

## FARMINGTON CITY – CITY COUNCIL MINUTES

October 17, 2023

### WORK SESSION

Present:

*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, and  
Assistant City Manager/City Engineer Chad  
Boshell.*

Mayor Pro Tempore/Councilmember **Scott Isaacson** called the work session to order at 6:04 p.m. Mayor **Brett Anderson** was excused.

### **APPEAL AUTHORITY CONSOLIDATION AND REMOVAL OF REFERENCES TO BOARD OF ADJUSTMENT**

City Attorney **Paul Roberts** presented this work session item. Earlier this year, the Council discussed moving administrative appeals from various appeal bodies and placing those appeals within the jurisdiction of an Administrative Hearing Officer (AHO). This year all employee appeals were transferred to the AHO, as were reasonable accommodation appeals in the land use context. Staff proposes forwarding ordinances that establish the following: move nearly all administrative appeals to the AHO; standardize the administrative hearing process by creating Chapter 3-7; and eliminate references to the Board of Adjustment. This is Part 1 and Part 2 will come in a few months. The misnumbering on the last page, as well as changing the reference from business days to calendar days, will be fixed when it comes back for the next review.

**Roberts** said the City Council has three big decisions before them tonight. First, do they like the appeal table with the Planning Commission, City Council, or AHO? Second, if they have any comments on procedures. Lastly, if they would like to remove the Board of Adjustment (BOA) in favor of a hearing officer. Half of these changes affecting development will go the Planning Commission.

Councilmember **Scott Isaacson** noted that Farmington hasn't had a functioning BOA since he has lived in the City. If it is not functioning, there is no sense in keeping it around. It is better to have an officer than a board, and he says that even after sitting on the Centerville BOA.

Community Development Director **Dave Petersen** said they have only used a hearing officer a few times, and it is going great. **Roberts** suggests having a fee for all appeals, paid for by the moving party. If they win, they would get the fee reimbursed. If the City initiates a demolition, they pay for all fees. The City initiates enforcement, but rarely an appeal. If the City wants to appeal an AHO's decision, they would appeal it to the Court. **Petersen** said the recent U-Haul issue was an enforcement action, not an appeal. There have been a couple of occasions where the Planning Commission approved a preliminary plat, but the City Council didn't, and it was directed to the City Manager for appeal.

**Roberts** said the new code changes will mean most subdivisions will be administrative decisions and will not make it on City Council agendas, unless they require legislative actions. The Council could be the appeal body, holding a closed meeting to discuss case law. However, this would be cumbersome and it would be better to have an AHO. **Isaacson** said at the municipal level, there is often not a clear separation of powers. The legislative body interprets and applies ordinances all the time, mushing together the executive, judicial, and legislative. A hired expert hearing appeals would be better.

Councilmember **Alex Leeman** said the City Council is a hybrid or duo branch of government. While it is important for the Council to check the boxes of statutes and ordinances, they need to recognize their shortcomings and take themselves out of it so they are not blown by the wind of political opinion.

**Petersen** noted that currently, any notice of violation issued by code enforcement is appealed to the Community Development Director, and he would like that changed as soon as possible.

**Roberts** said that any question about a constitutional taking would still go the City Council, and would cost the City a lot of money. The Council would still be left with questions of policies and resource/budgetary allocations. The Council can weigh in on political decisions, including those of the Historic Preservation Commission, which are very squishy.

**Isaacson** asked if other cities have 10 days to appeal, as that seems short to him. **Roberts** replied that 10 calendar days is typical, but he could change it to 10 business days if the Council preferred. He said it could be longer, but he would like to keep it as informal as possible without lengthy briefs like those seen in district courts.

**CLOSED SESSION**

Present:

*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, and  
Assistant City Manager/City Engineer Chad  
Boshell.*

***Motion:***

At 6:25 p.m., Councilmember **Alex Leeman** made the motion to go into a closed meeting for the purpose of acquisition or sale of real property; and character, professional competence, or the physical or mental health of an individual.

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

Sworn Statement

I, **Scott Isaacson**, Mayor Pro Tempore 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.

/s/ Scott Isaacson

**Scott Isaacson**, Mayor Pro Tempore

***Motion:***

At 7:06 p.m., Councilmember **Amy Shumway** made the motion to reconvene to an open meeting.

Councilmember **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

## **REGULAR SESSION**

Present:

*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,  
Public Works Director Larry Famuliner,  
Community Development Director Dave  
Petersen, and  
Youth City Councilmembers Tanner and  
Cannon Christensen.*

### **CALL TO ORDER:**

Mayor Pro Tempore/Councilmember **Scott Isaacson** called the meeting to order at 7:09 p.m. Mayor **Brett Anderson** was excused.

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

Councilmember **Melissa Layton** offered the invocation, and **Isaacson** led the Pledge of Allegiance.

### **PRESENTATION:**

#### **Student Spotlight: Genevieve Foster, Ascent Academy**

**Genevieve Foster** was nominated by **Shelly Baker**, Ascent Academy fourth grade teacher. **Genevieve** excels academically while also being a dancer and athlete. “She is changing the world every day with her knowledge, her kindness, and her willingness to try new things without being afraid of failing,” **Baker** said. “She is a dream student that every teacher would love to have. Her work ethic is spectacular.” **Genevieve** comes from a loving family that loves to hike and pushes her academically.

#### **Department Report by Public Works**

Public Works Director **Larry Famuliner** thanked the Council for their attention to salaries in his department. He said the water line project on 550 North and 100-200 East is as big as the wind storm event from a few years ago. The Smith home does not have adequate water pressure. City Manager **Brigham Mellor** said that homes were torn down in 1983, and water was stubbed there east of the pond.

**Famuliner** said that after a leak happened, the line was capped and crews couldn’t find anywhere where water was coming out. For six weeks, the whole crew was up there non-stop unless pulled away by an emergency. It was quite the project that caused his department to get behind on much of their other chores. In 2021, there were 65 leaks; 2023, 59 leaks; and this year he expects to get to 65 leaks. Most leaks are in areas with older pipes, but it is also spread around the City. Surface lines were replaced on 200 East and Main Street. Older water lines take up most of the time. 180 water meters were installed this year while 300 were repaired.

**Famuliner** said 1,100 water meters were read with a continuous flow, which can be as low as drips. When this occurs, letters are sent to the resident encouraging an appointment with a crew member to help trouble shoot for leaks. Councilmember **Amy Shumway** said she recently had such an appointment, where she was taught how to read her water meter. They discovered her hose had been slowly running for 30 days after the faucet wasn't completely turned off following a family car wash.

**Famuliner** said this year they have taken 671 water samples for the Environmental Protection Agency (EPA), which is trying to regulate forever chemicals that are migrating into water systems. Farmington is fortunate to not have them in their water system. His department sends water samples to the state monthly, annually, and every three years, which adds up to a lot of employee time. If a city fails, they may end up in the news or worse.

By October 2024, the EPA wants all lead lines in the City identified. Those can be found in homes built prior to 1990. This will be a huge undertaking, as Farmington has only done 10% of what needs to be accomplished. An inspector of older homes will save a ton of work time-wise.

This year, Farmington's 19-member Public Works Department has handled 652 garbage work orders; 60 street sign work orders; 60 sections of broken sidewalk pulled out with an excavator and then replaced; 550 lifted sidewalk sections that have been ground off smooth; 85 storm drain work orders; 3 land drain work orders; and 16 general work orders. 1,1594 blue stakes tickets have come in, which has required a lot of painting. Crews have patched 206 tons of hot mix asphalt, which they have done themselves. They have done 45 tons of Quality Pavement Repair (QPR), which is used in the winter when the weather is too cold for a hot batch. They have issued 235 excavation permits, where crews have to go back and inspect before determining refunds. Crews have been running the sweeper as well as hauling 7 to 8 tons of salt already this year. It is estimated that Farmington had over 2,150 tons of salt left over from last year. Crews haul road base; hang banners along roadways for Christmas as well as in July; and trim trees to allow passage of large vehicles. After sending notices, Farmington shuts off water to three to five homes each month. After payment is received, these have to be turned back on. They fix emergency water leaks as quickly as possible, and then get to a schedule of small water pipe repairs as they can. It takes one employee three days to read meters.

**Shumway** asked if school-related banners could be hung on poles near Farmington High School for football, plays, and other departments. **Mellor** replied that there is a strategy for spacing, and it is not very labor intensive. He said **Shumway** should pass his contact information to the high school booster.

## **BUSINESS:**

### **Zone Text Amendments regarding Historic Resources on the Farmington City Landmarks Register**

Community Development Director **Dave Petersen** presented this agenda item. The Farmington City Landmarks Register consists of at least 11 historic resources and the Clark Lane Historic District. On September 19, 2023, the City Council held a public hearing to consider whether or not to include the Main Street Historic District on the Landmarks Register as well, but tabled action for further deliberation.

Whether or not the Council decides to place the Main Street Historic District on the Register, it is recommended that the City clarify that a Certificate of Historic Appropriateness is only required for the issuance of building permits related to exterior repairs, alterations, additions, relocation, or demolitions to historic resources. It would not apply to interior projects. (Note: Ordinary maintenance and repair of any exterior architectural or environmental feature in or on a historic resource to correct deterioration, decay, or to sustain the existing form, and that does not involve material change in design, material, or outer appearance does not require a Certificate of Historic Appropriateness.)

**Petersen** said there are up to nine members in the Historic Preservation Commission (HPC), and many don't know if windows and columns would be wrong, for example. They only meet once a month. Farmington is known for having an efficient building department. If someone came in for a building permit, a historic preservation architect appointed by the City could help. This architect could review repairs, alterations, and additions. All demolitions and relocations would still be in the purview of the HPC. On page 5, paragraph 3, the Zoning Administrator would be the one who determines items, not the HPC.

***Motion:***

Councilmember **Roger Child** moved that the City Council adopt the enabling ordinance (enclosed in the Staff Report) approving the proposed changes to section 11-39-050 of the Zoning Ordinance.

Findings 1-2:

1. The changes to the zoning text clarify that only certain kinds of building permits for exterior work require a Certificate of Historic Appropriateness.
2. The amendment provides a more expeditious path where needed to the owner to obtain a Certificate of Historic Appropriateness.

Councilmember **Alex 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

**GOVERNING BODY REPORTS:**

**City Manager Report**

**Mellor** reminded City Council candidates that they may put out their campaign signs this Saturday, October 21, 2023. If there are questions regarding where signs may be placed, he encouraged candidates to contact him.

**Mayor Anderson and City Council Reports**

**Shumway** said keeping open space and parks maintained takes the Parks and Recreation Department time and money. Although they put in a lot of effort to keep open spaces nice, a lot of people complain. She said these are more than just parks; they are places of healing. Many

people take a walk with a friend who is having a hard time, or take a walk to contemplate life and figure things out. These are places of reflection. She said mowing is not necessarily a fun job, and those doing it don't make great wages, but they need to be reminded what they are really doing for the City and its residents. It is more than just an economic impact on the City.

**Leeman** said that when he was invited to go to pickle ball at Somerset recently, he noticed they were using affordable pickle ball nets on tennis courts. He was able to see them in action, and they work great. The lines for pickle ball were painted a faint blue. He encouraged Councilmembers to check it out. **Mellor** said he talked to Gym Manager **Linda Weeks** about the idea.

**Isaacson** said the roundabout still needs some attention. He is worried someone will go through the middle of it, as there is not much of a lip to prevent it. This may be a problem for the Utah Department of Transportation (UDOT) to handle. **Mellor** said a guardrail should be going in soon. There was an accident there recently that left glass and a tail light the next day. He took pictures of the debris and will forward them. It may get worse when the roads ice over.

**Leeman** mentioned a Wasatch Front Regional Council Unified Transportation Plan he saw recently, and it included a number of projects that could impact Farmington in the future. It is a 20- to 30-year plan, and included a 525 West interchange as well as a road straight through to Parrish Lane. He noted a GIS map that can be zoomed into to see various road improvements, drains, and freeway widenings.

**Shumway** said according to the Utah League of Cities and Towns, Farmington's No. 1 emergency threat is HAZMAT/chemical spills, considering all the waste transported along Interstate 15. Both Farmington and Centerville are very close to major roadways.

**Child** asked for an update on the helicopter ordinance that the City had started drafting. Residents ask him two to three times a week about this, as one resident has helicopter parties with up to six helicopters present at one time. **Child** said instead of coming from the west, the helicopter has changed its approach and now comes along the eastern mountain bench. Now many east bench residents are complaining.

**Mellor** said he thought complaints had died down, so the City had backed off. At one point it was determined that the clamor that would come from prohibiting helicopters would outweigh any public benefit. The helicopter owner had won over a lot of people, and outcry from them could be traumatic. He said it is up to the Council how to proceed, considering this from a land use or police enforcement perspective. He feels the best bet is from a land use perspective. Of all the calls that came in last year, **Mellor** said none of them were his direct neighbors. The last complaint he fielded was at the beginning of the summer.

**Isaacson** said the helicopter pilot has a lot of followers. **Leeman** said his following and many local people are defending him. **Roberts** recommended talking to **Mayor Anderson** and getting it on a future agenda for a detailed discussion. **Mellor** recommended it be put on a work session agenda. The next work session will be Stack asking for a configuration change for the south portion of their office property component.

Youth City Councilmember **Tanner Christensen** asked what the fine was for litter on public trails. **Mellor** said it is probably \$100.

**ADJOURNMENT**

***Motion:***

**Layton** made a motion to adjourn the meeting at 8:03 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

    /s/ DeAnn Carlile    

**DeAnn Carlile**, Recorder