

FARMINGTON CITY – CITY COUNCIL MINUTES

FEBRUARY 6, 2024

WORK SESSION

Present:

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

*City Attorney Paul Roberts,
City Recorder DeAnn Carlile,
Recording Secretary Deanne Chaston,
City Planner/GIS Specialist Shannon
Hansell, and
Assistant City Manager/City Engineer Chad
Boshell.*

Mayor **Brett Anderson** called the work session to order at 6:05 p.m.

MANDATORY ANNUAL TRAINING

The work session was held to train Councilmembers on Land Use Liability Open Meetings Ethics and Conflicts. City Attorney **Paul Roberts** presented the training.

The touchstone of land use law is that cities have police power to protect the welfare of their citizens. But the cases start from a fundamental position that property owners have a common law right to unrestricted use of their property. So zoning and land use restrictions are strictly construed, and permissions or exceptions are liberally construed in favor of the property owner.

Administrative decisions: Utah’s Land Use, Development, and Management Act (LUDMA) authorizes and governs land use and zoning regulations by cities and counties, and establishes mandatory requirements that local governments must follow. Land use applications result in land use decisions, permits, and approvals. Amendments to zoning maps and codes are called “land use regulations” and include Development Agreements. States want all Development Agrees to be legislative.

An applicant is entitled to approval of a land use application if the application conforms to the requirement of the applicable land use regulation, decisions, and development standards in effect when the applicant submits a complete application and pays fees. Pending ordinances are an exception when in the compelling and countervailing public interest. Pending ordinances are as advertised by the Planning Commission. The Planning Department can put a pending ordinance in place before an application is submitted.

The City Council must be cautious of potential liabilities while applying discretion to their decisions. An applicant either meets the requirements or they don’t. When there is a question of interpretation, courts do not defer to Council interpretations. Instead, they apply the rule liberally in favor of the property owner. A City’s legal costs to defend Council decisions are high. If litigation is required, Farmington will hire outside counsel. An applicant can allege damages if they are not allowed to develop. These sorts of situations can result in community acrimony.

Most often, bad administrative decisions are borne out of political considerations or public clamor. Sometimes they are close legal interpretations. **Roberts** encouraged elected officials to avoid risk. It is best to establish permitted uses without the need for administrative decisions. Appeals proceed to the administrative hearing officer instead of the City Council. This can deter some appeals.

Development Agreements are two-sided arrangements. Farmington usually only gives land use approvals or other concessions in exchange for some benefit that the development can bring to the existing or future community. This could be things such as low-income housing, open space, and some commercial uses. Sometimes the City agrees to do additional things, and sometimes these obligations stretch many years into the future. Sometimes Development Agreements are politically unpopular and lead to a change in elected leadership, or development has unintended consequences. The City has to honor its end of the deal or there would be a breach of agreement.

A worst-case scenario for a City in recent memory was Tooele City's breach of a Development Agreement that led to a judgement of over \$22 million. Compare this to Tooele's annual budget in Fiscal Year 2015 of \$18 million. Councilman **Alex Leeman** said the judgment established that a City can't impede a development and then tell the applicant they are in violation. To pay the judgement, Tooele had to raise property taxes by 114%. It was a \$403,000 annual judgement levy cost for 18 years.

Impact fees are Utah's way of establishing uniform standards for lawful exactions from new development. The analysis and procedures needed to enact them are specific and precise. A city's use of impact fees is strictly limited to what appears in the impact fee analysis. Impact fees are highly scrutinized by auditors. During periods of slow building, impact fees are also scrutinized and challenged by developers.

Councilmember **Scott Isaacson** said the State Legislature has their eyes on impact fees, especially as they relate to the affordability of housing. They may want to remove impact fees in the future. Without impact fee arrangements, sometimes the first developer in has to pay for infrastructure, City Manager **Brigham Mellor** said. That happened at The Ranches when the Boyer Company paid to build a water tank, and an impact fee was established later to pay them back.

All Staff are aware of restrictions on impact fees. Elected officials must ensure they do not try to spend impact fee money on ineligible projects. A city gets into trouble if they exaggerate the need for infrastructure or spend the proceeds on ineligible projects. Respect the sanctity of impact fees and avoid risk.

Regulatory takings happen when a government takes control of a property via regulation for the public's benefit. Factors courts consider include loss of all economic value and interference with investments. A downzone over the property owner's objection is not considered a taking because there are other economic uses that can be established in those zones. These are costly cases and a city may end up with either an injunction stopping the regulation, or a price tag to make the city pay for the affected property.

Costly litigation and conflict can often be avoided if those in positions of authority ask themselves both can and should I do it. Consider the effects of your actions and ensure they are legally defensible and morally justified.

Roberts conducted open meetings training for the Council. Agendas must be published 24 hours prior a meeting. Otherwise, the meeting cannot be held. If a topic is not on agenda, then the Council may not discuss it. If a topic is raised by citizen, the Council can address it in brief. Minutes must include who attended the meeting and the votes cast. Pending minutes are prepared within 30 days of the City Council meeting. For other bodies, it is within a reasonable time. Approved minutes must be posted online within three days, including materials relied upon to conduct the meeting such as the Staff-prepared packet.

Individual members of the body may participate in a meeting electronically, as long as there is an anchor location for that meeting. This location must be somewhere a citizen may physically attend to watch the public meeting. All members of the public body must be notified of the electronic format and be provided a description of how to electronically connect. However, exceptions apply. For example, no anchor location is needed during times of a pandemic, when 100% electronic meetings are allowed. Three or more Councilmembers are needed to hold a meeting. Emergency meetings are allowed with two hours' notice, which is mostly needed to notify members. By definition, meetings can include emails and text messaging. For that reason, Councilmembers should avoid discussions as a quorum outside a noticed public meeting.

Closed meeting are only permissible in limited circumstances. Recordings are made of most closed meetings, unless they involve deployment of security personnel, devices, or systems; or discussion of character, professional competence, or the physical or mental health of an individual. Closed session discussions should be kept confidential by participants. Any items distributed during such a meeting are generally designated "protected" under Government Records Access and Management Act (GRAMA). The Council could censure someone who discloses information presented in a closed meeting.

Roberts provided ethics training as well. Councilmembers, appointed officials, and elected officials are all in positions of trust granted by the people of Farmington City. Ultimately the people will hold their elected officials responsible for everything that employees do, good or bad.

City citizens have property rights granted them by the Constitution. They have the right to inquire into what government is doing and how it is working. They have the right to privacy. Applicants seeking land use approvals have due process rights. In a city setting, privacy rights usually apply in cases such as code enforcement or during the search of a home by the Police Department. Non-appointed merit employees have the right to due process, meaning they can't be fired for no reason. While appointed employees are employed at-will, non-appointed employees are not.

The chief purpose of City elected and appointed offices is to serve others. It is unlawful to use one's office to further their own personal economic interest or secure special privileges for others.

A gift becomes a bribe when a benefit is offered to influence an action, decision, vote, or exercise of discretion of a public servant. Campaign contributions are considered protected speech if the official doesn't take the money in exchange for a vote on a specific item. Non-pecuniary gifts worth less than \$50, campaign contributions, bona fide loans, and awards for service publicly given are not gifts under State law. Any gift that would tend to influence a reasonable person's decision in an official capacity is considered a gift.

Clear-cut conflicts of interest do exist. Examples include a Councilmember who owns a company seeking to sell a service to the city, and an employee who owns a business that is located in and regulated by Farmington. Even in those cases, abstention may be the best policy, although it is not required under State law. Disclosure of the conflict is sufficient to avoid penalties under State law.

Less clear-cut situations may arise. For example, a Councilmember's close friend owns property for which a zoning application is submitted, which could enhance the value of their property. In this situation, a Councilmember's decision should not sway from what is best for community. Another example is a sibling asking a Councilmember about a real estate transaction that is not yet public. Another example is a Councilmember considering repealing a law they themselves frequently violate. In these cases, disclosure is still wise, but may not be required unless it creates an actual conflict with the official's public duties. **Leeman** said there is no recusal requirement, only a disclosure requirement. **Roberts** said recusal or disclosure could lead to political suicide. He noted that attorneys have rules higher than State law.

If a Councilmember suspects an ethics violation, it is best to talk to the person personally. It may clear up misconceptions or help them see the conflict. Otherwise, report the item to the Mayor for investigation. Elected officials are subject to the Utah State Political Subdivision Ethics Review Commission. Less effective methods include accusing the official during a public meeting, badmouthing them on social media, spreading rumors, and complaining to those who have no power to correct the situation.

A city official who would like advice regarding questions of their own ethics or potential conflicts of interest may consult with the City Attorney. Allegations of unethical behavior about other officials are not investigated by the City Attorney.

When questioning ethics, City officials should ask themselves three questions: Can I? Should I? Why am I doing this? The same self-evaluation for litigation avoidance can also avoid ethical quandaries.

CLOSED SESSION

Present:

*Mayor Brett Anderson,
City Manager Brigham Mellor,
Mayor Pro Tempore/Councilmember Alex
Leeman,
Councilmember Roger Child,
Councilmember Scott Isaacson,*

*Councilmember Melissa Layton,
Councilmember Amy Shumway,
City Attorney Paul Roberts,
City Recorder DeAnn Carlile, and
Recording Secretary Deanne Chaston.*

Motion:

At 6:52 p.m., Councilmember **Roger Child** made the motion to go into a closed meeting for the purpose of acquisition or sale of real property.

Mayor Pro Tempore/Councilmember **Alex Leeman** seconded the motion. All Council members voted in favor, as there was no opposing vote.

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

Sworn Statement

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

 /s/ Brett Anderson

Brett Anderson, Mayor

Motion:

At 7:02 p.m., Councilmember **Melissa Layton** made the motion to reconvene to an open meeting.

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

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

REGULAR SESSION

Present:

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

*City Recorder DeAnn Carlile,
Recording Secretary Deanne Chaston,
City Planner/GIS Specialist Shannon
Hansell,
Assistant City Manager/City Engineer Chad
Boshell,
Police Chief Eric Johnsen, and
Fire Chief Rich Love.*

CALL TO ORDER:

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

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

Mayor Pro Tempore/Councilmember **Alex Leeman** offered the invocation, and the Pledge of Allegiance was led by Councilmember **Scott Isaacson**.

PRESENTATION:

Student Spotlight: Sarah Elliott, Ascent Academy

Mayor Anderson presented this agenda item. **Sarah Elliott** of Ascent Academy was nominated because she is an extremely hard-working student who is kind and caring towards others. As a student government officer this year, other students know that she is there for them and will go to her with questions.

Recognition of Shirley Harper

Police Chief **Eric Johnsen** presented this agenda item. The Farmington Police Department honored **Shirley Harper** for being a kind, generous resident. **Johnsen** said police officers' usual day is dealing with other peoples' worst day. People like **Harper**, who randomly brings flowers and treats, truly make a difference in such an environment. She randomly shows the Police Department random acts of kindness. **Johnsen** presented **Harper** with a flag that had been flown over the department throughout the 2023 year. **Harper** said that although her motto is that it is easy to be kind, this was an unexpected honor.

BUSINESS:

Shepard Lane Interchange Betterment Agreement

Assistant City Manager/ City Engineer **Chad Boshell** presented this agenda item. The Shepard Lane Interchange design is complete and has been bid out twice. The first bid was rejected due to the cost significantly exceeding the budget while only having one bidder. The second bid attempt resulted in similar results. However, the Utah Department of Transportation (UDOT) awarded the project to Wadsworth.

In April of 2023, the City approved a betterment agreement in the amount of \$105,783.40. The cost of these betterments has doubled with the project bid. If the City wants to continue with the betterments, it must cover the increased costs of \$94,975.68. The prior amount was budgeted for and paid to UDOT this year.

When UDOT does a project, a certain amount of funds are set aside for aesthetics and landscaping to be used by the City. There are two types of aesthetic funds and each has different restrictions on their use. The City was allocated \$350,000 for aesthetics. The City Council previously determined how these funds were to be used, and this agreement reflects those betterments chosen by the City. **Boshell** said the \$350,000 went quickly as the fence was of a quality to match the golf course at Oakridge Country Club. Lighting and a sign on the overpass was also originally included. Fencing, electrical, and lighting costs all increased. Staff recommends approving the agreement.

City Manager **Brigham Mellor** said that even though there was only one bidder, that does define the market. **Boshell** agreed, saying that UDOT has a lot of big projects in Salt Lake County, and contractors aren't currently hungry for this kind of work. Many companies have ongoing work for years to come. Per the agreement from last year, Farmington already paid UDOT \$105,783. If this is approved, Farmington will have to pay another \$94,975 unless otherwise directed by the Council.

Mellor said this will be a prominent entrance into the Farmington community. At the end of the day, the \$95,000 could be generated by the CRA2 redevelopment area when it begins generating money by 2027. This item may need to be floated until Farmington gets tax increment to pay themselves back. This is what Redevelopment Agencies (RDAs) are for. He is confident that the City can float this until 2027.

Mayor Anderson said the price for these betterments will only increase in the future. **Mellor** said that installing the betterments in the future would necessitate shutting down the freeway. The money could be taken from the street funds to be reimbursed by an RDA in the future.

Motion:

Leeman moved that the City Council approve the betterment agreement amendment No. 1 with UDOT in the amount of \$200,759.08 for various betterments associated with the Shepard Lane Interchange to be funded from street maintenance funds in the upcoming budget.

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

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

West Davis Corridor Landscape Cooperative Agreement

Boshell presented this agenda item. When UDOT does a major project, a percentage of the project budget is to go towards aesthetics and landscaping. For the West Davis Corridor (WDC) project, UDOT has decided to allocate the funds to each City for them to use how they deem

most appropriate. In order to receive the funds, each City has to enter into a Cooperative Agreement that dictates how the funds are spent and the maintenance responsibilities for the City. If agreed upon, the City will receive \$350,000 up front and an additional \$350,000 after the improvements are completed and verified. In order to receive these funds, the City agrees to the following summarized list:

1. City must consult with a resident working group to develop the landscaping and aesthetics plan.
2. The aesthetics plan must be submitted to UDOT for review prior to the start of construction.
3. The City will establish and maintain any and all landscaping and irrigation systems, and assume responsibility for the initial and ongoing utility billings.
4. The City will maintain non-Right of Way fencing located on the City side of trails.
5. The City will be responsible for the aesthetic appearance and graffiti removal from the noise wall within City boundaries. (Not clear on which side of wall, Staff feels that it should be clarified to state the outside side of the wall.)
6. Must complete work and expenditure by September 1, 2025.

The City has begun the process of creating landscaping plans and options, but will need to work with a resident group and elected officials to finalize improvements and plans. Staff recommends approving the agreement.

Boshell said he thinks it can get done by September 1, 2025. **Mayor Anderson** said he is concerned because even getting guardrails installed on a roundabout is taking a long time. The City does not have to match the money. A working resident group needs to be assembled, including two councilmembers.

Councilmember **Roger Child** asked if the landscape buffer is just visual, or if it will help address the noise complaints. **Boshell** said higher berm walls would cost \$750,000, so the allocated money wouldn't go very far. Residents were disappointed when the berms that went in were not as tall as they thought they would be. **Child** recently spoke with an individual representing a large portion of the affected population, and they are discussing citizen legal action against UDOT unless a solution is provided. They are really frustrated with the sound from the freeway out there. **Boshell** said it is important to keep in mind that Blackrock was approved after the Environmental Impact Study (EIS) was conducted, so that subdivision knew what they were getting.

Leeman said the things that help mitigate sound are walls that the residents don't want to look at. They are ugly and everyone hates the idea of them. **Boshell** said a study may show that walls aren't needed because they already have berms. Councilmember **Amy Shumway** said that Councilmembers may need a fieldtrip to see the actual impact.

Boshell said that Farmington had J-U-B Engineers conduct a study to get ideas, and there is not enough money to fund the whole thing. So, Staff identified points of access where people will be driving by and pedestrians will be accessing the trail. Doing berms would be a wasted cost. A lot of money was spent on the former berms on I-15. When I-15 is expanded, the land where the berms are will be needed, so berms will be removed and sound walls installed.

Child said Farmington should be cautious to not position the City in a role of responsibility. **Leeman** agreed, saying Farmington will not accept liability for walls.

Boshell said there has been too much turn-over with UDOT. Whatever landscaping Farmington puts in with this money will be theirs to continue to maintain. He has determined that berms for noise mitigation work differently depending on the area. More sound is heard on the east than is heard on the west side of the City.

Isaacson identified some problems with the proposed cooperative agreement including the area identified and the total owed to Farmington. It needs to go past Glovers Lane on the south instead to where North Davis Corridor enters the City; and Farmington should get a total of \$700,000 in two payments of \$350,000 each. The City should not be responsible for going onto the freeway to clean graffiti. **Boshell** said these should be changed.

Motion:

Shumway moved that the City Council approve the Cooperative Agreement with UDOT for the landscaping improvements and maintenance responsibilities for the aesthetics and landscaping funds that will be allocated to Farmington City, with amendments proposed by **Isaacson** including changes to Items 1, 6 and 8 in the contract, as well as the dollar amount.

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

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

Mayor Anderson asked Councilmembers **Layton** and **Leeman** to sit on a betterment committee with **Spencer Moffat**, **Greg Daly**, and a Hunters Creek Homeowner’s Association (HOA) representative. He would like a total of six members of the public on the committee. **Mellor** volunteered to handle administrative items and recruit Staff members to help this committee.

BellaVista Drive Extension Interlocal Agreement

Boshell presented this agenda item. Fruit Heights will be constructing a road that connects 1800 West in Fruit Heights to Bella Vista in Farmington. This connection improves emergency access, provides a second point of access for residents on Bella Vista, and gives access to the Fruit Loops mountain bike park.

The project is funded through various sources for the Fruit Heights portion. Approximately 40 feet of road needs to be constructed in Farmington to extend Bella Vista to the City boundary. Fruit Heights has asked Farmington to cover this cost, which is estimated at \$14,000. Staff recommends approving the agreement, with payment of the costs coming from street maintenance funds.

Layton questioned if the relocation of an existing fence would really cost \$6,500 as included on page 46 of the packet. **Isaacson** said that the contract has Farmington paying a fourth the costs on one page, but half the cost of advertising on another. **Boshell** said it is not worth fighting

over, so he hadn't inquired about it yet. **Isaacson** asked City Attorney **Paul Roberts** if it is easy to waive statutory immunity as asked for in the agreement. **Roberts** replied that they do it for Farmington, so the City can do it for them. **Mellor** mentioned that Fruit Heights is getting a new city manager.

Motion:

Leeman moved that the City Council approve the Interlocal Agreement with Fruit Heights City for the extension of Bella vista Drive with the cost to be paid from street maintenance funds, and appropriating the adjustments discussed.

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

Mayor Pro Tempore/Councilmember Alex Leeman	X Aye	<input type="checkbox"/> Nay
Councilmember Roger Child	X Aye	<input type="checkbox"/> Nay
Councilmember Scott Isaacson	X Aye	<input type="checkbox"/> Nay
Councilmember Melissa Layton	X Aye	<input type="checkbox"/> Nay
Councilmember Amy Shumway	X Aye	<input type="checkbox"/> Nay

Award Contract to FFKR for Comprehensive General Plan Update

Planner and GIS Specialist **Shannon Hansell** presented this agenda item. The City Council has previously allocated up to \$100,000 to update the General Land Use Plan in the Fiscal Year 2024 budget. After distributing a Request For Proposals to a wide range of land use planning consultants and firms, the City received seven proposals for services to complete a Comprehensive General Plan update. Seven bids ranged from \$96,750 to \$100,000, with FFKR's coming in at \$99,975.

The Farmington Comprehensive Plan was amended in 1993 and was most recently updated in 2008. The General Plan is essential to guiding the growth and development of the community. The General Plan is separated into sub documents which address components like parks, trails, downtown, transportation, and others. Many of these components have been updated more recently, namely the Farmington Station Area Plan and Moderate-Income Housing Plan. Additionally, updates are planned or ongoing for the Parks Master Plan and Transportation Master Plan. The purpose of this General Plan update is to review, rewrite and refresh the main document itself, as well as create a more user-friendly iteration of the plan that is currently wordy and long.

After receiving proposals, a Selection Committee was formed. The Committee members included **Shumway**, Planning Commissioner **Frank Adams**, **Hansell**, Planning Director **Lyle Gibson**, Community Development Director **David Petersen**, and **Boshell**. The Committee selected FFKR as the preferred consultant to assist in the update. Deciding factors included experience with similar projects and qualifications of the proposed team, adherence to proposed budget, and project understanding and approach. The committee liked the proposal because it showed understanding of the current plan, and the project team had significant experience. **Susan Petheram**, associate senior planner with FFKR Architects, specifically has experience with form-based code stretching to a decade ago.

Mayor Anderson said this is something residents have been interested in for quite some time. This is an important opportunity to get the public engaged, obtain their feedback, and map out the future of Farmington. The General Plan update will lay out where certain land uses are expected and planned for.

Hansell said this update is budgeted for Fiscal Year 2024. While the RFP mentioned a start date of January and completion date of July of 2024, she thinks it is more appropriate to expect the update by the end of the 2024 calendar year. **Isaacson** said he wants to allow proper time to get the public involved.

Hansell noted some typos in the table Attachment C on page 69 , but said the total would be not more than \$100,000.

Shumway said she looked over the plan, and it will be no small task. Staff did a fantastic job coming to a consensus and figuring out what they want. It was well thought out. While sitting on the legislative policy committee, she has seen many times that something is not permitted unless it is in the General Plan, so it is important to get this right. If a particular design or style is desired, it should be included in the General Plan.

Mayor Anderson mentioned that the State Legislature has a checklist of things they want to see in the General Plan. **Roberts** said the consultants will make sure those are covered. **Hansell** said there is also a specific water element the Legislature also wants to see in the General Plan. **Child** said he wants to see the Historical District on Main Street included in the General Plan update.

Motion:

Child moved that the City Council approve the contract and proposal from FFKR for the Comprehensive General Plan update for up to \$99,975.

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

Mayor Pro Tempore/Councilmember Alex Leeman	X Aye	___	Nay
Councilmember Roger Child	X Aye	___	Nay
Councilmember Scott Isaacson	X Aye	___	Nay
Councilmember Melissa Layton	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: Plat Amendment – Segó Homes at Station Park Phase 2 – 1st Amended. During the construction of units in Phase 1 of the project, Segó encountered complications related to building code requirements and some of their desired rooftop elements. In light of this, Segó Homes is planning to build a similar but different unit type on a limited number of units to better meet building code. This requires that the buildable area be enlarged slightly to accommodate the larger unit type being proposed. Segó has also determined their preference in mirroring four units from their original orientation.

- Item 2: UTA Lagoon Trolley Service Agreement 2024. Utah Transit Authority (UTA) services the Lagoon Shuttle, and Farmington pays the fare to allow riders to ride for free. This facilitates access for visitors across I-15 to and from Station Park. In the absence of a pedestrian walkway across I-15 at Park Lane, the trolley is the only safe route for pedestrians to cross the freeway at this location. The costs for the trolley have risen 19% this year. In response, the County has provided a tentative letter stating that they are looking to provide 31% of the cost coverage beginning January 1, 2025, which more than makes up for the increased cost. Based on the ridership data provided by UTA, the average cost to Farmington for each rider will now be 68 cents. **Mellor** said it was a quick conversation with the Davis County economic development director, who said when the Western Sports Park opens up, he foresees this service will be used a lot and will go beyond summer ridership. The vast majority of ridership is exclusively people using it to go to work every morning by accessing FrontRunner. As many as 30 Hampton Inn patrons rely on the service each day. **Shumway** said winter sports tournaments will use this service. After 2026, the County wants to turn the DMV property into a hotel.
- Item 3: Surplus Vehicles. The Public Works Director would like to surplus three vehicles including a 2011 Dodge Charger, 2015 Ford Explorer, and 2005 Chevrolet Colorado. The vehicles have already been replaced.
- Item 4: Historic Preservation Commission Term Length Code Amendment, increasing the term length from three to four years.
- Item 5: Resolution appointing new Planning Commissioner **George Kalakis**. **Mayor Anderson** said he is former military with a calm demeanor and he meets the needed northeast/Compton bench geographic demographic. He will attend as the Commission's newest member this Thursday.
- Item 6: Approval of Minutes for January 16, 2024.

Motion:

Child moved to approve the Summary Action list items 1-6 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 Alex Leeman	X Aye	___	Nay
Councilmember Roger Child	X Aye	___	Nay
Councilmember Scott Isaacson	X Aye	___	Nay
Councilmember Melissa Layton	X Aye	___	Nay
Councilmember Amy Shumway	X Aye	___	Nay

GOVERNING BODY REPORTS:

City Manager Report

Mellor reminded Councilmembers about the retreat on March 1 starting at 2 p.m.

Mayor Anderson and City Council Reports

Layton said she has had a lot of residents ask her about the potholes on Main Street, and she has told them it is not a City road. **Mellor** said when holes are filled in the winter, they will likely come back out. The project is already \$4 million over budget, and it just keeps going over.

Farmington has kicked in almost \$1 million of City money, in addition to money provided by Davis County and the Wasatch Front Regional Council. The one group not putting in any money is UDOT. **Boshell** will check into UDOT putting money into it. If UDOT is not willing, **Mellor** and **Boshell** will sit down and have a conversation with the Region 1 director. Otherwise, Farmington will scrap it even though it is not in the best interest of residents. Even though it is not a Farmington Road, the City put in money because it is vital infrastructure in the community. It was initially funded, but after going through the design work and going to bid, everything became more expensive. Farmington is also seeing this with the Fire Station bid that went from \$11 million to \$16 million. **Boshell** followed the bus on Main Street one day, and it was dropping people in the mud of pot holes. Something has to give, so some political pressure may be needed. It is \$4 million over budget, UDOT is putting in nothing, and 12,000 drivers use the road every day.

Child asked if Farmington could accelerate the replacement of utility lines while Main Street is torn up. **Mellor** said at this point he is only talking about refinishing the road, as utilities were not part of the bid. **Layton** asked if the School District could be part of the discussion, as there are no sidewalks on that road. **Mellor** said he will direct Staff to look into that. **Mayor Anderson** said this is a hot-button topic.

Shumway asked about the road being ripped up behind the Mercedes dealership. **Mellor** said it was blocked off so people don't get stuck while construction is going on. **Shumway** said that Farmington's lobbyist, **Eric Isom**, is doing a good job during the Legislative Session. The billboard bill language has now reverted back to the original committee language, taking billboard company representatives out of the mix.

Leeman said residents in his neighborhood have been pleased with the new West Davis Corridor and 950 North. They like the trees planted every 12 feet in the park strip, as they will contribute to a great look and aesthetic. The signage issue will need to be addressed at some point so motorists getting off at 950 can figure out how to get to Station Park. **Shumway** said a past transportation committee wanted a city-wide sign plan. **Leeman** asked if signage could be part of the betterment plans. **Shumway** said that Davis County may be interested in that, as they need signage to their own offices and facilities. **Mellor** mentioned the custom signs recently placed in the Ogden Valley, as well as those in Park City. It is good to have a theme, and it may be an element of the General Plan.

Leeman said residents on Burke Lane, Springville Lane, and 1875 have been seeing some changes in traffic patterns, as well as alleviation in traffic. They recognize that drivers are spreading out more through the business park to get to the high school. He asked **Mellor** and Staff to provide a short schedule of anticipated construction, such as when construction of the interchange will begin, on a weekly or monthly basis.

Child said that he would like to address budget issues during the Council's off-site retreat. He is concerned that revenues are 12% less this year, which may lead to some painful decisions. **Mellor** said that by the end of February, December sales numbers will be in and can lend better understanding to the overall budget. He expects to talk extensively about the budget at the retreat.

Child asked for an update on the Main Street Historic District. **Mellor** said it sounds like it is going well, and he plans to have an update in a future work session.

Mayor Anderson said that State is now requiring counties to have a homeless shelter. The State is asking for a certain date for counties to have a plan in place for Code Blue, when the homeless don't have a place to go during extreme cold temperatures. Some counties plan to address this with tent cities. Tooele purchased and repurposed an old elementary school, where apartments have been built and services for sobriety, counseling, and job searches are present. The repurpose efforts cost \$30 million and resulted in a "gold standard" solution, not just a place to live. It is not like a typical homeless shelter, and the neighbors like it.

Davis County put together a task force, complete with three mayors. **Mayor Anderson** said the mayors are wrestling with what to do. The legislature created this requirement but didn't fund it, which they have addressed with legislative appropriations. Some counties give hotel vouchers, others house homeless in warehouses. Kaysville came up with an idea to use buses. There has been a rumor that the committee is considering Davis County Fairgrounds for a homeless shelter. He reached out to Davis County Commissioners lately, and they verified that is was pure fallacy. Kaysville is worried that the emissions building is underutilized, and there is hesitancy there. Every city is feeling the pressure. It would be preferable that the shelter be near transit, hospitals, and other social service needs. There is an old elementary school being discontinued in Sunset.

Child said it is a challenge to define who is homeless. As a City, Farmington has approached affordable housing by allowing basements to be turned into apartments. He would like to get recognition and acknowledgement for trying to enact City policies that are pro-affordable housing. **Isaacson** said there are other community resources that could assist with the homeless population, such as those provided by the Church of Jesus Christ of Latter-day Saints.

Leeman said he used to live south of the Gateway in Salt Lake City, where he encountered a lot of homeless individuals. That element will go wherever the perks are the best. Handing out hotel vouchers may not be a good idea if the hotels don't check for guns and drugs. There are homeless associated with rehabilitation centers vs. shelters for those who encounter hardship. If homeless individuals roam around Station Park, people won't want to shop there. This would cause the tax base to decrease while police expenses increase. He feels Farmington has already done its fair share to address this problem with its battered women's shelter, jail, and justice center all located within City boundaries.

Child said the services for homeless high school students have been great. He is concerned with the mental illness element of homelessness, and feels the state needs to take responsibility for that as well. **Isaacson** said it is a multifaceted problem without a single solution. Mentally ill people are on the street when they should be institutionalized.

ADJOURNMENT

Motion:

Shumway made a motion to adjourn the meeting at 8:49 p.m.

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

Mayor Pro Tempore/Councilmember Alex Leeman
Councilmember Roger Child
Councilmember Scott Isaacson

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

Councilmember Melissa Layton
Councilmember Amy Shumway

X Aye ___ Nay
X Aye ___ Nay

/s/ DeAnn Carlile

DeAnn Carlile, Recorder