

## CITY COUNCIL MEETING NOTICE AND AGENDA

Notice is given that the Farmington City Council will hold a regular meeting on **Tuesday, October 3, 2023** at City Hall 160 South Main, Farmington, Utah. A work session will be held at 6:00 pm in Conference Room 3 followed by the regular session at 7:00 pm in the Council Chambers. The link to listen to the regular meeting live and to comment electronically can be found on the Farmington City website [www.farmington.utah.gov](http://www.farmington.utah.gov). If you wish to email a comment for any of the listed public hearings, you may do so to [dcarlile@farmington.utah.gov](mailto:dcarlile@farmington.utah.gov)

### WORK SESSION – 6:00 p.m.

- No Parking sign discussion
- Discussion of regular session items upon request

### REGULAR SESSION – 7:00 p.m.

#### CALL TO ORDER:

- Invocation – Alex Leeman, Councilmember
- Pledge of Allegiance – Roger Child, Councilmember

#### PRESENTATION:

- Hopebox Theater presents a selection from The Little Mermaid
- UDOT I-15 Environmental Impact Statement Study Update by Mike Romero: UDOT Program Manager and Shane Marshall: Consultant Project Manager

#### BUSINESS:

- Consolidated Fee Schedule (CFS) Amendments **3**

#### SUMMARY ACTION: **9**

- UDOT Jurisdictional transfer of the frontage roads near the Highway 89 Main Street interchange **10**
- Fraud Risk Assessment **13**
- Approval of Minutes for 09.05.23 and 09.19.23 **15 & 29**

#### GOVERNING BODY REPORTS:

- City Manager Report
- Mayor Anderson & City Council Reports

#### ADJOURN

**CLOSED SESSION** – Minute motion adjourning to closed session, for reasons permitted by law.

In compliance with the Americans with Disabilities Act, individuals needing special accommodations due to a disability, please contact DeAnn Carlile, City recorder at 801-939-9206 at least 24 hours in advance of the meeting.

*I hereby certify that I posted a copy of the foregoing Notice and Agenda at Farmington City Hall, Farmington City website [www.farmington.utah.gov](http://www.farmington.utah.gov) and the Utah Public Notice website at [www.utah.gov/pmn](http://www.utah.gov/pmn). Posted on September 28, 2023*

**CITY COUNCIL AGENDA**

For Council Meeting:  
October 3, 2023

**BUSINESS:**                   **Consolidated Fee Schedule Amendments**

**GENERAL INFORMATION:**

See staff report prepared Kyle Robertson, Accountant

## CITY COUNCIL STAFF REPORT

**To:** Mayor and City Council  
**From:** Kyle Robertson  
**Date:** September 28, 2023  
**Subject:** Consolidated Fee Schedule Amendments

Accompanying this staff report are requested amendments to the consolidated fee schedule.

### RECOMMENDATION(S)

Approval.

Suggested motion language: "I move that the City Council adopt the resolution amending the Consolidated Fee Schedule."

### BACKGROUND

**Recovery of costs for illicit discharge mitigation:** Containing and mitigating an illicit discharge into the City's storm water system requires extensive time and equipment. Administration proposes having the cleanup fee separate from any fines to ensure that the violator does not confuse fines with cost recovery.

**Fines for Nuisance, Zoning, Building Violations:** The City is requesting a more robust set of tools to enforce City code. Currently, citations can be issued each day at \$100 per citation. However, the administrative burden of issuing daily citations is high and can be taxing on all parties involved.

The proposed fee schedule retains the smaller, one-time penalty for citations on the grounds of nuisances like weeds and junk vehicles. For building code, zoning, and business licensing violations, Administration requests the ability to impose daily fines through notices of violation (NOV). Daily fines through an NOV are useful tools for continuous violations. Rather than issue a citation every day, the NOV serves as a standing citation until the property is brought into compliance.

The City's standard practice would be to issue the smaller, daily fines while working with individuals, resorting to the larger fine (\$1,000) only if individuals have demonstrated that they will not comply with the code.

**Fines for Illicit Discharge into Storm Water System:** Discharges into the City storm water system are expensive to redress and greatly impact the environment and our community. Administration proposes that fines be established for illicit discharges or connections into the storm drain system. The proposed fines are higher for hazardous waste (sewage, cleaning chemicals, concrete dust, etc.) than they are for non-hazardous waste (soaps, grass clippings, etc.) The proposed fines are also higher for intentional discharges than they are for negligent discharges. If violations are continuous, (like a sewer system surreptitiously connected to the storm drain line), daily fines may be assessed.

Administration also proposes that fines double and triple if an offender has made multiple illicit discharges within twelve months of the initial violation.

**Fines for Violations of Posted Orders:** Staff seeks the imposition of fines for individuals who violate posted orders. For instance, if the building official posts a stop work order due to lack of a permit or safety concerns, anyone working on site would be subject to the fine.

Respectfully submitted,



Kyle Robertson  
Accountant

Review and concur,



Brigham Mellor  
City Manager

**FARMINGTON CITY CONSOLIDATED FEE SCHEDULE**

**B9. Storm Water Permit Fees**

*Storm Water Permit City SWPPP Application Fee	\$135
*Storm Water Permit UPDES state permit Application Fee	\$450
*Storm Water Permit Bond	\$700 + \$1,100/acre (not to exceed \$4,000)
*Storm Water Permit Reinstatement Fee (After a Stop Work Order)	\$300

\*Storm Water Permit Violation Minimum Fines:

Violation	Initial Offense	2nd Offense	3rd Offense
Lapse of UPDES Permit Coverage	\$60 per month out of coverage		
SWPPP not posted on site	\$100	\$200	\$400
Tracking of soil off site	\$100	\$200	\$400
Housekeeping Violations	\$100	\$200	\$400
BMP's not installed as shown on SWPPP	\$100	\$200	\$400
Not completing On Site Inspections	\$150	\$300	\$600
Uncontrolled Storm Water around site	\$150	\$300	\$600
Improper Chemical Storage	\$150	\$300	\$600
Soil/Construction Material Stacked on Impervious Surface	\$150	\$300	\$600
Improper Sediment Control	\$150	\$300	\$600
Improper Outhouse location/ not staked down	\$150	\$300	\$600
Failure to Maintain Records of SWPPP	\$200	\$400 with Stop Work Order	
Illegal Discharge from site	\$300	\$600 with Stop Work Order	
Improper Concrete Washout	\$300	\$600 with Stop Work Order	
Failure to Obtain a permit	\$500 with Stop Work Order		
Failure to Implement the SWPPP	\$500 with Stop Work Order		

\* **3rd Offense will be accompanied with a Stop Work Order**

\* **Fines are minimums and can be adjusted to compensate for the severity of the infraction.**

**B10. Storm Water Illicit Discharge Cleanup Fee**

\*Actual costs

\*Actual costs include administrative and overhead costs

**B11. PLUS:**

Engineering and Professional Service Fee, Initial & Quarterly Deposit

First 10 Lots	\$ 1,000.00
Each additional Lot	\$35/lot, \$50/lot in Foothill OZ

(Engineering and legal fees are required with adjustment made prior to application for Final Plat according to direct professional service costs incurred - see note above)

\*Single Lot or Parcel Residential Construction Cleaning Fee

0 - 500 Square feet	\$ 75.00
501 - 1000 Square feet	\$ 150.00
1001 - 2500 Square feet	\$ 225.00
2501 - 4000 Square feet	\$ 300.00
4000 - Square feet and larger	\$ 375.00

<b>FARMINGTON CITY CONSOLIDATED FEE SCHEDULE</b>
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**B12. Miscellaneous or Pre-Application Professional Services Deposit**

*Minimum Deposit	\$	150.00
*Maximum Deposit (Unless otherwise set by the Council)	\$	2,500.00

(A professional services deposit may be required for applications, inquiries or pre-application review of proposals or contracts, or any other services rendered by the City's engineering, legal, building, planning, architectural, or other consultants. Any services valued above the minimum deposit must be approved by the City Manager.)

**B13. Additional Reviews**

(After the second review, each application re-submission to the Development Review Committee (DRC) shall require full payment of the respective application fee.)

**B14. Fire Hydrant Meter Fees**

Deposit (cost to replace meter, refundable)*	\$	1,850.00
One-time permit fee	\$	70.00
Monthly rental fee	\$	70.00 per month
Cost of water	\$	5.00 per 1,000 gal

\*The deposit refund will be reduced by the amount of the water usage

Unpermitted use - Theft of service		
First offense	\$	250.00
Subsequent offenses	\$	500.00

**B15. Service Fee for Credit/Debit Cards** 2.75%

**FARMINGTON CITY CONSOLIDATED FEE SCHEDULE**

**OTHER MISCELLANEOUS**

**G. Time of Payment**

Payment is due upon request for services.

**G1. Advertising Space in City Newsletter**

\*Large Block Advertising Space \$ 600.00  
(Space measured up to 3"X5")

\*Medium Block Advertising Space \$ 150.00  
(Space the size of a standard business card - approximate size not to exceed 3 1/2"X2")

\*Small Block Advertising Space \$ 75.00  
(Space measured up to 1 1/2"X1 1/2")

**G2. Municipal Parking Violation Fine (except for handicapped parking) \$ 25.00**

**G3. Civil Penalty Fines**

Citation: Property maintenance (weeds, inoperable vehicles, debris, etc.)*	\$	100.00	
Administrative Fee to Oversee Abatement	\$	100.00	
Continuing building or zoning violations	\$	100.00	per day
Conducting business without a license	\$	50.00	per day
Conducting business with a suspended/revoked license	\$	200.00	per day
Severe building code or zoning violations	\$	1,000.00	

**Illicit discharge or connection into Storm Water System\*\*:**

Negligent discharge of non-hazardous waste	\$	50.00	per day
Negligent discharge of hazardous waste/sewage	\$	200.00	per day
Intentional discharge of non-hazardous waste	\$	125.00	per day
Intentional discharge of hazardous waste/sewage	\$	500.00	per day

**Violations of posted orders:**

Unlawful to do business	\$	300.00	per day
Stop Work Order	\$	500.00	per day
Closed to Occupancy	\$	200.00	per day

\*If paid within ten (10) days of the date of service of civil citation \$100. The civil penalty shall be ~~doubled or~~ \$200, if paid after ten (10) days but within twenty (20) days of service. The civil penalty shall be ~~triple, or~~ \$300 if paid after twenty (20) days but within thirty (30) days of service. After thirty (30) days, unpaid civil penalties shall accrue interest at the rate set forth by the State of Utah for unpaid judgments.

\*\*These are minimum amounts. The actual fine will reflect the severity of the violation. Second offenses committed within twelve months of a prior offense shall be subject to double the penalty listed in this schedule. Each subsequent offense is subject to triple the penalty listed (but not to exceed \$1,000 per day).

**G4. GRAMA Request**

Copying per page	\$	0.25	
Time in researching and compiling the record (exceeding 15 minutes)	\$	30.00	per hour
CD/Jump Drive	\$	30.00	

**G5. Police Department**

Police Report (free for the victim)	\$	15.00	
Accident Report (accessed online through online provider)	\$	20.00	
Accident Report (provided by staff)	\$	30.00	
Accompanying Data (photographs, diagrams, etc.) provided on CD/jump drive	\$	30.00	
Video requests (dashcam, bodycam)	\$	30.00	per video
Fingerprints (Residents)	\$	5.00	
Fingerprints (Non-Residents)	\$	25.00	

**RESOLUTION NO: 2023-60**

**A RESOLUTION OF THE FARMINGTON CITY COUNCIL AMENDING THE  
CONSOLIDATED FEE SCHEDULE**

**WHEREAS**, the City Council has reviewed the Consolidated Fee Schedule and has determined that the same should be amended as provided herein; and

**WHEREAS**, the City Council, upon recommendation from the City’s Administrative staff, has determined that an amendment of the Consolidated Fee Schedule is necessary to include certain new and adjusted fees

**NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF FARMINGTON CITY,  
STATE OF UTAH AS FOLLOWS:**

**Section 1: Amendment.** The Farmington City Consolidated Fee Schedule is hereby amended to include the various changes as proposed by City staff. See exhibited “A” attached.

**Section 2: Severability.** If any section, clause, or provision of this Resolution is declared invalid by a court of competent jurisdiction, the remainder shall not be affected thereby and shall remain in full force and effect.

**Section 3: Effective Date.** This Resolution shall become effective immediately upon its passage.

**PASSED AND ADOPTED BY THE CITY COUNCIL OF FARMINGTON CITY, STATE OF  
UTAH, THIS 3<sup>rd</sup> DAY OF OCTOBER 2023.**

**ATTEST:**

**FARMINGTON CITY**

\_\_\_\_\_  
**DeAnn Carlile, City Recorder**

\_\_\_\_\_  
**Brett Anderson, Mayor**



## CITY COUNCIL AGENDA

For Council Meeting:  
October 3, 2023

### **SUMMARY ACTION:**

1. UDOT Jurisdictional transfer of the frontage roads near the Highway 89 Main Street interchange
2. Fraud Risk Assessment
3. Approval of Minutes for 09.05.23 and 09.19.23

## CITY COUNCIL STAFF REPORT

**To:** Mayor and City Council  
**From:** Chad Boshell  
**Date:** October 3, 2023  
**Subject:** UDOT Jurisdictional Transfer

### RECOMMENDATION(S)

Move to approve and sign the attached letter supporting the jurisdictional transfer of the frontage roads near the Highway 89 Main Street Interchange.

### BACKGROUND

UDOT has finished construction improvements for the Highway 89 Project and is establishing frontage road maintenance responsibilities. Very little of the project construction occurred in Farmington but UDOT wants to formalize the City's maintenance responsibilities. State code already requires that certain UDOT roads be maintained by the local jurisdiction, these municipalities receive Class B & C road funds for the maintenance for these roads. Doing a jurisdictional transfer ensures that the City receives the funding for the maintenance. As shown on the map the frontage road behind the old Kmart and fronting Heritage Park and the Mountain Road connecting to Fruit Heights are included in this jurisdictional transfer. The City has been maintaining these roads and will continue to do so. The City was already obligated to maintain the roads, this letter serves as an official statement for future City administrators when questioning the maintenance responsibility. City staff recommends approving the transfer.

Respectfully submitted,



Chad Boshell  
Assistant City Manager

Review and concur,



Brigham Mellor  
City Manager



160 S Main  
**Farmington** Utah 84025

Rob Wight, Region One Director  
Region One  
166 W Southwell St.  
Ogden, UT 84404-4194

Dear Rob:

In cooperation with Region One, the undersigned are in full support of the jurisdictional transfer of the following segments of frontage road from Utah Department of Transportation to Farmington City jurisdiction, as shown on Exhibit A:

- Frontage Road on the westerly side of US-89: 1075 W from 1435 North, northerly to SR-273 (Main Street).
- Frontage Road on the easterly side of US-89: Mountain Road from Farmington (Main Street) northerly to the Farmington/Fruit Heights City Boundary.

As part of the US-89-Farmington to I-84 Project, Frontage Roads have been constructed and access has been limited to the new interchanges with ramps existing and entering US-89 from the Frontage Roads. This change in jurisdiction will facilitate the City in maintaining the safe operation of the Frontage Roads.

Thank you for your consideration in this matter.

Sincerely,

Brett Anderson  
Farmington City Mayor





Farmington

Fruit Heights

1075 WEST

MAIN ST

MOUNTAIN ROAD

US-89

US-89

SHEPARD LANE

MAIN STREET

UTAH DEPARTMENT OF TRANSPORTATION

Exhibit A

- US-89
- Frontage Road Transferred To Farmington City
- - - City Boundary





160 S Main  
Farmington Utah 84025

## CITY COUNCIL STAFF REPORT

**To:** Mayor and City Council  
**From:** Shannon Harper, City Treasurer  
**Date:** September 28, 2023  
**Subject:** **Fraud Risk Assessment**

### RECOMMENDATION

Review Fraud Risk Assessment

### BACKGROUND

The Office of the State Auditor requires that all local government complete an annual fraud risk assessment internally. After completing the State Auditor's fraud risk assessment questionnaire, we have found that we are currently at low risk for fraud.

Respectfully submitted,

Shannon Harper  
City Treasurer

Review and concur,

Brigham Mellor  
City Manager

# Fraud Risk Assessment

Continued

\*Total Points Earned: 345 /395 \*Risk Lev Very Low Low Moderate High Very High  
 > 355    316-355    276-315    200-275    < 200

	Yes	Pts
1. Does the entity have adequate basic separation of duties or mitigating controls as outlined in the attached Basic Separation of Duties Questionnaire?	200	200
2. Does the entity have governing body adopted written policies in the following areas:		
a. Conflict of interest?	5	5
b. Procurement?	5	5
c. Ethical behavior?	5	5
d. Reporting fraud and abuse?	5	5
e. Travel?	5	5
f. Credit/Purchasing cards (where applicable)?	5	5
g. Personal use of entity assets?	5	5
h. IT and computer security?	5	5
i. Cash receipting and deposits?	5	5
3. Does the entity have a licensed or certified (CPA, CGFM, CMA, CIA, CFE, CGAP, CPFO) expert as part of its management team?	20	20
a. Do any members of the management team have at least a bachelor's degree in accounting?	10	10
4. Are employees and elected officials required to annually commit in writing to abide by a statement of ethical behavior?	10	20
5. Have all governing body members completed entity specific (District Board Member Training for local/special service districts & interlocal entities, Introductory Training for Municipal Officials for cities & towns, etc.) online training ( <a href="http://training.auditor.utah.gov">training.auditor.utah.gov</a> ) within four years of term appointment/election date?	20	20
6. Regardless of license or formal education, does at least one member of the management team receive at least 40 hours of formal training related to accounting, budgeting, or other financial areas each year?	20	20
7. Does the entity have or promote a fraud hotline?	20	20
8. Does the entity have a formal internal audit function?		20
9. Does the entity have a formal audit committee?		20

\*Entity Name: Farmington City

\*Completed for Fiscal Year Ending: 2023    \*Completion Date: 09/28/2023

\*CAO Name: Brigham Mellor

\*CFO Name: Greg Davis

\*CAO Signature: \_\_\_\_\_

\*CFO Signature: \_\_\_\_\_

\*Required



## CITY COUNCIL MINUTES

SEPTEMBER 5, 2023

### WORK SESSION

Present:

*Mayor Brett Anderson,  
City Manager Brigham Mellor,  
Mayor Pro Tempore/Councilmember  
Scott Isaacson,  
Councilmember Roger Child,  
Councilmember Melissa Layton,  
Councilmember Alex Leeman,  
Councilmember Amy Shumway,  
City Attorney Paul Roberts,*

*City Recorder DeAnn Carlile,  
Recording Secretary Deanne Chaston,  
Community Development Director  
Dave Petersen,  
Assistant Community Development  
Director/City Planner Lyle Gibson, and  
Assistant City Manager/City Engineer  
Chad Boshell.*

Mayor **Brett Anderson** called the work session to order at 6:07 p.m.

### **PRESENTATION BY CULTIVATE – CONLON BONNER**

The work session was held to consider Cultivate's diversity, equity, and inclusion (DEI) presentation. Chief Executive Officer **Conlon Bonner** addressed the Council. **Bonner** said the company has agreements with Murray and West Valley City. Clients also include Sandy City and Granite School District. They are in discussions with Draper, Park City, and Centerville. **Bonner** is an Arbinger Institute Certified DEI trainer and said DEI is not about shame and blame, but rather learning from both sides to get a unifying situation.

Cultivate Certified Consultant **Amy Brown**, a resident of Farmington, addressed the Council. She attended Woods Cross High School, previously lived in Bountiful, and now serves as PTA president at Farmington Elementary School. She has children attending Farmington schools, and her oldest child graduated from Farmington High School. She said DEI doesn't have to be political or negative. Events such as Summerfest in Bountiful help celebrate cultures and bring the community together.

In a family of eight children that now performs throughout Utah, **Bonner** grew up on the hill in Farmington and went to Farmington Elementary School. Some of his siblings attended Viewmont High School. In this time known as the Great Resignation, many people are "quiet quitting" for psychological safety. In the last year, 57 million people quit their jobs. **Bonner** said that statistics are clear that strong inclusion programs attract more qualified people.

Salt Lake City has a Chief DEI officer, and one person was hired to handle it all. **Bonner** was Hale Center Theater's DEI director, and he found out he needed a whole

team to do the job, which included recruiting and informing people of cultural events. He looks for opportunities to amplify inclusion efforts. It is not just about who is getting paid what, but also fostering a good environment so the organization doesn't lose due to tension between people or departments. It is important that all people—regardless of gender, ethnicity, ability, age, shape, size—feel recognized and celebrated.

There are benefits to hiring consultants over a full-time employee. Some of those include no benefit costs, an unbiased outside perspective, industry best practices, an increase of available resources, and better efficiency. Cultivate offers inclusion and compensation audits, enhanced training, department implementation, one-on-one coaching, calendaring and marketing cultural events, website presence, recruiting assistance, and daily applications.

**Bonner** said Cultivate prefers yearly contracts, although the client can choose services ala cart. In Murray, they conduct four trainings as well as one big Zoom event per year. Coaching sessions are done on an hourly basis. To see the full effect, a three-year retainer would be needed.

City Manager **Brigham Mellor** said the recent challenges in the Davis School District show that this is a problem. The City Council needs to decide if this is something that needs to be incorporated into its organization now or in the future. Hiring someone on staff at the moment is not possible. As population grows—Farmington could have 5,000 additional housing units in the future and the Wasatch Front is expected to double in population by 2050—this is something that will need to be addressed. Many of the future new residents will come from outside the state, and it can be a daunting experience to move to Utah. Farmington is about to have some really cool park spaces that could host community celebrations.

**Mayor Anderson** said with a population of around 27,000, Farmington is a quarter the size of West Jordan, and he is unsure how this would work for a small city that is trying to grow their police force and build a new fire station. The budget is tight and elected officials have to answer to their constituents.

**Bonner** said the advantage is the City could get a whole team for the price of a full-time employee. The team works with Human Resources to schedule trainings, and with Parks and Recreation to schedule public events. Farmington would begin with an inclusion audit and then pick and choose the Cultivate offerings that best work with its budget. Cultivate has offerings that cost \$49,999, just under the \$50,000 Request For Proposal (RFP) threshold.

Councilmember **Roger Child** noted that Farmington is becoming two cities within a city: urban Farmington Station apartment dwellers and homeowners. He is worried this could quickly create a cultural divergence in the City, a Grand Canyon between an urban core. With apartments renting at \$4,000 a month, the divide may not necessarily be a financial one. Apartment dwellers don't get pride of homeownership, but the pride of Farmington needs to exist separate from the pride of homeownership.



Councilmember **Amy Shumway** says discrimination is not just about race, but also about religion and gender. She was recently impressed with how many male teachers there are at Centerville Junior High School.

### **NEED-BASED ASSISTANCE PROGRAM FOR UTILITY BILLS**

City Attorney **Paul Roberts** introduced this work session item, saying he has helped get the program put together conceptually. The ordinance language can implement this. The biggest challenges were eligibility criteria and preventing the application process from becoming administratively burdensome. He said the City is transitioning to a new software at the end of the year, which will make it easy for residents to donate funds. This new need-based utility assistance program will be funded entirely by donations. Residents who desire assistance with their Farmington utility bills can apply using the Department of Workforce Services' Home Energy Assistance Target (HEAT) application. If they are approved for HEAT, they are likewise approved for help with their City bill as well. The only requirement will be to bring in their HEAT letter annually. Farmington will have to see how much donations come in and determine what percentage of a bill to pay for those who qualify. Making adjustments to the program will be part of the annual budget process. The City is a few months out from being able to accept contributions.

**Mayor Anderson** said he wants to use the holidays as a launch pad to create the fund and announce it in the newsletter. Residents can "round up" while paying their monthly utility bill, opt in to add a dollar each month, or even contribute a one-time large donation if they desire.

**Shumway** asked how many Farmington residents already qualify for HEAT. She knows of a family who just moved to Farmington from Venezuela who can't get work because their work visas have not yet been approved. The father is an engineer and the mother is a nurse, so they will be able to get gainful employment eventually. However, they wouldn't qualify for HEAT because they are not yet official legal residents. She asked if people in these sort of situations would be able to get assistance from the City.

Councilmember **Scott Isaacson** agreed that there are a lot of needy people who don't qualify for HEAT, and he would like to see some alternative language to address this. He does not want Farmington's program to duplicate any other existing State or County programs. **Roberts** said he would consider language to address refugees, recently migrated, and subsidized people. It would require some kind of sign-off from another entity. Councilmember **Alex Leeman** encouraged objectivity.

**Mayor Anderson** said that water utility assistance programs are very limited. Since these will be donated funds instead of tax dollars, the City has the discretion on how to spend them. For cases that don't fit neatly in a box, perhaps a Councilmember can serve as a reviewer.

**Leeman** would like to see a scholarship program for youth extracurricular programs including recreation sports. **Mellor** said the City already has a program that allows youth to work in order to essentially earn their fee. **Isaacson** noted that The Farm doesn't show up on the City parks website.

### **REGULAR SESSION**

Present:

*Mayor Brett Anderson,  
City Manager Brigham Mellor,  
Mayor Pro Tempore/Councilmember  
Scott Isaacson,  
Councilmember Roger Child,  
Councilmember Melissa Layton,  
Councilmember Alex Leeman,  
Councilmember Amy Shumway,  
City Attorney Paul Roberts,  
City Recorder DeAnn Carlile,  
Recording Secretary Deanne Chaston,*

*Community Development Director  
Dave Petersen,  
Assistant Community Development  
Director/City Planner Lyle Gibson,  
Assistant City Manager/City Engineer  
Chad Boshell, and  
Youth City Councilmembers Spencer  
Barlow, Brooklyn Bement, Cannon  
Christensen, Tanner Christensen, and  
Eric Rasmussen.*

**CALL TO ORDER:**

**Mayor Brett Anderson** called the meeting to order at 7:05 p.m.

**Roll Call (Opening Comments/Invocation/Pledge of Allegiance)**

**Mayor Anderson** offered the invocation, and the Pledge of Allegiance was led by Councilmember **Alex Leeman**.

**PRESENTATION:**

**Student Spotlight: Eliza Lord, Farmington High School**

**Mayor Anderson** presented this agenda item. A senior at Farmington High School, **Eliza** excels academically and currently holds a GPA of 3.96 while enrolled in Advanced Placement courses. She is part of the Dance Company and also attends the Davis Technology Center. According to Assistant Principal **Tim Allen**, **Eliza** excels at treating others well, having constant positivity, and genuinely caring for students and staff.

**PUBLIC HEARINGS:**

**Renaming of public street – 650 West to Phoenix Way (650 West)**

Assistant Community Development Director **Lyle Gibson** presented this agenda item. His office received interest from Farmington High School to potentially rename 650 West to Phoenix Way in honor of their mascot. Student body officers went door to door spreading the idea, and **Gibson's** office sent out mailers to everyone with property on 650 West. The name change will still retain the 650 West name. The Post Office assured that Amazon, other delivery drivers, and Google will still be able to use 650 West along with the new Phoenix Way name.

Applicant **Ella Johnston**, Farmington High's student body president, addressed the Council. She said the school's theme this school year is "Building our Legacy." As a newer high school, Farmington High wants to build its legacy and connection with the community. Naming one of the streets that the school is on after its mascot would further these goals. She and other school officers went door-to-door to 57 residences on 650 West. Of those, they contacted 39, 34 of whom supported this effort and five who did not.

**Mayor Anderson** opened the Public Hearing at 7:14 p.m. The room was full, as every seat was filled.

**Karlene Mower** (1063 S. 650 W., Farmington, Utah) purchased her property 47 years ago and was the second home to be built on that road. She remembers the two lanes being put in and paved, and the 650 West sign being put on the road, signaling they were in Farmington City. She feels it is not necessary to change the sign at this point. She asked what the cost is to change the name, and who would be paying for it. If the Council approves the name change, she would like the students to pay for it. If there is a new Phoenix sign installed, it should go below the 650 West sign. Most Farmington streets are numbered, and this road should stay the same. She asked why they couldn't have renamed Glover's Lane to Phoenix Way instead of 650 West, as Glover's Lane goes in front of the school.

**Mayor Anderson** closed the Public Hearing at 7:21 p.m.

City Manager **Brigham Mellor** said the nine new road signs will cost the City \$1,200, as the City has a contract with a vendor who produces the signs. Farmington regularly replaces signs due to frequent windstorms. The City would be fine absorbing the cost in its road budget.

When asked why some residents opposed the new name, **Johnston** replied that it was because they had graduated from other high schools such as Davis or Layton. Some didn't approve of the mascot choice, saying they preferred an antelope or some other animal. Another resident noted that there had been an unsuccessful effort to rename 650 West in the past. **Mellor** acknowledged the effort to rename it to "Tibbitts" in the past. Councilmembers noted that Davis High School has its Dart Circle while Layton High School has its Lancer Lane.

Mayor Pro Tempore/Councilmember **Scott Isaacson** asked if the City asks developers to pay for street signs, and said Farmington should treat this applicant like they do all the others. **Mellor** said Farmington takes ownership of the signs and replaces them. After the big windstorm of 2020, the City replaced more than 25% of its signs.

***Motion:***

Councilmember **Amy Shumway** moved that the City Council approve the Ordinance (included in the Staff Report) to officially change the name of "650 West" to "Phoenix Way (650 West)."

**Findings 1-5:**

1. The street name change will contribute to community pride and morale and may result in an important landmark for the community—and is typical of what is done in other municipalities and counties in similar situations related to local streets next to high schools elsewhere in the state.
2. An overwhelming majority of property owners adjacent to 650 West support the name change.
3. The request is acceptable to the Post Office and because the street will still carry the name of "650 West," the name change will cause no disruption to

mail service, and adjacent property owners are welcome to use “650 West” or “Phoenix Way” (or both) as their address.

4. It may provide a wayfinding mechanism to make it easier for visitors to find the high school.
5. Not much in the way of City resources is necessary to implement the name change—the cost to benefit ratio is extremely high.

Councilmember **Melissa Layton** seconded the motion. All Council members voted in favor, as there was no opposing vote.

Mayor Pro Tempore/Councilmember Scott Isaacson	X Aye	___	Nay
Councilmember Roger Child	X Aye	___	Nay
Councilmember Melissa Layton	X Aye	___	Nay
Councilmember Alex Leeman	X Aye	___	Nay
Councilmember Amy Shumway	X Aye	___	Nay

The name will officially change on September 11, 2023, following a Farmington High School assembly. The sign will go up after the road has been chip sealed.

#### Renaming of a Public Street – Commerce Drive to Arrowgate Drive

**Gibson** presented this agenda item. The townhomes here were completed a year ago. Arrowgate is the name of the development and plat itself. However, the legal document says Commerce Drive. No homes front Arrowgate or Commerce, so it doesn't affect any area residences. This is an effort to match the paperwork with the physical sign, and Farmington City is the applicant. Staff recommends approval.

Assistant City Manager/City Engineer **Chad Boshell** said this road will be connecting to the realigned Shepard Lane. The developer changed hands, and the street was called Commerce by the original developer. It has been recoinced as Arrowgate.

**Mayor Anderson** opened and closed the Public Hearing at 7:41 p.m., as nobody signed up in person or electronically to address the Council on the issue.

Youth City Councilmember **Brooklyn Bement** said this sounds like it is already a set decision. **Mello** said the developer already printed the signs. Changing the sign would cost \$100, but to survey and re-plate it would cost \$1,500. In this case, it would cost more to not change it, as no one currently lives there. **Gibson** said the developer gets to propose street names as part of the process.

#### *Motion:*

**Isaacson** moved that the City Council approve the ordinance (enclosed in the Staff Report) to update and officially change “Commerce Drive” to “Arrowgate Drive” on the Arrowgate PUD subdivision plat.

#### Findings 1-2:

1. The street name change will clean up a discrepancy.
2. No entities are addressed on Arrowgate Drive or Commerce Drive, so no residents or businesses should be affected.

Councilmember **Roger Child** seconded the motion. All Council members voted in favor, as there was no opposing vote.

Mayor Pro Tempore/Councilmember Scott Isaacson	X Aye ____ Nay
Councilmember Roger Child	X Aye ____ Nay
Councilmember Melissa Layton	X Aye ____ Nay
Councilmember Alex Leeman	X Aye ____ Nay
Councilmember Amy Shumway	X Aye ____ Nay

**Mayor Anderson** asked the Youth City Councilmembers if it would be hard for them to make an unbiased decision and ask questions of their peers. Votes can be impacted by the sheer number of peers in attendance. He said that can be a hard thing about being an elected official, especially when a room is divided and is full of your neighbors and people you go to church with. You have to make a decision about what is best for Farmington as a whole, not just what is best for the people who show up to a meeting.

**Shumway** said she got started in City government when she found an issue 10 years ago that she wanted to change. You never know where interaction will take people in the future. The Youth City Councilmembers said their peers should attend a City Council meeting as part of required government class homework.

#### Update and adopt an impact fee facilities analysis for Parks

**Mellor** presented this agenda item. The City is supposed to update impact fees every six years. The last impact fee plan was updated seven years ago. Since that time, Farmington has added a lot of parks that should be counted when calculating the Level of Service (LOS). On top of that, the City has a lot of development that has been approved but has not been constructed as developers wait for financing, as well as interest rates and the cost of materials to come down. Developers pay impact fees when they get a building permit, so now is the perfect time to look at changing impact fees. Earlier this year, transportation and public safety impact fees were changed. The City wants to make sure when developers pull their permits that they are paying the right amount of impact fees.

The Lewis Robertson & Birmingham team has created a new Park Impact Fee Facilities Plan (IFFP) and Impact Fee Analysis (IFA). Both of those, as well as a 90-day waiting period, are required before updating the consolidated fee schedule. The IFFP and IFA have evaluated the City's current LOS and the proposed park impact fees. The IFFP presents public improvements, policies, and demands placed upon existing public facilities by new development, and the proposed means by which the City will meet those demands to continue to provide Farmington residents with the same or better LOS being provided by the park facilities. The IFFP includes costs for future park improvements and the IFA portion of the study shows the calculated fees.

**Fred Philpot** with Lewis Robertson & Birmingham addressed the Council. The new parks and recreation impact fee is the outcome of analysis, taking all the information and making sure it was allocated properly to existing and new development. The fee assessment will be on new development only. Elements in their analysis included

demand, existing facilities, inventory assets, LOS, and existing future revenue resources. Unique to their analysis was looking at the level of investment per capita.

Currently the park impact fee per new single-family residence is \$4,049, and it is proposed to increase to \$6,616. The current multi-family residential park impact fee per unit is \$3,828, and it is proposed to increase to \$4,440.

The noticing process, analysis, presentation and public hearings were all done properly, and the Council now has the options to adopt, modify, or rejected the proposed fees. If the Council doesn't adopt the new fees, they will have to identify the revenue they will use to maintain the LOS. **Philpot** said the LOS is different in every community, so impact fees will be different as well. Farmington's proposed fees are in line with other municipalities, while some have fees of more than \$6,500. Salt Lake's proposed park impact fee was \$10,000, but they chose to lower it. Total impact fees for a new single-family home in Farmington are around \$15,000, which is pretty average.

Councilmembers asked how impact fees can address inflation. **Philpot** answered that inflation variation is accounted for by the regular review and updating of the IFFP and IFA every six years. Cities have six years from when fees are collected to expend those fees.

**Shumway** noted that the Council could approve the analysis, but could also lower the fee schedule if they chose to. **Mellor** said impact fees must be spent or allocated within a six-year time frame. The other option is to give the fees back to the developers. **Mayor Anderson** noted that developers in Salt Lake have claimed impact fees were not expended, and have asked for them back. **Mellor** said that when people move into Farmington, they have a certain expectation for parks, and the City must maintain that same LOS. Impact fees are a way to make sure that newer development pays their fair share.

**Philpot** said impact fees can be used for additional amenities, as well as the removal and replacement of an amenity (as long as it is being expanded for additional capacity). If those improvements go beyond that LOS, a different revenue source must be identified.

**Mellor** said that on implementation of the public safety fee, the City is reducing their transportation impact fee because of the appropriation and grant money they were able to procure. The City was going to bond, but instead got \$18 million in funding from outside sources. **Layton** noted that impact fees can be spent anywhere in the City. **Mellor** said plans are not to add that much more park acreage, but to add upgrades to existing parks. He said no fees are approaching the age limit. Since he has been with the City for the last five years, everything that is collected has been expended that same year. He noted that commercial buildings don't pay park impact fees. Upcoming office buildings are the reasons the City got grants.

**Isaacson** said that an impact fee is the fairest form of tax, as it is addressed to specific services that residents receive.

**Mayor Anderson** opened and closed the Public Hearing at 8:16 p.m. for both the impact fee analysis and impact fee facilities plan. Nobody signed up in person or electronically to address the Council on the issue.

**Mayor Anderson** said that unlike property fees that are ongoing, an impact fee is a one-time fee for new construction that is supposed to equalize the burden new homes and developments are putting on the City. The City has three revenue sources: sales tax, property tax, and impact fees. Once the City is built-out, impact fees will no longer be a source of revenue.

**Motion:**

**Leeman** moved that the City Council approve the resolution (enclosed in the Staff Report) adopting the Park Impact Fee Facilities Analysis and Plan, and adopt the ordinance (enclosed in the Staff Report) adopting the Park Impact Fee Analysis, and park impact fees on development activities within Farmington, and that the Council approve a Consolidated Fee Schedule (CFS) amendment to include the impact fees after 90 days.

**Child** seconded the motion. All Council members voted in favor, as there was no opposing vote.

Mayor Pro Tempore/Councilmember Scott Isaacson	X Aye	___ Nay
Councilmember Roger Child	X Aye	___ Nay
Councilmember Melissa Layton	X Aye	___ Nay
Councilmember Alex Leeman	X Aye	___ Nay
Councilmember Amy Shumway	X Aye	___ Nay

**Update and adopt an impact fee facilities plan for Parks**

The public hearing for this item was held along with the previous item. **Leeman** included this item in the previous motion, which was seconded by **Child**, and passed unanimously.

**Kaysville-Farmington Municipal Boundary Adjustment**

**Gibson** presented this agenda item. In June, the City Council adopted a resolution to start notice for this public hearing where a consideration of adjusting a common municipal boundary with Kaysville City would be introduced and potentially considered. The section of boundary being considered is the northwest part of Farmington along the new 950 North Street.

Both Farmington and Kaysville adopted similar resolutions around the same time to initiate this process. Since, Kaysville has indicated that they are not interested in pursuing a change to the municipal boundary. As a municipal boundary adjustment requires that both cities approve an ordinance adopting any changes to their boundaries, the consideration of an adjustment by Farmington is now a moot point. There is no action to be taken because the partner city is not participating at this point.

The Utah Department of Transportation (UDOT) currently controls the land in question, and they will likely surplus it to private development in order to collect property tax. Kaysville will want to collect that as income rather than give it to Farmington. **Mello**r said it would make a \$10,000 difference, and that was not enough to put a relationship in jeopardy. Kaysville hasn't worked out the Right of Way (ROW) with UDOT yet, and they will have to buy the ROW from UDOT. He feels it

would be a good place for a future gas station, which may be a use neighbors won't like there. However, now it won't be Farmington's problem. **Boshell** said the City saved themselves a zoning headache by not making this part of Farmington.

**Mayor Anderson** opened and closed the Public Hearing at 8:25 p.m. as nobody signed up in person or electronically to address the Council on the issue.

*Motion:*

**Isaacson** moved that the City Council take no action regarding the boundary adjustment.

**Layton** seconded the motion. All Council members voted in favor, as there was no opposing vote.

Mayor Pro Tempore/Councilmember Scott Isaacson	X Aye	___	Nay
Councilmember Roger Child	X Aye	___	Nay
Councilmember Melissa Layton	X Aye	___	Nay
Councilmember Alex Leeman	X Aye	___	Nay
Councilmember Amy Shumway	X Aye	___	Nay

**BUSINESS:**

**Criminal and Firearms Ordinance Revisions:**

City Attorney **Paul Roberts** presented this agenda item. Title 13 of the Farmington Municipal Code was adopted in 1995 and has been largely untouched since. In the meantime, State laws have covered significantly more territory in the realm of criminal code, with special attention having been paid to regulation of firearms and other weapons.

These vestige sections in the Farmington Municipal Code are not utilized by police officers within the City. Peace officers are well trained in the provisions of State code and use those almost exclusively. Given their disuse and the potential confusion that could result from conflicting code provisions, Staff suggests that it is time to simply remove many criminal provisions from Farmington City Code, or scale them back to cover conduct that is not addressed in State law.

Proposed amendments are made in light of legal restrictions and anticipated policy direction from the Council and include firearms and other weapons, as well as minors violating curfew. State legislators don't want cities regulating firearms; that is the State's job.

No State law specifically imposes a curfew. So far the Legislature has left that to municipalities based upon community standards. **Roberts** therefore recommended leaving the curfew provisions in place. If under 18 years of age, minors are not supposed to be out and about between midnight and 5 a.m. This would not apply if the minor were leaving a sponsored party or sporting event. It would be a good tool for law enforcement to use to get minors to go home. It probably won't be used to send juveniles to detention.

**Isaacson** recalled a time in his youth when he was caught violating curfew in Wyoming. That night, his friend's dad picked him and his friends up, took them to a



diner, and they all ate pie. **Leeman** recalled when his daughter tried to convince him that a sleepover on the football field was part of the annual senior sunrise event. Youth City Councilmembers agreed that it is reasonable for the City to have the set curfew as a tool. **Mayor Anderson** said this tool can assist in controlling behavior.

**Roberts** said there is a whole chapter on public schools, but State law already covers that and addresses the same territory. While Farmington can regulate the discharging of firearms in the City, the State is less comprehensive. It is a question of how close to a residence firearms are discharged and whether or not it is for self-defense. A resident could possess firearms, but they couldn't be used to hunt in City limits.

**Child** said he has no problems saying firearms should not be discharged within City limits. Farmington has a lot of raccoons, and Davis County does not collect them. A lot of residents get rid of raccoons the old fashioned way, and he would hate for someone to get in trouble with the law for getting rid of raccoons. **Isaacson** said he has chickens, and he agrees that raccoons are an ongoing problem. **Roberts** said he could prepare exceptions to this section in a future work session.

The Council discussed thieves and swindlers, wading in public waters, joyriding vs. grand theft auto, and homeless camps. **Roberts** said to properly address a homeless camp, the land owner has to be the complainant. **Child** said often times homeless camps spring up on state or railroad land where the owner is absent. **Mellor** said these can be code enforcement-related issues. He said posting signs can help proactively address these situations, and pre-authorize the remedy.

**Motion:**

**Leeman** moved that the City Council approve and adopt the Ordinance Amending Section 8-4-090 and Chapter 13 of the Farmington City Municipal Code, related to criminal code and firearms ordinances as depicted in the Staff Report, with one change: strike out and reserve 13-7-010 (swimming and wading).

**Isaacson** seconded the motion. All Council members voted in favor, as there was no opposing vote.

Mayor Pro Tempore/Councilmember Scott Isaacson	X Aye ____ Nay
Councilmember Roger Child	X Aye ____ Nay
Councilmember Melissa Layton	X Aye ____ Nay
Councilmember Alex Leeman	X Aye ____ Nay
Councilmember Amy Shumway	X Aye ____ Nay

**The Preserve at Farmington Creek – Lots 1-3 Amended:**

**Gibson** presented this agenda item. This is two property owners making changes to existing lots at the bottom of the spillway by Farmington pond. It includes three lots. The owner of two of the lots wants to combine them into one lot. No protests were received after the required mailings. Combining lots reduces density. Staff recommends approval of this straightforward application. **Mayor Anderson** said it is rare to get an application that reduces density.

**Motion:**

**Layton** moved that the City Council approve the proposed subdivision plat amendment for “The Preserve at Farmington Creek – Lots 1-3 Amended” with the following condition:

1. A set of utility service laterals be removed so that only one set of utility laterals is in place to service what will be Lot 3.

**Leeman** seconded the motion. All Council members voted in favor, as there was no opposing vote.

Mayor Pro Tempore/Councilmember Scott Isaacson	X Aye ____ Nay
Councilmember Roger Child	X Aye ____ Nay
Councilmember Melissa Layton	X Aye ____ Nay
Councilmember Alex Leeman	X Aye ____ Nay
Councilmember Amy Shumway	X Aye ____ Nay

#### SUMMARY ACTION:

##### Minute Motion Approving Summary Action List

The Council considered the Summary Action List including:

- Item 1: Minutes approval for July 19, 2023; August 1, 2023; and August 15, 2023. **Isaacson** noted a change on page 13 of the July 7 minutes, where the vote was not unanimous due to a nay vote. Also, on page 2 of the July 18 minutes, Utah League of Cities and Towns had an extra “T.”
- Item 2: Approval of an Agreement for the Deferral of Certain Public Improvements for property owner 1500 South 200 East LLC (Jayd Petersen)
- Item 3: Arbor Day Proclamation for September 9, 2023

##### *Motion:*

**Child** moved to approve the Summary Action list items as noted in the Staff Report.

**Layton** seconded the motion. All Council members voted in favor, as there was no opposing vote.

Mayor Pro Tempore/Councilmember Scott Isaacson	X Aye ____ Nay
Councilmember Roger Child	X Aye ____ Nay
Councilmember Melissa Layton	X Aye ____ Nay
Councilmember Alex Leeman	X Aye ____ Nay
Councilmember Amy Shumway	X Aye ____ Nay

#### GOVERNING BODY REPORTS:

##### City Manager Report

**Mellor** presented the Building Activity Report for July. He said Police Chief **Eric Johnsen** would like to invite as many elected officials as possible to participate with his department at the shooting range on an upcoming Tuesday from 6 to 8 p.m. This is a day most of his employees are in the office. Chili will be served and it will be a good experience to demonstrate the tricks of the trade.

He reminded the Council and Staff about the Utah League of Cities and Towns event Wednesday through Friday next week. He also informed the Council of a request to pay for water overages. A resident had a water pipe break after freezing, and he couldn't get to it because the ground was so frozen. He has since paid all but \$400 of the approximate \$1,200 bill.

### Mayor Anderson and City Council Reports

**Mellor** said that the Old Rock Mill Request for Proposal (RFP) went out in the newspaper, was placed on the website this week, and will soon be finalized. It was also sent out to every consultant that put in for the park out west. A consultant should be hired by the second meeting in October. City employees will be on site to chop down trees before the scheduled clean-up on Saturday, when volunteers can help with a secondary round of cutting. Crews have pulled all that was wanted out of the reception hall. More clean-up is needed in some of the other structures before they are gutted. Staff is working with a \$5,000 limit to get the building boiler and electrical up to par. The consultant should be on board by the end of October, when a trial wedding will be held.

**Isaacson** thanked **Boshell** for widening 1100, which was added on as a change order to a larger job. It will be good for dropping off and picking up students. **Isaacson** said he would not be able to attend the Sept. 19 City Council meeting. He also will not be able to attend the ULCT event.

**Shumway** asked if there are plans to replace the south skate park that will be taken out by UDOT. **Mellor** said he and **Mayor Anderson** talked with UDOT about the concept of a pump park. It would be an asphalt path with little bumps, which is more versatile for mountain bikes and scooters, etc.

An update on the All West project was provided. **Mayor Anderson** said All West fired their SCI subcontractor for not doing things properly. For example, SCI didn't finish the splice for all the drops, and now they will have to go back and splice everything SCI did. The CEO is beyond annoyed. All West communicates more with **Boshell** and Public Works Director **Larry Famuliner**. Going forward, All West is going to stop cutting the street. **Leeman** said those Farmington residents who already have the service rave about their service. **Isaacson** said that All West is having some public relations issues.

**Shumway** said she is a member of the Development Review Committee (DRC), and she became aware of Key Bank announcing an application. She said Farmington has 11 banks in 10 square miles, which may be over kill. There is a Zions Bank on Main Street, Wells Fargo downtown, America First inside Harmon's, Utah First by Lagoon, Horizon Credit Union, Chase, and now Key Bank. She wondered if the City would like to remove banks from Farmington zones.

**Leeman** said banks pay good property tax. They are always well kept properties that look nice. They can't get customer penetration without a physical location. **Mellor** said banks are taking up choice real estate, which may mean banks are probably not the highest and best use for that property. Adapting a re-use for a former bank branch hasn't been very successful yet.

**Roberts** said you can't take banks out of zones, but they could be moved to a permitted use. Those already here could be allowed, but the door could be closed on future banks, he said. **Roberts** said he would start the process with the Planning Department.

**Leeman** passed on praise for the Fire Department, who lately helped move a resident who is now on hospice and in his last weeks of life. The wife called the Fire Department to help her move her husband from one room to another. Not only was the Fire Department happy to do so, they even came back and checked on the couple a few days later.

**Leeman** also passed on praise of **Breklyn**, who oversees the City's senior program. He said her attitude and energy is contagious, which has improved the turn out to planned activities. He mentioned a neighboring city's use of portable pickle ball nets on tennis courts. The nets can be moved into place by two people. He also saw a recent federal lawsuit against Farmington was dismissed, and another was filed by an inmate.

**Mellor** said crews are removing the landscape islands at Shepard Park. Asphalt will be laid on Commerce this week.

**Mayor Anderson** mentioned that trash, recycling, and green waste cans will be discussed at an upcoming work session. He likes the model being used in Woods Cross, where a flat fee gets each residence their choice of three cans: a black, green, or blue. However, a triple black trash can residence is not encouraged. Because black cans will continue to cost the City more money, use of the others needs to be incentivized.

## **ADJOURNMENT**

### *Motion:*

**Layton** made a motion to adjourn the meeting at 9:45 p.m.

**Shumway** seconded the motion. All Council members voted in favor, as there was no opposing vote.

Mayor Pro Tempore/Councilmember Scott Isaacson	X Aye ____ Nay
Councilmember Roger Child	X Aye ____ Nay
Councilmember Melissa Layton	X Aye ____ Nay
Councilmember Alex Leeman	X Aye ____ Nay
Councilmember Amy Shumway	X Aye ____ Nay

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DeAnn Carlile, Recorder



## CITY COUNCIL MINUTES

SEPTEMBER 19, 2023

### WORK SESSION

Present:

*Mayor Brett Anderson,  
City Manager Brigham Mellor,  
Councilmember Roger Child,  
Councilmember Melissa Layton,  
Councilmember Alex Leeman,  
Councilmember Amy Shumway,  
City Attorney Paul Roberts,*

*Recording Secretary Deanne Chaston,  
Community Development Director  
Dave Petersen,  
Assistant Community Development  
Director/City Planner Lyle Gibson, and  
City Planner/GIS Specialist Shannon  
Hansell.*

Mayor **Brett Anderson** called the work session to order at 6:05 p.m. Mayor Pro Tempore/Councilmember **Scott Isaacson** and City Recorder **DeAnn Carlile** were excused.

### MAIN STREET LANDMARK REGISTER

Community Development Director **Dave Petersen** presented this agenda item, saying that there was an open house held about this in 2022. He has found a “Historic Districts Are Good for Your Pocket Book” study that came from nine historic districts in South Carolina. Farmington did a financial analysis of their own historic district spanning from 2012 to 2020, giving an eight-year snap shot of property values. He looks forward to seeing what the 2023 values are. Noncontributing properties are those that are over 50 years old but have had too many modifications to be on the National Register. Of Farmington’s contributing properties, 49 (or 75%) are single-family homes. Others include commercial and institutional uses. There are 19 lots (including 13 to 14 owned by Lagoon) with absentee property owners. While these 19 lots increased in value like everything else, it was at a lower rate (31%) compared to non-absentee owner (46%) and Farmington as a whole (65%). The entire historic district on average had a 45% property value increase in those eight years. It is clear that the absentee property owners dragged values of the whole district down, and City Staff and leaders want the best value for all properties. This is the City’s Main Street.

Councilmember **Alex Leeman** said there are pluses and minuses to belonging to a historic district, and many homeowners don’t see the pluses until they sell their property. He asked **Petersen** to focus on the perks to being in the district such as tax breaks and grants, so those can be compared to giving up the freedom of doing what the property owner wants on his own land. **Leeman** said it will resonate with people that historic homes cannot be torn down and multifamily cannot be put up.

Councilmember **Roger Child** said many people in the historic district own deep lots, with many acres behind their homes. They are afraid of the impact this will have on their acreage and what can be done to their homes. Can they make additions to their homes? **Petersen** said this does not impact the acreage behind homes. He said the minimum required development used to be 5 acres for single-family and 3 acres for multifamily. A few years ago, the City Council reduced those minimums to zero, which is trying to give people with historic homes all the flexibility they need. The Planned Unit Development (PUD) ordinance used to ask for 10% open space, but that can now be waived in favor of preserving a historic home. Using this, development of infill homes pencils out.

**Child** asked if it will be possible to do multifamily in the rear acreage behind historic homes, as long as the historic home near the street is preserved. **Petersen** said it may be possible if there is a deviation from the underlying zone. He said it will take a while for people to throw in their support or not. The Historic Preservation Commission (HPC) wants to still reach out to Lagoon. Since there may be compromises and modifications afoot, Staff recommends the Council table this item. There is enough to consider that the Council may not make a decision until January.

City Manager **Brigham Mello**r said there may be grant opportunities, or a pot of money that can be used as an incentive. While some things may be required, the matching grant money may be available to help land owners fulfill those requirements. It will help take the shock off the sticker price and still have landowners have some skin in the game.

**Leeman** said since amusement parks' biggest fears are complaints from surrounding property owners, Lagoon has purchased real estate as a buffer. If you own all your neighbors, no one complains. Lagoon will never intentionally tear down houses on Main Street, but they do the bare minimum to upkeep them and rent them to employees as a perk. They use the buffer land for a greenhouse or Rattle Snake Rapids. Lagoon brings in foreign teens as employees and buses them in from dorms at Weber State University.

**Petersen** said the Main Street Landmark District encompasses several zones including: Original Townsite Residential (OTR), with some Business Park (BP), Business Residential (BR), and Residential (R-4 and R-8). This will not change any of the rights in those zones. The OTR zone allows for Accessory Dwelling Units (ADUs), as long as one property is owner-occupied. This doesn't allow for absentee property owners. However, there are provisions for temporary absentee owners for purposes of military or religious service. Permits are required for property owners to remove trees along Main Street. The park strips technically belong to the City. He said a tree replacement program will need to be done sooner than later. **Mello**r said the ash trees on State Street are a higher priority, as they are now sick.

Councilmember **Melissa Layton** said she recently received a letter from Lagoon that boasts of their own historic interests as evidenced by Pioneer Village. The letter will be made part of the file.

**CLOSED SESSION**

Present:

*Mayor Brett Anderson,  
City Manager Brigham Mellor,  
Councilmember Roger Child,  
Councilmember Melissa Layton,  
Councilmember Alex Leeman,  
Councilmember Amy Shumway,  
City Attorney Paul Roberts,*

*Recording Secretary Deanne Chaston,  
Community Development Director  
Dave Petersen,  
Assistant Community Development  
Director/City Planner Lyle Gibson, and  
City Planner/GIS Specialist Shannon  
Hansell.*

***Motion:***

At 6:35 p.m., Councilmember **Alex Leeman** made the motion to go into a closed meeting for the purpose of pending or imminent litigation.

Councilmember **Amy Shumway** seconded the motion. All Council members voted in favor, as there was no opposing vote.

Councilmember Roger Child	X Aye	___	Nay
Councilmember Melissa Layton	X Aye	___	Nay
Councilmember Alex Leeman	X Aye	___	Nay
Councilmember Amy Shumway	X Aye	___	Nay

Sworn Statement

I, **Brett Anderson**, Mayor of Farmington City, do hereby affirm that the items discussed in the closed meeting were as stated in the motion to go into closed session, and that no other business was conducted while the Council was so convened in a closed meeting.

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**Bret Anderson**, Mayor

***Motion:***

At 6:58 p.m., Councilmember **Roger Child** made a motion to reconvene to an open meeting.

**Shumway** seconded the motion. All Council members voted in favor, as there was no opposing vote.

Councilmember Roger Child	X Aye	___	Nay
Councilmember Melissa Layton	X Aye	___	Nay
Councilmember Alex Leeman	X Aye	___	Nay
Councilmember Amy Shumway	X Aye	___	Nay

## REGULAR SESSION

Present:

*Mayor Brett Anderson,  
City Manager Brigham Mellor,  
Councilmember Roger Child,  
Councilmember Melissa Layton,  
Councilmember Alex Leeman,  
Councilmember Amy Shumway,  
City Attorney Paul Roberts,  
Recording Secretary Deanne Chaston,*

*Community Development Director  
Dave Petersen,  
Assistant Community Development  
Director/City Planner Lyle Gibson,  
City Planner/GIS Specialist Shannon  
Hansell, and  
Accountant Kyle Robertson.*

### **CALL TO ORDER:**

Mayor **Brett Anderson** called the meeting to order at 7:05 p.m. Mayor Pro Tempore/Councilmember **Scott Isaacson** and City Recorder **DeAnn Carlile** were excused.

### **Roll Call (Opening Comments/Invocation/Pledge of Allegiance)**

City Manager **Brigham Mellor** offered the invocation, and the Pledge of Allegiance was led by Councilmember **Melissa Layton**.

### **PUBLIC HEARINGS:**

#### **Main Street Landmark Register Request**

Community Development Director **Davis Petersen** presented this agenda item. The Farmington Historic Preservation Commission is the applicant. The Farmington City Historic Landmarks Register Zoning Ordinance includes subsections about criteria, notification, designation, and the results of designation. The Main Street National Historic District goes from Park Lane on the north to 2<sup>nd</sup> South and juts to the west on 100 North. There are a lot of benefits for historic buildings and structures in Farmington. For example, in recent years, Farmington City updated its ordinances to provide for increased development opportunities and flexibility over and above what is allowed in the underlying zone for owners who agree to preserve and maintain their historic homes. In a 2022 open house, other benefits to property owners were discussed, such as qualification for grants and federal income tax incentives. Some Staff knocked on doors to talk things over with affected landowners.

**Petersen** said Main Street is very iconic; the City's tree logo was fashioned after the trees found along Main Street. Very few building permits have been issued lately on Main Street, and even fewer need certificates of appropriateness from the Historic Preservation Commission (HPC). The Original Townsite Residential (OTR) zone is not a historic district zone. The Main Street Landmark Register is a neighborhood conservation district. Out of 107 total buildings in the district, there are 57 contributing properties that are eligible for the National Register right now. Fifty are noncontributing, which means they are old enough but don't meet the requirements. Of the 107 buildings, 75% are single-family homes; 11.2% are commercial; 6.5% are public or quasi-public; and the rest are duplex or multi-family buildings. During the 2022 open house, 42% of these property owners wanted the Main Street Historic



District designated to the Farmington City Landmark Register; 21% said no; 10.5% were undecided; and 26.3% did not reply.

He mentioned a study of nine local historic districts in South Carolina that shows that historic districts are good for a property owner's pocketbook and positively impacts home values in the long term. The influence of a historic designation is continuous over time, not just to the owner at the time of preservation, and flows to subsequent owners as well.

Staff investigated financial impact of historic preservation in Farmington. In the eight years between 2012 and 2020, they found some interesting things. Absentee owners of contributing properties enjoyed an increase in property values of 31%, while owner-occupied noncontributing properties had an increase of 48%. This shows that owners who occupy their property tend to take better care of an asset than absentee owners. The planning conundrum is that a lot of people don't like to be told what to do with their property, and a lot don't want the property next to them affecting their value. In that same eight-year time period, Farmington City as a whole had a 65% increase in property value. This is when a lot of brand new homes were constructed in the City.

**Petersen** said he is familiar with historic preservation in Chattanooga, Tennessee, and the lower Avenues in Salt Lake City. It is better to preserve historic homes before their values drop. Designating the district to Farmington's Landmark Register affects just the historic home, not the property behind it. Farmington's square blocks are 6 acres in size, not like a typical Salt Lake City block. This results in Farmington having a lot of deep lots, some as long as 247 feet deep and 60 feet wide. This makes developing on deep lots cumbersome. A few years ago, the City Council modified the process to allow historic homeowners to develop their properties, extending incentives for preserving historic homes. If an applicant preserves a historic home, they can be offered the same incentive as a developer offering 10% of their property as open space. This has worked great on a few infill properties in the City. **Petersen** said maintaining and preserving a historic resource can be a windfall for the property owners and their heirs.

**Mayor Anderson** opened the Public Hearing at 7:35 p.m.

**Dorothy Arnold** (340 W. State Street, Farmington, Utah) said she was born in Wisconsin, where a lot of gorgeous Victorian homes were building during the logging days of the 1870s and 1880s. She grew up in a home built in the 1920s, and everyone was proud of the character and atmosphere the older homes provided. She expected the same in 1977 when she moved to Utah, where people worship their ancestors. However, she was stunned when she found there was not much interest in historic preservation in Utah. She discovered an attitude of "nobody can tell you what to do with your own property." She hopes the Council will be in support of this historic designation.

**David Barney** (291 W. State Street, Farmington, Utah) is Chairman of the Farmington Historic Preservation Commission. He said Farmington's General Plan is a guiding document to help leaders make decisions about the growth and development of the Community, and it mentions preserving the history of the community. Lagoon doesn't want the Main Street Historic District on the register, neglects properties, and allows them to deteriorate. In 2009, Clark Lane was added as Farmington's first historic

district. A historic barn on the national register behind the Nathan George Clark home built in 1899 is starting to fall in. The roof is not replaced, and leaking is causing damage to the building. In 2019, Farmington forced them to put a new roof on and paint the exterior of the home. He said normal maintenance and repair is not too much to ask of property owners.

**Darren DeGraw** (563 N. Grove Creek Lane, Farmington, Utah) has been on the HPC for many years, and also restored the Haight home on 600 North. He loves Farmington and wants to be able to see these resources kept intact and looking good for the City. He is in favor of this designation.

**Brad Bornemeier** (54 S. Main Street, Farmington, Utah) said his property is zoned R-4 and is south of State Street. He would like all homes south of State Street cut out of this designation, as it is not an apples-to-apples comparison of impact. He said if this gets passed, it would be a rezone with strict restrictions and subjective sections. He would like to know what constitutes disrepair. If the HPC says “no” to something, they win. He said the meeting that happened last year was a presentation, not a conversation. He was never notified of the meeting in June. Through all of these events, the enforcement part of it was never brought up, and a lot of the residents don’t know about that. The HPC can monitor, watch, and fine properties in the historic district. He doesn’t like the process of having to come to the HPC to show why he can’t afford to do repairs. While it is fun during Festival Days to have people walk by and see these homes, he wants the same rights as other homeowners.

**Kathy Cornejo** (693 N. 2050 W., Farmington, Utah), a member of the HPC, said she is in support of this being put on the register. She would like to clarify how often things do not come to the HPC for question. If it is interior repairs/remodels, or if it is noncontributing, it does not come to the HPC. There is always an appeal process if things don’t go the way the homeowner wants them to. As a resident, she lives on the west side of Farmington and not in the district. The City’s historic nature draws people to Farmington. It is important to keep this character well into the future.

**Dave Newton** (74 S. Main Street, Farmington, Utah) asked if there is an option for individual homeowners to opt out. He agrees with **Bornemeier** that the houses south of State Street should be cut out.

**Mayor Anderson** closed the Public Hearing at 7:52 p.m.

Councilmember **Roger Child** noted responses to this item that came by both mail and email during the week, and asked that they become matter of public record.

**Mayor Anderson** said these are considered as part of the Council’s deliberation process.

City Attorney **Paul Roberts** said the proposed ordinance does not have an opt out option. As this does not affect owners of noncontributing buildings, they would not need to opt out anyway.

Councilmember **Alex Leeman** said if you are a noncontributing building, you can ignore this. This affects only those who have a contributing building. If this were to pass, it would freeze the historical character of contributing buildings. **Petersen** said if a homeowner wanted to change a noncontributing building into a contributing

building, the City Council would have to consider an ordinance again to designate new scenarios. **Mayor Anderson** said this is a snapshot; things don't morph in or out.

Regarding the concerns that the HPC is watching homeowners' actions, **Petersen** said Farmington already has a landmark district in the City on West State Street, and he has never seen an HPC member ever police anything. Some come to the HPC for a building permit, and very few certificates of appropriateness are issued. If someone wants to do a remodel or addition on a historic home, the City would offer free help from architects. The HPC could help the homeowner find grants and tax rebates from various state and federal sources. Accessory Dwelling Units (ADUs) can also be added. He noted that the six homes south of State Street are contributing properties.

**Petersen** said that when the downtown master plan was presented in 1996, the consultant noted that Farmington does not have the typical downtown. It is a cluster of single-family homes with occasional businesses and institutional uses. It is unusual in most other cities to see the ground zero area where State Street and Main intersect having nice residential homes. It makes Farmington unique.

**Mayor Anderson** asked besides the "don't tell me what to do with my land" sentiment, why a landowner wouldn't want this designation. **Layton** said one letter mentioned significant and burdensome restrictions. **Leeman** said it would affect what exterior could be put on the house. For example, they would not be allowed to paint brick. **Petersen** said the biggest restriction would be that homes could not be demolished or relocated. However, the homeowner could add a second story if proper attention was paid to the porch and garage. The nice thing is that they could have an architect come in for free to explain what could be done to maintain historic register eligibility. He said the OTR zone is so flexible that it stuns people. It is written that way in order to help conserve historic structures.

**Leeman** said that while the issue is straight forward, it is not simple. While it does impact property owners, the infringement on their rights is not as great as is feared. There is no question that it is telling property owners there are certain things that they cannot do. The point is that the look and feel of Main Street is important enough of a resource for the greater community that the City will take away some rights. Every time the Council considers a Planned Unit Development (PUD) or rezone, this is discussed. There are people on this Main Street that would gladly tear down an old home and put up a contemporary one in its place. This would be saying they can't do so because the look and feel of Main Street is important to the community.

**Mayor Anderson** said that Staff is suggesting the Council table this item tonight so the Council and landowners can chew on this more and possibly come to a consensus. **Layton** said this will take significant thought and research, as it is a complicated issue. Property rights are important, but so is the preservation of this part of the City.

Councilmember **Amy Shumway** asked if this item were tabled, what compromises or other actions could follow. **Petersen** said he would like to see if other historic districts in Utah had been studied similar to those in South Carolina. **Mayor Anderson** said he would like further investigation into why some homeowners are not in favor, in order to see if there is some overlap of where people would be O.K. with the designation, or where it would become palatable.

**Leeman** said he is curious what the resistant property owners would like to reserve the right to do. He is surprised there were not more people attending the meeting tonight, and he expected a fuller room. He is begging homeowners to provide him with insight, both the pros and the cons.

**Child** said that there are a lot of residents interested in preserving the history of Farmington. When 250 people showed up to do a service project a few weeks ago at the Old Mill, he had a significant amount of people thanking the City for preserving the area's history. There have been a few home remodels done where additions were constructed to the back of the historic home. Now, a for sale sign is on one such home on Main Street, and they are asking \$1.5 million for the home. This indicates that someone is willing to invest in Main Street, and there is real value to be had. He himself has lived in a historic area for 30 years. He bought his second home in the old part of town, where he loves the diversity and variety of homes. There is a lot of charm in the old part of Farmington, which is not a cookie-cutter subdivision.

**Leeman** said Lagoon objects to the historic designation, and they don't want the homes on Main Street. **Child** noted that Lagoon started the same year the Salt Lake Temple was dedicated, so even Lagoon adds a historic element to Farmington. **Leeman** thanked the HPC for doing their job of advising the City on this item.

*Motion:*

**Layton** moved that the City Council table consideration of the Landmark Register designation request to allow time for additional feedback from property owners, to better understand the material in the Staff Report, and for further study.

**Child** seconded the motion. All Council members voted in favor, as there was no opposing vote.

Councilmember Roger Child	X Aye	___	Nay
Councilmember Melissa Layton	X Aye	___	Nay
Councilmember Alex Leeman	X Aye	___	Nay
Councilmember Amy Shumway	X Aye	___	Nay

**Zone Text Amendment regarding Garage Placement Standards in the Original Townsite Residential (OTR) Zone**

Assistant Community Development Director/City Planner **Lyle Gibson** presented this agenda item. Staff has run into this question about garages in the OTR zone, where it is important to maintain architectural characteristics. What makes this zone unique is the minimalization or lack of garage doors. The side-load garage construction doesn't look like a garage, and this text amendment makes an exception for side-load garages. Farmington City is the applicant; this amendment was put together by Staff; and it was recommended by the Planning Commission.

**Mayor Anderson** opened and closed the Public Hearing at 8:30 p.m., as nobody signed up in person or electronically to address the Council on the issue.

**Child** said a side-load garage is a disaster from a practical perspective as it is difficult to turn into them without making a two- to three-point turn. Many would rather park on the Right of Way instead of turn into them. There are not a whole lot of lots in the

OTR wide enough for a side-entry garage. He is not sure where this will apply unless it is a corner lot. Getting a garage recessed and off the front façade is significant.

**Shumway** said the main idea is maintaining the look in the OTR while still trying to accommodate the use of a garage.

*Motion:*

**Child** moved that the City Council approve the proposed change to a zone text change to Section 11-17-050 D. sub-paragraph 2 of Chapter 17 of the Zoning Ordinance (the OTR zone).

Findings 1-2:

1. Side-entry garages, if done right, minimize the unappealing appearance of the garage door to the passerby.
2. Side-entry garages only work on wider lots, and these type of lots have appropriate street frontage to better accommodate homes with more garage space and provide opportunities to minimize the greater mass and scale which often accompany such larger garages.

**Shumway** seconded the motion. All Council members voted in favor, as there was no opposing vote.

Councilmember Roger Child	X Aye	___	Nay
Councilmember Melissa Layton	X Aye	___	Nay
Councilmember Alex Leeman	X Aye	___	Nay
Councilmember Amy Shumway	X Aye	___	Nay

Zone Text Amendment regarding fences and open storage

**Gibson** presented this agenda item, which addresses fences and what can be stored on lots. Everything east of Interstate 15 and Highway 89 is zoned residential. Everything west of I-15 is agricultural, though not necessarily farmland. Instead it is mostly residential neighborhoods that are not in a residential zone, so certain residential ordinances can't be enforced there. Staff has proposed the amendment to address property in residential areas, not necessarily zones. This will help code enforcement efforts.

**Mayor Anderson** opened the Public Hearing at 8:40 p.m.

**Terry Remington** (492 W. Miller Way, Farmington, Utah) addressed the Council via Zoom to inquire what color of green this new change would apply to, referencing the map included in the Staff Report. Staff answered it was just the light green areas.

**Mayor Anderson** closed the Public Hearing at 8:42 p.m.

*Motion:*

**Leeman** moved that the City Council approve the proposed changes to the zoning ordinance in Chapter 11-2 and Sections 11-28-140 and 11-28-160.

Findings 1-2:

1. The proposed changes impose regulations on neighborhoods that while developed under an agricultural designation are residential in nature.
2. The regulations support characteristics of residential development and match requirements for neighborhoods and homes built within a residential zoning district.

**Child** seconded the motion. All Council members voted in favor, as there was no opposing vote.

Councilmember Roger Child	X Aye	___	Nay
Councilmember Melissa Layton	X Aye	___	Nay
Councilmember Alex Leeman	X Aye	___	Nay
Councilmember Amy Shumway	X Aye	___	Nay

**Business License Regulations – Fireworks Outlets**

**Gibson** presented this agenda item. While updating software to help City Staff more efficiently manage business licenses and create new forms, two things came up that could use changing. These are covered in this agenda item as well as the next agenda item.

Staff suggests modifying the text for fireworks stands in order to make it more practical and mirror how the City has already been administering them. Fireworks stands are regulated by the State of Utah, and can only operate on certain dates as designated in Utah code. To ensure Farmington is not in conflict with the State, the City will defer to State statute. The City Council gets to decide what to do with funds that come from firework stands, although it does not create a huge revenue. At issue is the applicant applies for a business license in June, and the license expires by the end of the year. They then have to apply for a new license to sell fireworks for New Year’s in January, and possibly Chinese New Year’s in February. The new proposal is to get licensed once, and have that license remain good for 365 days afterward.

**Mayor Anderson** opened the Public Hearing at 8:46 p.m. Nobody signed up in person or electronically to address the Council on the issue. **Mayor Anderson** closed the Public Hearing at 8:47 p.m.

***Motion:***

**Child** moved that the City Council approve the proposed changes to the Title 6, modifying business licensing regulations related to fireworks.

**Findings 1-2:**

1. The proposed changes ensure the City’s ordinances are consistent with the regulations of the State of Utah.
2. The changes to the text make review and monitoring of licenses more practical for Staff to allow for more flexibility of the City Council in using permit fees.

**Layton** seconded the motion. All Council members voted in favor, as there was no opposing vote.

Councilmember Roger Child	X Aye	___	Nay
Councilmember Melissa Layton	X Aye	___	Nay

Councilmember Alex Leeman  
Councilmember Amy Shumway

X Aye \_\_\_\_ Nay  
X Aye \_\_\_\_ Nay

**Amendments to Section 6-1-027: PROPERTY OWNERS' ASSOCIATIONS to eliminate the requirement for property owners' associations to pay a fee to be registered with the City**

**Gibson** presented this agenda item. A recent review of business licenses shows that in a town of approximately 8,000 residents, there are only two Homeowner's Associations (HOAs) on the books. While Staff can go out and force HOAs to register and pay their fees, their recommendation is now to remove the requirement to pay, since HOAs are nonprofit. In addition, it is valuable to know their contact information and members so they can be contacted in case of an emergency. Now Staff can reach out, track down HOAs, and get their information on file. If the Council approves this tonight, the Consolidated Fee Schedule will need to be updated to reflect the change.

**Mayor Anderson** opened and closed the Public Hearing at 8:50 p.m., as nobody signed up in person or electronically to address the Council on the issue.

***Motion:***

**Layton** moved that the City Council approve the proposed changes to the Title 6, removing the requirement for payment for the registration of an HOA in Farmington City.

**Findings 1-2:**

1. The proposed changes encourage the registration of HOAs with the City to ensure that City offices have good contact information for HOA boards or property managers.
2. As the purpose of an HOA is to meet needs and not to generate profit, it is consistent with other regulations where the City does not charge fees.

**Leeman** seconded the motion. All Council members voted in favor, as there was no opposing vote.

Councilmember Roger Child  
Councilmember Melissa Layton  
Councilmember Alex Leeman  
Councilmember Amy Shumway

X Aye \_\_\_\_ Nay  
X Aye \_\_\_\_ Nay  
X Aye \_\_\_\_ Nay  
X Aye \_\_\_\_ Nay

**Zone Text Amendment regarding Title 16 Stormwater Regulations**

Planning and GIS Specialist **Shannon Hansell** presented this agenda item. The Stormwater Official asked Staff to add definitions including "aquifer recharge areas," "environmentally sensitive areas," "frequently flooded areas," and "steep slope." These will be added to better regulate building permits that require earth moving, including cuts and fills in environmentally sensitive areas.

**Roberts** said a Supreme Court decision recently removed the wetland designation in a lot of areas. The definitions were added because the previous text was vague, and Staff wanted to narrow what they worry about. In order to not flood neighbors, permits are needed in specific circumstances.

**Mayor Anderson** opened and closed the Public Hearing at 8:55 p.m., as nobody signed up in person or electronically to address the Council on the issue.

***Motion:***

**Child** moved that the City Council approve the enabling ordinance (enclosed in the Staff Report) for the proposed zone text changes to section 16-1-090 Definitions and changes to 16-3-010 City Stormwater Permit Required.

Findings 1-2:

1. Clarifying definitions helps property owners and the City by reducing confusion caused by subjectivity.
2. Defining the type of permit required in 16-3-010 outlines a clearer path to protect environmentally sensitive areas.

**Shumway** seconded the motion. All Council members voted in favor, as there was no opposing vote.

Councilmember Roger Child	X Aye	___	Nay
Councilmember Melissa Layton	X Aye	___	Nay
Councilmember Alex Leeman	X Aye	___	Nay
Councilmember Amy Shumway	X Aye	___	Nay

**Layton** mentioned sheep grazing in historic areas. **Mayor Anderson** said he recently discovered there was a dump north of Tom Owen's property that was just covered over with dirt.

**BUSINESS:**

**Consolidated Fee Schedule (CFS) Update**

Accountant **Kyle Robertson** presented this agenda item. Inadvertently, Administration did not update the non-residential transportation utility fee as part of the prior CFS update in June. The update proposes the same 13% increase considered in June. The new language also proposes clarifying adjustments to the notes.

Changes are also proposed for cemetery fees to align with Section 8-1-070 of the City Code. However, changes are not proposed to the fees charged to residents and non-residents for cemetery services. The changes will be in how the cemetery fee is used.

The changes proposed to the business licensing fees reflect the HOA changes voted on previously in this meeting. HOAs will register without paying a fee.

***Motion:***

**Child** moved that the City Council adopt the resolution (enclosed in the Staff Report) amending the Consolidated Fee Schedule.

**Leeman** seconded the motion. All Council members voted in favor, as there was no opposing vote.

Councilmember Roger Child	X Aye	___	Nay
Councilmember Melissa Layton	X Aye	___	Nay



Councilmember Alex Leeman  
Councilmember Amy Shumway

X Aye \_\_\_\_ Nay  
X Aye \_\_\_\_ Nay

## GOVERNING BODY REPORTS:

### City Manager Report

**Mellor** noted that on today's agenda, only the first item needed to be a public hearing. The Legislature does not require as many public hearings as Farmington has been holding. The City could hold fewer public hearings, especially on text changes that don't have a lot of public interest. It could expedite meetings and make them run smoother.

**Mayor Anderson** said he always worries when things don't stay consistent. For the one time the City doesn't hold a public hearing, the public will be interested and ask why they didn't.

**Roberts** said public notices are noticed on the City's website as well as the State's public site. He said Staff could always make the choice to include a public hearing if the item is something the public is really engaged in. Another option is to postpone an item for a later public hearing if it proves to generate a lot of public interest.

**Gibson** said that any land use item is required to have only one hearing, which can be on the Planning Commission level only. **Roberts** asked the Councilmembers to notify him if they want to change the practice.

### Mayor Anderson and City Council Reports

**Mayor Anderson** said he has heard that many Utah cities have open mic night for public comment. It often has to be regulated, and each commenter held to three minutes. It is a way for the public to feel heard and that they have an immediate audience. Some cities like it and some don't.

**Leeman** said it is tricky because that can start discussions that weren't noticed on the official agenda. **Roberts** said things can be discussed, but actions can't be taken. Sometimes these open mic sessions can be helpful and sometimes they are not, and usually they are less efficient. Sometimes they work well, and other times it can take up a lot of time. He has heard word that the State Legislature may consider a bill that every city has open mic time. Currently, only school boards are required to do so.

**Mellor** said it has been nice that the City Council has started doing things like student recognition and musical numbers that cultivate community spirit. It sets a good tone. Based on his experience at Syracuse and Kaysville, the people who will take the most advantage of an open mic are the fringe element who comes to take advantage of it. This can mean people not living in Farmington take up the most time discussing unpleasant things. It can be a destructive community element.

**Mayor Anderson** said he and Councilmembers are very reachable through email, text, and social media. He even gives out his personal cell phone number. There is not a lack of ways to reach the Council. Residents can ask to put items on an agenda. That would keep the showboating and argumentative element out of public meetings so business can be conducted better. He doesn't want people to feel unheard.

**Layton** suggested putting the open mic public comment period at the end of the meeting. That way, those who really want to participate would show it by waiting. **Shumway** said government officials in this town are very approachable.

**Shumway** said at a recent Utah League of Cities and Towns (ULCT) conference, she heard dialogue about incentivizing owner-occupied units. She considered adding something to Farmington's affordable housing plan to incentivize owner occupation. The shift needs to happen in Utah in order to accommodate children getting into houses. **Layton** said she took notes on this during the meeting, and she will pass them on to **Roberts**. She has heard that in Seattle, they are allowing ADUs to be sold separately.

**Mellor** said he has noticed in talking with other city managers and councilmembers that the attitude toward multifamily has been changing in the last five to six years. **Shumway** said that the Development Agreement with Stack doesn't even have owner-occupied units as part of the dialogue. Now it is becoming part of the broader conversation. **Leeman** said he has been noticing on social media people discussing how they are grateful for apartments in the City. That is a change. **Mayor Anderson** said the Utah Legislature is always applauding Farmington and trying to get other cities to do what Farmington has done. The City takes political heat for it, but in the end it is the right thing to do.

**Layton** said at the ULCT conference, supporting military families was mentioned. She would like to thank and show appreciation for young recruits in Farmington. She would like to contact recruiters in the area for a list of new recruits in Farmington. That way, the City could send them letters of appreciation.

She also mentioned partnering with the drone class at Davis County Catalyst Center to build their resumes yet get great shots of Farmington that the City could use, such as an overview of new roads being constructed. **Mellor** said the City's insurance provider is super strict about using drones. Farmington needs to establish liability. **Shumway** said South Jordan has 11 different drones and they use it for many different things such as assisting police to clear a house. **Mellor** said he is shocked at how much Farmington uses their drone.

## ADJOURNMENT

### *Motion:*

**Layton** made a motion to adjourn the meeting at 9:19 p.m.

**Child** seconded the motion. All Council members voted in favor, as there was no opposing vote.

Councilmember Roger Child  
Councilmember Melissa Layton  
Councilmember Alex Leeman  
Councilmember Amy Shumway

X Aye \_\_\_\_ Nay  
X Aye \_\_\_\_ Nay  
X Aye \_\_\_\_ Nay  
X Aye \_\_\_\_ Nay

DRAFT