

FARMINGTON CITY – CITY COUNCIL MINUTES

January 2, 2024

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 City Manager/City Engineer Chad
Boshell,
Finance Director Greg Davis, and
City Lobbyist Eric Isom.*

Mayor **Brett Anderson** called the work session to order at 6:03 p.m.

DISCUSSION OF REGULAR SESSION ITEMS

City Manager **Brigham Mellor** said the zone text amendment on tonight’s agenda is pretty straight forward. Two new Planning Commissioners will be sworn in during the next Commission meeting, and one more Commissioner has asked to be replaced.

Mellor presented several items he said the Council should expect to encounter over the next year including a new water tank; construction of a new fire station; renewal of the Recreation, Arts and Parks (RAP) tax; and a new park project.

He said there will be a push for a new water tank, which is part of a more comprehensive water improvement project including new pipelines. Farmington previously allocated federal American Rescue Plan Act (ARPA) funds to this water project. These funds came out of COVID relief funding as passed by Congress and the U.S. President. Coronavirus Aid, Relief, and Economic Security (CARES) Act money went to public safety wages and local business grants. The water tank will go out to bid in March, and contractor-approved construction should start in April. Assistant City Manager/City Engineer **Chad Boshell** said he expects construction to last for nine to 12 months.

Mellor said this project supplies the water for the business park. The bike park’s furthest south trails—the steepest and most technical parts of the mountain bike trail system—will be impacted. The Parks, Recreation, Arts and Trails (PRAT) Advisory Board is aware of this. **Mellor** met with City Parks and Recreation Director **Colby Thackeray** and PRAT Chair **Jon Lowe** about alternatives until the system is permanently adjusted to the water tank.

Boshell said the water tank is expected to hold 3 million gallons, which is not the typical 2 million or 4 million. Staff decided on 3 million because the next tank will have to go up to a higher elevation for a certain pressure zone, and there is no use pumping 1 million gallons higher if it is not needed. The higher one can be smaller than 3 million gallons. If certain property higher up the mountain is annexed into Farmington, Staff will have to work with the developer for a water tank. This is the open space southeast of the cemetery up by Pretty Valley. **Mellor**

said there are open space and trail components that could come with annexing that property. While not needing the extra 1 million gallons for a long time, Farmington has been considering water storage there since 2015.

Regarding the fire station, fill will be needed to mitigate identified wetlands. Impact fees, which are collected when a building permit is issued, can't be used for a bond or to guarantee a bond, according to a recent update from Zions Bank. Sales tax will guarantee the bond, and interest rates are expected to be high. Farmington needs to be ready to go out for a \$14 million bond this spring, go out to bid in June, and approve a contractor by July. Construction is expected to start in August, with an anticipated 12-month construction process to be wrapped up by August of 2025. Annual payments on the bond would be around \$800,000, with an additional \$160,000 for the police portion.

Staff recently spoke with the Tax Commission about renewal of the RAP tax. They suggested to not even put it on the ballot, but to do it as a Council resolution instead. Zions Bank, however, doesn't recommend it. The opinion of the City Attorney will be sought. Staff has reached out to Davis County to see what would be expected if it is put on the ballot. The Council may need to approve a resolution in May or June to put it on the November ballot.

While City Staff can't advocate for the RAP tax, it can say what it will pay for. The Councilmembers can advocate for it. Councilmember **Amy Shumway** said that when the RAP tax was on the ballot years ago, she was on a committee that ordered signs and delivered pamphlets to residents informing them of what the tax was. The signs and flyers were financed by an anonymous donation. The City cannot fund such items. Farmington's RAP tax handily passed years ago on a ballot that also included three different taxes, such as a bond for the high school and \$6 million for the City gym.

Mellor doesn't anticipate a lot of opposition to renewal of the RAP tax. It would be worth it to organize the PRAT to get the word out, explaining it is a tax residents benefit from, paid for by people who do not live in Farmington. It would be funded by 1/10 of a percent sales tax, generating about \$800,000 a year. It is a resource that Farmington can bond against. Until recently, RAP tax revenues have been allocated primarily to pay off the gym bond. Now that that bond is paid off, it may go to fund the Parks and Recreation Department or other projects.

Mayor Brett Anderson would like this item discussed at the Council retreat in March, so priorities can be determined. **Anderson** said **Rusty Cannon**, president of the Utah Taxpayers Association, actually likes RAP taxes and is not against them. **Anderson** said it is unlikely Farmington will get much opposition to renewing the RAP tax. **Mellor** said the Association sent out a flyer against the gym bond years ago, but not against the RAP tax. The \$6 million gym bond barely passed by a few votes.

Mellor said the park is set to go out for bid in March, with construction starting in April depending on the condition of the roads. Staff will wait for the roads to be finalized. He said Farmington has the resources necessary to pay for the park. In Utah, there are many recreation funds available to pay for parks, bike trails in West Farmington, and a swimming pool addition. It can be done over the next 10 years, instead of all at once.

Conversely, public safety is not easy to pay for. The fire station bond will be \$950,000 each year for over 20 years and can be refinanced as interest rates come down. Impact fees are not

constant, so those can't be relied upon for a bond. Farmington expected to get more impact fee revenue to pay for water, but it has not come in as fast as expected in 2023. The lull has allowed the City to get prepared for what is coming. The fire and park impact fee has been amended, and the City has looked into the transportation impact fee. Evergreen is expecting to break ground this spring or fall. If the City doesn't have \$950,000 coming in in impact fees, then they will have to make up for it with sales tax, which guarantees bonds. Sales tax has been used recently to pay fire fighters and City employees. While Farmington can push off construction projects, they will inevitably still have to build them some time.

While sales tax hasn't decreased, it has stayed even with where it was last year while everything got more expensive. It was not a good year for Lagoon, and it shows in Farmington's sales tax figures. Lagoon had a decline in sales that Farmington expects to see across the board. As things get more expensive, people don't buy as much. Councilmembers pointed out that weather on both ends of Lagoon's summer season likely had an effect on sales taxes, as did the delayed opening of Primordial, Lagoon's newest roller coaster.

Farmington may have to match a grant to remove the metal off Francisco's Mexican Grill historic building. The daughter has taken over management of the restaurant.

Mellor said there is no reason to put off construction of the park or the water tower, as funds to finance them are already available. However, the City could pump the brakes on the fire station should they choose to. Impact fees can be used for police and fire, but those have been slow to come in lately. **Boshell** said the economic slowdown has led to an uncertainty of when impact fees will come in. They are a moving target.

Councilmember **Roger Child** said that until interest rates go down, there will not be any buildings coming out of the ground and thus generating impact fee revenue. Councilmember **Alex Leeman** said the downturn has allowed residents to catch their breath, which has been positive for public opinion in the long term. He was surprised Evergreen hasn't started building yet. If they had, and Wasatch had started their 1,200 units in 2023, the recent election could have been impacted, **Mellor** said. **Child** said he has concerns that something has to give: either prices or interest rates.

Mellor said that because of Old Farm, Farmington is land-rich and money-poor. Old Farm is land that is uniquely zoned and is doing nothing. It could be sold to finance City projects. A downturn could present amazing pricing and Farmington would not get stuck paying high interest rates.

Councilmember **Scott Isaacson** said that while today's interest rates are high, he remembers high interest rates of the past. In 1981, he paid 13.5% for his first home, which cost \$70,000. **Leeman** said housing is still a great investment because there is demand for it. The question now is where developers get their money: from banks or investors.

Isaacson asked about Utah Gov. Spencer Cox's \$150 million "Utah First Homes" Starter Home Program. The goal is to create 35,000 new starter homes by 2028. **Mellor** said Farmington townhome projects where units are being sold for \$600,000 would not qualify, and the only place this could be used in Farmington is the development by the Mercedes dealership. The average home in Farmington costs over \$800,000.

Councilmember **Melissa Layton** asked about registering Accessory Dwelling Units (ADUs) on the City website. She asked if they must be registered even if the homeowner doesn't currently rent it out. Community Development Director **Dave Petersen** said he would look into it.

Shumway asked if the trust fund to donate money for paying others' utilities has been set up yet. Finance Director **Greg Davis** said Farmington is gearing up for it this month, and details will be coming out on utility bills any day now.

Leeman said as the West Davis Corridor gets set to open on Saturday, it has been entertaining to watch people get used to the stop light at 950. **Boshell** said Commerce and Innovator are not opening yet, as they need to still be striped. Staff has informed Fox Hunter residents that when everything opens up, Fox Hunter will be barricaded by the church for a little while. If motorists take a right turn there, they can get clear to Station Park without ever using a blinker. Barricading it off will train people to find another route to Station Park.

Leeman asked if temporary arrow signage saying "Station Park, this way" could help. He also asked if signage would be needed at 950 for the Denver and Rio Grande Wester (D&RGW) Rail Trail. **Boshell** said he recently put in an order with UDOT for signals there and at Burke and Maker. It costs \$800,000 just for materials.

Petersen noted that Farmington did not get a bump in population as expected between 2010 and 2020. He thought adult children moving back in with parents would show a population increase in Farmington in that time.

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 City Manager/City Engineer Chad
Boshell, and
City Lobbyist Eric Isom.*

CALL TO ORDER:

Mayor **Brett Anderson** called the meeting to order at 7:03 p.m.

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**.

PRESENTATION:

Oath of Office for Newly Elected City Councilmembers

City Recorder **DeAnn Carlile** swore Councilmembers **Roger Child**, **Scott Isaacson**, and **Amy Shumway** into office, after each incumbent recently succeeded in re-election campaigns.

Recognize Mike Plaizier and Larry Steinhorst for their service on Planning Commission

Mayor Anderson presented this agenda item. Commissioner **Larry Steinhorst**, who served on the Planning Commission since 2020, was presented with a plaque recognizing his service.

BUSINESS:

Zone Text Amendment – Residential Driveway Material Type and Parking in Front and Side Corner Yards

Community Development Director **Dave Petersen** presented this agenda item. **Brent White**, the City's Storm Water Official, administers and implements federal, state, and local storm water regulations. In doing so, he reviews all commercial and residential site plans, including site plans for single-family and two-family dwellings. **White** wants less hard surfaces.

Paved residential driveways are an acceptable impervious surface as per Section 11-32-030 E. of Chapter 32 of the Zoning Ordinance, and this subparagraph also seems to imply a gravel driveway as an allowed surface. **White** is requesting that the City clarify this section to ensure that pavement and gravel are both approved surfaces. He is O.K. with either material.

In meeting this request, Staff found that it may be reasonable to make modifications to Section 11-32-060 A.1 as well. "Properly designated parking spaces" have been defined as those in a garage, carport, or parking pad located to the side of a dwelling but not located in the front yard or required side corner yard. The word "required" has been struck for front or side corner yards.

Because a required side corner yard is 20 feet, in some cases this would not allow an RV pad on the side of some homes in order to allow for proper view shed. It will be possible to ask the Planning Commission for special exceptions. The Planning Commission reviewed and recommended the proposed changes in the enabling ordinance at a public hearing on December 7, 2023. **Petersen** said he is very comfortable with the proposed changes.

Motion:

Leeman moved that the City Council adopt the enabling ordinance (enclosed in the Staff Report) approving the proposed changes to Sections 11-32-030 E. and 11-32-060 A.1. of Chapter 32 of the Zoning Ordinance.

Findings 1-2:

1. Impervious surface is a key element related to stormwater run-off. Clarifying allowed surface types for residential driveways will help the City in its administration of its regulations.
2. Impervious surface increases run-off sometimes to the detriment of the environment and may result in costlier infrastructure to handle the additional stormwater for the City to construct, operate, and maintain. Limiting residential driveway surface area to what is necessary helps the community to achieve its goals and objectives of managing stormwater runoff.

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

SUMMARY ACTION:

Minute Motion Approving Summary Action List

The Council considered the Summary Action List including:

- Item 1: Resolution appointing **Kristen Sherlock** and **Joey Hansen** to serve as members of the Planning Commission for a full term of four years, with terms to expire December 31, 2027. **Mayor Anderson** said he, **Petersen**, and Assistant Community Development Director/City Planner **Lyle Gibson** all endorse these two nominees. **Hansen** emcees the City’s parade and has a lot of fundraising experience. He would like to set up fundraising procedures for the Old Mill. **Sherlock** is a well-known Realtor who lives in West Farmington on the north side of Clark Lane, east of Eagle Bay Elementary, and close to the trail. She likes to be involved in the community and has previous planning experience. **Petersen** said all the City’s quadrants are now represented on the Planning Commission. Commissioner **Erin Christensen**, who has a new baby and three children under the age of 4, has recently asked to step down from the Commission a year early. Staff is now interviewing a central Farmington resident who applied for earlier vacancies to fill **Christensen**’s seat. **Shumway** said she likes having alternate Commissioners, as

they are consistently needed and involved. There should be a joint training session with both the Commission and Council on January 16, 2024.

- Item 2: Resolution appointing **Brian Shepherd** and **Spencer Klein** to serve as alternate members of the Planning Commission for a one-year appointment to expire December 31, 2024.
- Item 3: Approval of Minutes for December 5, 2023. **Isaacson** and **Shumway** listed several minor changes to the minutes, which will be made.
- Item 4: Approval of Minutes for December 6, 2023.

Motion:

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

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

GOVERNING BODY REPORTS:

City Manager Report

Mellor said he and **Mayor Anderson** are still discussing portfolio assignments for each Councilmember for 2024, and they will be presented at the next Council meeting. **Mayor Anderson** asked if it is a good use of Council time to have a Councilmember on the Mosquito Abatement District-Davis Board. **Mellor** said it is a big board representing 16 cities, and Farmington doesn't have to necessarily be represented by a Councilmember. He will discuss alternatives with **Mayor Anderson**. **Child**, who has served on the board previously, said it may be critical to have a Councilmember present when the board approves budgets.

Mellor said the joint Council/Commission training scheduled for January 16, 2024, may have to be postponed, as Utah State House District 18 Representative **Paul Cutler** and Utah State House District 17 Representative **Stewart Barlow** will be attending the Council's work session that day prior to the State Legislative session.

Mayor Anderson and City Council Reports

Isaacson asked about the 1150 and Glover Lane round about. He is concerned that a motorist could drive up over it at night. It is a hazard at night and should be lit. **Mellor** said the City has an agreement and was given \$25,000 to do so, and a contractor quoted \$17,000 for the project. It should be done this April. Assistant City Manager/City Engineer **Chad Boshell** said the contractor is very busy, and public works could use water-filled barriers as a temporary solution. **Mellor** said he would talk to Public Works Director **Larry Famuliner** about the temporary barriers.

Shumway asked if an electrician can inspect the electrical light issue at Heritage Park, where the Tree of Hope is lit annually. There are recent reports of a power surge. **Mellor** said that would

come now that the holidays are over and running power conduit has been scheduled. Residents have been putting up Christmas lights on their own separate from the City. They run extension cords from their homes to the park, and some even use generators. It is all done through volunteer work.

Mayor Anderson said the City Attorney will soon circulate a proposed City ordinance about prayer in public meetings in order to establish a standard moving forward. It will be on a future work session agenda.

ADJOURNMENT

Motion:

Isaacson made a motion to adjourn the meeting at 7:36 p.m.

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

/s/ DeAnn Carlile

DeAnn Carlile, Recorder