: SOUND WALL/RESERVOIR CONSTRUCTION PROJECTS (Agenda Item #13)

The City Manager distributed updated drafts of development agreements between the City and Farmington Ranches and Farmington Greens. He outlined some recent problems which had been revealed during pre-construction meetings with Farmington Ranches. The developers had not expected the costs as reflected in the impact fee schedule, which had been previously discussed. The developer disclosed that cash flow circumstances would prohibit further progress. Mr. Forbush outlined suggested remedies to the problem, since delay in the developments would have an enormous negative impact on other projects in the City (the 2 MG reservoir and the sound berm). It was suggested that \$140,000.00 of the park impact fees be deferred for one year with no interest and that the cost share of trail right-of-way conveyances be changed to the City at the rate of \$12,500 per acre.

In discussion of the issues, Council members asked if the changes would impact the upcoming budget and if there would be repercussions regarding Farmington Greens. Mr. Forbush said they might. He suggested the amended agreement be required to be signed concurrent with security agreements from the developer and before final plats are recorded. Council members also felt the agreement should be carefully reviewed by the City attorney.

Ed Johnson *MOVED* to approve the agreement amendments with Farmington Greens and Farmington Ranches as presented subject to review by the City Attorney and to authorize the Mayor to sign the same concurrently with submission of security agreements from both developers. **Larry Haugen** seconded the motion which was passed by a 4 to 0 vote. Mr. Dixon abstained.

MISCELLANEOUS

Mr. Forbush had spoken with David West who owns a army/navy surplus business and stores inventory on his property in west Farmington. UDOT has negotiated purchase of Mr. West's property for construction of the Legacy Highway, thus making it necessary for the relocation of the business. City Staff had initiated a rezone petition to allow Mr. West to locate the business on property west of I-15, just south of Glovers Lane.

In discussion of the proposal, Council members were concerned that the inventory would be unsightly, especially next to the proposed high school property. Mr. Forbush said restrictions could be imposed which would required Mr. West to landscape and screen the business. Mr. Forbush and Council members discussed the need to study detailed general plans for areas west of I-15.

Mr. Hasenyager reported the committee meeting regarding development in west Farmington. He reviewed the scope of work the committee felt it was being asked to do and asked the Council for input. The scope of work included: 1) where M1 zoning and commercial zoning should be located and how large each should be, 2) basic designs for each zone use, 3) what kinds of business should be encouraged, discouraged, and prohibited, 4) impact of commercial uses and how to buffer such impacts, 5) traffic impact in the area, 6) correlation os general plan map, documentation, and ordinances. The general consensus of the Council was that the scope of work, though ambitious, was acceptable.

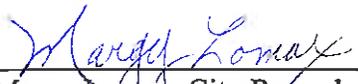
Mayor Bell suggested that Mr. Connors be asked to join the subcommittee working on the Jerry Preston development near the fire station. **Mr. Connors** accepted the assignment. **Mr. Dixon** expressed appreciation for the help.

Mr. Connors asked Staff to research specifics regarding the number of Council votes needed to annex property--super majority or simple majority.

Mr. Hasenyager invited the Council members to tour the Wild Life Management area on via wind boat on May 24, 2001. He also suggested Bobbi Gardner be presented a plaque for her diligent service with the Miss Farmington program.

ADJOURNMENT

Larry Haugen *MOVED* that the meeting adjourn at 10:25 P.M..



Margy Lomax, City Recorder
Farmington City

SPECIAL FARMINGTON CITY COUNCIL MEETING

May 23, 2001

6:30 p.m.

Present: Council Members David Connors, David Dixon, Larry Haugen, Bob Hasenyager, Ed Johnson, City Manager Max Forbush, City Finance Director Keith Johnson, City Planner David Petersen and City Recorder Margy Lomax. Mayor Bell was excused as he was attending a Legacy Highway Project meeting.

Mayor Pro Tem David Connors conducted the meeting.

Review and Consideration of Farmington Greens Subdivision and Farmington Ranches Subdivision Amended Agreements

The City Manager presented revised reimbursement agreements for Farmington Greens and Farmington Ranches. At the last City Council meeting amended development agreements for these two subdivisions had been approved. The dollar amounts on the the water project have changed so it affects the reimbursement agreement on each subdivision. The City Manager explained the changes to the revised Exhibit "H" to the agreements.

The water project connected to these subdivisions is divided into three phases – the 1525 West water loop line phase, the acquisition and design phase, and the construction phase. The original cost of this project was \$2.2 million, but after the update the cost has gone up to \$2,335,000. Of that amount, Farmington Ranches will put up \$1,521,380 and Farmington Greens \$488,000. The City will pay the balance.

Most of the money will come from prepaid water development fees and the balance is a loan which the City will have to pay back at zero interest. For Farmington Ranches the loan is \$342,000 and for Farmington Greens it is \$186,00 for an approximate total of \$450,000. The amended agreements clarify when the City has to start paying the money back for project improvements. The developer is required by the agreement to expend all of the money required and then when the water system improvements are complete, the City would begin to pay off their portion.

A motion was made by **Ed Johnson** to approve the amended reimbursement agreements for Farmington Greens and Farmington Ranches Subdivisions as had been

presented by the City Manager. The motion was seconded by **Larry Haugen** with all Council Members voting in favor except for **David Dixon** who abstained from voting. The motion passed and the agreements were approved

Miscellaneous Items.

Field Office for UDOT & Fluor Ames Kraemer for Legacy Highway Project

An application has been submitted to the Planning Commission for approval of a field office for Fluor Ames Kraemer, the contractor for Legacy Highway. The field office would be there for approximately two or three years. The proposed office would be located at 347 West Glover's Lane on 2.4 acres of land. UDOT owns the land and would also locate their field office there. This would be on the south side of Glover's Lane adjacent to the project site on the west side.

Dave Petersen, City Planner, explained that he had reviewed the application with the Lisa Romney of the City Attorney's office because of problems with approving the application and staying in compliance with the City's ordinances. The City ordinances state that in the AE zone the construction trailers may be located on the site of the project. The problem with this application is that the proposed office will be located off site. Temporary uses are specifically listed as conditional uses or permitted uses in other zones but in the AE zone it's not listed. The possibility of this application being approved under the public use category was explored with the attorney, but it must be exclusively owned or operated by a public entity and Fluor Ames Kraemer is a private contractor. It was pointed out that it might be politically important to try and find a way to be able to approve the field office to be located there. Dave Petersen stated that there is a public use exclusion where it is owned or operated by a public entity. The exempt clause is found in Chapter 28 which states "other exemptions as specifically approved in writing by the City Council". A representative from Fluor Ames Kraemer had called Mr. Petersen today stating that they were going to withdraw their application because of the negative recommendation that was going to be given to the Planning Commission at their meeting on Wednesday, May 24. Mr. Petersen had told him to wait and see what action the Council would take at their special meeting tonight.

David Dixon stated that the City is supportive of Legacy Highway and approval of the application for temporary use facilitates the construction of it and that the field office would not bother anyone because it would be located adjacent to UDOT property and close to the Legacy right of way.

After a short discussion by the Council, **David Dixon** moved to approve the temporary use of the site in accordance with some stipulations; (1) that the applicant

needs to obtain a temporary use permit from the Planning Commission and (2) that UDOT grant to the City a first-right-of-refusal on purchasing that particular piece of property when the project is completed. The motion was seconded by **Larry Haugen** and voted on unanimously.

Bob Hasenyager pointed out to the Council that it had been reported to him the contractor for the 1525 West Water Line Project, Western Builders, was illegally filling wetlands. The City Manager will check out the situation and report back to the Council.

Ed Johnson asked for an update on the status of the gravel pit issue. The area being proposed for a gravel pit for construction of Legacy Highway is located in the County's jurisdiction on the Farmington/Centerville border on the hillside which cannot be disguised from view. Farmington City and Centerville City is going to share the cost of seeking a legal opinion regarding the question if this land could be annexed into a city without having a petition to do so.

The City Manager was directed to contact other cities would have faced similar situations with construction of a major highway to see what they have done as far as truck traffic, etc.

Other miscellaneous items brought up were: a problem of a semi-trailer being parked south of entrance to Somerset Farms on Main Street; the re-striping of 100 East between State Street and 100 North eliminating the left-turn lane; branches that need to be cleared on the Lagoon trail near 200 West.

Budget Work Session

The remainder of the meeting was spent as a budget work session for the City's fiscal year budget 2001-2002.



Margy L. Lomax, City Recorder

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FARMINGTON CITY COUNCIL MEETING

Wednesday, June 6, 2001

REGULAR CITY COUNCIL/CITY CHAMBERS/CALL TO ORDER

PRESENT: Mayor Gregory S Bell, Council Members David M. Connors, David J. Dixon, Larry W. Haugen, Edward J. Johnson, City Manager Max Forbush, City Recorder Margy Lomax, City Planner David Petersen, and Deputy City Recorder Jeane Chipman. Council Member Bob Hasenyager was excused. City Engineer Paul Hirst was present for discussion of Agenda Item #16.

Mayor Bell called the meeting to order at 7:10 P.M. following the Council's field trip to the old Botanical Gardens site, which began at 6:00 P.M. The invocation was offered by Larry Haugen and the Pledge of Allegiance was led by David Petersen.

APPROVAL OF MINUTES OF PREVIOUS MEETING

Minutes for the following meetings were reviewed and the following action was taken:

- Special City Council Meeting held May 10th.
- Special City Council Meeting held in Salt Lake City at the law offices of Christensen and Jensen on May 16th beginning at 9:00 A.M.
- The minutes of the May 16, 2001, regular City Council Meeting.
- Special City Council Meeting held May 23rd.

Ed Johnson *MOVED* to approve the minutes with corrections as noted. **Larry Haugen** seconded the motion, which was approved by unanimous vote.

INTRODUCTION OF NEW "MISS FARMINGTON"

Staci Gough and Sue Ann Phillips were present to introduce Brooke Hill who is the new Miss Farmington for 2001.

On behalf of the City Council, **Mayor Bell** complimented Ms. Gough for the extraordinary work of service she performed during the year of her reign and commented on the high quality of young women representing Farmington.

Ms. Gough expressed gratitude for the support given her by the City Council and said the year had been a rewarding experience for her. She introduced Brooke Hill, who won the Miss Farmington crown for 2001.

Ms. Hill said her goal for the year was to help children building self-esteem through music. She will organize a children's chorus (ages 7 through 12). She also said she wanted to promote healthy hearts and healthy bodies by introducing Farmington children to the recreational activities available in the City.

REPORT OF PLANNING COMMISSION (Agenda Item #4)

David Petersen reported proceedings of the Planning Commission meeting held Thursday, May 24, 2001. He covered the following items:

1. The Planning Commission recommended a two-lot subdivision requested by Dixon Ford located on southeast corner of 200 West (Compton Road) and 1100 North. The item will be reviewed on the evening's agenda.

2. Preliminary plat approval was recommended for the Tuscany Cove development located at the Lake Point Subdivision at approximately 1700 South (Lund Lane) and 300 East. Mr. Petersen reviewed a point of dispute between adjacent property owners and the developer. Mr. Brent Armstrong, property owner to the east, maintained that an assess dirt road leading to his property had been traveled at least once a year for 10 years, thus creating a public right-of-way according to Utah State statutes. Mr. Armstrong wanted the developer to improve the road in its current location to City standards. The developer wanted to move the access to a better location which offered better grade and better design for the subdivision. When the City Attorney was contacted, it was his opinion that the Planning Commission only approve lots not possibly encumbered by the access road until the issue could be resolved. The Planning Commission therefore only recommended approval of 20 lots, eliminating 5 lots for future consideration.

3. The Planning Commission granted temporary conditional use and site plan approval to establish a field office for the Legacy Highway contractor and UDOT. The conditional use permit was temporary and will only last 3 years at which time reapplication by the contractor and options for renewal will need to be reviewed by the Planning Commission on a year by year basis if needed. The Planning Commission directed that use of the site will be primarily for engineering and clerical work and secondarily for limited fueling for field trucks and passenger vehicles. Spill prevention and clean up plans were required. At the end of the use, the contractor will be required to restore and reclaimed the property to its original condition. While in use, security and safety measures such as fencing, spill prevention and clean up plans were to be in place.

4. The Commission voted to recommend vacation of approximately 25 feet on the south side of the 500 North right-of-way from 100 East to 166 East.

PUBLIC HEARING: CONSIDERATION OF MINOR PLAT APPROVAL FOR TWO LOT SUBDIVISION AT 1100 NORTH AND COMPTON ROAD AS REQUESTED BY DIXON FORD (Agenda Item #5)

Mr. Petersen said it often happens in the City that people subdivide a lot and sell one portion to new owners without proper procedure. It is usually due to unfamiliarity with City ordinances. In order to rectify the situation, Mr. Ford is now approaching the City Council to have the lot split approved.

Mr. Forbush indicated sidewalk on the north side of the property had been broken and was now in need of repair. He suggested the repairs be done as part of the conditions of approval.

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

Judy Jensen (owner of one of the two lots) said she was unaware that any damage to the sidewalks had occurred. She said when trucks had come across the walkway, they reinforced the area with dirt. She also reported an encroachment on her property line committed by the adjacent neighbor when he poured a concrete driveway. She felt resolution to the problem needed to take place since title companies saw the encroachment as problematic.

Dixon Ford said he was made aware of the encroachment three weeks ago and at his own expense was resolving the issue. The property will be quit claimed to the adjacent neighbor and the official plat adjusted to reflect accurate property lines. Mr. Dixon was unaware of the sidewalk problem but said he would also resolve that issue.

With no further comments, **Mayor Bell** *CLOSED* the public hearing. He asked that the record state that a letter from Michael L. Schwab was received and reviewed by the City Council. Mr. Schwab's letter expressed concern regarding having the lot split into more than 2 lots. Mr. Schwab was opposed to high density development in the area.

David Dixon *MOVED* to approve the minor plat for two lot subdivision at 1100 North and Compton Road as requested by Dixon Ford subject to sidewalk repair and lot line adjustment to resolve the driveway encroachment described by Ms. Jensen. **Ed Johnson** seconded the motion, which was then approved by unanimous vote.

PUBLIC HEARING: CONSIDERATION OF STREET VACATION APPLICATION BY RICHARD A. ALLART ET AL, ON A PORTION OF 500 NORTH BETWEEN 100 EAST AND 200 EAST (Agenda Item #6)

David Petersen reviewed the item. He described the Allart lot and the problem they were experiencing with a steep driveway. The Allarts wanted to enlarge their home and put in a new driveway that would approach a new garage at a better grade. The Allarts had contacted the City

and were told the property line was at the back of the sidewalk. Unfortunately, the information was inaccurate for the vicinity of the Allart property. The design of the new garage and new driveway did not comply with City ordinances. The Allarts were requesting the City vacate part of the right-of-way to allow them to proceed with the planned improvements. Mr. Petersen said the Allarts had been encouraged to contact neighbors to learn whether or not they would be interested in joining the petition so that the vacation would be continuous to the end of the block. In the Planning Commission motion, they provided an alternative in the event neighbors were not interested in vacation, thus allowing the Allarts to continue their petition with or without neighbor consent. If the vacation were extended to the end of the block, the sidewalk could be continued along the road as a condition of vacation. Mr. Petersen also discussed the need for a utility easement which runs under the current sidewalk.

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

Susan Allart (138 East 500 North) said she and her family were very pleased with the neighborhood and the City and wanted to remain where they were and raise their children in the area. However, the current driveway approach to their home was hazardous to cars. She reported having called the City before beginning expensive architectural designs for the improvements. She and her husband had proceeded thinking they were complying with City ordinances. She asked the City Council for their help in the matter.

Richard Allart said they had counseled with the City Staff and were desirous of cooperating with City standards. The current home is too small for their family and they would very much like to make the improvements as indicated. When asked if he would leave the current concrete driveway, Mr. Allart said he was unsure of whether or not he would do that.

Mayor Bell said the Allarts would be encouraged to remove the concrete to limit impervious area on the lot.

Darren Williams (owner of adjacent property) said he would be financially unable at this point in time to install sidewalk along his property. Therefore, he was withdrawing his petition for vacation.

With no further comments, **Mayor Bell** *CLOSED* the public hearing.

The Council and Staff discussed several points including:

- Curb cuts along the property line are not restricted. However, City ordinances were specific about how close driveways could be. The Allarts would need to remove the concrete from the existing driveway. The Public Works Department had suggested leaving the approach and the sidewalk as is, with no park strip.

- It has been the policy of the City when vacating right-of-way not to sell the property but to require public improvements instead. Such improvements would include installation of sidewalks.
- It was obvious the Allarts were trying to improve the property and solve existing problems.
- The existing curb cut for the existing driveway was made up of a slanted sidewalk which dipped to the road and slanted upward to prevent drainage onto the property. The driveway then sloped downward at a steep grade causing the problematic entrance. Members of the City Council felt the slanted sidewalk entrance needed to be repaired at some future date to have a regular curb and a level sidewalk. Mr. Allart said he would be unable to do such a repair right now but was willing to do so at some future date.

David Dixon *MOVED* to approve Ordinance No. 2001-19, an ordinance vacating a certain portion of the public right of way on the south side of 500 North at approximately 130 East located within Farmington City, State of Utah. **Larry Haugen** seconded the motion. The motion was pass by unanimous vote.

CONSIDERATION OF COUNTY BEER LICENSE APPLICATION/PROPOSED ORDINANCE PERMITTING TEMPORARY BEER LICENSING (Agenda Item #7)

The City Council discussed the requested by Davis County at great length. The **City Manager** reported receiving a call from Barry Burton who said Davis County Commissioners did not want a temporary beer license but wanted to apply for one of the permanent applications. They had committed to control the sale of beer only when required. They wanted the City Council to either approve or turn down their request for a permanent beer license.

Mayor Bell stated he felt it was not clear exactly what the County was requesting since no formal application had been submitted. Also, the action of the Council to prepare a temporary license for the County was in response to what they felt the County had desired.

It was the consensus of the Council to contact the County and have them submit an application which would be processed in the same manner as all other applications.

REQUEST FOR CLARIFICATION ON CITY COUNCIL DIRECTIVE REGARDING WESTERN BUILDERS (Agenda Item #8)

Packet material prepared by the City included a verbal opinion from the City Attorney giving risk management advice as it relates to the City's contractor who allegedly has filled

wetlands which was not part of the City project even though the City's agreement makes it quite clear Western Builders is responsible for their own actions in this matter.

It was the consensus of the Council to have Staff put Western Builders on notice that the issue needs to be addressed immediately.

FORMAL ACCEPTANCE OF POLICE CHIEF JEFF JACOBSON'S NOTICE OF RETIREMENT/RESIGNATION (Agenda Item #9)

Chief Jacobson had alerted City Staff that he wished to retire from the City due to poor health. He is giving the City ample notice so that the City can pursue the selection of a new Chief in a timely manner. After a brief discussion it was the feeling of the Council that Chief Jacobson should be retired with commendation for a job well done.

David Connors *MOVED* to accept notice of Chief Jacobson's retirement/resignation as Police Chief effective the end of December 2001 with commendation for a job well done. **Larry Haugen** seconded the motion. The motion passed by unanimous vote. **Mayor Bell** asked that the selection process begin in August or September so that a new Chief can be in place by the beginning of October.

AUTHORIZATION TO APPLY FOR COPS-IN-SCHOOLS GRANT (Agenda Item #10)

Packet material indicated that application for COPS-in-Schools Grant would have a budgetary consequence after the three-year grant runs out. Mr. Forbush recommended Staff be directed to negotiate with the School District to see if they would pick up a substantial part of the cost after the three-year period. However, he also reported that he and Mayor Bell had met with District officials who now have a policy of contributing \$6,000 annually for Jr. High School with an officer spending 20-22 hours per week. Based on this information, he recommended that the City Council grant authorization. Final commitment to bind the City would not come until a contract was offered to the City, if the grant is obtained.

Ed Johnson *MOVED* to authorize the Chief of Police to apply for the COPS-in-Schools Grant and to have Staff negotiate with the Davis School District regarding costs after the three-year grant is terminated. **Larry Haugen** seconded the motion, which was passed by unanimous affirmative vote.

AUTHORIZATION TO DEVELOP PLAN TO MEET FEDERAL REGULATIONS; GASB 34 AND CLEAN WATER ACT REQUIREMENT TO DEVELOP STORM WATER MANAGEMENT PROGRAM (Agenda Item #11)

Mr. Forbush reported pending compliance deadlines for new Federal regulations (GASB 34 and the Clean Water Act Requirement to develop a storm water management program). He

said the compliance with the regulations would entail increased expenses for the City, and he detailed some of those expenses.

Larry Haugen *MOVED* to direct the City Manager to develop plans to implement these two programs and submit the same to the City Council for final approval at a later date. **Ed Johnson** seconded the motion. The motion carried by unanimous vote.

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

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

- 12-1. Ratification of construction bonds previously signed by Mayor Bell.
- 12-2. Approval of Public Improvements Extension Agreement with Jay Petersen.
- 12-3. Approval of Custodial Maintenance Contract Agreements on the swimming pool and City building with Shellie Hall.
- 12-4. Approval of "Option to Purchase Agreement" with Kent and Mabel Bailey.
- 12-5. Approval of Resolution accepting the Haws, et al., petition for Annexation for study.
- 12-6. Approval of July's Newsletter.
- 12-7. Approval of Escrow Improvements Agreement for Farmington Creek estates Subdivision/Candland Olsen.

Ed Johnson seconded the motion. In discussion of the motion, **Mayor Bell** asked that it be made known in the Farmington Newsletter that the City has included Oakridge Park master planning in the Park's Capital Budget. The motion passed with three members of the City Council voting in the affirmative. Mr. Dixon abstained due to a contractual relationship with the developer of land to be annexed (item 12-5).

PARAMETERS RESOLUTION FINALIZING TERMS AND CONDITIONS AND AUTHORIZING THE ISSUANCE OF UP TO \$1.2 MILLION IN EXCISE TAX REVENUE BONDS, SERIES 2001 AND AUTHORIZING THE EXECUTION OF THE NECESSARY GENERAL INDENTURES OF TRUST, CONTRACTS, AND RELATED DOCUMENTS AUTHORIZING AND RATIFYING THE DISTRIBUTION OF THE PRELIMINARY OFFICIAL STATEMENT AND OFFICIAL STATEMENT AND ALL RELATED MATTERS

Packet material indicated the bonds in question would have a closing date next fiscal year. This may pose some consternation with the State Auditor's Office as a huge deficit will show in the City's Capital Street Fund #38 at then end of the current fiscal year. However, an explanatory note will be posted on the audit to explain this special circumstance. Resolution and other official documents prepared by bond counsel were reviewed and discussed.

David Dixon *MOVED* to adopt Resolution 2001-21 stating the parameters of the issuance of up to \$1.2 million in excise tax revenue bonds (Class C Road Funds) to reimburse City for FY 99-00 and FY 2000-2001 Capital Streets Project noting the audit would include an explanatory note for the special circumstance. **Larry Haugen** seconded the motion, which was then passed by unanimous vote.

POLICY CONSIDERATION: INCENTIVE TO REDUCE MEDICAL INSURANCE PREMIUMS (Agenda Item #14)

Mr. Forbush took time to explained the proposal regarding incentive to reduce medical insurance premiums for the City. The idea consists of paying an incentive to employees who choose to go with their spouse's family coverage for health and dental insurance. In exchange, the City would pay compensation for the equivalent value of the premium cost of the employee's single coverage. This would save the cost of paying the premium for the family coverage. It was estimated that five to six employees may take this incentive if offered. The estimated cost savings for five employees taking this incentive would be approximately \$20,000 per year. The City Manager contacted the City Attorney, who said the option was legally viable.

Mr. Connors expressed concern with the ramifications to employees of such a program. He expressed concern over an employee who might be paid cash for one year, have his spouse quit her job, be reinsured by the City, but take a substantial cut in pay.

Mr. Forbush said the incentive could be offered as a supplemental retirement only, not cash. He suggested employees could reverse their decision about the incentive program, but they might face a nine-month insurance waiting period before the insurance company would begin paying for pre-existing conditions. He suggested that participating employees should be required to show proof of medical insurance coverage before being permitted to participate.

It was the consensus of the Council to authorize the City Manager to pursue drafting a formal policy or ordinance permitting employees to take an incentive in equivalent retirement benefit equal to the cost of health and dental insurance for a single person.

FY2001-02 BUDGET DISCUSSIONS:

(1) PURCHASE OF SURPLUS UDOT PROPERTY

(2) RDA BUDGETARY PROJECT ISSUES (Agenda Item #15)

Mr. Forbush requested a third issue be added to this agenda item, that being approval of M-1 property for Chris Swedin, who operates a salvage business in west Farmington.

Proposed Purchase of Surplus UDOT Property:

Information in the packet mentioned the City Manager is proposing the City purchase the 6.797 acres of UDOT property on the south side of Glover's Lane. Mr. Forbush reviewed cost and revenue options to be able to buy the property. The City would have to sell its existing 7.5 acres of property north of Burke Lane purchased from Shauna Clawson. It would also have to sell part of the 6.797 acres it buys. Mr. Forbush reported that he had spoken with Mr. David West, Legacy Highway Property Acquisition Specialist, about permitting Farmington to have at least a year to pay for the property.

The City Manager/Executive Director of the RDA also proposed the issuance of approximately \$175,000 in tax increment bonds to improve pedestrian safety on west Shepard Lane, along with issuance of \$400,000 in tax increment bonds for the financing of an affordable housing initiative. The City Manager/Executive Director of the RDA suggested that the bonding for west Shepard Lane be contingent on reaching a mutually acceptable agreement between the City and the Oakridge Country Club and the issuance of bonds for the \$400,000 affordable housing initiative be contingent on the development of a Council-approved plan which to this date has not been fully developed. That plan could include purchase of other surplus UDOT property for Crown Housing or a modified Crown Housing program as presented to the Council earlier or it could be used for another type of affordable housing initiative to be developed by the City and the Davis County Housing Authority.

Mr. Forbush was given direction to place these items on the agenda and to immediately begin negotiations with Oakridge Country Club. Council Member Connors was assigned to participate in the negotiations.

Chris Swedin's interest in purchasing part of UDOT property to continue his Federal surplus property business:

Mr. Forbush reported that he is getting a lot of pressure from UDOT to permit Chris Swedin to secure part of the land the City is interested in so he can continue his business. UDOT is taking Swedin's property for Legacy Highway. Mr. Forbush asked what he should do given the special charge and plans of the City's appointed Master Planning Committee who may take up to 4-5 months in determining land use for the area. The Mayor suggested that Max meet with the Committee to explain the problem and request immediate action or encouragement for the City Council to move forward.

By consensus the Council directed that the sub-committee reviewing master planning for west Farmington be asked to consider the property in question as a priority.

REPORT ON MEETING WITH PROPERTY OWNERS ON SOUTHEAST BENCH AS REQUESTED BY BRENT ARMSTRONG (Agenda Item #16)

City Engineer Paul Hirst reported having met with property owners of land on Farmington's east bench in the southern part of the City. Earlier, the City Council had authorized Mr. Hirst to do a schematic road plan which would show feasible alignments on the lower bench areas parallel to S.R. 106. As a result of the City Council's authorization, Mr. Hirst presented suggestions for roads through the area. Several options were discussed. By consensus, the Council directed the City's Engineer to design a rough draft master street layout which showed the best possible road routes and which complied with all City ordinances. The plan was to be brought back to the Council for consideration. It was stated that road development and improvements through the area were the responsibility of developers, not the City. The draft street alignment plan which shows compliance with City standards may provide guidelines for future developers as they submitted plans for approval. The plan is to only show alignments to the first bench area above S.R. 106 – no further east.

MISCELLANEOUS**Jerry Preston Development Schematic Plan:**

Mr. Dixon distributed a schematic plan sketch which had been developed in cooperation with the developer (Jerry Preston) and Council members Dixon and Connors and City staff. The plan, as modified, was shown to the full Council and discussed in detail.

Mr. Connors asked about Mr. Dixon's concerns regarding the development, which Mr. Dixon said had been resolved.

David Connors *MOVED* that the City Council approve the schematic plan. **Ed Johnson** seconded the motion. The motion passed by unanimous vote.

Sound Berm/Web Page Concerns:

Ed Johnson reported having many citizens ask him about the sound berm planned for the southern end of Farmington. He also asked if the City's web page had been developed.

Mr. Forbush said he would report on the sound berm when it was his turn to review miscellaneous items. The web page had been delayed because the Finance Director had been too busy.

Legal Opinions:

David Connors referred to agenda item #8 and expressed concern that City Attorney opinions not be made a matter of public record. The Council concurred.

Burn Plant Report:

Larry Haugen distributed the monthly Burn Plant Newsletter and reported on recent actions of the plant. A new director had been named. Mr. Haugen said more information would be coming soon.

Mayoral Issues:

Mayor Bell detailed a fiberglass buffalos project which had generated a great deal of tourism in other communities. He was the chairman of the project for Davis County. He gained permission from the Council to purchase one of the buffalos by consensus for \$3,000.

The Mayor said Frank Frodsham had called him from Nauvoo and expressed strong support of the Tuscany Cove development and strong opposition to the possible use of Farmington foothills as a gravel pit. Mayor Bell reported actions being taken to fight the gravel pit.

Mayor Bell asked if a master plan had been approved for the southern east bench of Farmington. A master transportation plan had been approved, but not a regular master plan.

City Manager Issues:

Max Forbush reminded the Council of a recent street vacation on Clark Lane which had been approved. When the vacation was being recorded with the County, the County Recorder required a correction to the ordinance be made making it clear to whom the property was being conveyed. A corrected ordinance had been prepared, which needed the approval of the Council. The corrected ordinance provided that the property vacated be conveyed to Boyer, L.L.C.

Larry Haugen *MOVED* that the City Council approve the corrected ordinance indicating the conveyance of vacated property on Clark Lane to Boyer, L.L.C. **David Connors** seconded the motion. The motion passed with three members of the Council voting in the affirmative. Council Member Dixon abstained because of his association with the developers as their consultant.

David Dixon *MOVED* to approve the consent agreement between the City and Claims Inc., authorizing Claims, Inc., to assign specified lots to the Farmington Greens developers and to authorize the Mayor to sign the same. **Ed Johnson** seconded the motion, which was passed by unanimous vote.

Mr. Forbush reported on progress for the sound berm to be construction along the frontage road just south of Glovers Lane. He said Stone Tree was the lowest bidder on the project and suggested awarding the bid to them. He said excavation on the 2MG culinary water tank site would begin shortly, which in turn would provide dirt for the berm. He planned on holding a pre-construction meeting the next day (June 7) with the reservoir contractor and felt dirt would begin to be moved in July.

The City Manager also reported the need to have written authorization in the City Council minutes clearly authorizing the Mayor to sign property conveyances to UDOT for the Legacy Highway right-of-way. The conveyance to UDOT by the City could include parts of 100 North and 650 West streets and the current City shop property.

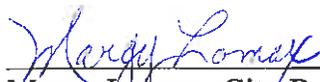
David Dixon *MOVED* to authorize the Mayor to convey property in the vicinity of Clark Lane and 1625 West (the current Shop building and adjoining right-of-way) to UDOT in order to acquire property for the new shop building. **Larry Haugen** seconded the motion. The motion passed by unanimous vote.

Ed Johnson *MOVED* to appoint Sue Ann Phillips as Farmington City Pageant Coordinator and accept the resignation of Bobbie Gardner with commendation for a job well done. **David Connors** seconded the motion, which passed by unanimous vote.

MINUTE MOTION ADJOURNING TO CLOSED SESSION TO DISCUSS STRATEGY ISSUES AS THEY PERTAIN TO PENDING LITIGATION, ACQUISITION OF REAL PROPERTY AND TO DISCUSS THE PROFESSIONAL COMPETENCY OF AN INDIVIDUAL (Agenda Item #18)

David Connors *MOVED* to adjourn to closed session at 10:30 P.M.. **David Dixon** seconded the motion which was approved by unanimous vote.

At 10:50 p.m. a motion was made by **David Dixon** and seconded by **David Connors** to go back into open session. The motion passed by a unanimous vote. There being no further business brought before the Council, the meeting was adjourned at 10:55 p.m. upon motion of **David Dixon**.



Margy Lomax, City Recorder
Farmington City

FARMINGTON CITY COUNCIL MEETING

Wednesday, June 20, 2001

CITY COUNCIL/PLANNING COMMISSION WORK SESSION/WEST CONFERENCE ROOM

PRESENT: Mayor Gregory S Bell, Council Members David M. Connors, David J. Dixon, Bob Hasenyager, Larry W. Haugen, Planning Commission Chairman Susan Holmes, Commissioners Kent Forsgren and David Hale, City Manager Max Forbush, City Planner David Petersen, and Deputy Recorder Jeane Chipman. Council Member Ed Johnson and Commissioners Linda Hoffman, Larry Jensen, Mary Anne Scott, and Sid Young were excused. Others present included: Roger Child, Rick Johanson, DeVan Pack, Mike Romney, Rich Haws, Jerry King, and Roland Turpin.

Mayor Bell began discussion at 6:20 P.M. He asked Bob Hasenyager to introduce Chris Roybal, President of the Economic Development of Utah Agency.

Mr. Roybal made the following points:

- The State of Utah has been actively pursuing the increase of high quality jobs for the job market in Utah. Utah has the highest birth rate in the nation and therefore the youngest work force. Over the past few years, advances have been made in obtaining good jobs to the point that we no longer lose most of the new workers.
- Jobs that are being sought are mainly in the office workforce area. Retail businesses follow naturally.
- Mr. Roybal provides information to site selectors to help them locate their businesses in Utah. Such information includes work force and available land.
- Utah is lacking in fully integrated office parks. Such parks are campus type parks and include services and ambience that is inviting to the employers, the workers and nearby neighbors. Such parks ideally have workers who want to live close by. Services include banking, eateries, and other retail providers. They are well-planned and comfortable. This is the type of park being suggested by Rich Haws for his proposal in west Farmington.
- Mr. Roybal distributed fact sheets demonstrating models that could be representative of west Farmington commercial development. The models showed possible tax revenues for the City and also possible resident impact.

- The competition for the well-integrated park is very low currently. Such a park would likely not succeed until after the area has been more fully developed. However, in 5 or 6 years it could be very prosperous.
- **Mr. Haws** stated the project in west Farmington is scheduled to begin in 2004. It is planned that build out will take about 10 years to accomplish.
- **Mr. Roybal** said if planned correctly, the business park in west Farmington could attract high-end businesses which would offer higher than average salaries.
- If an EDA were created for the project, tax increment for the City could be used for infrastructure. EDAs can last as long as 12 to 15 years. Possible use for the increment could also be incentive for appropriate businesses to locate in the area. It would be important to invest in the "front door" curb appeal of the business park. If done properly, nearby properties could experience an increase in value.

REGULAR CITY COUNCIL/CITY CHAMBERS/CALL TO ORDER

PRESENT: Mayor Gregory S Bell, Council Members David M. Connors, David J. Dixon, Bob Hasenyager, Larry W. Haugen, City Manager Max Forbush, City Recorder Margy Lomax, City Planner David Petersen, and Recording Secretary Jeane Chipman. Council Member Edward J. Johnson was excused. City Finance Director Keith Johnson was present for discussion of agenda item #4 (annual budget approval consideration). City Engineer Paul Hirst was present for discussion of agenda item #7 (culinary water well development issues).

Mayor Bell called the meeting to order at 7:20 P.M. The invocation was offered by Mayor Bell and the Pledge of Allegiance was led by Max Forbush. Mayor Bell suggested altering the order of agenda items to accommodate members of the Leisure Services Board who were in attendance. Therefore, agenda item #5 was handled first.

DISCUSSION PERTAINING TO PROPOSED LEISURE SERVICES/PARKS MASTER PLAN/RECOMMENDATION FOR PERFORMING ARTS CENTER AND RELATED DEVELOPMENT (Agenda Item #5)

Sue Ann Phillips, member of the Leisure Services Board addressed the Council. She made the following points:

- Cultural arts and recreation needs are growing along with the population in Farmington. Farmington has a rich tradition of cultural arts programs.
- Because of the increased activity in these areas, facilities and buildings are being strained. There is a great need for a new facility to house the performing arts. Such

a facility could be a multi-use community center, housing not only cultural art activities of all kinds, but also recreational activities.

- Timing is essential because available property is becoming scarce. Ms. Phillips said the Board would like to have a bond issue placed on the November ballot to raise the funds for a new facility.
- Ms. Phillips reviewed sites for the building which had been discussed by the Board. The sites included property north of the Justice Center in west Farmington, Oakridge Park, and the site of the old work shop near Woodland Park. Each site had advantages and disadvantages.

David Dixon felt the location of a community center or performing arts center should be in downtown to help preserve and revitalize the area. It would focus attention on the City's center and not fragment the town. Parking could be shared with the School District, which could prove to be a great benefit to both the City and the District. The District may even participate in a building nearby if it met their needs.

David Connors said the needs of the Leisure Services programs should possibly be looked at in two steps. He did not feel the cultural arts programs and the recreation programs would have the same needs for building use and therefore should probably be considered separately. He felt the performing/cultural arts type facility should be located in the downtown area and the recreational program facility needs could possibly be developed in partnership with the School District. It may be a disservice to try to put both programs in the same building.

Max Forbush suggested another property for consideration. He said the property directly east of the City Hall could be an ideal location for a new facility. He also commented he felt it may be difficult to gain a consensus from the citizens. Survey's indicated a wide range of interests. He also encouraged building needed facilities in phases to reduce financial impact.

Jo-Ann Callahan, Cultural Arts Director, described the kind of building she envisioned for use by the cultural arts programs. She said they did not feel a need for a traditional theater where the stage was raised and had curtains and an area separating the stage from the audience. She envisioned a building which included a large room that could seat 400 to 500 people, with a flat floor and a flat stage area. She felt the room should have a wooden floor. Such a room could house dances, art classes, and a variety of theatrical productions with the use of a portable stage. The building would also need an area for scenery production and a storage area for costumes.

Mr. Dixon listed sundry possible uses for the center and encouraged the Board to be bolder in their vision of the building.

Mr. Connors said the building should be a lasting monument to help preserve the image of the City and its tradition for performing arts.

Mayor Bell defined three elements of a possible bond issuance: (1) a performing arts facility, (2) Oakridge Park, (3) and a recreational center. He wondered if the voters should be presented a combined package regarding the performing arts center and Oakridge Park and look to creating a recreational center in cooperation with the new high school planned for west Farmington.

Mr. Forbush said grant money may be available for a portion of the performing arts segment of the proposal. In order to have the issue ready for a bond vote in November a great deal of work must be done. The project needs to be well defined and researched. He agreed that the needs of the performing arts and the needs of the recreational programs would be hard to combine.

Viola Kinney, Leisure Services Director, itemized the concerns as expressed by the Planning Commission. Their feeling was to use existing buildings or partner with the School District for use of buildings they may build. The Planning Commission was concerned about funding. The combination building was proposed because the Board didn't feel the City would approve two separate facilities. Both areas are in great need.

Mr. Connors referred to the Leisure Services/Parks Master Plan draft and said that although it had commendable content, there was still a good deal of work needing to be done. He suggested a meeting with the consultants and other interested parties.

Mayor Bell said the issues involved still need further study and with the consensus of the Council directed Staff to continue work on the project.

RECESS

The **Mayor** declared a recess at 8:15 P.M. for the purpose of convening the Municipal Building Authority and the Redevelopment Agency.

RECONVENE

The City Council meeting reconvened at 8:30 P.M.

APPROVAL OF MINUTES OF PREVIOUS MEETING

The minutes of the June 6, 2001, City Council Meeting were read and corrected. **Larry Haugen** *MOVED* to approve the minutes as corrected. **David Dixon** seconded the motion. The voting was unanimous in the affirmative. **Bob Hasenyager** abstained due to his absence during the June 6th meeting.

PUBLIC HEARING TO CONSIDER THE FOLLOWING:

- **AMENDING THE FARMINGTON CITY BUDGET FOR FISCAL YEAR ENDING JUNE 30, 2001;**
- **ADOPTION OF PROPOSED FARMINGTON CITY BUDGET FOR FISCAL YEAR ENDING JUNE 30, 2002;**
- **SETTING A PROPOSED CERTIFIED TAX RATE; AND**
- **ADOPTION OF AN ORDINANCE SPECIFYING PUBLIC OFFICIALS COMPENSATION. (Agenda Item #4)**

Mr. Forbush reviewed budget items. The Certified Tax Rate had not be received from the County and was not expected for a week or more. He suggested instructing Staff to complete the certified tax rate when available and authorizing the Mayor to accept upon his review. The City Manager reported salient portions of the budget were being published in the July Farmington Newsletter. The water rate was being raised \$1.00 per month to cover the costs of fluoridation previously mandated by Davis County voters. Garbage collections fees had not gone up but may need to in the future because of excess costs for spring cleanup. Mr. Forbush reviewed other portions of the budget, which had been considered in detail in previous work sessions held by the City Council, including the need to find revenues to cover up-coming compliance with the Federal Clean Water Act as it pertains to erosion and storm sewer management

Mayor Bell opened the meeting to a *PUBLIC HEARING*. With no forthcoming comments, he *CLOSED* the public hearing.

David Connors *MOVED* that the City Council approve Ordinance No. 2001-22, an ordinance amending the municipal budget for fiscal year ending 6-30-01; adopting a tentative municipal budget for fiscal year ending 6-30-2002; adopting a compensation schedule for City officials and employees and adopting a proposed property tax for fiscal year ending 6-30-2002. Also that instructions be given to the City Manager and City Financial Director to complete the certified tax rate when available as provided by Davis County which will not increase taxes in any way and authorize the Mayor to sign same. **Larry Haugen** seconded the motion. The motion passed by unanimous vote.

LEASE OF OLD BOTANICAL GARDEN PROPERTIES (Agenda Item #6)

Mr. Forbush stated the City Council needed to consider which of the buildings at the old Botanical Garden they wished to have the City lease from the Utah Department of Transportation. Packet information indicated that currently the existing red-brick house and the storm water detention basin areas are the only properties leased. The City has the potential for leasing both the greenhouse and the old John Potter Home. Mr. Forbush had met with Neil Miller, Parks Superintendent, and UDOT officials relative to the inspection of the detention basin. The City had taken responsibility to maintain the detention basin on a temporary basis until negotiations were complete regarding the use of unused S.R. 272 funds on the five-way intersection. Such negotiation

had been favorably resolved. It was Mr. Forbush's recommendation that the City assume maintenance responsibility for the detention basin and asked which of the other properties the Council wished to lease. He said the red brick house could be used as a rental property and the rent used to cover storage rental for the performing arts costumes. He did not see a use for the large white Potter home. The home was in disrepair and would cost a great deal to restore.

By consensus, the Council directed that the white Potter home be left with UDOT.

RATIFICATION OF AUTHORIZATION TO DRILL CULINARY WATER TEST WELL (LAND DRILLING) AND TO AUTHORIZE ENGINEERING ANALYSIS (KLEINFELDER) (Agenda Item #7)

Packet information reported that on or about June 12th the City Manager had called members of the Governing Body asking them for authorization to move forward on drilling a test well at Woodland Park before more money is spent on drilling deeper in the existing production well at the same location. Webber Drilling had been drilling the production well and had reached approximately 210 feet and could not go any further. Water had not been reached. The well log on the City's existing well, which is a couple hundred feet nearby, indicated water production occurs between 225 and 300 feet. To make sure that the City could hit a good quality and quantity of water, an expert hydro-geologist was brought in to make recommendations. The hydro-geologist, Bill Loughlin, recommended the City drill a test well and assess the cuttings of the well as the well is drilled. The benefit of doing so was to determine the quality and quantity below the 210-foot mark. Webber Drilling cannot drill any further using their conventional drilling rig. If test drilling confirms a good quality and quantity of water in the well, it will be necessary to seek bids for the completion of the drilling at the existing location with a rotary drill rig. The estimated cost of the test well was under \$25,000.00. The estimated cost for the engineering analysis work by Kleinfelder was around \$4,500 to \$6,000.

Paul Hirst, City Engineer, reviewed the status of drilling near City well #2 and said the drilling showed similarities between the test well and the existing well. The test well is uniformly graded all the way down. It was projected that a high quality of water could be found at 380 feet but volume production is highly suspect. The conclusion Mr. Hirst reached as that the City should drill the new well right next to the old well.

Mayor Bell and the Council briefly discussed the issue. They were concerned that the well's impact on the site be held to a minimum because of possible future development of the property. Mayor Bell stated the Council needed to rely on the expertise of the engineers. There were no objections to continuing the study regarding the placement of the new well.

Mr. Hirst presented a road route design which complied with City standards intended as a guideline to be used when development comes to the southeast bench of southern Farmington. The Council and Mayor by consensus concurred with the design.

Mr. Hirst also commented on the lack of State standards regarding fluoride treatments being initiated for the City water system.

Larry Haugen *MOVED* that the City Staff be directed to prepare specifications regarding the completion of the new water well near existing Well #2. **David Connors** seconded the motion, which passed by unanimous vote.

MINUTE MOTION APPROVING BUSINESS OF CONSENT (Agenda Item #8)

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

1. Ratification of construction bond agreements previously signed by Mayor Bell.
2. Approval of April's and May's disbursements lists as enclosed.
3. Approval of Public Improvement Extension Agreement with Denver Rigby.
4. Ratify award of bid for the sound wall berms and panel with StoneTree, Inc. The bids were reviewed at last Council meeting and inadvertently a motion was not made to award the bid although the City Manager had the direct impression that it was awarded. StoneTree will construct the area of the berm where the Weber Basin pipeline crosses. The same will be constructed with geofoam and fill. StoneTree will also drill the holes for the balance of the sound wall once the berm is placed, and StoneTree will construct and place the actual concrete fence to go on top of the berm.
5. Approval of enclosed Agreement between the City and KFP relative to the placement of fire hydrants on a flag lot within the KFP portion of Shepard Heights Development. This agreement is similar to the one used for the Merrill Bean property.
6. Approval of the Change Order #1 with Cox Development, Inc. which reduces the work to be done on the 200 East water transmission pipeline.

David Dixon seconded the motion. The motion carried by unanimous vote.

APPROVAL OF ISSUANCE OF PURCHASE ORDER FOR CONSTRUCTION ASSISTANCE ON SOUND WALL PROJECT WITH SKINNER CONSTRUCTION (Agenda Item #9)

Mr. Forbush distributed information regarding the bid supplied by Skinner Excavating, Inc., for the Farmington Sound Wall #2, located south of Glover's Lane on the frontage road. The bid included work on site preparation, construction of the earthen berm, retaining walls, testing and site

control, and traffic control and flagging. Dirt would begin to be moved on June 21st. Mr. Forbush said if City crews were used to supplement dirt moving, expenses could be reduced. He also said UDOT had approved moving the chain link fence further west into the freeway right-of-way to allow work to proceed.

David Connors *MOVED* that the City Council approve the purchase order authorizing Skinner to compact and grade the fill material being hauled to the site by the contractor for the 2MG reservoir (Build, Inc.). **Larry Haugen** seconded the motion. The motion passed by unanimous vote.

RESOLUTION AMENDING BASE CULINARY WATER RATES FROM \$12 TO \$13 PER MONTH (Agenda Item #10)

Mr. Forbush explained that the increase in the water rates was projected in the budget and was due to the cost of the water fluoridation.

Bob Hasenyager *MOVED* to adopt Resolution No. 01-23, a resolution amending and increasing the residential and commercial culinary water service rates charged by Farmington City for culinary water service. **David Connors** seconded the motion, which passed by a unanimous affirmative vote.

SUGGESTED AMENDMENTS TO MUNICIPAL CEMETERY RULES (Agenda Item #11)

The City Manager said the amended rules were intended to protect the City cemetery and regulate the placement and type of headstone. Such endeavors needed to be done by people who were professionals.

Larry Haugen *MOVED* to approve the conceptual contents of the amendments to the Municipal Cemetery Rules as presented. **David Dixon** seconded the motion. The motion passed by unanimous vote.

MISCELLANEOUS (Agenda Item #12)

Well Site Concerns

Mr. Dixon expressed the concern that the new well near Well #2 may impact negatively the property near Woodland Park. That property had been considered for development of beneficial amenities for the City. If the well restricts building and/or development, it would be a great loss.

Mr. Forbush said more information is needed to see what impact would result. He said he would research the issue.

Youth Council Training and Citizen Accomplishments

Mr. Connors reported for the information of the Council that the Youth Council training planned for Camp Williams had to be canceled, but the training location was moved and proceeded. He also reported that Kate Connors had attended a national competition for Health Occupations in Atlanta, Georgia. She scored third in the nation on the Pathophysiology Knowledge Test. Also, Cori Connors was currently in Liverpool, England, recording original compositions.

Gravel Pit Considerations

Mr. Connors said citizens had called him asking if there may be opportunity to legislate reasonable restrictions on City roads regarding haul trucks.

Mayor Bell commented that a strategy regarding legal and appropriate means to discourage the use of Farmington hillsides as a gravel pit was being considered.

City Road Improvements

Mr. Haugen commended recent road improvements along 100 East.

Fire Department Issues

Mr. Forbush asked that Fire Chief Larry Gregory be given time to discuss Fire Station needs.

Chief Gregory express great enthusiasm for the new fire truck recently purchased. He said the engine was quality and would benefit the citizens of Farmington for a long time to come. He said the Fire Department had 2 needs that he would like to propose. Funding for the 2 items could come from the money left over in the FY 2001 amended budget. He said they would like to have the older engine painted to match the newly acquired fire truck (about \$2,000) and a radio control panel needed to be installed in the new vehicle (about \$1,000). Mr. Forbush reported both had been included in the amended budget.

By consensus the Council approved the expenditure of funds for the painting and the radio control panel.

The Council discussed the possibility of riding on the new truck during the Farmington Festival Days Parade.

West Farmington Development

Mr. Forbush stated the master planning for annexed areas of west Farmington needed to include an area for MI zoning. The City needed to develop ordinances to control such areas.

Mr. Hasenyager indicated the south portion of land being considered for annexation was a logical place for MI zoning. Access is a concern for citizens. Access on Glover Lane should probably be time-limited until other avenues can be improved. The entire area needs to be master planned. Legislation should be in place to make sure appropriate uses are maintained.

Mr. Forbush said UDOT is willing to sell the property (6.697 acres) south of Glover's Lane mentioned in a previous Council meeting. UDOT would like to make the sale final within the upcoming fiscal year. If the City wants to purchase the property, other property would need to be declared surplus and sold to provide funds for the purchase.

Mr. Hasenyager commented that if the City approves the MI zone on the property in question, it would seem tacit approval would be given the Pack family for similar use.

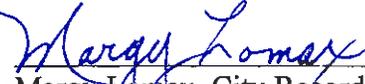
Mr. Dixon felt it had probably been a mistake in the past not to make Glover Lane a full interchange. The Council discussed future traffic needs when west Farmington develops and expressed the possibility development of the Glover Lane overpass into a full interchange at some point in the future.

MINUTE MOTION ADJOURNING TO CLOSED SESSION TO DISCUSS STRATEGY ISSUES AS THEY PERTAIN TO PENDING LITIGATION AND ACQUISITION OF REAL PROPERTY (Agenda Item #13)

Larry Haugen *MOVED* to adjourn to closed session at 9:50 p.m.. **David Dixon** seconded the motion, which was passed by unanimous vote. At 10:20 p.m. a motion was made by **Larry Haugen** to reconvene into open session. The motion was seconded by **David Connors** and was passed by a unanimous vote.

ADJOURNMENT

There being no further business, upon motion by **David Connors**, the meeting was adjourned at 10:21 p.m.



Margy Lomax, City Recorder
Farmington City