

FARMINGTON CITY – CITY COUNCIL MINUTES

February 20, 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,
Community Development Director Dave
Petersen, and
Assistant Community Development
Director/City Planner Lyle Gibson.*

Mayor **Brett Anderson** called the work session to order at 6:00 p.m.

PARKING SIGN DISCUSSION

City Manager **Brigham Mellor** said after looking at maps and engineering standards, The City recently painted Glovers Lane grey on the south side and took down two “no parking except for adjacent property owners and their guests” signs. At the Council’s October meeting, it was decided to take down “no parking” signs in other areas.

Farmington High School can’t park all their students in its parking lot because they don’t want to. Sophomores aren’t allowed a parking pass since they can’t legally drive friends. If students have a “U” citizenship grade, they can’t obtain a parking pass, which costs \$5.

Mellor said he has learned some lessons from this. The police were worried that the signs were unenforceable, as it is difficult to know who is a property owner and a guest. The Police Department doesn’t have time for that. Councilmember **Alex Leeman** has said that it is a deterrent rather than something to enforce, and it has worked up to this point. However, City Staff proceeded to take the signs down throughout the City.

Now **Mellor** feels the need to put them back up on Doberman and 475 West, but not all department heads would agree with him. However, those department heads haven’t fielded all the calls he and **Mayor Anderson** have. Staff did recently resolve the issue of insufficient parking by keeping on-street parking on both sides of Glovers Lane.

The widening of Interstate 15 (I-15) will impact those neighborhoods, and the coming impact of the Western Sports Park is still unknown. Taking down “no parking” signs along 1100 West is premature and potentially problematic. **Mellor** said you don’t add 175,000 square feet of indoor recreation space and not have parking needed. The access points for the sports park aren’t totally developed yet, and no one is sure how it will impact traffic patterns. He feels the City is a ways off from having permitted parking enforced by the Police Department. Councilmember **Amy Shumway** said the Utah State University/Logan area only allows two permitted parking spots per residence and no guests, and how it is conducted can be problematic.

Councilmember **Scott Isaacson** told **Mellor** that he should have spoken with the neighbors before the “no parking” signs were initially removed. He agrees with putting the signs back up, or considering a time limit for the parking prohibition during school hours. On 1100 West where he lives, there is no sidewalk on his side of the street, which is a safety concern. **Leeman** said he supports putting them back up as long as everyone is realistic about the enforcement. **Isaacson** noted that Farmington has a lot of ordinances on the books that they don’t enforce, and are only meant as deterrents.

Mellor said that according to the traffic engineer, the site line starts at the travel lane rather than the line painted at the stop sign. He said the police won’t get a motorist for running a stop sign if they stop before going into the travel lane. The City doesn’t paint corners within a site triangle. He said he will try to have the signs back up this week.

HISTORIC LANDMARK DISTRICT UPDATE

Community Development Director **Dave Petersen** shared an update on the Historic Landmark District that extends from 600 North to 200 South. There are some demarcation line issues with State Street, with seven properties to the south of State Street. **Isaacson** said he would like to know the history of those who live to the south.

Petersen said Staff met with the “northerners” on Jan. 22 and Feb. 8, 2024. Those to the north of State Street are mostly zoned Original Townsite Residential (OTR), while the “southerners” are zoned Multiple-Family Residential R-4 and R-8. The southerners had a separate meeting with City Staff on Jan. 29 and Feb. 5.

Petersen said the history is that some residents didn’t want duplexes, and wanted only single-family homes. The OTR Zone provides four guidelines: front porches, non-dominating garages, very few second-story additions, and no vinyl fences. Farmington has stuck to that. Based on past feedback, the desire to preserve the look and feel of Main Street seems universal. Starting with the 1850s, every 15 years the housing style changes, but some elements have remained the same. At the recent landmark district meetings, 10 to 11 slides of traditional historic homes were shown, along with eight to nine slides of homes built in the OTR zone since 2002. The new homes had porches and garages positioned correctly. The ordinance encourages modern build that still preserves the look and feel of Main Street, so the zone is working.

In the meetings with the southerners that are zoned R-4 and R-8, Staff showed that the line of bungalows with large sycamore trees looked cool. It is not seen on other Main Streets of other cities, and gives Farmington character and ambiance.

In the existing landmark situation, homeowners would need a certificate of appropriateness (CA) from the Farmington City Historic Preservation Commission, or an architect/professional at the discretion of the City (as amended in October) to do minor repairs, alterations, additions, relocations, and demolitions. A lot of people are spooked at going in front of a Commission of seven people, especially when those people don’t know what makes a home a contributing property or not. At the recent landmark meetings, **Petersen** offered that the City could write an amendment saying no CA would be required except for relocations and demolitions. He also informed residents how much flexibility the Planned Unit Development (PUD) ordinance now offers, allowing them to deviate from the standards of the underlying zone as approved by a legislative act. However, it is cumbersome for a property owner with 1,800 square feet of land to

go to three public meetings. **Petersen** is proposing to do so on a Staff level, aligning with the new subdivision ordinance and changes in Chapter 27. This would allow for quicker decisions. These proposed changes appealed to many.

He said he presented three doors to those at the recent landmark meetings. Door A: no landmark district. Door C: full landmark district. Door B was a proposed in-between with no CA for relocations and demolitions. A row of duplexes may not fly with the City Council. A 82.5 foot wide narrow lot would not have space for a standard duplex, but it may have space for a stacked two- to three-story townhome.

Petersen said the “southerners” agreed they liked Door B, which would still allow them to qualify for both state and federal benefits. Door B prohibits demolishing an existing historic bungalow to make way for something inappropriate. The existing home is an asset, and an additional detached building could be added to the lot.

The recent landmark meetings informed residents of the tax benefits landmark districts offered them. Some non-cost-prohibitive changes could be made to homes that would change current noncontributing homes into contributing structures. Before a parcel could be considered two lots, 20,000 square feet would be needed. There are 25 parcels in the northern area that meet this criteria, all on the west side. This means that Lagoon has a lot of them, and Lagoon representatives understood that if the historic home were preserved, future generations could get a payback.

At the Jan. 22 meeting, 30 people attended. **Petersen** said this doesn’t equal a majority of the property owners in the proposed landmark district. The residents admitted they weren’t out in numbers during the fall and December 2023 meetings. So **Petersen** asked them what the City Council was supposed to think.

Isaacson was concerned that not requiring a CA for additions and alterations would open the door quite a bit. He would like a clear definition of “alteration.” Councilmember **Roger Child** agreed, adding that an alteration would be anything that substantially adjusted the look of the home. He said the residents are coming along, and Staff should be careful not to take their rights away. **Mayor Anderson** said residents previously felt hurt and that the landmark district was proposed to be approved as a summary action item, which to them felt like it was “under the cover of darkness.” It is good to come up with a compromise and carefully move forward with a zone text change, careful to define alterations and additions.

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,
Community Development Director Dave
Petersen,
Assistant Community Development
Director/City Planner Lyle Gibson, and
Arts and Special Events Tia Uzelac.*

CALL TO ORDER:

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

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

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

PRESENTATION:

Legally Blonde Jr. performance

Mayor Anderson presented this agenda item. About a year ago the City Council started inviting people to Council meetings to share their talents. As it was originally Councilmember **Scott Isaacson**'s idea, they call it the "Isaacson hour." It sets a good tone for the Council meeting. **Avery Nobles** will direct the play from Feb. 28 to March 2 at 7 p.m., with a Saturday matinee at 2 p.m. Tickets can be purchased on the City website.

Isaacson said that many citizens don't know what goes on at City Hall, which can see some contentious issues. He wants citizens to have a happy experience as well as get a sense of what goes on here. He said the play presents youth with an opportunity to develop talents and make friends.

BUSINESS:

Zone Text Amendments – Updating Provisions Related to Home Occupations

Assistant Community Development Director/City Planner **Lyle Gibson** presented this agenda item. There are three things this proposal accomplishes. 1) Bring the code into compliance with applicable State statues related to the prohibition on the sale or repair of firearms.

2) Clarify the relationship of the business location related to the business owner's place of residence. A recent application considered whether or not a property owner could operate a business from another residential property on an adjacent lot which they also owned. It has been the course of City operation for years to only issue a license to a home occupation at the business owner's place of residence. However, it has become apparent that the language in the code could be more clear to further enforce this way of regulating business. **Gibson** said he expects a future

application for a home business being operated on property next to where the owner resides, and this can be considered using an exception process decided by the City Council.

3) Staff is proposing that preschools, home daycare, and group lessons be moved from the conditional use to the permitted use category. Currently these uses with eight or less students are allowed as permitted uses, but larger groups up to 16 individuals require conditional use approval. Conditions are usually the same with each application, primarily related to management of traffic during drop-off and pick-up times. These don't come up too frequently, perhaps because applicants would be hesitant to go through the process to get a conditional use. This change would make the process more approachable and understandable without the need for a public hearing, and traffic provisions could be codified.

Child questioned whether the sale of new products should be prohibited at barbershops and beauty salons. **Shumway** agreed that the proposed language is too restrictive, as a beautician license is often required to obtain certain products. **Isaacson** agreed. **Gibson** said there are limitations of how to display and advertise products. If Farmington is aware someone is selling a product, they can ensure that the appropriate sales tax IDs are in place so the City can obtain the appropriate tax. He said the number 16 for preschool and day care reflect the State's limitation for child care licensing and certification. **Isaacson** said if a term is capitalized, it should be defined. In his review of the proposed language, the term "home occupation" is never defined, so it should not be capitalized every time it is used. It needs to be consistent.

Motion:

Child moved that the City Council approve the enabling ordinance (enclosed in the Staff Report) amending Chapter 11-35, Home Occupation, with the exclusion of incidental products sold at barbershops and beauty shops, and with the correct capitalization of home occupation.

Findings 1-3:

1. Finding 1: The proposed text amendments to the City ordinance clarify and eliminate a conflict with applicable provisions in State Code.
2. Finding 2: As proposed, the changes reflect what Staff believes was the intended direction of previous City Councils in clarifying the relationship of a home occupation to the resident of a property.
3. Making consideration of larger group classes a permitted use rather than a conditional having identified additional standards follows a best practice to encourage residents to follow through with needed approvals and reduces risk to the City found in the conditional use process.

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

Shumway said she is grateful there are people with the mindset and skills to review and propose ordinance language.

SUMMARY ACTION:

Minute Motion Approving Summary Action List

The Council considered the Summary Action List including:

- Item 1: Plat Amendment – Hidden Farm Estates. It is not often that a lot is removed.
- Item 2: Approval of Minutes for February 6, 2024

Motion:

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

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

Mayor Pro Tempore/Councilmember 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 said he was contacted by the Utah Department of Transportation (UDOT) last week about writing a de minimis letter regarding the widening of I-15. The two parts that would be in the way are the South Skater Park and the Ezra T. Clark Park. There are two different versions of impact: eliminate the park completely, then bring back to some degree; or basically take half an acre on the further west edge of it. Staff (**Petersen, Gibson, Mellor**, assistant City Manager/City Engineer **Chad Boshell**, and City Attorney **Paul Roberts**) is preparing a letter to come from the Mayor that will also include the things that need to be addressed. A sewer lift station will need to be moved further east at the skate park. The Council will further discuss this at their upcoming retreat.

Farmington wrote an earlier de minimis letter explaining the impacts from the coming West Davis Corridor (WDC) in 2017. Now seven years later, the park is still not done. That doesn't mean Farmington will have a replacement. Some impacts won't be determined until the freeway is finished. **Mellor** will make sure the Council sees the letter before **Mayor Anderson** signs it. While discussion of WDC took eight years, this project is moving much quicker. **Mellor** said he would be surprised if the I-15 widening project took beyond five years. It was funded in the last legislative session, and sources have been allocated to the project.

Mayor Anderson brought up the fact that they don't want ordinary sound walls, but improved ones. **Mellor** said that even sound walls take a lot of time, effort, and money. They want to make sure they are on the proper side of the frontage road and that they are on par with what is already there with berms, planter boxes, and stamped concrete. Councilmember **Melissa Layton** said residents of that neighborhood are really concerned.

Mayor Anderson said this letter will be planting the seeds that are to be harvested in a year or two. It lays out what Farmington is looking for so there are no surprises. **Mellor** said the South Park sewer lift station needs to move further in. Public Works has mentioned that there is not adequate drainage for the softball field, so this could be an opportunity to improve that playing field. Replacement of the skate park is still being considered. **Leeman** said most skaters are offended by Farmington's skate park. **Mellor** said it does get used, but not in the way it was designed.

While putting together final bid documents, the architect for the future park near the business park brought up that they want to include a good name for the park. The bids go out this Friday, and **Mellor** encouraged Councilmembers to provide park names by Tuesday. A final decision can be reached during the upcoming retreat. The name of the new park can be changed up until it is put into an official sign. The unique splash pad element of the park has water jets on each leaf of a tree. There will be tree installations (one that is 35 feet tall) and two orchard areas, so perhaps a tree theme can be considered.

Mayor Anderson and City Council Reports

Child said days rarely go by that he doesn't get a complaint about the road conditions on Main Street. The pothole at the 200 West on-ramp is enormous. He tells residents it is a State Road, not a Farmington road. He would like a calendar date to provide to the people. He also wonders if the time is right to address utilities lines in Main Street. **Mellor** said there is a problem with the funding, as currently there is a \$4 million gap. The only real funding resource is for UDOT to come up with the capital at this point. As for timing, he thinks it should be end of next summer or early spring, but **Boshell** would be the best person to answer that. It is all up in the air. **Leeman** said UDOT is telling people it is a 2025 project. He said Main Street is beyond its service life, and Farmington is the oldest section of that road. Contractors will come out and fill a pothole that has been reported, but not fill one next to it because it hasn't been reported. In this way, UDOT never gets ahead.

If Farmington were to make repairs and ask UDOT later for a reimbursement, **Mellor** said Farmington would still be liable for those repairs. He suggested instead passing complaints on to UDOT, as in the long run that feedback may work in Farmington's favor. Some 12,000 motorists a day use Main Street, compared to 200,000 a day using I-15. He said he doesn't understand UDOT's strategy here, and the department has had a lot of turnover lately.

Child said according to the neighbor across the street from the tennis court off Glover Lane, the club has changed the neighborhood out there. They are in the process of building a second court, and traffic is parking along the street. **Child** said he will be slow to approve a Conditional Use Permit (CUP) on something like that again in the future.

Mellor said Ace Athletics recently took their permitting frustrations to the State Legislature, talking about Farmington as the problem child. A stop work order was issued on some of their stuff when digging became wet. Since they are not contractors or developers, they are unfamiliar with the process. **Boshell** took **Mellor** out there on Thursday, and nobody was doing work.

Leeman addressed the park strip trees that get planted by developers and then die in the first spring, asking who replaces those trees. There is always a percentage of them that die. **Mellor** said the City only requires landscape bonds of commercial developers, not residential

developers. This bond is released after one year, often before the trees die. If the City doesn't notice it in that year, their leverage is lost.

Isaacson said he attended his first mosquito abatement meeting and was surprised to learn that if they are not trimmed properly, sycamore trees can harbor mosquitoes. Davis County gets more mosquito budget than any other county in the State because they have more shorelines and marshes. He wanted to make sure that someone replied to the email from a citizen asking about the pool. He noted that Feb. 29 is the first General Plan meeting he has been invited to.

Mellor noted the Parks, Recreation, Arts and Trails (PRAT) meeting tomorrow at 6 p.m., where representatives will meet with designers for the Old Mill.

Layton said there are a lot of very upset people due to the new Fruit Heights road. Farmington residents were rightfully frustrated that they didn't know, and she thinks the City should have done something to inform them that it was in the works. **Mellor** said Farmington didn't know when Fruit Heights was doing the project, and the City did speak with the upset residents. If this had been a Farmington project, it would have been approached differently. Fruit Heights recently fired its City Manager, and there is an interim manager serving now. He said Farmington welcomes dialogue more than it shuns it.

Mayor Anderson asked Councilmembers to be prepared to address ever-increasing wages, flat-lining sales tax, and requests for a gym at their upcoming retreat.

Leeman said it would be useful to have an anticipated schedule and regular estimated update on projects throughout the City including the business park and apartment projects. **Isaacson** said that according to a recent Development Review Committee (DRC) meeting, it looks like the Everly apartments might start soon on the Evans property. **Mellor** said Evergreen is still in regular contact, and they are saying March or April. **Mayor Anderson** said everyone wants to know when Maverik will be built. **Mellor** said he could have an answer before the retreat, as he has an upcoming meeting with Wasatch Properties.

ADJOURNMENT

Motion:

Shumway made a motion to adjourn the meeting at 8:14 p.m.

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

/s/ DeAnn Carlile

DeAnn Carlile, Recorder