FARMINGTON CITY COUNCIL MEETING

Wednesday, January 5, 2005

CITY COUNCIL WORK SESSION/CITY CHAMBERS

PRESENT: Mayor Protem Susan T. Holmes, Council Members David Hale, Larry W. Haugen, Sid Young, and Rick Dutson, City Manager Max Forbush, City Planner David Petersen, and Deputy Recorder Jeane Chipman. Mayor David M. Connors was excused.

Mayor Protem Holmes began discussion at 5:30 P.M. The topic of discussion was the proposed bus rapid transit system through Farmington City. The following items were reviewed:

- The proposed typical sections for the bus rapid transit (BRT) were discussed. The system would need a dedicated lane so that buses do not interact with regular traffic. Several options existed, such as having an exclusive lane designated for the BRT that would be used one direction in the morning and the opposite direction in the evening.

- Details, such as the kinds of buses to be used and what type of road surface would be best, was discussed.

- Safety for users was an issue. There would need to be public education.

- The BRT proposal was a part of the Davis County transit project. The project is not solely a City project. There were only three stops not including the Lagoon stop proposed for the City. With more than that, people will probably decide to go back to the regular bus system. The idea of the BRT is to have a *rapid* system.

- Models show that in 2030 there will be places in Farmington that will have significant congestion. Because of that, it would likely be more effective to have a designated reserved BRT lane. Farmington may want the BRT to be an enhancement to the community. Landscaping would take more space. The City would have to decide what would be best for its citizens.

- There will also be a Lagoon stop. Lagoon has specific requirements for their needs.

- This system was not intended for Salt Lake travelers to come to Farmington or vise versa. The commuter rail will be used for that. The BRT will be established to support intermediate trips. The system is similar to “light rail” uses. There will be about 10,000 people using the system every day.

- Electric street cars have not been eliminated.

- There are three options for lane development: exclusive, auto restrictive, and mixed traffic. Stops would be at one mile spacing. There would be a 10 to 15 minutes service frequency. The amenities would be high quality.

- Ms. Holmes stated that the corridor had been studied for over a year.

- It would be critical to serve the Farmington downtown area, thus making the frontage road route not viable.

- For the meeting on January 19th, abutting property owners to the proposed route should be notified. Mr. Forbush requested printed information which could be included in the notice. The meeting will be held from 5 to 7 P.M.

- Mr. Dutson requested information regarding funding. Funding was uncertain, but the BRT should be accomplished sometime before 2030. Enhancements would need to be funded by the cities involved.

- BRT officials asked to have City Council members' email addresses.

- The proposed routing plan through Farmington was discussed.

CITY COUNCIL WORK SESSION/KITCHEN AREA

Mayor Protem Holmes opened the discussion at 6:30 P.M. The following items were discussed briefly:

- Agenda Item #4/consideration of ordinance amending the zoning text regarding reconstruction of non-conforming structures. Mr. Petersen gave the City Council the background of the agenda item. Mr. Keith Salmon had requested the change because he had found refinancing of his duplex complicated by the ordinance restricting the reconstruction of non-conforming structures following more than 50% damage. The chairperson of the Historic Preservation Commission had been asked for an opinion. Ms. Revell stated she was not as concerned about the use replacing such a building as the design standards applied. When the City attorney was contacted, he felt that the City should be very careful about changing zoning text in response to one application.

- Agenda Item #5/request for exemption of standards to permit sales trailer at the Farmington Crossing at Spring Creek Crossing PUD. The applicant was not ready to address the City Council at this time. The item was deferred to a later date.

- The Planning Commission report would not be given because there had not been a meeting since the last City Council meeting. However, Mr. Petersen did report that developers of the McKittrick property had been working to reconfigure transportation corridors through the area. When asked, the City Council by consensus responded they wanted Howard Kent and Woodside Homes (the developers) to go through the regular process of application. They would hear the developers' request after due consideration by the Planning Commission.

- Agenda Item #8/ authorization to set public hearing to amend Capital Parks Budget. Mr. Forbush briefly reviewed the agenda item and stated there would likely need to be a public hearing in order to amend the Capital Parks Budget.

- Agenda Item #10/inter-local agreement with Clinton City. Mr. Forbush stated that sharing a building inspector with Clinton City would be advantageous to both cities. He would present more information in the regular session.

- Agenda Item #11/approval of Rosenthal proposal for street impact fee analysis and Street Capital Facilities Plan. Mr. Forbush stated the impact fee structure needed to be reevaluated and possibly amended. Legal requirements call for a third party analysis of the current fees before amendments can be considered.

- Agenda Item #12/ Farmington City logo discussion. Mr. Forbush said that Mr. Dutson would lead a discussion of the new City logo proposal.

- Miscellaneous. Mr. Forbush will have two discussion items for the miscellaneous agenda. One has to do with Farmington Greens and the need of the developer to make financial arrangements with the City in order to move forward with the recordation of Plats IB and IC. The other item involved the need for authorization from the Council to apply for transportation grants to help fund projects near the proposed commuter rail station.

REGULAR CITY COUNCIL/CITY CHAMBERS/CALL TO ORDER

PRESENT: Mayor Protem Susan T. Holmes, Council Members David Hale, Larry W. Haugen, Sid Young, and Rick Dutson, City Manager Max Forbush, City Planner David Petersen, City Recorder Margy Lomax, and Deputy Recorder Jeane Chipman. Mayor Connors was excused.

Mayor Protem Holmes called the meeting to order at 7:00 P.M. The invocation was offered by **Susan Holmes** and the Pledge of Allegiance was led by **Rick Dutson**.

APPROVAL OF MINUTES OF PREVIOUS MEETING

Rick Dutson moved that the City Council approve the minutes of the December 8, 2004, City Council Meeting. **Larry Haugen** seconded the motion, which passed by unanimous vote.

Rick Dutson moved that the City Council approve the minutes of the December 17, 2004, City Council Meeting. **David Hale** seconded the motion, which passed by unanimous vote.

Rick Dutson moved that the City Council approve the minutes of the December 21, 2004, City Council Meeting with changes as noted. **Larry Haugen** seconded the motion, which passed by unanimous vote. **David Hale** abstained because he was unable to attend the meeting.

PUBLIC HEARING: CONSIDERATION OF ORDINANCE AMENDING THE ZONING TEXT REGARDING RECONSTRUCTION OF NON-CONFORMING STRUCTURES (Agenda Item #4)

Mr. Petersen introduced the agenda item. The applicant had requested that the zoning ordinance be amended to allow restoration or replacement of a non-conforming structure that is damaged or 100% destroyed as a non-conforming structure. Currently, the ordinance only allows the restoration of non-conforming structures that are destroyed to the extent of not more than fifty percent of their reasonable replacem4ent value. If a structure is damaged to the extend of fifty percent or more of its value, it can only be replaced with a conforming structure.

The way the ordinance now reads, the City can force an owner of a non-conforming structure to replace it with conforming structure if it is damaged or destroyed to the extent described above. A change in the ordinance would take away the City's ability to do this. The Planning Advisory Service provides information to cities concerning ordinances such as this one. They have been requested to provide us with information concerning national trends or standards concerning restoration of non-conforming structures. Mr. Petersen reviewed what other cities do in the same circumstance. The purpose for having a nonconforming structure designation is so there is a mechanism to remove those structures some time in the future. By making the proposed change to the ordinance language, this tool would be removed. It was true that the applicant originally had a conforming use and that a change in the zoning designation for his lot made his structure nonconforming. However, changing the language of the ordinance or even for the OTR section for this one instance did not seem to be justified. Although there were some areas of the country that allowed rebuilding if a structure was damaged or destroyed completely, the majority of the examples that have a limit to the percentage of destruction that is allowed use 50% as the limiting percentage.

It was the understanding of staff that there was a mechanism to get title insurance that would allow a nonconforming structure to be refinanced. It would be better for individuals with a conflict caused by the nonconforming use designation to pursue this avenue rather than change the ordinance.

Mr. Petersen had contacted the chairperson of the Historic Preservation Commission, Alisa Revell. Her comment was that use was not as important as the design standards. To try to wordsmith something acceptable regarding esthetics was very difficult. Mr. Petersen had also contacted the City Attorney, who felt that to change the zone for one applicant may not be wise.

Public Hearing

Mayor Protem Holmes opened the meeting to a public hearing.

Keith Salmon (applicant) stated that all cities around Farmington have non-conforming zoning. The amendment did not seem to be that much of a change and would actually help the City. If a City building was damaged it would have to be torn down and not rebuilt if the zoning text were to be left the way it was. Mr. Salmon did not know that when the OTR was enacted that it would effect his building. Amending the zone would protect the existence of historic buildings in Farmington. It would also protect the property rights of Farmington citizens.

Public Hearing Closed

With no further comments, **Mayor Protem Holmes** closed the public hearing.

The City Council discussed the issues, including the following points:

- Design standards would need to be preserved. Precedence was also an important issue.
- Mr. Petersen asked if the City Council would like to have the City Attorney review the issue.
- Zoning standards include aesthetic-based criteria. It would be difficult to enact language changes that would call out just aesthetic standards. The zone change would impact property all through the City.
- There could be unintended consequences if the zone text was changed.
- Mr. Salmon brought up a good point about protecting historic structures.
- The issue is not an OTR issue. It is a City-wide issue.
- Council members by consensus felt that they did not have enough information to take action.

- The underlying assumption was that non-conforming uses should eventually be eliminated by attrition.

- Nation-wide, it is common to use 50 percent destruction as a criteria.

- The Council asked for information regarding how many structures would be impacted in the OTR zone and what the advantages and the disadvantages would be for considering letting the non-conforming uses remain.

No action was taken on the agenda item.

REQUEST FOR EXEMPTION OF STANDARDS TO PERMIT SALES TRAILER AT THE FARMINGTON CROSSING AT SPRING CREEK CROSSING PUD/CONSIDERATION OF PROPOSED AMENDMENTS TO SIGN ORDINANCE/GARBETT HOMES (Agenda Item #5)

Information was not received in time to be considered by the City Council during the evening's meeting. .

INVITATION TO PARTICIPATE I N DAVIS COUNTY TRAILS MASTER PLAN/DAVIS COUNTY HEALTH DEPARTMENT (Agenda Item #6)

Mr. Forbush explained the agenda item. It seemed evident that there are many people who are interested in increasing the health of the citizens in Davis County.

Motion

David Hale moved that the City Council authorize the Mayor or his designee to participate in the Master Trails Plan being proposed by the Davis County Health Department. Mr. Young offered to attend the meeting with a representative of the Trail Committee, possibly George Chipman. **Larry Haugen** seconded the motion, which passed by unanimous vote.

LIGHTED MARQUE SIGN REQUEST/KATHY GIBBONS (Agenda Item #7)

Mr. Forbush stated that if the City Council concurs, the sign could be used not only for Pioneer Christmas, but for all special City events. Funding for such a sign would more than likely have to come from the Council contingency account.

Mr. Haugen felt such signs would be a distraction throughout the City.

Mr. Dutson recognized the need to get information to citizens. However, he agreed with Mr. Haugen that it would not be attractive in the City. Pioneer Christmas may be the only event in the City that desires to draw from a regional area. They could possibly use other ways of advertizing.

Mr. Forbush stated there was a need to revamp the City's sign ordinances and policies to better accommodate all Leisure Service Department programs, especially special events like Pioneer Christmas and Festival Days.

By consensus, the Council was opposed to the idea of placing a lighted marque at a strategic place in the City but did want staff to investigate alternative changes to the sign ordinances to better accommodate special events sponsored by the City.

AUTHORIZATION TO SET PUBLIC HEARING TO AMEND CAPITAL PARKS BUDGET AND RELATED MATTERS (Agenda Item #8)

The proposed amendments included improving the Buffalo Ranches Trail and the Farmington Creek Trail through Farmington Greens Subdivision as well as making improvements to the Farmington Creek Trail near the Utah Power Substation. **Mr. Forbush** stated that the amendments would make a huge improvement in the trail system in the City. He reviewed the details of proposed funding. The City Manager proposed that the City Council hold a public hearing to amend the Parks Capital budget; that the City Council authorize funding for construction of cross project trail through Farmington Greens Subdivision; that the City Council authorize expansion of the 400 West tunnel project to include eligible additional items as determined by UDOT; and that the City Council authorize completion of landscaping adjacent to Utah Power substation as suggested by Neil Miller for $2,500.

Motion

Rick Dutson moved that the City Council authorize the City Manager and Finance Director to advertise for a pubic hearing to amend the Capital Parks Plan budget. **Larry Haugen** seconded the motion, which passed by unanimous vote.

By consensus, the City Council conceptually approved Walt Hokanson's request for additional funds to improve both the Buffalo Ranches Trail and the trail through Farmington Greens. A formal request would be forthcoming.

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

Sid Young moved that the City Council approve the following items by consent as follows:

1. Ratification of Construction Bond Agreements previously signed by Mayor Connors.

2. Approval of surplus lot specification. This pertains to the Fieldstone lot next to Heritage Park. The lot had been recorded, and therefore, the City was authorized to sell the lot.

3. Approval of 2005 Animal Control Agreement.

4. Approval of Improvements Escrow Agreement with JMR Land and Development (Miller Meadows, Phase I.)

5. Approval of Change Order No. 8 with Nelson Contractors.

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

INTER-LOCAL AGREEMENT WITH CLINTON CITY (Agenda Item #10)

The purpose of this agreement was to share building inspectors with Clinton City. The City Manager and Building Inspector recommended that the City participate instead of continuing the arrangement with Sunrise Engineering. The arrangement would be cost efficient and would be beneficial for both cities. **Mr. Forbush** said staff felt the arrangement would provide quality, consistent inspections, and he recommended the action.

Mr. Dutson felt the idea was good, but he raised several concerns regarding liability. He felt it would be worth asking the City attorney to make sure that there were not risk management issues for either city.

Motion

Rick Dutson moved that the City Council approve the Inter-local Agreement with Clinton City authorizing Mayor Connors to sign the same regarding sharing building inspectors with that city subject to the City Manager contacting the City Attorney to resolve any possible risk management issues as discussed previously. **David Hale** seconded the motion, which passed by unanimous vote.

APPROVAL OF ROSENTHAL PROPOSAL FOR STREET IMPACT FEE ANALYSIS AND STREET CAPITAL FACILITIES PLAN (Agenda Item #11)

The packet contained the Rosenthal proposal for street impact fees and street capital facilities plans. **Mr. Forbush** stated that because of growth especially on the west side and the need to add additional "system" type improvements to the streets Capital Facilities Plan, there was a need to look at the impact fee amounts being assessed. Laws required that such action be analyzed by qualified consultants. The recommended consultant, Rosenthal and Associates, were recommended by other cities. The cost would be just over $6,000. The money would come from the transportation impact fee.

Motion

Sid Young moved that the City Council authorize the City Manager to move forward with the proposal of Rosenthal & Associates Inc. to provide an impact Fee Analysis and streets Capital Facilities Plan update for transportation facilities in Farmington City. **Larry Haugen** seconded the motion, which passed by unanimous vote.

FARMINGTON CITY LOGO DISCUSSION/COUNCIL MEMBER DUTSON (Agenda Item #12)

Mr. Dutson reviewed the process undertaken when studying the possibility of changing the logo of the City. A committee had been organized to help with the task. He showed the proposed logo that was recommended by the committee. The directive was to have the logo bold, simple, and historic.

The City Council discussed the proposal, including the following points:

- If the logo is not bad, perhaps it shouldn't be changed.
- The color may not be the best.
- The single "F" letter was somewhat of a problem.
- Some people missed the use of the mountains in the logo especially since Farmington is located so near the Wasatch range.
- Change may be good for the City. The logo needs to be "public relations" appropriate especially in light of the economic development that is coming to the City.
- Ms. Ravell said that most people do not have a strong background in arts and therefore they do not have a good basis for their opinion. The past logo is amateurish and the lettering is out of date.
- Mr. Hale asked if the current logo was examined to consider a possibility for an updated look. Ms. Ravell stated that the old logo just could not achieve the goals needed for the future. It would not be appropriate for drawing businesses to the area.
- Mr. Young wanted to hear the input from the citizens after the proposed logo when out in the *Newsletter*.

Motion

Rick Dutson moved that the City Council accept the new logo as presented.

In discussion of the motion, **Sid Young** felt he would like to have the input of the Mayor before making a decision.

Mr. Dutson withdrew the motion in order to allow time for Mayor Connors to give his input. He felt it important to be expeditious because the logo was needed for publications of the City and for public relations purposes. He asked that the issue be placed on the next City Council agenda.

ELKS CLUB REQUEST FOR NOMINATION OF "OUTSTANDING CITIZEN OF FARMINGTON" (Agenda Item #13)

The Council discussed several names for the Mayor's consideration as nominees for the "Outstanding Citizen of Farmington" award. Those names will be given to Mayor Connors.

FUTURE CITY COUNCIL INVITATIONS: LOCAL OFFICIALS DAY AT THE LEGISLATURE AND JANUARY 7TH LEGACY HIGHWAY OPEN HOUSE (Agenda Item #14)

Mr. Forbush informed the City Council of the invitation of the Utah Legislature to attend the Local Officials Day at the State Legislature. The meeting will be held at the Sheridan Hotel.

Mr. Forbush also informed the Council of the January 7th Legacy Highway open house to be held at the Davis County Fairgrounds.

PROPOSED AMENDMENT TO REDEVELOPMENT RELOCATION RULES

By law, Mr. Forbush was obliged to give a seven-day notice to City Council Members regarding consideration of amending current relocation rules. Consideration to amend the rules is scheduled for the January 19 City Council meeting.

MISCELLANEOUS

Article regarding Senator Bell's work with the transportation system in Utah.

Mr. Dutson commented on the newspaper articles discussing Greg Bell's work with planning for transportation system improvements in the state.

Recycling

Mr. Young stated that citizens had been interested in recycling but not at the $10 per month cost proposed by a private company. Mr. Haugen stated that if citizens were interested in recycling they could take items to the burn plant, which accepts almost any kind of item.

Crime in the City

Ms. Holmes asked the City Manager to report regarding recent events of crime in the City.

Mr. Forbush stated that the Police had apprehended suspects of a recent rash of burglaries in the City. A rape at the Legacy Center had been committed over the weekend, but the suspect has not been caught. The police felt they knew the identity of the person involved.

Authorization for grant applications

Mr. Forbush stated there was a possibility of having the City receive grant money to help with road improvements, especially near the proposed commuter rail station. He explained the projects to the Council members. Horrocks Engineers would complete the grant requests to the Wasatch Front Regional Council. The three enhancement projects would include: 1)West state street beatification project; 2) a rail connector trail from Clark Lane to Park Lane through to the UTA station and 3) the UTA collector road (portions of the ring road) for the commuter rail station. Mr. Forbush stated the City would need to provide matching funds and would need to be responsible for maintenance of the projects if funded.

Motion

David Hale moved that the City Council authorize the City Manager to have Horrocks Engineers submit applications to the Wasatch Regional Council for the three transportation enhancement project grants as outlined. **Larry Haugen** seconded the motion, which passed by unanimous vote.

Farmington Greens financial situation

Representative from Proterra had met with the City Manager and the City Planner. The developers wished to record portions of the Farmington Greens project. One of the requirements for recordation was that all fees due to the City must be paid. Farmington Green developers were not able to do so at this point. Proterra owes the City and the City owes them money. Because Proterra does not have current available funds, they have requested that the City take the development fees and impact fees due to the City from the money that the City owes them, thus allowing them to record lots, which in turn could be sold and occupied. Mr. Forbush had reviewed the proposal with the City Attorney. An amount of $43,008 was due from Proterra for its share of 1525 West Street. A plan was put in place to receive this money from several sources to include: 1) any remaining funds due the developer from the City; 2) bond proceeds (warranty) from Phase I improvements; and 3) credit of $10,000 for dedicating seven feet of street right of way and the balance in cash. Mr. Forbush suggested that improvements be inspected in Farmington Greens Phase I to make sure that all work (such as street improvements) was done to a quality level. The 7 feet of right-of-way being dedicated to the City by Proterra would need to be cleared from any encumbrances. The City would

need to have a cashier's check for the balance of the agreement.

Motion

Susan Holmes moved that the City Council authorize the City Manager to work with the City Attorney to obtain a letter of agreement with Proterra, and that once the agreement was acceptable to the City, the Council authorize the Mayor or City Manager to sign such letter. **Larry Haugen** seconded the motion, which passed by unanimous vote.

ADJOURNMENT

Rick Dutson moved that the meeting adjourn at 9:10

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Margy Lomax, City Recorder
Farmington City