

FARMINGTON CITY – CITY COUNCIL MINUTES

December 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 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,
Finance Director Greg Davis, and
Police Chief Eric Johnsen.*

Mayor **Brett Anderson** called the work session to order at 6:04 p.m. Councilmember **Alex Leeman** was excused.

NEW PARK DISCUSSION

The police department was invited to share dinner with the City Council during the work session. City Manager **Brigham Mellor** initiated discussion on the new park agenda. In 2018, Farmington purchased the property for the park as part of a \$5.5 million transaction with the Utah Department of Transportation (UDOT). Once the surrounding apartments are constructed, the park will be the backyard for 4,000 residents. It will also serve as a detention basin. The City has decided to hold off on the basketball and pickleball courts until the park's final phase. The kinetic shade element may also be taken out because of maintenance concerns. For now, amenities will include traditional sun shades with attached porch swings. There are discussions of installing a 20x10 foot test version (with strips of fabric that move with the wind) of the proposed kinetic shade. Staff is not sure how durable the fabric strips will be or how long they will last. Gateway in Salt Lake City has a similar sun shade, and it would be interesting to see how it is holding up.

Mellor said there would be grass near the stage, and on the outer rim of the park would be pasture grasses and trees, contributing to an orchard feel. The landscape grade changes with topography, and would not be something that is mowed every week. Staff looked at a sample at Red Butte Gardens. The park is not set up for sports programming such as soccer and football games. Instead, it is a passive park where people can “hang out.” The walking path connects to the walkway between the large buildings further up, goes through the Boyer property and to the west of Cabela's, and eventually goes all the way up to Kaysville.

Mellor said Farmington got rid of the splash pad by the pool, and has now proposed a splash pad at this park, to the north near a planned food truck area. It is proposed to have a river and beach element for easy entry, very similar to one found in Bountiful. Other plans include a pavilion with rest rooms, a ninja warrior course, sprinting area, nine square, hammocking area, uniquely designed playground equipment, and cast concrete boardwalk. Three 32-foot tall sculptured tree elements will include glowing blocks at least 9 feet off the ground and will be on the corner of

one of the main walkways. There will be room to walk around the three “trees” that have programmable light blocks. Street lights will project light downward.

Mellor said if nothing is cut from the plan, the park would cost \$15 million. There are ongoing discussions of how to spend the \$700,000 UDOT will give Farmington for betterments. Farmington is in negotiations to buy two pieces of property from UDOT. One piece is being used as a staging area and another is by Buffalo Ranches. One possibility is to locate a shooting range for City personnel on one of those parcels.

Mellor said Farmington has paid off all the debt that impact fees were going toward since 2015. The City collected \$350,000 a year when it began its Recreation, Arts and Parks (RAP) tax. Now it is close to \$700,000 to \$800,000 annually. He said some \$1.6 million will have accrued by the time it is needed. Storm drain impact fees can be used for the detention pond. Sidewalks have been moved off the street and into the park. The intent is to light the sidewalks. Station Park Redevelopment Agency (RDA) money can be used. In a Development Agreement with Evergreen, there was an impact fee credit for the parks they got. Some RDA money will pay their impact fee, with a remainder of \$2.4 million. If Farmington goes out to bid, the debt will carry a \$192,000 annual payment, which could be paid for with impact fees. However, if development dries up, the City will have to float the payment some other way. He said the \$192,000 could be easily floated with allocation from the RAP tax. Commercial development does not pay impact fees for parks, only residential does.

Both the Parks, Recreation, Arts and Trails (PRAT) Advisory Board and Planning Commission have weighed in on this plan. When the City purchased the ground and started this park project, they anticipated it would cost \$9 million. Since, everything has become a lot more expensive. The City’s money has not grown as fast as inflation has. Farmington officials will need to think about and debate this more. **Mellor** is not sure how much the improvements suggested by **Spencer Moffat** will cost, as those projects are not impact-fee eligible. The City has more access to revenue streams that fund parks than West Davis Corridor projects. The RAP tax could be re-upped, but priorities will need to be established for the gym, swimming pool, and **Tom Owens** park. The City may have to go out for a bond for this, a minimum of \$192,000 annually for 20 years. He said another funding source could involve the widening of Interstate 15, which will take out Farmington’s skate park. When federal highways impact a park, money could be offered, which could go toward a pump track element.

Mayor Pro Tempore/Councilmember **Scott Isaacson** said there are lots of moving parts, and it would be good to get a list of ideas with estimated expenses associated with each. He liked an earlier idea of money for the planting of trees in backyards of residents affected by the WDC. This may be a good topic for discussion at the Council’s upcoming retreat, where ideas are outlined and prioritized. During his recent Council campaign, he had many residents asking for swimming facilities and heard that more than any other request.

Mellor said all proposed trail head improvements could be done for \$1 million. Ideally bonding would be in place before construction, and he would like to break ground this spring. Lifetime coming into the community as well as plans for a new splash pad may impact the demand for swimming facilities in Farmington. While Lifetime is bringing two outdoor pools and two indoor pools, they have recently said they do not want to accommodate the high school swim team.

Councilmember **Roger Child** said now is the time to negotiate a cheaper Lifetime rate for Farmington residents. He wondered if a pool-only membership would be available. He is worried about high interest rates, and **Mellor** said those can be refinanced in the future.

REGULAR SESSION

Present:

*Mayor Brett Anderson,
City Manager Brigham Mellor,
Mayor Pro Tempore/Councilmember Scott
Isaacson,
Councilmember Roger Child,
Councilmember Melissa Layton,
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
Police Chief Eric Johnsen.*

CALL TO ORDER:

Mayor **Brett Anderson** called the meeting to order at 7:04 p.m. Councilmember **Alex Leeman** was excused.

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

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

PRESENTATION:

Introduction of New Police Officers and Promotion Ceremony

Police Chief **Eric Johnsen** presented this agenda item. He introduced **Kenny Mecham** and **Trevor Bauer** as the department's two newest officers. **Mecham** was born and raised in Centerville and previously owned a landscaping business. **Johnsen** said he is very customer-service oriented and has an amazing way with people. After spending time at Salt Lake City corrections, **Bauer** is almost finished with his Field Training Officer (FTO) training. While he will be a rookie street cop, he already knows how to talk to people who have been incarcerated, which is a bonus for Farmington.

Farmington received **Liberty** as an eight-week old pup in September. Half Belgian Ottawa and half Australian Shepard, **Liberty** is good at finding lost children and adults. A lot of the City is near a freeway system, where people bail out of stolen cars and end up in back yards. It is safer for a dog to locate these people in backyards than it is for an officer. Once she is a year old, **Liberty** may be introduced to the world of finding dope. She is trained to be calm, amiable, and to go to schools.

Giancarlo Candiotti, Erick Gonnuscio, and Cannon Heslop were introduced as newly promoted sergeants. The Police Department was on hand to salute the new officers and sergeants, offering their confidence and support.

Candiotti came to the United States from Peru as a 15-year-old. He speaks Spanish as his first language, but knows English proficiently. **Johnsen** said his life experience will be put to use in this new leadership position. He has a lot of pride and admiration for **Candiotti**.

After a lot of time in Ogden and a shorter stint in Roy, **Gonnuscio** came to Farmington a year ago. The City has leaned on his particular skill set from day one. He is ready to be a sergeant.

Heslop came to Farmington in 2014. After six years, he then went to South Ogden, but now he is back home. He returned to the City in March and has incredible capabilities.

Pastor **Moore**, an ecclesiastical resource who helps the department with death notifications, was in attendance. Bountiful Police Department Chief Ed Biehler, who runs the SWAT team for Farmington, was also in attendance. **Candiotti** is on the SWAT team. **Johnsen** said it is good to have a relationship with and respect for surrounding agencies.

Farmington City's Music in Me

Children involved in Music in Me presented a musical number to the City Council.

Student Spotlight: Ashton Workman, Eagle Bay Elementary School

Mayor Anderson presented this agenda item. **Ashton Workman** is new to Eagle Bay Elementary this year and the fourth grader has demonstrated a synergistic “teamwork makes the dream work” attitude, according to his teacher **Zachary Roundy**. “He works conscientiously to exhibit exemplary effort on his work, and then he helps others in any way he can,” **Roundy** said. “He loves math and is doing extra lessons at home and even uses Prodigy Math on the weekends.”

PUBLIC HEARINGS:

Preliminary Planned Unit Development (PUD), Master Plan and Schematic Subdivision plan for the Gattrell Subdivision. Applicant is Blake Bastian

Assistant Community Development Director/City Planner **Lyle Gibson** presented this agenda item. This development is off State Street and 100 West. The developer owns the two properties (3 acres) that front 100 West. Conventionally they could come with a nine-lot subdivision. With a private lane, it would create a hammer head but would maintain the two homes on 100 West. Lots 3-7 would be smaller, while the lots on the west side would be larger. The developer went before the Planning Commission to ask for more lots, for a total of 10. Part of the trade-off would be the **Fadels** would get access to their property. There are no common areas in this, and the neighborhood is small enough that a Homeowner's Association (HOA) is not desirable. Doing a Planned Unit Development (PUD) in a lot of neighborhoods out west means getting increased density in exchange for open space or common areas, but there are other options. In this case, they want to keep and preserve the two homes so they remain eligible for the historic sites list.

After hearings, the Planning Commission gave a favorable recommendation for the project. The discussion is if the homes are worth keeping or not. If Farmington gives flexibility, they want to make sure the homes stick around. The Planning Commission asked for rehabilitation or renovation of the homes prior to any new homes being constructed. Tonight the developer brought forward an agreement without that condition. The Planning Commission went back and

forth about open space and a small playground area. However, the developer does not prefer that, so they have come the City Council without that. Within their Development Agreement, they are requesting alternate standards away from Original Townsite Residential (OTR) standards. Lots 3-7 would come close to OTR standards, but with three-car garages. They are only allowed a certain amount of frontage to have a garage. They are not asking for such exceptions for the larger lots to the west. For the smaller lots, they are looking for a reduced setback in order to bring porches closer to the street. In the Development Agreement, the garages are set back at least 18 feet. They are asking for a 5-foot side yard setback instead of the typical 10 feet. The Planning Commission approved it with conditions. The Development Review Committee (DRC) said there is enough width for emergency vehicles. Lot 9 would require an easement to provide access. The Council has discretion to grant exceptions.

There is a maintenance agreement for people using the shared private drive including who is responsible and who has the right to access it. There is no City snow removal or maintenance. They reached out to Robinson about garbage removal. Mayor Pro Tempore/Councilmember **Scott Isaacson** has comments regarding the Development Agreement that he will share later.

Jerry Preston (177 N. Main, Farmington, Utah) said his company, Elite Craft Homes, would eventually buy and purchase the property from **Blake Bastion**, the current owner. The developer is trying to keep storm drainage off the front seven lots to 100 West instead of to the **Fadel** property. The **Fadels** would have to develop storm water retention on site. When **Bastion** first started looking into this, they were worried it would land lock the **Fadel's** back lot. They have now met with the Planning Commission for three different public hearings. They feel they are not getting anywhere, and disagreed with the Commission's conditions. Now they want to present this to the City Council. In small communities like the one proposed, they have found open space for a tot lot or playground does not benefit anyone and takes maintenance. He sees this proposal much like the Smith homestead they did four to five years ago, where they turned a blighted property into something great. He is in favor of restoring and keeping the old homes. They do not agree with the Commission wanting to see restrictions on the other lots until the renovations on the historic homes are done. There are tenants they need to evict, and they want to give them time to find a new place to go. There are still some changes to be made to the Development Agreement, including on Page 2 that calls for 5-foot side yards. Lot 1 needs to be excluded from that, as its current side yard is 3.4 feet.

Councilmember **Amy Shumway** said she took pictures of the two existing homes from the front, and the one to the north is small and interesting. **Preston** said it is not in good shape and was built in the early 1950s. Not much has been done to it since, as it still retains its original linoleum. The applicant excluded the 700 square feet of open space requested by the Planning Commission from the Development Agreement. They also did not include the two homes being restored before new construction can occur on the other lots.

Mayor Anderson opened the Public Hearing at 7:54 p.m.

Applicant **Blake Bastian** (7689 S. 1750 E., South Weber, Utah) addressed the Council. He would like three-car garages on Lots 4-7. Earlier, the Planning Commission had a problem with parking. He reasons that the three-car garages would help solve the parking problem. He proposes "no parking" signs on the private lanes, with parking only allowed in driveways, which are deep enough. The three garage doors would be broken up on different planes along the front of the homes. **Child** said that was not on the preliminary plat, as that plan is not very detailed.

Garth Gatrell (1532 W. 1920 N., Layton, Utah) addressed the Council. He owns the property at 38 N. across the street from the development, and lived in 37 N., the home listed to be retained. The house at 37 N. was originally built in 1908, with the back half of the building being built out of adobe. That bedroom has since been refinished. The home has been re-roofed several times. 79 N. had the roof replaced at least twice. His grandmother, **Edna Barton**, bought the home at 40 N. in 1963. The family has been there for quite a while. His father lived at 37 N. A kitchen was added to the adobe house, then later a front room. The building was built out in three to four phases, so he is not sure to which they would like to “restore” it to. His father spent his money very frugally. The house at 79 N. is very narrow with a 5-foot, 10-inch tall basement running the full length of the house. The kitchen flooring has been replaced, and the original single-pane windows have been replaced with double-pane windows.

Jeff Gregon (94 N. 100 W., Farmington, Utah) lives across from the development. At a past meeting, the Planning Commission was concerned about the 18-foot driveway length. A Ford F150 needs 18.9 feet to park. He asked if garages could accommodate those types of trucks. Also, the road going into the development is very narrow.

Mayor Anderson said when he lived in Seattle in the past, he had only 1 inch of clearance in order to park his truck in the garage. It was nerve-wracking every time.

Annette Tidwell (67 W. 100 N., Farmington, Utah) lives just around the corner and has every confidence in the **Prestons** and **Bastian**. This is the third time she has sat through a meeting about this project, and she wants to see things move forward in the neighborhood. This will help clean up and develop downtown Farmington.

Mayor Anderson closed the Public Hearing at 8:03 p.m.

Preston said the proposed garages won't fit a Ford F350. In the offset garages, one bay will be bigger than the other. **Bastian** said the plat was changed to show garages 5 feet behind the front of the house, so the driveways will be 20 feet long.

Isaacson said he doesn't have any serious problems with the proposed development, but has a couple of minor technical things to share including a typo about a side yard, and Section 0. More substantial concerns are who is signing the Development Agreement. He wants to make sure the right property owners and landowners sign the document. City Attorney **Paul Roberts** said generally the property owners sign the agreement to acknowledge they understand its terms. **Isaacson** said the proper trustee for the trust must sign for the trust. **Shumway** said the City has problems with pocket parks.

Isaacson said he is not persuaded that it is necessary to withhold issuing building permits on the other lots while restoring the existing homes. **Shumway** asked what could be done to guarantee renovations. **Preston** said he is fine committing to preservation until the homes are sold or remodeled. The question is to what extent the homes would be remodeled.

Shumway asked if the homes were worth preserving. **Preston** said he prefers meeting the requirements with only one home, not two. **Mayor Anderson** asked the applicant if they want to preserve or restore the homes, because it is difficult to define “restoration.” **Isaacson** said the homes should be preserved so as to continue to qualify as historically eligible for the national registry. It could be turned into a more modern living space while still maintaining the historical look.

Preston said if he would like to tear down a home in the OTR zone, the Historic Preservation Commission would have to vote to allow him to. **Isaacson** said he would like to agree that the homes cannot be torn down, and any modifications to the homes must maintain their eligibility to be on the national historic registry. That doesn't necessarily mean the applicant has to do anything with the homes right now. It would be recorded that anyone who owns those homes cannot tear them down without permission.

Child agreed that a timeline for renovation requirements would not be necessary. He is comfortable not requiring a tot lot. It seems the entire Council is in agreement with this. Councilmember **Melissa Layton** said the proposal looks nice, and it would help the neighborhood have more life.

Motion:

Child moved that the City Council approve the Preliminary PUD Master Plan and Schematic Subdivision Plan for the Gatrell Subdivision, and accompanying Development Agreement NOT subject to the two conditions suggested in the Staff Report (1. Inclusion of an open space area to include amenities for the project. Open space area may be as small as 700 square feet; and 2. Inclusion of a provision in the DA which requires that work be completed which enhances the existing homes on Lots 1 and 2 prior to the issuance of any building permits on newly created lots.); but including that the right party sign the agreement, removing the Fadel trust, to be approved by the City Attorney.

Findings 1-6:

1. The proposed layout is preferable over a conventional subdivision development.
2. The applicant's commitment to preserve the two historic homes is enough of a public benefit to justify the number of proposed lots together with the deviations required for the proposed private lane, lot sizes, and deviations from other standard requirements.
3. As proposed, individual lots are comparable to lots found in the general area and allow for homes that are comparable to others found in the area.
4. The applicant must meet all requirements of the City's Development Review Committee (DRC), which can be verified through subsequent review processes.
5. The density of development is consistent with what is allowed in the OTR zone, which is about 4 per acre, or 10 homes on 2.7 acres. The consideration of additional density is required due to the shape of the property and need to use some of the acreage for access.
6. The application is consistent with the goals and purposes of the Farmington City General Plan and Zoning Ordinance.

Isaacson seconded the motion.

Mayor Pro Tempore/Councilmember Scott Isaacson
Councilmember Roger Child
Councilmember Melissa Layton
Councilmember Amy Shumway

X Aye ___ Nay
X Aye ___ Nay
X Aye ___ Nay
X Aye ___ Nay

Consideration of an agreement for exceptions which would accommodate Acer Trees, LLC

Assistant Community Development Director **Lyle Gibson** presented this agenda item. A concern regarding business activity on this property came into Staff. For several years, Acer Trees LLC has been conducting business here in an agriculture zone, and handling it like an enforcement issue, Staff eventually out a notice to cease business activity. **Gibson** said it was a substantial thing to ask someone to change, so the owners approached Staff to see if there was another option.

Rather than making broad, sweeping zone changes, the Council can approve any exceptions in writing. The Council has broad discretion on what they think is appropriate to the site and neighborhood. The application can be treated like a zone change, and was re-noticed on tonight's agenda as a public hearing. He believes that is the best tool to address issues on this property. A hearing was held with the Planning Commission, which recommended approval of the "Exception Agreement" that is before the Council tonight. The Commission discussed vehicles and how many outside employees are allowed beyond a typical home occupied business. The agreement includes limits on how many employees and how much equipment they can have and where. Lighting concerns were also addressed. The owners have agreed to put in a gate as well as trees on the frontage road to screen their property.

Applicant **Kevin Tolman** (455 S. 200 W., Farmington, Utah) addressed the Council. Acer Trees has been in business since 2017, when it was started with a partner in Logan. **Kevin Tolman** bought out his partner in 2022, when he called Farmington City to ask if he needed a business license. He was told that since he doesn't conduct any actual business on the property, he didn't need a business license. The work trucks are parked on the property, and leave around 7:30 or 8 a.m. The trucks are parked back on the property in the evening once the day's work is done. They do not store firewood or wood chips on the property.

Kevin Tolman said that since they live on a busy frontage road, traffic in the area is not a problem. They do not own broken equipment or store garbage and old parts. There used to be a number of trees along the frontage road, but the wind storm of 2020 blew them over. They will plant new trees, perhaps evergreens and aspens, to replace them. A gate will be installed on the north side and will match the design of the fence. Due to the limited space between the fence and driveway, there is not enough room to screen the north side of the property. The neighbors have planted trees on their property help screen that area already.

His business requires a lot of equipment. Their trucks do have back-up beepers, which are turned off after the vehicles have passed over the sidewalk. He noted that no one showed up at the Commission public hearings in opposition. He noted that the development to the north of him was installed on 4 feet higher of a grade than it should have been, so the 6-foot fence doesn't provide much privacy. The aim of the City's home occupation ordinance is to allow businesses to grow.

Mayor Anderson opened the Public Hearing at 8:29 p.m.

Rob Christiansen (1308 S. Rigby Road, Kaysville, Utah) owns the property to the north, which is occupied by his mother- and father-in-law, who moved from Wyoming to be closer to chemotherapy. **Christiansen** said he only found out this item was on a City agenda yesterday, and no public notices were posted at the subdivision entrance.

He said the applicant should be **Jeff Tolman**, the property owner. The use of the property in question has made it a permanent parking lot, which is a permanent change to the property. He is concerned with idling engines in the early mornings. This impacts his family, and benefits one party at the expense of their neighbors. Using a 14-foot rope, **Christiansen** showed the Council how far away his kitchen is from the idling trucks. It basically is a commercial parking lot adjacent to a residential kitchen. His in-laws don't want idling vehicles, back-up alerts, and truck lights next to their home before 8 a.m. This neighborhood has outgrown what used to be a more rural environment. He read a letter written by his mother-in-law detailing the impact, including a fence that they believe was hit by a company vehicle and caused \$1,500 in damage. There is not enough room to accommodate the requested use, which brings residents no benefits but causes significant costs from dust, fumes, and oil pollution. He provided photos of stains on the dirt from oil drips.

The **Tolmans** have violated the proposed variance allowing a specific number of vehicles and equipment, and he will document that. This sort of parking is out of place in this area. If the applicant has enough money to install a gate and plant trees, they have money to move elsewhere. He would like to see a time limit on the agreement, or language that says the agreement will not be with anyone other than the current owners. He would like an opportunity for the variance to be reconsidered if there are problems in the future. He would like to see the applicant maintain a business license as well as a bond to handle any damage. In this transition from agricultural to commercial use, he questioned if the property should be taxed at a non-agricultural level. He requests hours between 8 a.m. and 6 p.m., and for the property to maintain the residential nature of the community. He said currently seven workers are at the site in a 14-hour window, 14 feet from his home. This does not fit the community.

Kathy Rudd (415 S. Brookside drive, Farmington, Utah) lives in the community to the north. She said the **Cleggs**, who live in the impacted home, knew what was there before their home was built. The homes in that small community all have shallow backyards, and the **Cleggs** have completely tree-lined their back yard. When this issue came up recently, the neighbors were shocked that the **Cleggs** were having a problem. Other neighbors are not affected. When she goes by Acer on the frontage road, the company vehicles are hardly noticeable. For three years, she has not considered it an issue.

William Cooper (510 S. 50 W., Farmington, Utah) has lived in Farmington for 32 years now, driving along this route frequently. He hasn't noticed trucks there causing an eyesore. He said this situation reminds him of a similar one near Hill Air Force Base in Layton. Although the base had been there for decades, the developers built homes to the south and filed a complaint due to the noise of the jets. The Court ended up dismissing the case. It should not be a surprise that the property and business was in use before the subdivision was built. The **Cleggs** have space and have already planted trees along the property line. The Commission asked the **Tolmans** not to put in lighting that would be a problem for their neighbors, and they were happy to oblige. When the windstorm knocked a lot of trees down through the community in 2020, the **Tolmans** responded with help at no charge, cleaning up after an act of nature for the benefit of the community. He is proud to call them his neighbors.

Jacob Smith (102 W. Wendell Way, Farmington, Utah) said when he moved into his home, he did his due diligence and knew the **Tolmans** were there. Anyone should do their due diligence before purchasing property. He agreed with the previous speaker that the **Tolmans** are an asset to

the community, and during the 2020 windstorm, were helping at 3 a.m. without being asked. He never notices their trucks, and said they are hard-working Americans trying to provide for their family.

Steed Nelson (Wendell Way, Farmington, Utah) lives south of this property. He said every morning, thousands of diesel trucks start up next to their neighbors, and he knows it can be unpleasant and affect them directly. In this area, there is a lot of noise from the frontage road, highway, and trains. It is not a quiet area, and to ask the applicant to make adjustments is not fair. When he moved there in 2016, he was aware that the **Tolmans** lived right behind them with their trucks. It was not a concern to him. He believes if the **Cleggs** amicably approached the **Tolmans**, they would be happy to accommodate their concerns.

Clint Chamberlain (516 S. Wendell Way, Farmington, Utah) moved to his property in 2018 and didn't know the **Tolmans** were operating a business. He just thought he was parking his work vehicle on his own property. The **Tolmans** have owned this property for close to 20 years, so the change was the party who moved in and didn't do their due diligence. The elevation of the new subdivision became higher and the setbacks are close. The **Tolman** family is an asset to the Farmington community, and it would be a huge mistake for the Council to deny this application. Comments have been exaggerated and the **Tolmans** are not trying to harm anybody.

Property owner **Jeff Tolman** (433 S. 200 W., Farmington, Utah) has lived there for more than 19 years, and is now helping his son, **Kevin Tolman**, get his business going. The intent is for **Kevin** someday to move out, and at that point, there will not be a business on this property. There will not be trucks there forever. Before the subdivision was built, the grades of the properties were the same. While building out the infrastructure for the new subdivision, a 6-foot privacy fence was installed at the original grade. To accommodate new sewer lines, the property had to be raised four feet. So now, the two-foot fence does not offer a lot of privacy. The City originally told his son that he would not need a business license, and they now know that was not the correct answer. For six years, they thought they were doing everything legally. They did not change anything; the subdivision to the north was the change. When he attempted to speak with the **Cleggs** in the past, they did not bring up any comments or concerns.

Mayor Anderson closed the Public Hearing at 8:59 p.m.

Gibson said this is the main point of contact/office for the Acer Trees business. It is legal to bring a work truck home. Based on State provisions, if home occupation businesses are not creating any additional needs for service, they can operate legally without requiring a business license. The issue here is the number of employees involved.

Kevin Tolman said he started parking one truck and one chipper here in April of 2017. He now has other trucks, two trailers, and a dump trailer. In the summer, the trucks don't have to idle long. In the cold, diesel trucks have to warm up for about 5 minutes. He is not starting the trucks in the early mornings, and usually after 8 a.m. He has time sheets to prove the times. He does not work on Saturdays and Sundays, unless there is an emergency.

Christiansen said he acquired the property three years after 2017.

Isaacson, who became a certified mediator after taking a year-long course and participating in several practices, said this situation could benefit from mediation. He asked if the two families

could mediate to come to a peaceful understanding. While the City Council can make a decision, it is not their job to mediate.

Shumway said she lives in a neighborhood with very small backyards and has a neighbor that idles his diesel truck near her property. While she doesn't discount the impact this is having on the **Cleggs**, this is part of living close together. **Mayor Anderson** said when he lived in Oregon, his neighbor was an independent logger. **Isaacson** said he lives in an Agricultural Estates (AE) zone, where his neighbor raises pigs in his back yard. He doesn't like the smell and often can't use his deck because of all the flies, but he knew that when he moved in.

City Manager **Brigham Mellor** said that the State Legislature has changed laws over the years for clarification, and Farmington's rules are dictated by the Legislature. When the **Tolmans** originally inquired about needing a business license, the rules were different. Farmington moved the target on the **Tolmans**, who desire to be legal.

Isaacson said it doesn't feel right to him to write up an exception. The procedural aspect of making an exception is not the normal way of doing things. **Mayor Anderson** is worried about the precedence. He would like it tied to a particular applicant, and have an opportunity to revisit the decision in the future.

Roberts said land use decisions usually run with the land. The parameters in the agreement referring to the number of vehicles would apply to any future business. The City code already anticipated that the Council may need to consider exceptions. **Child** said it is more of a staging area than a business operation, so the agreement is restrictive. **Layton** said to run a community effectively, there are rules and standards that may need exceptions.

Child noted that Utah is a state with one of the largest numbers of start-up businesses in the country. Microsoft started in the garage of a home. It would be anti-American to ask for businesses not to be operated in a home. He has been woken up at 4 a.m. when a vehicle beeps while backing up to empty the School District's dumpsters. That is the nature of where he lives, and people have to respect who was there first. This is a frontage road next to a freeway underpass, so it is laughable to complain about vehicle noise. The property in question will likely not be residential forever, and will probably be an industrial business location in the future. Diesel trucks are a way of life in a lot of neighborhoods. He is in support of whatever form is needed to permit the use.

Motion:

Child moved that the City Council approve the agreement (enclosed in the Staff Report) granting exceptions to permit certain business activity for a Home Occupation.

Findings 1-2:

1. The items allowed by the agreement are appropriate at this location and there are sufficient mitigating factors within the agreement to adequately mitigate the impact of the allowed business activity on surrounding properties.
2. The use considered by the agreement is consistent with the Farmington City General Plan and follows process outlined in FMC 11-35-050.

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

Mayor Pro Tempore/Councilmember Scott Isaacson
Councilmember Roger Child
Councilmember Melissa Layton
Councilmember Amy Shumway

X Aye ___ Nay
X Aye ___ Nay
X Aye ___ Nay
X Aye ___ Nay

BUSINESS:

Main Street Landmark Register Designation Ordinance

Community Development Director Dave Petersen **Dave Petersen** presented this agenda item. The City Council reviewed this Main Street Landmark Register request at a public hearing on September 19, 2023, and tabled consideration to allow time for additional feedback from property owners, to better understand the material in the Staff Report, and for further study. At the September 19 meeting, the Staff Report included 16 documents consisting of 77 pages.

The Historic Preservation Commission (HPC) held a meeting this summer to determine if this meets qualifications. After Staff sent out certified mail to the 57 property owners involved, only a four people showed up to the meeting. Staff doesn't typically send out certified mail for meetings, but for landmark districts it is required. They even made sure it had time to get to Post Office boxes. Of the four who attended, one property owner was in support, and three were not.

Since that meeting, Staff has streamlined the Certificate of Appropriateness process, and now it should be easier to make major modifications of the exterior of historic homes. Staff then mailed out a third notice for a December meeting, and 11 property owners showed up. Of those, five said they were not in support, two were in support, and four said they needed more information. Staff is here to listen and offer compromises as well.

Isaacson said it would be helpful if Staff outlined the benefits to property owners if they are included in the district. If land owners agree to preserve the historic look of their homes from the street, under Farmington ordinances they are allowed the flexibility to develop behind and add on to the back of the lot. If they tore down the homes, they would not be allowed to do as many things. Being part of the landmark district gives landowners more opportunity to use their property. In essence, development is more likely to be approved if people agree to continue preserving historic homes and qualifying for the National Register.

Petersen said the benefit is owners would have more access to tax credits to remodel their homes. He said he grew up in downtown Bountiful, where there are now just plaques indicating where historic homes once stood. Many want to preserve the look and feel of Farmington, and the homes are still there to preserve. It is better to do something now while the homes are still present. Many are willing to have higher thresholds placed by the landmark commission, but are concerned with the Certificate of Appropriateness. Since many of these older lots are awkwardly shaped, and some are as much as 250 feet deep, they need flexibility to develop them out. There are potential windfalls to be had, as the **Hatch** and **Gatrell** families can attest.

Mayor Anderson thought there would be more collaboration among homeowners, the HPC, and Staff since September. **Petersen** said as Staff, that is not what they understood at all. **Child** said during his recent campaign, he has knocked on most of the doors on Main Street. Most people agree about what they would like to see on Main Street, and that they want the look and feel of Farmington preserved. However, they don't agree on how it should come to pass. There's too many questions about turning property rights over to a committee. They want to know what they

are giving up and what privileges they are gaining. He proposed doing a rough, general yield plan of what a property would look like before and after the historic district. For the many on the west side with really deep property, they are concerned about a little tiny home in the front impacting what happens on the rest of the property. Over the last week, he has had more calls on this issue than anything else. They don't want the City Council to grant anything yet.

Shumway said they have already had public hearings, open houses, and various meetings on this issue. There has also been a newsletter article published and three mailings sent out. As such, the City has already given a public process. She wants to know what else is needed: Staff to go out and knock doors? She is not sure spending more time on this is a good idea. In September, the City Council tabled this item because they felt it was too big of a deal. But the public is not engaged. Twenty years ago, the City Councilmembers had foresight to develop a business park. She feels it is now time for this City Council to have foresight about preserving Main Street. She encouraged her fellow Councilmembers to take a bird's eye view of what a treasure Main Street is, and understand their responsibility to preserve it. From what she is hearing, property owners are going to gain more benefits from being part of this Main Street Landmark Register. At what point does the Council say, "This is the best option, and we have given the opportunity for all to learn and understand."

Child said the rumor mill is winning, and the City is not winning the public affairs element of this. Residents are not aware of the changes that have been made since September. The City needs to go out and quiet some nerves, as residents think they are going to lose private property rights. No one disagrees with the objective, but the road to it is bumpy because no one understands how to navigate it. As a resident who lives on Main Street, people will call him instead of other Councilmembers or Staff. He would like to be armed with examples of what their properties would be like both in and out of the landmark designation. He would also like to know how residents rights will be protected throughout the process. He would like to get the message out that the City is protecting private property rights while also protecting the look and feel of Main Street. He wants time to show people on the west side theoretical yield concepts. He is happy to go door to door with the message. He is in favor of tabling this agenda item in order to do more homework.

Shumway said what that homework is should be clearly spelled out, as last time it was not clear. She doesn't want exclusions. **Mayor Anderson** said dates and objectives need to be made certain for clarity. **Isaacson** said whenever you live in a community, you give up certain rights. You don't have freedom to do whatever you want on your property. What he does on his property affects his neighbor, and there is no way around that. When he moved into an AE area, he moved in next to horses, and there are times he can't use his deck because there are too many flies. He has chickens and a rooster that crows, and he understands some of his neighbors may not like that either. Everyone agrees that it is priceless to live in a historic building in downtown Farmington where pioneer heritage and history can be seen. If he lived in that neighborhood, it seems he would be accepting the preservation that benefits the rest of the community. He understands that may be ceding rights to a committee. But it would be a tragedy if a historic home was bulldozed to make room for a new mansion, which residents in this area could do without the landmark register designation. The question is where the line is drawn and who will help draw the line. He understands the rumor mill, and he is sad that there is mistrust of the City and that residents think something nefarious is going on. All want to preserve this unique community heritage, so now the City can debate the best ways to do it.

Child said the residents have lots of opinions, but everyone seems to be talking the same language. **Isaacson** said the benefit of being in the landmark register designation should be emphasized more. He encouraged Staff to draft a one-page summary of those benefits and how it would work in simple terms. The City already has another landmark register designation, the Clark Lane District, and this is not the first time the City has done something like this. He said the residents in that district seem to be happy with it and are not complaining. Residents in other areas live with it happily.

Petersen said three neighborhood meetings should be held, where two or three examples can be provided pulling from the Clark Lane district for experience. He would like to re-read Chapter 39, which might need some clarity. Zone text changes may be in order. It may be wise to meet individually with people.

Child said the unknown is scaring most people. **Mayor Anderson** said it should be done the week of January 22, 2024, a week before the February City Council meeting. The Staff, HPC, and City Councilmembers **Child** and **Shumway** should collaborate to prepare a presentation for the neighborhood meetings. That way, residents will come to the February meeting semi-informed.

Motion:

Child moved that the City Council table the ordinance (enclosed in the Staff Report) designating the historic resources located in the Main Street National Historic District as historic resources on the City’s Historic Landmark Register.

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 Amy Shumway	X Aye	___ Nay

Isaacson said the most frustrating thing to him is when residents say they haven’t heard about an agenda item that affects them. However, it usually isn’t Staff’s fault.

SUMMARY ACTION:

Minute Motion Approving Summary Action List

The Council considered the Summary Action List including:

- Item 1: Station Point Development Agreement Modification related to Moderate Income Housing
- Item 2: Ratification of **David Barney** as the 2024 Chairperson of the Farmington City Historic Preservation Commission
- Item 3: Ordinance Establishing dates, times, and place for holding regular City Council meetings
- Item 4: Minutes for approval for November 14, 2023

Motion:

Child moved to approve the Summary Action list Items 1-4 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 Amy Shumway	X Aye	___	Nay

GOVERNING BODY REPORTS:

City Manager Report

Mellor said Farmington has been locked out of their established Instagram account and may need to create a new one. They have been working on the issue for the last three weeks, and don't want to lose the 2,000 followers it has built up. Many are working on it, and everyone is baffled.

He would like to hold the annual Council retreat the end of February or beginning of March. He would also like to consider various locations for the retreat. He reminded the Council of the canvass meeting tomorrow to officially accept the election results.

Mayor Anderson and City Council Reports

Layton asked if there was an update on a helicopter ordinance. **Mellor** responded that Staff has an ordinance that could be put in place if the Council wanted. The easiest way so far has been for the Federal Aviation Administration to track and monitor the amount of times helicopters land and take off. If it is over a certain number, a commercial pad must be created. At that point, Farmington could regulate where he lands and takes off.

Shumway said residents are asking what will be replacing the Burger King. Building Official **Eric Miller** recently told **Shumway** that the building has been leaking for years. If contractors are seen at the building, he would like to know, as he has been trying to get a hold of them.

Isaacson said people have been complaining about the traffic at Station Park during the holidays. **Mellor** suggested public transit as an option, and **Child** said an additional turning lane is needed. **Mellor** said all the roads are interior private roads, so he is not sure how he could force anything on Station Park. A light is coming to University in the future, as well as median on Park Lane for a right-in, right-out only.

Isaacson is worried about the safety of the narrow Glovers Lane. However, that is County property. **Mellor** said Farmington has looked at annexing that corner. The City would be willing to take on that road if Davis County gave Farmington the third quarter cent money. Before proposing this, **Mellor** would like to get the last disbursement paid by the State and Council of Governments (COG).

Regarding "no parking" signs being removed, **Mellor** said it is a legitimate complaint, but the City doesn't red-curb corners for site triangles. The corner in question on Glovers Lane is safe without signs or red curbing. Staff prefers to install "no parking" signs or red-curb areas for

everyone as a deterrent. He said Staff planned to remove the “no parking” signs near the high school after football season, but they were accidentally removed before that. The school district has created a problem, as students have to pay for parking and sophomores aren’t allowed to purchase a parking pass. Parking along the road is only a problem during school hours or a school event. However, people need to park somewhere, so they drive down Glovers Lane to find a spot. **Roberts** said this should be put on an upcoming work meeting agenda.

Shumway said one of her neighbors who had had raw sewage coming up in their basement recently received a letter that the Sewer District’s insurance is rejecting their claim. While they are not placing the blame, it may be better to go to Cherry Hill with their concerns. These are Farmington residents, and the City does participate in planning with the Sewer District at DRC meetings. She asked if Farmington could advocate for these residents. **Mellor** said Farmington Staff has suggested that the Sewer District charge impact fees to replace headwaters etc., but they pushed back. Farmington can have another conversation, but it is a precarious situation.

Mayor Anderson mentioned the recent elections, and that all three incumbents resoundingly won. That means the public likes what the Council has been doing.

Child said during his campaign, he heard residents expressing their gratitude for strengthening the police force. However, police pay is still lagging. **Mayor Anderson** said there will be an upcoming presentation about that.

ADJOURNMENT

Motion:

Child made a motion to adjourn the meeting at 10:40 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 Amy Shumway	X Aye	___	Nay

/s/ DeAnn Carlile

DeAnn Carlile, Recorder