

CITY – CITY COUNCIL MINUTES

September 3, 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,
Assistant Community Development
Director/City Planner Lyle Gibson,
Assistant City Manager/City Engineer Chad
Boshell,
Police Chief Eric Johnsen, and
City Lobbyist Eric Isom.*

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

E-BIKE DISCUSSION

City Manager **Brigham Mellor** said there are different classifications of electric bikes (e-bikes) including Class 1, 2, or 3. The City's focus is not on pedal-assist bikes. The most significant problem is young kids without licenses driving electric bikes that don't pedal, or electric motorcycles that can go 50 to 60 miles per hour (mph). Even those traveling at 28 mph are a problem.

Police Chief **Eric Johnsen** said youth are not eligible to ride on sidewalks without parental supervision. Even pedal-assist e-bikes are problematic on sidewalks. It is clear in the current City statute that the City can create their own ordinance eliminating the use of such vehicles. If they are eliminated from sidewalks, it would push kids into the roads, which could make the problem worse. Those under 14 years old should not be operating a pedal-assist bike without parental supervision.

Sur-Ron is one brand name for these e-bikes that usually don't come with pedals, although they can be special ordered with pedals. These are not a Class 1-3 e-bikes, and he would call them motorcycles. The Farmington Police Department impounded one a couple of weeks ago after the 13-year-old owner had two offenses, and the whole group of kids he was with tried to run from an officer at Station Park. **Johnsen** instructs his officers not to chase the bikes. These vehicles cannot be used on the public road. After the parents refused to come pick up the bike, the Police Department impounded it. The Department of Motor Vehicles (DMV) is not sure what to do with these once they are impounded because they are not street legal, so there is no sense in registering them.

Councilmember **Alex Leeman** joined the meeting. He said the only legal place to ride them is in the mountains. However, motorcycles are not allowed on Forest Service trails. Pedal-assist bikes are allowed on the trails.

Councilmember **Amy Shumway** said she is surprised that the State Legislature hasn't done anything about this yet.

Johnsen said a statute went into effect May 1, and parents are not sure what they can and cannot do. This will be the focus of a future newsletter article.

Mellor said it is a precarious situation. In this case, paying \$400 to get the bike out of being impounded was not a deterrent, as the 13-year-old rode it to school the next day. **Johnsen** said he doesn't want to hammer people with impound fees; he is just concerned with safety. **Mellor** said now that pedestrians can get up to speed a lot faster on e-bikes, site triangles pose a danger. There was a bad accident last week that involved three minors riding electric bikes. These children are in junior high and don't know traffic laws. The City also cited an adult male for driving on the sidewalk.

Councilmember **Scott Isaacson** is concerned about the innocent adult who accidentally hits a child. He had a neighbor who accidentally killed a pedestrian, and it devastated her.

Councilmember **Roger Child** suggested allowing kids without a driver's license to ride these within a certain distance of their home. Riding them on their street or in their neighborhood is different than driving them to work or school. Children need a place to test their bikes and learn how to ride them. Teaching them with parental supervision on residential streets that are not main collectors should be permitted. If the kid wants to go beyond 100 yards of his own driveway, he should go through a licensing and education process through the City.

City Attorney **Paul Roberts** said it is State law not to operate different types of bikes within certain ages. However, selecting busier areas to control and patrol is legitimate. **Mellor** does not want it to be seen as non-uniform enforcement. Since every officer is different, the level of discretion will not be the same. Current enforcement even now does not want to slap kids with fines. **Johnsen** is not interested in making money on nominal impound fees at the police station. The City would like to focus on education and safety, not being Draconian. He is surprised with how e-bikes have become quieter and faster in the last five years. They have gone under the radar because they are quieter. **Child** said when he was a kid, it was go carts, but they were very noisy.

Johnsen said he is not interested in doing an online traffic course in relation to e-bikes, as it would be an administrative headache. It is a dilemma because he is not interested in filling the department's garage. That is not his goal.

Mellor said the green scooters in Salt Lake are not supposed to be ridden on the sidewalks. Someone could go down a rabbit hole just trying to identify every electronic mobility device out there. A Jazzy power wheelchair could be defined as a mobility device. How far should it be taken? He is most nervous about electric motorcycles because they go fast, and are so big and completely silent. You have not notice that they are coming.

When he first moved to Mountain Green, there was a gravel pit by his home and he purchased a four wheeler for his children to ride. Now, the gravel pit is gone, the Homeowner's Association (HOA) close things off, and there are not a lot of places to drive four wheelers anymore. So, they got rid of their four wheeler. The area became a more urban place not conducive to that anymore. Perhaps this is where Farmington is at now as well. The reality is that there still needs to be a level of discretion, since motorcycles go at almost freeway speeds.

Leeman said that while he wants to allow the Police Chief to have the discretion to impound the bikes and drag the kids home, he doesn't want to create an administrative strain. He would rather task officers with the responsibility of holding an annual education and training event. A local supplier could help sponsor the event.

Johnsen said he likes the idea of a public-private venture for bike instruction and training. Perhaps the high school mountain bike team could become involved. A couple of his officers are trained to be instructors for the patrol bike certification process. A long-term annual bike fair is a good idea. He is also concerned about batteries for these bikes that have no UL listing and can start on fire.

Shumway asked where they can be ridden. **Mellor** said the City doesn't own the property under the power lines yet. The City needs to keep the Utah Department of Transportation (UDOT) property for wetland mitigation. He is willing to figure something out. Another option is to make the e-bikes street legal. The City is in a precursor moment in time before the Legislature addresses the issue like it did with four wheelers. The place for it is the 25 miles of dirt trail that goes up the canyon. **Mayor Anderson** said it would be nice to tell residents where they can ride these in the City newsletter.

Mellor said motorcycles can't be ridden on trails. An electric scooter is just a scooter until the throttle is hit. There has been a group of kids on electric motorcycles on the Lagoon Trail, and it is very dangerous. The people who use the trail most are families with strollers, little kids on bikes, and dogs on leashes. These types of users can be impracticable and unpredictable. While there is a 5 mph speed limit posted, it is not being enforced.

Johnsen said this is something that the City needs to be aware of. He would appreciate any other thoughts and ideas the Council may have in the short term. All cities are fighting the same thing and dealing with the immediacy of the situation. Since parents are criminally liable for the illegal use of e-bikes, they will be ticketed, not their child riding it.

The topic of the City's October newsletter is the Recreation, Arts, and Parks (RAP) tax. **Leeman** suggested that the topic for November could be e-bikes, or "what not to buy kids for Christmas." Putting the information out in this way can help residents self-patrol each other.

City Lobbyist **Eric Isom** said the State Legislature is planning to address electric assisted bikes. Technology is always changing. He wondered if schools are experiencing issues with these bikes. It may be good to partner with area schools to educate about this issue.

Shumway suggested making it part of the Drug Abuse Resistance Education (DARE) program at area schools. **Johnsen** said he likes the idea of doing an assembly at the junior high. It would be a great opportunity because ridership is the highest at the junior high. **Leeman** said that because it would be hard to have middle schoolers self-police, the message needs to hit the parents. **Johnsen** agreed that parents don't yet see the gravity of it. **Shumway** suggested an annual bike fair. **Isaacson** said it would help to provide national statistics of fatalities in order to open people's eyes to the gravity of the situation. He suggested inviting the Youth City Council to help out.

Mellor said the City doesn't want to be seen as the killer of fun, but rather as trying to prevent people from getting hurt or unintentionally hurting others. The message could be conveyed with a newsletter article, social media campaign, an assembly, and a back-to-school night.

CLOSED SESESSION

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
Assistant City Manager/City Engineer Chad
Boshell.*

Motion:

At 6:42 p.m., Councilmember **Scott Isaacson** made the motion to go into a closed meeting for the purpose of acquisition or sale of real property.

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 6:59 p.m., **Child** made the motion to reconvene to an open meeting.

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

Mayor Pro Tempore/Councilmember Scott Isaacson	X Aye	___	Nay
Councilmember Roger Child	X Aye	___	Nay
Councilmember Melissa Layton	X Aye	___	Nay

Councilmember Alex Leeman
Councilmember Amy Shumway

X Aye ___ Nay
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,
Assistant Community Development
Director/City Planner Lyle Gibson,
Assistant City Manager/City Engineer Chad
Boshell, and
Assistant Finance Director Levi Ball.*

CALL TO ORDER:

Mayor **Brett Anderson** called the meeting to order at 7:05 p.m. Councilmember **Alex Leeman** offered the invocation, and the Pledge of Allegiance was led by Councilmember **Scott Isaacson**.

PUBLIC HEARING:

Consideration of a Rezone and Development Agreement for an RV resort at approximately 650 W. Lagoon Drive

Assistant Community Development Director/City Planner **Lyle Gibson** presented this agenda item. It is a proposal for rezone of property north of Lagoon Drive, east of Interstate 15, by the Mercedes Benz dealership to the Agriculture Planned (AP) District. North of the proposed site, Hess Farms, a townhome project, is under development. There is also future commercial development entitled nearby. The area is part of the East Park Lane Master Plan, a guide to the City for what development is envisioned to occur in the location. In general, the vision calls for residential with commercial uses closer to I-15.

The City has adopted the AP District as an option with unique rules for things otherwise not permitted. This is a legislative action at the Council’s discretion. The property currently has an agricultural use with very large lots. The only zone campgrounds are currently allowed in is the Commercial Highway (C-H) Zone, which is only the south end of Lagoon where a current campground already is. Using the AP District, the City can narrowly say what can and can’t be done, which are detailed in prepared agreements.

The applicant plans an RV Resort, with a management office on the east end. It will be fenced and walled off for screening, with access to the south. The Development Review Committee (DRC) looked at this proposal, and they said it is something that could technically be supported by the utilities and services that are already there for surrounding properties. If the Council determines this would be an allowed use, more technical questions would follow. There will need to be future reviews and site plan engineering.

Gibson said the DRC was split on the sentiment if this is the right use for the area. On a 3-2 split vote, the Planning Commission recommended approval to the Council to allow for this use. The two that didn't approve said it was an odd use for this location.

Councilmember **Amy Shumway** asked if traffic would have to go through the Mercedes Benz dealership to access this site. Assistant City Manager/City Engineer **Chad Boshell** said that private access is for Mercedes only.

City Manager **Brigham Mellor** said the Lagoon Drive connection is going to improve immensely the east-west road running along the north of the applicant's property. Wetland records part of the prior delineation have not been updated, and those rules have changed as of late. If something more dense were going in there, a lot of wetland mitigation would be needed.

Isaacson said he wants to review the AP language for what it can be used for. There are standards, and it can't be used for just anything.

Gibson said it could be tabled for further study. The Planning Commission held multiple meetings with the applicant, honing in on the need to show a benefit to Farmington and the community outside of this site. Some of the purposes of the AP District is that it enhances the purposes of agriculture, allows sustainable economic viability, protects environmentally sensitive areas, and is harmonious with surrounding areas. The Development Agreement can be as detailed as the Council feels is appropriate.

Applicant **Harv Jeppsen** (727 Leonard Lane, Farmington, Utah) addressed the Council. He said RV resorts are different from mobile home parks. He showed Valley View Resort in Layton, a resort similar to what he wants to development. The owner of Valley View was in attendance with him. **Jeppsen** said he would have a detention pond on his project on the west end. The rules will state that the longest reservation allowed is 28 days, with he, as the land owner, reserving the right to not have multiple 28-day stays approved. The typical and best length of stay is three to four days. His intent is not to have long-term users.

Jeppsen said people known as nomads actually live in their RVs year-round, with the number one amenity in demand being high-speed internet. This location would allow for people to take their side-by-sides up Farmington Canyon, bikes on the trails, and go shopping at Station Park.

A shift has changed in the RV world with the average age of RV buyers being 32 years old. Baby boomers are only 20% of the RV community now. GenXers (31%) own more RVs than Baby Boomers (22%) do. Also, RVs are getting larger and larger. Now there are destination trailers that are more than 40 feet long. What would make this RV resort different from others in the area is that the sites would be big enough to accommodate big rigs that need pull throughs. Cherry Hill has a 40 foot limit. His would be 60 to 105 feet long, with pads 22 feet wide, and area 15 feet between each pad. There would be trees and hedges between each pad. There is also the option to have buddy sites, or two 45-foot long back-in sites in a row.

The management office would be on the east end of the property against Spring Creek. The club house would have room for six stalls near the showers, bathrooms, and small store. There would be a heated hose, popcorn machine, and soda pop machine. Future amenities could include a sport court, hot tub, splash pad, swimming pool, pond, trail, fire pit, and horse shoes.

Jeppsen shared a Strengths Weaknesses Opportunities and Threats (SWOT) Report with the Council. The strengths are that RV parks are highly secure businesses from an economic standpoint and do not require large amounts of capital expenditures beyond land. The weakness is the competition. Mountain Valley Resort on the south end of Heber City, Utah, was voted the Number 1 resort in the United States. He has kept a close eye on RV resorts in St. George. Opportunities include a growing demand to travel by RV compared to flying. That demand will increase by 10% per year over the next five years. **Jeppsen** said the resort would benefit the City and surrounding businesses. Threats include economic uncertainty.

As the site currently sits in green belt, Farmington only gets \$54.54 in property taxes from it. If it was developed into an RV Resort or office space, the City would get \$10,900 in property taxes each year. However, RV owners staying there would spend money in the surrounding community, contributing \$300,000 in economic impact at no cost to Farmington City. He would charge \$65 per night, which would provide transit and sales tax. He would have a manager living on site. There would be full utility hook-ups with 20, 30, and 50 amp electrical provided on each site. The pads would be landscaped.

Jeppsen said he would like to do this in order to get things settled for his family and provide a place to take his grandchildren to interact with people. He projects that he could have 12,000 visitors to his resort each year, and he would like to talk to them and hear their life stories. He wants people to see Farmington for the neat place it is.

Mellor said Davis County collects transit tax, and Farmington gets an opportunity to collect it back through grant programs.

Councilmember **Roger Child** noted that there are two RV parks within half a mile of the proposed site: Lagoon and Cherry Hill. There are also other large resorts on I-215 near Redwood Road and nearby in Layton. **Jeppsen** noted that Cherry Hill has maximum 40 feet long pads, and they really are there just to help sell tickets to the park. Lagoon does have nice, big trees at their campground. He noted that the one on I-215 is 98% full all the time. The one in Layton is between 70% and 90% full.

A landowner with property across the street and to the north of the proposed site expressed his support for the application.

Isaacson asked what the Police and Fire Department's reaction is to the application. **Gibson** said it had not yet been presented to the Police Department. However, those representing the Fire Department on the Development Review Committee (DRC) have not shown opposition. **Isaacson** said it would be nice to get the police's opinion on it, as some residents are interested in their opinion.

Jeppsen said he has not talked to the Mercedes landowner since they expressed interest in buying his property years ago. He has talked to other car dealerships about the possibility of purchasing his land, but they have all declined. A boat dealership has been approved to the north.

Isaacson asked if the sewer lines would be addressed in the future. The applicant will have to address the DRC's concerns about how the sewer will work on the proposed site. **Mellor** said at this point it is premature to talk about sewer lines.

Mayor Anderson opened and closed the Public Hearing at 7:56 p.m. as nobody signed up in person or electronically to address the Council on the issue.

Isaacson said he has a couple of concerns with the agreement where it refers to Exhibit B General Development Plan. What has been provided is not adequate for this Development Agreement, and he would like a lot more details.

Gibson said the Planning Commission was torn, and there will be further opportunity to look at the site plan. There could be more details provided about fencing and more detailed engineering drawings could be provided.

Isaacson said he doesn't desire the applicant to incur a lot of expense, and he understands the discussion is about if this is a good use in the location. The current Agriculture zone is the default zone that all undeveloped land is put into in Farmington. However, the General Plan never intended this land would stay agricultural. Although not binding, the General Plan shows this area as commercial, not residential. In his mind, this kind of is a commercial use. He does not know if the AP District is an appropriate alternative here, as he thought it was supposed to be consistent with agricultural.

Leeman said he looked at the code, which lists purposes of the AP District overlay zone. One purpose is to enhance the Agricultural zone. He can understand the Commission's concern. The AP District is a tool that is new to the City. When he reads the code, this proposal doesn't satisfy the purposes of the AP District. In fact, it actually butts heads with a couple of them like protecting environmentally sensitive areas, ensuring long-term development of properties, enhancing the community as a whole, and not being detrimental to surrounding uses.

Isaacson said it obviously has to be rezoned in the future. If it is zoned commercial, the landowner could do anything there, and that opens the door to all kinds of things Farmington wouldn't want there as many things would be a permitted use. He can understand the desire to control and narrow uses there. However, he doesn't think of the AP zone as opening the door to just anything.

Shumway said she can see an RV resort being in demand when families have children competing at the nearby Western Sports Park (WSP) Complex. It would also be popular during the bow hunt, when hunters typically visit Farmington Canyon. People are getting creative and using these spaces for temporary housing needs such as when they are going through a divorce or starting a new job. Lagoon is obviously a big draw as well. She recently toured the Layton RV resort, and she was impressed with not only the resort, but the massive RVs using it.

City Attorney **Paul Roberts** said the code is important in guiding the Council's decision, but he could defend their decision either way. The code doesn't require that every purpose is met. The applicant is bringing it before the Council to gauge their interest.

Leeman said the standards are not well defined and are highly subjective. He can see why the Commission had a hard time seeing how it fit. **Shumway** pointed out that all the other AP Districts in the City so far have been recreational including tennis courts and the County fairgrounds. The RV resort would also be recreational in nature.

Isaacson said this is a way of rezoning without rezoning. He has technical problems with the agreement as presented. He can't vote to approve it the way it is now with lots of mistakes.

Exhibit B is not close to what it should be. **Gibson** said he could come back to the Council with a cleaned-up version of the Development Agreement.

Child said the applicant needs to know if this is a viable concept in any zone. He won't want to spend more money on it if it would be dead on arrival. He is a strong proponent of personal property rights, and he loves a concept where the applicant can retain ownership. Considering interest rates and the recession, this is an economic stalemate of what can work in that area. The RV resorts that he has seen have been pretty full. The KOA off of North Temple in Salt Lake City is 100% full all the time. He is not sure Farmington has the same draw yet, although the WSP may draw quite a big crowd in the future. He likes the tiny home craze more than the RV craze for the affordable housing it provides, and he would like to see a place in Farmington for tiny homes. He worries about the seasonality of an RV resort in Farmington because Lagoon is already very seasonal. He wonders if the resort will really be full.

Roberts says it gets sticky when communities deal with the issue of short-term turning into long-term. The City controls the Development Agreement (DA) being entered into voluntarily by the applicant. The DA has to be part of the rezone.

Councilmember **Melissa Layton** said she toured the Layton RV resort twice, and they have strict standards of what can be outside a parked RV. It can't look like you are staying long-term. The Layton resort was a clean, beautiful, phenomenal facility with families using the play areas. She has had a sister live in a trailer for nine months while her home was being built. **Mayor Anderson** said it would be dealing with a level of sophistication, as not everyone can afford an RV.

Leeman mentioned that the AP overlay zone runs with the land, and **Jeppsen** could sale his land to a loser who doesn't choose to maintain the rules. Mayor Anderson noted that the City would still have some control because of the DA. **Gibson** said there are ways to tie the DA to the owner. **Roberts** said it would run with the land, so technically the new owner would be bound by the same rules. **Mellor** said the customized zoning through the DA stays the same, although it may become a future policing headache in the worst-case scenario. It still doesn't change the rules just because it gets sold.

Child said at \$65 per space per night, this is not a derelict business option. While now in a recession with construction, he predicts things will start to change when interest rates go down a bit. It will increase the pool of buyers and users of property, and opportunities will increase dramatically. When Old Farm gets developed, it could enhance values in the area. While it is not cheap to build and RV resort, it is not the same as building office buildings. He said he is not sure that an RV resort is not the highest and best use of this particular property long-term.

Roberts said the City can't put a time limit on land being used for a certain purpose. Sunsetting is not a good idea for zoning.

Layton said she likes the AP District because it keeps the City in control. **Child** said the price of gas could impact the future use of big RVs. He said he wants success for both short- and long-term.

Layton said there are a couple of things she loves about this. Farmington doesn't have a lot of hotels, and this opens another option for parents coming from long distances for wrestling, sports, and dance competitions coming to the WSP. School groups come from St. George to go

to Lagoon. She also likes that this will be a local owner and not an outside big developer. It is someone the City knows and trusts. This is the community coming together and supporting each other, as the owner will live on site. If he sells it, it will come back to the Council for the next use, and Farmington has control of that. While she is in favor of approving the AP District without the DA, **Gibson** said they have to be approved together.

Isaacson said he is not against the substance, but there are technical things that need to be corrected. **Roberts** said it should not be approved based on changing an exhibit in the future because many time loose ends don't get tied up.

Isaacson said he wants more details on the layout of the club house and amenities as part of the agreement. He wants landscaping along the sidewalk with trees and not just a big vinyl fence. The applicant explained things to the Council that is not written in the plan. He understands this is a preliminary stage, but if approved, it would be binding potentially on other owners. There are references to an interlocal agreement and governmental immunity that don't need to be there.

Shumway said the RV resort won't draw families as much if there isn't a pool. The RV resort in Layton has a pool, hot tub, and large club house. **Jeppsen** said he is still trying to decide on the amenities. He also envisions a pond down by the creek. **Leeman** said he wants that in the DA. There has to be more meat to it, and he isn't sure a pond can just be "created."

Mellor said this is at a preliminary, schematic stage that could lead to an additional DA with additional detail. While it can be cumbersome, that is how things were approached in the past.

Child said short-term, he would not be opposed to it being locally owned and operated. Unfortunately, it can't be guaranteed to be just a short-term use. This development will set the tone for what will follow in the adjacent areas. He questioned what kind of other users would be drawn to this area because of an existing RV resort. It would be different if this was an infill piece after everything else was already developed. This one is right up front on the north end of commercial. It will set the tone for the rest. It sits in the middle of commercial, which is what he is battling. He said this would be one of the biggest first developments in the area and would forever impact what would happen next. For that reason, his vote is a "no." He would like to have a work session to explore different ideas.

Leeman said if it was anyone else, he would shoot it down. He hates hodge-podge development, and he is afraid it will be a total hodge-podge in that part of the City. This proposal is a really sharp left turn from what is envisioned in the General Plan. He is not sure it fits in this neighborhood at all. By definition this is something no one in Farmington would use. WSP users would use it, and it is a use he doesn't mind having in the City because there is a need for it. He personally pictures this being something different in this area. He also wants to see a better level of detail. This is one of the prime pieces of future development in the City. This is one of the last pieces of prime Farmington land, and development should fit together, not be a hodge-podge of randomness. He wants a detailed list of amenities that will be put in.

Shumway said touring the Layton facility could change **Leeman**'s mind because of how well it is kept.

Jeppsen said he has had many proposals over the years including a senior living facility. But an RV resort would be fun and good for the community. He doesn't want to do apartments. He

could do an RV resort until someone comes along with a higher and better use. He said he would change the use for a Maserati dealership.

Isaacson said it appears to be two Councilmembers in favor and two opposed, and he is undecided. He can see the concerns, positives, and both sides. He wants as many details in the application as can be put in there. **Leeman** said he is convertible. He is not a “no” vote, it is just not what he had in mind for the area. **Child** said he wants to hear **Jeppsen**’s ideas in a different setting.

Jeppsen said he wanted to get the resort up and going before deciding on all the amenities. However, he can see the Council’s side of it as well.

Motion:

Layton moved that the City Council table the proposed AP overlay zone, including the applicant bringing back a more detailed Development Agreement.

Isaacson seconded the motion. All Councilmembers 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

Consider vacating a portion of 300 North Street and 200 West Street Right-of-Way (Lagoon Lane)

Gibson presented this agenda item. A recent project proposal along 300 North street brought to City Staff’s attention the need to clean up property lines or Right of Way as it relates to Lagoon Lane. In performing research to determine how to best approach the issue, an old agreement was found where Farmington and Lagoon had agreed to do some land swapping, but the swap had never formally been completed or recorded. The road currently isn’t dedicated like it should be because of an old agreement from 32 years ago. Mayor Arbuckle signed it in 1992. Both parties signed it, but the deeds were never completed. For many years both parties have been utilizing round in the manner contemplated by the agreement. New survey work is required.

Staff has visited with Lagoon to confirm their interest in cleaning up property lines and recording the required documentation to formalize the intended property swap. The ordinance will vacate those portions of the 300 North and 200 West Right of Way at the end of their respective cul-de-sacs and convey the property which is already gated or fenced off for use of Lagoon to them. Lagoon in turn will dedicate the areas currently being used as public Right of Way formally to the City. These areas from Lagoon to the City consist primarily of the cul-de-sacs at the end of each street.

Shumway said it is interesting how many similar items have come up that haven’t been followed through with. Back then, Farmington didn’t have many employees. **Child** said this is a clean-up item.

Mayor Anderson opened and closed the Public Hearing at 9:00 p.m. as nobody signed up in person or electronically to address the Council on the issue.

Motion:

Child moved that the City Council approve the proposed ordinance vacating a portion of Lagoon Lane.

Findings 1-2:

1. The City Council has previously agreed to the vacation of this section of street. The enabling ordinance (included in the Staff Report) completes a long-standing agreement with Lagoon.
2. The vacation of the Right-of-Way as identified represents the way that the property is currently being used.

Shumway seconded the motion. All Councilmembers 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

Proposed text amendment to clarify which body has the authority to revoke a home occupation business license

Gibson presented this agenda item. About three years ago the City moved away from a Board of Adjustment and established an ordinance that allowed the use of an Administrative Hearing Officer who would handle most appeals, variances, and quasi-judicial type decisions. Not long after being hired to work for Farmington City, the City Attorney worked on an ordinance which updated a long-standing process for how appeals would be handled in large part to keep legislative matters in the hands of the City Council while shifting other administrative type acts to other bodies that are more appropriate to handle them.

In updating this process, the Home Occupation Chapter was also updated to indicate that a person who was denied a home occupation business license could appeal that decision to the Administrative Hearing Officer as a land use appeal authority rather than the City Council as it had previously been identified. Recently the Planning Office found that while the appeals process had been updated, it would be appropriate to update the revocation process in a similar fashion. Staff feels that whichever body (Staff or Planning Commission) approved the home occupation would have the ability to revoke that license if they find that the business operations are not following the required standards and/or conditions imposed on them. Persons who wish to appeal the decision of Staff or the Commission regarding revocation would then make application to the Administrative Hearing Officer.

Basically, Staff found something they thought had already been resolved. This is looking to take the power away from the Council and delegate its powers to others for the time being. This covers how Staff can handle businesses who have complaints and what to do if they are not corrected. If it was the Planning Commission that originally approved the business and set

conditions, the Commission would be the revocation body. If Staff originally handled it in an administrative function, they would be the revocation body. If a home business is revoked by the Planning office, the business has the right to appeal the decision to the hearing officer.

Isaacson said this makes sense.

Mayor Anderson opened and closed the Public Hearing at 9:06 p.m. as nobody signed up in person or electronically to address the Council on the issue.

Motion:

Child moved that the City Council approve the enabling ordinance (enclosed in the Staff Report) enacting changes to section 11-35-060 of the City ordinance to modify which body has authority to revoke a home occupation business license.

Findings 1-2:

1. The proposed amendment will allow the body that approved a home occupation to also be the body which considers revocation of that license.
2. The text change will follow best practice and place an administrative-type function in the hands of Staff or the Planning Commission who traditionally deal with administrative-type decisions.

Isaacson seconded the motion. All Councilmembers 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

Proposed amendments adding additional grounds for denial of a license related to criminal activity

Gibson presented this agenda item. This item is not tied to the previous agenda item, although they both happened in close proximity to each other. When Farmington licenses a door-to-door solicitor to sell things like pest control and solar panels, the expectation is the City can ensure that the individual can be trusted to do business safely within the City. Farmington requires a background check as part of the application. However, it is unclear how to handle some elements that show up on the background check that could affect residents' safety. The City doesn't currently have the power to deny the license based on background checks. The proposed zone text amendment simplifies which section of the Utah State Statute can be used for denying a license and adds additional sections of code to encompass additional criminal activity as grounds for denial of a license. This will help the City have the ability to determine if an individual is not fit to go door-to-door.

Mayor Anderson opened and closed the Public Hearing at 9:09 p.m. as nobody signed up in person or electronically to address the Council on the issue.

Child is worried how this would apply to Cub Scouts, the high school football team, etc. selling popcorn and pizzas. He has seen this backfire on people who generally knock on people's doors.

He has personally had someone try to put a restraining order on him for knocking on a door after he had been invited by a tenant. It would have come back on him in a serious way if he had been required to have a license. He wasn't there for business reasons. **Child** said he gets nervous when cities start restricting who can be on public roads and knocking on people's doors. It is a real major concern of his. He has had personal threats for being a friendly person. He votes not to have such a requirement on the books in the City.

Shumway said it would apply to business-oriented products. This change is so Farmington can deny a license based on background checks that they are already doing. **Gibson** said there are exceptions for charitable and nonprofits. The door-to-door licenses apply to companies that are registered with Utah's Department of Commerce.

Mayor Anderson said this would enable the City to be more selective upon review of background checks. Sometimes these laws give the City the option to regulate business, not policy every door knocker. This is just an arrow in the quiver.

Isaacson said the statute is limited to businesses with exceptions for charities and other activities. The motion before the Council tonight is to add to the category of why a license can be denied. He thinks the Council should approve this, and the process can be reviewed in the future.

Motion:

Layton moved that the City Council approve the enabling ordinance (enclosed in the Staff Report) enacting changes to Section 6-4-030 of the City ordinance to add additional grounds for denial of a solicitor's license.

Findings 1-2:

1. The proposed amendment will allow the City to deny a license to an individual who desires to go door-to-door to residents and businesses in the community based on a broader background of criminal activity.
2. The proposed text amendment serves to protect residents and businesses from potential harm.

Shumway seconded the motion. All Councilmembers 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

REDEVELOPMENT AGENCY MEETING

Present:

*Mayor Brett Anderson,
City Manager Brigham Mellor,
RDA member Alex Leeman,
RDA member Roger Child,
RDA member Scott Isaacson,
RDA member Melissa Layton,*

*RDA member Amy Shumway,
City Attorney Paul Roberts,
City Recorder DeAnn Carlile,
Recording Secretary Deanne Chaston, and
Assistant Community Development
Director/City Planner Lyle Gibson.*

Motion:

RDA member **Alex Leeman** made the motion at to adjourn to the Redevelopment Agency (RDA) Meeting.

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

RDA member Alex Leeman	X Aye	<input checked="" type="checkbox"/>	Nay
RDA member Roger Child	X Aye	<input checked="" type="checkbox"/>	Nay
RDA member Scott Isaacson	X Aye	<input checked="" type="checkbox"/>	Nay
RDA member Melissa Layton	X Aye	<input checked="" type="checkbox"/>	Nay
RDA member Amy Shumway	X Aye	<input checked="" type="checkbox"/>	Nay

CALL TO ORDER:

Mayor **Brett Anderson** called the meeting to order at 9:19 p.m.

BUSINESS:

North Farmington Station CRA 1 boundary adjustment

City Manager **Brigham Mellor** presented this agenda item. Staff feels it has become necessary to amend the North Farmington Station CRA1 and CRA2, and related North Farmington Station CRA1 and CRA2 Project Area Plan by making adjustments to the legal description and map of the project area outlined in the original plan. This was requested by the Governor’s Office of Economic Opportunity (GOEO) Housing and Transit Reinvestment Zone (HTRZ) Committee in accordance to Section 17C-2-110(4)(a) of the Limited Purpose Local Government Entities – Community Reinvestment Agency Act subject to Subsection (4)(b). This will remove one or more parcels from the project area because the agency determines that each parcel removed is “no longer necessary or desirable to the project area.”

Essentially, the RDA Board will be approving to shrink both CRAs. Mellor said CRA1 is still worth \$21 million of tax increment, and the City will now have access to those millions of dollars. STACK doesn’t own any land in CRA2. The City now has resources to do future deals, for example with a user with a swimming pool. There is a whole host of things the City can do in CRA2. Infrastructure (such as sewer and roads) can be outside the CRA but feeding into it, otherwise the money has to be spent within it. Some 10% of all CRA money has to be spent on affordable housing in the City. This could help pay back the City for the \$1 million purchase of Rocky Mountain Power land.

Gibson said the Planning Commission will soon be seeing proposals in CRA1. **Roberts** said CRA money can be spent within the area, and it is acceptable also if it is spent to benefit the area. An interchange would be one example. He also said the City can get more than 10% for affordable housing.

Motion:

Leeman moved that the RDA approve the RDA Ordinance No. 2024-01 (attached to the Staff Report) reducing the boundary of the North Farmington Station #1 Community Reinvestment Project Area.

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

RDA member Alex Leeman	X Aye	___	Nay
RDA member Roger Child	X Aye	___	Nay
RDA member Scott Isaacson	X Aye	___	Nay
RDA member Melissa Layton	X Aye	___	Nay
RDA member Amy Shumway	X Aye	___	Nay

North Farmington Station CRA 2 boundary adjustment

Mellor presented this item along with the first agenda item earlier in the meeting.

Motion:

Leeman moved that the RDA approve the RDA Ordinance No. 2024-02 (attached to the Staff Report) reducing the boundary of the North Farmington Station #1 Community Reinvestment Project Area.

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

RDA member Alex Leeman	X Aye	___	Nay
RDA member Roger Child	X Aye	___	Nay
RDA member Scott Isaacson	X Aye	___	Nay
RDA member Melissa Layton	X Aye	___	Nay
RDA member Amy Shumway	X Aye	___	Nay

Motion:

Leeman moved that the RDA adjourn and reconvene the City Council meeting.

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

RDA member Alex Leeman	X Aye	___	Nay
RDA member Roger Child	X Aye	___	Nay
RDA member Scott Isaacson	X Aye	___	Nay
RDA member Melissa Layton	X Aye	___	Nay
RDA member Amy Shumway	X Aye	___	Nay

Shumway suggested a correction to the previous home occupation language, and asked that the mayoral powers be referred to has him/her on page 85 in case there was a future woman mayor. **Mayor Anderson** said it was fair to make that change going forward.

SUMMARY ACTION:

Minute Motion Approving Summary Action List

The Council considered the Summary Action List including:

- Item 1: Approval of minutes for August 6, 2024, and August 20, 2024
- Item 2: Surplus property (1999 Ingersoll-Rand tow behind compressor)
- Item 3: Adopt a Statement in Favor of Re-authorizing the Recreation, Arts, and Parks (RAP) Tax, which may be used for the following purposes: improvements at the recently acquired Rock Mill Park, pool upgrades, park upgrades, new trails and trail improvements, museum improvements, subsidize recreation programs (rather than taking money from the City’s general fund), subsidize the Active Aging program (which now has over 650 participants), dog park, community garden spaces, and funding the arts (plays, murals, performances, concerts, etc.). **Isaacson** said he liked the language written by **Mayor Anderson** that was included in the information packet. It was very clear and digestible.
- Item 4: Main Street (Park Lane – Shepard Lane) Storm Water Maintenance and Cooperative Agreement with the Utah Department of Transportation (UDOT) associated with the Main Street Widening Project

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 Alex Leeman	X	Aye	___	Nay
Councilmember Amy Shumway	X	Aye	___	Nay

GOVERNING BODY REPORTS:

City Manager Report

Mellor mentioned the upcoming ribbon cutting for Innovator. The striping is done, but not the landscaping. There is an illustrated plan that will be ready to go, and should be finished by the time the weather turns cold. However, trees do better when they are planted in the spring. The stop light arm is in on Park Lane, although it is not operational yet. That equipment was some they already had on hand. The street lights on Burke will take longer, as the equipment has to be ordered. 1525 and Cook Lane north of the park will be stopped east-west so Innovator can run uninterrupted.

The Requests for Qualifications for the park have been sent out and by next Council meeting, the City should have a contractor. The park should be under construction this spring, and opened by the spring of 2026. Although it is being called Ivy Acres, the name has not been made final yet.

Mayor Anderson and City Council Reports

Layton mentioned the prevention conference next week. A grant was secured for Parents Empowered messaging to go into Lagoon next spring.

Shumway asked about traffic data on State Street now that school is in session. **Mellor** said it is less than 2,000 cars a day even with school in, and the road was built for 12,000 per day. Vehicles are not traveling over the speed limit, as the average speed is 30 miles per hour. The posted speed is 35 mph.

Leeman said the glass recycling has been a massive success. He asked if there had been any feedback on the ability for Robinson to haul green waste. **Mellor** said he would get back to him.

ADJOURNMENT

Motion:

Child made a motion to adjourn the meeting at 9:46 p.m.

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

 /s/ DeAnn Carlile

DeAnn Carlile, Recorder