

## FARMINGTON CITY – CITY COUNCIL MINUTES

MAY 5, 2020

### WORK SESSION

*Present: Mayor Jim Talbot; City Manager Shane Pace; City Councilmembers Brett Anderson, Scott Isaacson, Shawn Beus, Amy Shumway, and Rebecca Wayment; City Recorder Holly Gadd; Finance Director Greg Davis; and Recording Secretary Deanne Chaston.*

### TENTATIVE BUDGET REVIEW

Mayor **Jim Talbot**, City Manager **Shane Pace**, City Recorder **Holly Gadd** and Finance Director **Greg Davis** were all physically present at City Hall, but were practicing social distancing. The meeting was held electronically via Zoom. The work session was held to review the tentative budget. **Pace** said **Davis** has worked night and day since the pandemic hit to get this budget together. This was the first budget **Davis** has prepared for Farmington since being hired, and **Pace** said it was conservative and will help the city move forward, setting aside money in the fund balance.

**Davis** said tonight the City Council would consider adopting a tentative budget. Further budget discussions are scheduled for May 19 and June 2. On June 9, a public hearing and budget discussion is scheduled. An additional budget discussion could be held on June 16 if needed. The budget and certified tax rate must be adopted by June 30.

**Davis** said the City budgets for entities including governmental funds and business-type funds. Governmental funds include: general fund, department operations, special revenue funds including two RDAs, debt service funds (with four individual funds), capital improvement funds (with six individual funds), and a permanent fund (for perpetual cemetery care). He said that unlike other cities, Farmington does not have recreation in the general fund. The general fund is the City's primary operating fund. It accounts for all financial resources of the general government, except those required to be accounted for in another fund. This fund provides the general services of Farmington for which user fees are not generally charged. Revenue and other sources of funds are recommended at approximately \$11,331,000. Expenditures and other uses of funds total approximately \$11,481,000. To balance the revenue and expenditures, administration is recommending to use approximately \$150,000 of the fund balance.

Business-type funds, or enterprise/proprietary funds, include: water, sewer, garbage, storm water, transportation, ambulance and recreation.

**Davis** said the budget includes no change to the tax levy and no new debt. A decrease in sales tax revenue due to the pandemic, an increase in swimming pool rates, and the 3 percent increase in water fund rates have been discussed at previous City Council meetings. Before the pandemic hit, it was predicted that sales tax revenue would increase, but things have changed and made sales tax revenues difficult to project. From Fiscal Year 2017 until the pandemic, sales tax revenue had been trending upward, including a phenomenal December of 2019. February was greatly impacted, and March's numbers will not be available until the end of May. **Davis** said he

hopes for a normal December in 2020, and for the rest of the fiscal year after that. He projects sales tax revenues of \$4.7 million in FY 2020 and \$5.15 million in FY 2021. He noted that a new liquor store will be coming on line in the near future, which will increase sales tax revenue in FY 2021 after a greatly deflated FY 2020.

It will be difficult to project this fiscal year, and the City Council may find it necessary to amend the FY 2020 budget in the future. Revenue decreases include that City Hall will be losing \$54,000 annually when a tenant leaves July 1 and a liquor law allotment of \$22,000.

At this point, for FY 2020, **Davis** said he predicts a total reduction in revenue of \$359,000 related to just the pandemic. These decreases include \$160,000 in sales tax revenue; \$12,000 in transient hotel room tax revenue; \$124,000 in Class C Roads; \$40,000 in local transportation sales tax; \$2,000 in park bowery rentals; and \$21,000 in delinquent property tax from prior years. Overall the City experienced a loss of \$868,000 in revenues, and therefore has to reduce \$868,000 in expenditures.

One-time expenditures will be reduced a total of \$1,064,765 in FY 2021 compared to the year previous, including: \$8,200 for removing the fire station network server; \$10,000 for cancelling Festival Days; \$24,000 for removing the Council Chambers sound system; \$38,000 for removing municipal elections; \$75,000 for removing business park marketing; \$209,000 in pandemic-caused reductions, Class C funded work; and \$780,000 in a change in interfund transfers. Ongoing expenditure reductions include \$10,000 in business insurance and \$30,000 in economic development incentive annual payments.

**Davis** said sales tax revenue is the City's largest source of funds in the general fund. Other sources include local transportation sales tax; Class B and C road fund funds distributed by the Utah Department of Transportation (UDOT); Festival Days; park bowery rentals; transient hotel room taxes; and recreation fees that have stopped due to the pandemic, necessitating a refund for spring sports. He said street maintenance will continue at its full level, after adjusting for a slight reduction in Class B and C funding from UDOT. Taxes account for \$9,362,000, or 82 percent of the City's revenue for FY 2020. This includes \$5,140,000, or 45 percent, from sales tax; \$2,072,000, or 18 percent, from property tax; \$1,249,000, or 11 percent, from energy sales and use tax (electricity and natural gas); and \$901,000, or 8 percent, from other various taxes.

Councilwoman **Amy Shumway** asked if Farmington's revenue sources are at healthy percentages compared to other cities. **Davis** said he has not done a comparison to other cities, but it is typical to Salt Lake City's when he was an employee there. He said there is a lot the City doesn't have control over. For example, Farmington receives sales tax according to a formula based on point of sale. **Pace** said Farmington is higher than the average considering sales tax revenue, and lower considering property tax revenue. He said a very successful commercial project at Station Park allows the City to not raise property tax.

**Mayor Talbot** said it is important to look 20 to 30 years out because retail can be cyclical, going high then needing to be reinvented eventually. Focusing on the business park will take land that is in green belt now and convert it to a higher property tax rate, eventually increasing property tax revenues to the City. That will complement the strong retail sales tax revenue. **Pace**

reminded that residential property is taxed at half its value, but business and commercial property is taxed at full value.

Some expenditures have been impacted by the pandemic such as an increased need for overtime pay for police officers, hand sanitizer, and face masks. To cover these increased expenses, **Davis** said the City received a \$3,000 payment from the CARES Act based on population. He does not anticipate getting much more funds to help with that. Getting funding from FEMA would require exceeding a certain dollar amount and needing a funding match. **Davis** said it may not be worth the City's time to put together a FEMA reimbursement request.

**Davis** offered strategies to get through FY 2020 and FY 2021, which begins this July. These include: reduce spending; no optional items will be funded; delay the purchase of equipment; not extend employee raises for a cost of living adjustment; cancel annual Festival Days that was to be held in July of 2020; and the recreation employees who usually run the City's baseball and swimming will instead participate in park maintenance. He said that while City departments submitted many reasonable requests totaling hundreds of thousands of dollars, all must wait. **Pace** noted that a tax covering a Police building bond will come off the tax rolls soon, so taxes will actually go down.

The \$11,481,000 of expenditures in the proposed budget includes: \$7,148,000, or 62 percent, in payroll; \$2,429,000, or 21 percent, for supplies and services; \$1,068,000, or 9 percent, for capital outlay and improvements; and \$836,000, or 7 percent, in transfers out to other funds.

Expenditures are needed to operate departments including: administration for the city, including government buildings; community development, including planning, zoning and inspection; economic development; engineering; fire; legislative branch of government; parks and cemetery maintenance; police; and public works (includes funds for street maintenance activities using distributions of transportation sales tax and Class B and C). As in most years, the FY 2021 budget recommends using all the funding from UDOT for street maintenance projects. This is in addition to maintenance made possible with the Transportation Utility Fee accounted for in a separate, business-type fund.

**Davis** said some increased expenditures are unavoidable such as the continuation of basic service levels, state retirement contribution increases, contractual increases on individual funds, service-level increases of \$20,000 related to the baseball complex coming online, and \$150,700 in health insurance increases. Other increases include a \$22,500 Spillman software update for the Police Department. **Mayor Talbot** said health insurance will increase due to the fact that many employees from other municipalities across the state are suffering, and the same company provides health insurance to many of those municipalities. **Davis** said the PEHP contract helps the City negotiate the best health insurance rates possible. He said they best they could do for Farmington was a 4.9 percent increase. **Pace** said the City could go back and talk with Gallagher about rates. He has been impressed with past years, with zero increase for several years in Farmington while other municipalities have experienced increases in the double digits. He said the cost is based on use, and Farmington's use is up this year. The increase initially came in higher than 4.9 percent, but Gallagher negotiated it down.

**Davis** said it is important to keep the business park development project moving, including infrastructure that is starting to be put in the ground. Engineering and design costs associated with that project are necessary.

The fund balance for the general fund—sometimes referred to as the “rainy day fund”—will be reduced in this year’s budget. The State limits the fund balance to a maximum of 25 percent of the budget, and Farmington has always had close to that maximum. **Davis** said from 2011, the fund balance was ending up a lot higher each year due to less spending in operations or on projects. He said this year’s budget uses some of that fund balance, helping to mitigate the effects of decreased sales tax revenues.

**Pace** said they will be careful not to use all the fund balance, in case there is a second wave of Covid in the community in the next six months that could negatively affect the economy. **Davis** agreed, saying it is important to have a first and second back up in case of a resurgence of the virus. Councilman **Brett Anderson** asked if the State Legislature could be lobbied to increase the 25 percent limit on the fund balance, so Farmington could maintain a “savings account” with a higher limit. **Pace** said there has been no talk to do that, since there is no strict penalty aside from a “nasty letter” from the State if the City maintains a fund balance higher than 25 percent. He said the City has had over the 25 percent fund balance for several years.

**Mayor Talbot** said that despite some residents criticizing the City’s growth, growth in the retail area and being smart fiscally with the budget has helped save Farmington. He said many other mayors would like to be in Farmington’s “remarkable” situation, where the City still has \$150,000 in the fund balance. He said it is smart to put some money away, and this is a healthy savings account. **Pace** said that the City’s former finance director **Keith Johnson** was good at saving money. **Davis** said it has been helpful to have fund balances in various funds. In addition, he said Farmington has a broader type of sales tax base that is not as vulnerable as other cities’.

Councilman **Shawn Beus** expressed some heartburn of holding off on employee raises, saying it may impact staff morale and productivity. **Pace** said he would rather be conservative now and not give a raise, with the promise to look at the possibility of a raise in January. He doesn’t want to be in the position that a reduction in force is necessary in January because of a raise given in July. Already, payroll is 62 percent of the City’s budget, or one of the largest costs. He said feedback from the employees so far has been that they are grateful to still have a job when others are losing their jobs. **Mayor Talbot** agreed, saying that over the recent years the employees have had continual raises and have been loyal to the City. Now, Farmington employees are not the highest or lowest paid.

## **REGULAR SESSION**

*Present: Mayor Jim Talbot; City Manager Shane Pace; City Councilmembers Brett Anderson, Scott Isaacson, Shawn Beus, Amy Shumway, and Rebecca Wayment; City Recorder Holly Gadd; Community Development Director Dave Petersen; Finance Director Greg Davis; Assistant City Manager/Economic Development Director Brigham Mellor; City Attorney Todd Godfrey; Assistant City Manager/City Engineer Chad Boshell; Planning and GIS Specialist Shannon Hansell; Public Works Director Larry Famuliner; Recording Secretary Deanne Chaston; and applicant Guy Haskell.*

### **CALL TO ORDER:**

Mayor **Jim Talbot** called the electronic Zoom meeting to order at 7:00 p.m. **Mayor Talbot**, City Manager **Shane Pace**, and City Recorder **Holly Gadd** were the only attendees physically in the City Council chambers.

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

Councilman **Scott Isaacson** offered the invocation, and the Pledge of Allegiance was not held.

### **PRESENTATIONS:**

#### **Resolution Appointing Certain Officers to Farmington City**

**Mayor Talbot** said it has been a great seven years to be mayor in the City. Station Park helped the City to grow up, and helped in the City not having layoffs with employees. It is a remarkable time, and the coming up of the business park will help the City for the next 50 years, keeping the city a healthy and strong place to live. He said the three individuals receiving new appointments tonight are outstanding.

**Pace** said **Ray White**, who has worked with the City as the Public Works Director for over 38 years, is retiring at the end of the month. Staff held a recruitment to fill the position and interviewed City employees **Larry Famuliner**, **Chad Boshell** and **Cory Brazell**. With 20 years of experience running the City's water system, **Larry Famuliner** was chosen to replace White.

**Pace** said that due to the amount of daily work needed to move the business park forward, he and the mayor have decided that assistant city managers working in their areas of expertise are now needed. In the past, former finance director **Keith Johnson** also served as assistant city manager. City code allows **Pace** to delegate things to department heads or individuals. **Brigham Mellor** was named as Assistant City Manager/Economic Development Director. **Chad Boshell** was named Assistant City Manager/City Engineer. Both have Masters degrees and are very marketable, and it would be hard for the City to lose them as employees at this point. **Famuliner**, **Mellor** and **Boshell** are trustworthy, have shown great work in the past, and are great team members.

**Mayor Talbot** said all three employees are excellent. Councilwoman **Amy Shumway** said she was grateful to these three individuals for helping her understand items as she has become a new council member. Councilman **Shawn Beus** said he was grateful that the reorganization plays to

the strengths of the individuals. Councilwoman **Rebecca Wayment** said this is a huge win for the city, and she is grateful to figure out a way to keep everyone.

**Famuliner** said this position is very humbling to him, and he is proud to say he works for Farmington City. He said he has become best friends with **White** after working with him for 20 years. He said he would be fiscally and ethically responsible for what comes through the Public Works Department in the future.

**Boshell** said he would like to thank **Mayor Talbot** and **Pace** for this opportunity. He has loved working for Farmington for the past 6.5 years, and is excited to take a more active role in the business park.

**Mellor** said he is excited to work under **Pace** and learn from him as a mentor. After working for three different municipalities, he said Farmington has been the best organization so far. He said as part of the team, they now have the opportunity to be exemplary in how to build the community right while many others throughout the state watch.

Councilman **Brett Anderson** moved to approve the resolution appointing **Larry Famuliner** as Public Works Director; **Brigham Mellor** as Assistant City Manager/Economic Development Director; and **Chad Boshell** as Assistant City Manager/City Engineer.

Councilman **Scott Isaacson** seconded, followed by a unanimous vote.

**Mayor Talbot** said Public Works employee **Cory Brazell** will be instrumental in moving that department forward. He said it is good that the space above City Hall will now be available in July, as there will be some moves to bring people into that space to set up shop there. It will help to have employees closer and more united as things move forward.

### **Resolution Adopting the Tentative Budget for Fiscal Year 2020/2021 and Setting the Public Hearing for June 9, 2020**

**Mayor Talbot** said the Council had spoken about budget issues during their work session prior to the Council meeting.

Finance Director **Greg Davis** reviewed the timeline the City Council had to set a budget, and the governmental funds and business-type funds that had to be budgeted. He made two changes to what was in the packet including the governmental funds required to balance the budget, using that balancing figure to tap into the fund balance or contribute to the fund balance as an increase. Fiscal Year 2020 does not recommend any transfers from other funds. There is about \$400,000 less in revenues due to the pandemic. He reviewed the strategies that will be used to balance the budget including only spending money on critical items; delaying or reducing expenses, supplies and services; and holding off on market or cost of living adjustments to payroll. At the same time, some increased spending is necessary on contractual increases in services and employee benefit rates.

**Davis** said the administration has used tactics to balance the budget and not tap into the fund balance to a large degree. In prior years, the City was tapping into the fund balance about \$800,000 to \$900,000. This budget is only tapping into the fund balance \$150,000. The

proposed budget continues service levels, does not increase the tax levy, and has one tax dropping off because of a general obligation bond pay off. Street maintenance will continue, as there is only a very slight reduction in funding for street maintenance projects. There is no new debt. There is a reduction in equipment purchases. However, there is a large increase in funds for projects in the City related to the development of the business park including engineering, planning, and design. The water fund will increase rates slightly after 10 years of no increase to keep pace with increasing operation costs and construction. This will help repair old infrastructure as well as sustain the water service in the growing community and into the business park.

Key changes include the City is down \$868,000 in revenue, and therefore will spend the same amount less in expenditures compared to Fiscal Year 2020. Money will be transferred from the Recreation Fund to be used elsewhere. **Davis** said the City is holding to current budgets while hoping for future revenue increases for more “breathing room.”

Councilman **Isaacson** asked how the possibility of bonding for future water projects fits into the budget. **Davis** said there is a choice on whether to bond or dip into cash reserves. He said in Fiscal Year 22 the City may need to do some bonding to make it work while also maintaining some cash reserves. **Pace** said the water study reviewed in a past Council meeting projected the bond would not be needed until Fiscal Year 2022. There has not been a decision yet about moving forward with the well, and there may be a chance it needs to be done in Fiscal Year 2021.

Councilman **Beus** asked when the new state liquor store is projected to hit the market. **Pace** said revenue may come in the end of Fiscal Year 2021. For now, the property has been graded and it is unsure how quickly it will be built. **Beus** said it makes sense to hold off increasing employee wages at this time, but wants to re-evaluate that in December.

**Mayor Talbot** said he wanted to give a shout out to **Davis**, who has come in and stayed many nights trying to jump in and understand the budget. He has not skipped a beat. He is happy to have **Davis** help with the budget for the next many years, as he has the needed expertise, is a valued financial leader, and is ethical and conservative.

#### **Motion:**

**Isaacson** moved to adopt the tentative budget attached as Exhibit A with two changes by the finance director, with notice of a June 9 public hearing, to consider final adoption of the budget. The two changes as noted by **Davis** include: Contribution to the fund balance of \$11,500 in the permanent fund and a net contribution or increase to fund balance within the special revenue funds, totaling \$635,550.

**Wayment** seconded the motion, followed by a unanimous vote.

## **PUBLIC HEARINGS:**

### **Zone Text Amendment – Alternative Lot Size (ZT-8-20)**

**Mayor Talbot** noted how the public can give public comment in electronic meetings. There is a way to electronically raise your hand, at which point City Recorder **Holly Gadd** can recognize the person raising their hand and take them off of mute. The person giving comment should state their name and address, followed by three minutes of comment.

Community Development Director **Dave Petersen** presented this agenda item. In 2014, the City adopted an “alternative lot size” for single family and agriculture zones set forth in the zoning ordinance. At the same time, they provided a method for property owners to obtain additional lots through a transfer of development right (TDR). In so doing, the alternative lot size inadvertently became a non-option in conventional subdivisions. It is believed the intention was to offer an alternative lot size to property owners so long as the overall number of lots in a subdivision did not exceed the total number of lots possible in a conventional subdivision yield plan. That is, the City desired to offer some flexibility to property owners, but not at the expense of increasing residential densities.

**Petersen** said this agenda item currently only involves the TDR, and does not provide an option for flexibility for a conventional subdivision to keep the same rooftops. This is benefiting a person with a larger lot that should be able to divide lots conventionally, choosing to have one smaller, as long as it does not exceed what he would have gotten conventionally. **Petersen** said that staff would like the minimum alternative lot size moved to 15,000 square feet in the LS and Agriculture Estates (AE) zones.

**Mayor Talbot** said he went through this extensively with **Petersen** and **Pace**.

**Mayor Talbot** opened the Public Hearing. Nobody asked to address the Council on the issue. **Mayor Talbot** closed the Public Hearing.

Councilman **Shumway** asked how to see what public was electronically attending the meeting. At that point, only **Mellor** and **Eric Isom** showed as attending.

**Isaacson** said he was confused on the wording of Item 2, and suggested alternative wording for clarification. **Mayor Talbot** thanked the Council members for reviewing things carefully so that City ordinance can be made more clear.

### **Motion:**

Councilman **Brett Anderson** moved to approve the enabling ordinance that amends the Zoning Ordinance related to alternative lot size, noting a change in Exhibit A from a minimum of 12,000 to 15,000 square feet in the LS and AE zones for alternative lot sizes. The motion included Findings for Approval 1-4, and the edits referenced on the record by Councilman **Isaacson** for paragraph B1 on 0-40 and 0-50.

Findings for Approval include:

1. The amendments do not increase residential densities under an administrative conventional subdivision alternative consistent with the Farmington City General Plan and the 2014 zone text amendment.
2. The recommendation provides a property owner greater use of his property without unduly increasing the number of lots in a neighborhood.
3. In the event the City Council deems that a TDR lot (or lots) are necessary, leaving the size of such lots at the discretion of the City provides the council flexibility to do what is best for the community as specific circumstances unique to a given situation may warrant it.
4. On April 9, 2020, the Planning Commission recommended that the City Council approve the amendments.

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

### **Zone Text Amendment – Accessory and Secondary Dwelling Units**

Planning and GIS Specialist **Shannon Hansell** presented this agenda item. On October 29, 2019, the City adopted a moderate-income housing plan as part of the General Plan in response to Senate Bill 34. As part of the bill, municipalities must implement at least three to four of 23 strategies set forth in the legislation. Farmington selected eight for its moderate income housing plan. The proposed zone text amendment seeks to fulfill, in part, one of those strategies.

In 2002, Farmington adopted an ordinance on accessory dwelling units. Most commonly, accessory dwelling units (ADU) are attached or detached dwelling units subordinate to single-family homes. However, Farmington’s definition delineates detached units as an ADU, and attached units as secondary dwelling units (SDU). For both definitions, the owners must live on site. Only attached units SDU can be rented to non-family members, whereas detached units ADU can only be used by members of the owner’s family

This amendment proposes amending the zoning ordinance to combine the definition of attached and detached dwelling units to allow rental by non-family members, but owners will still be on site. This is a step in implementing the moderate housing plan by allowing more rental opportunity within Farmington. Additionally, this change would better align Farmington’s accessory dwelling policy to that of other local municipalities, many of whom already implement this definition.

**Mayor Talbot** said while this allows flexibility for moderate income housing, he likes that there is still teeth in it, or that the owner of those units must dwell there.

**Mayor Talbot** opened the Public Hearing. Nobody addressed the Council on the issue. **Mayor Talbot** closed the Public Hearing.

**Beus** said he agrees with the Mayor and thinks this is a great change. It streamlines the process, makes it simpler, and makes it more appealing for people to apply for this. He said he is passionate to move the ball forward on moderate income housing.

**Isaacson** said while he agrees with the concept, he wanted to know if a conditional use permit (CUP) would be needed before a basement could be rented out. **Pace** said yes, and also that certain building code standards would also need to be met.

**Petersen** said meeting building code standards is a bigger hurdle than getting a CUP. He said that in the last 18 years, they have approved one to two a year on average. When they have been approved, there has been no controversy and they rarely get public comment. Building officials statewide are trying to make moderate income housing more simple. As such, there may be more upcoming changes to the building code.

**Beus** moved to approve the ordinance amending the Zoning Ordinance related to accessory and secondary dwelling units and include Findings for Approval 1-4.

Findings for Approval include:

1. The amendment fulfills a strategy from Farmington's moderate-income housing plan, in agreement with the General Plan.
2. The amendment creates rental flexibility in Farmington, providing moderate income housing options to more citizens.
3. The amendment would support consistency between Farmington zoning ordinance and other local municipalities.
4. On April 9, 2020, the Planning Commission recommended that the City Council approve the amendments.

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

#### **NEW BUSINESS:**

#### **Master Agreement with Utah Department of Transportation (UDOT) for the West Davis Corridor City Utility Work**

**Mayor Talbot** said that this is a big deal, and that City Engineer **Chad Boshell** and City Attorney **Todd Godfrey** were very familiar with the agreement.

**Boshell** said that City staff has been working closing with UDOT employees and consultants. He said the agreement is that they will start construction and design simultaneously, and the City will see the designs piece by piece, staying alert to where it will impact city infrastructure. For example, 1100 West will have to be rerouted and water lines will have to be relocated. Once the City gets the design piece, it must review and get back to UDOT in a timely manner. If there is something the City wants to enhance, then the City will have to fund the associated costs of betterment. He said it won't necessitate legal looking at every contract, and will simplify and expedite the process. **Boshell** said **Godfrey** and numerous City staff have looked at this, and they recommend approval of the master agreement so the City can keep moving forward with West Davis infrastructure.

City Attorney **Godfrey** said agreements such as these act to facilitate a broader project. He has seen this form of agreement from UDOT a dozen times in the last three to five years. While the

language is burdensome and a bit unclear, in dealing with UDOT on these sorts of projects, how they have to do it is governed by others. UDOT has the burden of cost to reconstruct and relocate City facilities. The only issues the City will have is if they want to do betterments to go along with UDOT's reconstruction and relocation. If the City doesn't agree to how UDOT is going to do something, the state administrative code makes it clear not to live the City in any worse position than they are already in. He said while he doesn't like the form or the language, the functionality over the years works fine. The more important agreements will come with how UDOT is going to do it.

**Isaacson** said that some of the deadlines for the City to act are pretty short, and asked if they are reasonable. **Boshell** answered that that was likewise a concern for City staff, but he feels they can get the review to them quickly since City staff is familiar with the system and what the City wants. He said that after more than 50 meetings with UDOT about this, he feels Farmington has pushed its case hard enough that UDOT has heard. He said the Public Works Department has been very involved so far, and has carefully considered plans for water and storm drains. As such, staff is very familiar with the issues and can review things quickly. **Boshell** is more concerned with the approval of supplemental agreements. He said he and **Godfrey** worked out wording that approval would be per the City Council, which would allow time to get items on the Council agenda. UDOT agreed to the language reluctantly.

**Godfrey** said he does not anticipate all would come before the Council, especially the mundane ones. City Council action would potentially be needed when there is a change sought to what UDOT proposes, or if there is a proposed betterment. He said UDOT would be reluctant to have to come before the City Council.

**Isaacson** noted a capitalization error on Page 8. **Godfrey** said that the City's redline saw that issue as well. **Mayor Talbot** said that change would be done.

***Motion:***

**Wayment** moved to approve the Master Agreement with UDOT for the West Davis Corridor city utility work.

**Shumway** seconded the motion, which received a unanimous vote.

**Mayor Talbot** said that **Godfrey** would like to have a roll call vote whenever the City Council votes on a zone text amendment following a public hearing. The record must note that there were no opposing votes and that all voted in favor.

## **SUMMARY ACTION:**

### **Minute Motion Approving Summary Action List**

The Council considered the Summary Action List including approval of minutes from February 18, March 3, April 7, and April 14, 2020; Red Barn Farms Improvements Agreement; and Surplus Final Cache of Aging Extrication Equipment.

**Isaacson** asked about the Red Barn Agreement, which was between Red Barn and the City. There is a reference in the cover letter to Zions, but there is no reference to Zions in the agreement. He also noticed a blank on the form for number of months. **Pace** said the bond is posted with Zions Bank, and that Red Barn Farms is a nonprofit corporation. **Godfrey** said it is a standard for cash deposits with the City, and he doesn't think it needs to be further reviewed. **Hansell** said the blank needs to be filled in with the number 12.

### **Motion:**

**Shumway** moved to approve the Summary Action list items 1-6 as noted in the staff report.

**Beus** seconded the motion, which was unanimously approved.

## **OLD BUSINESS:**

### **Sydney Corner Phase 2 – Additional Lots**

**Mayor Talbot** mentioned that this item had been discussed extensively in the last City Council meeting. The Council considered two options: approving the TDR agreement, or tabling the item to allow time for the Planning Commission to recommend a text amendment enabling the City to provide additional lots/dwelling units as an incentive to mitigate blight.

**Petersen** noted that Building Official **Eric Miller** performed an inspection of the existing home on-site and determined that the dwelling/property constitutes blight pursuant to the building code and state code. He found several code violations, as well as huge code and safety problems. He said the home should be demolished. In Phase 1 across the street, developer **Jerry Preston** needed help to remove a home to make it work, so TDR tools were used at the time. For Phase 2 currently being considered, the applicant made an offer to purchase the property based on getting four units. **Petersen** said it doesn't make sense to give an incentive to someone to clean up blight, or to charge them for an incentive.

**Mayor Talbot** said that if the Council wanted, they could mirror what had happened on Phase 1, then get different language of how to deal with blight moving forward. **Godfrey** said it is more of a policy question than a legal question.

Applicant **Guy Haskell** said he looked at the property in question after building three homes in Phase 1 across the street. He made an offer on the land in Phase 2 based on four building lots, as the precedence was already in place. There were other offers that came in for less, and his was more based on the four lots. If the City asks him to pay \$27,000 to \$28,000 for TDRs, Haskell says he is prepared to go to the property owner and ask him to lower the cost of the property. Already, Haskell's costs associated with this are \$15,000. He is paying \$5,000 a month to keep

this property going, and if the City takes a while putting a new policy in place, it will not be worth him waiting.

Councilman **Brett Anderson** said that he does not feel comfortable in less than a year changing the rules for the guy across the street. In Phase 1, they went the TDR route. He said there is one discussion of how to remove blight, and if it is to be rewarded with density or something else. Another discussion is adding density beyond what the area permits. The TDR is the tool to deal with density. He said he is persuaded by proximity in time and geography not to make different rules for different developers.

**Isaacson** said he is in favor of the development, as the City should treat developers the same way. **Shumway** said if the policy is changed, the City doesn't get anything out of it. She compared money vs. policy, saying the City gets some funding with one option, but not with the other. **Mayor Talbot** said it is not in bad taste to mirror what was done across the street and reward the developer with density using TDRs. **Pace** said he preferred using TDRs in this case. He said a policy change could be considered independent of this project. **Wayment** said she appreciated **Miller** for assessing the property, and that she is inclined to go with the TDR option. **Beus** said he prefers the TDR option as well.

***Motion:***

**Wayment** moved to approve the TDR agreement for the Sydney Corner Phase 2 Subdivision, including Findings 1-2.

Findings include:

1. The Farmington City Building Official, **Eric Miller**, performed an inspection of the existing home on-site and determined that the dwelling/property constitutes blight pursuant to the building code and the state code.
2. Approval of three TDRs is consistent with the previous action of the City Council related to Sydney Corner Phase 1.

**Beus** seconded the motion, which was unanimously approved.

**Wayment** said that due to the amount of older homes in the City, it is important to address improvements to those areas that aren't always a density bonus.

**Pace** said he wants to look at the City's demolition permit and the process needed to get one.

**GOVERNING BODY REPORTS:**

**City Manager Report**

**Pace** presented the Monthly Fire Activity Report for March. He said he has had four to five residents call him recently to inquire about 475 South being extended to 1525 West. **Pace** drafted an email to those residents to answer questions they had and clarify things that have happened in relationship to the road in Symphony Chestnut Farms Phase 5 that goes behind the church on 1525 West that doesn't meet City standards. He said it is not accurate that the City is forcing Symphony Homes to put the road through. The City has decided to do a study to have

the traffic engineer see how important the west connection is from 1100 West to 1525 West. Once the City gets that report, they will meet with Symphony Homes to see what options are available for the north to south road behind the church to meet standards. Staff will come back with a recommendation for the City Council. The intention was never to extend 475 straight, and two bends would be necessary in the road before it gets to 1525. **Pace** said if there is not a great benefit to extend the road north to south, it will not be moving forward. If there is a large benefit to it, it would come forward with Phase 5 and go through the public hearing process, or come forward through a public hearing independently. In both cases, residents will have the opportunity to provide feedback before the City makes a decision. He said current City Councils can't bind future City Councils.

Councilman **Isaacson** said this is in his neighborhood, and he has heard a lot about it. He has seen the hand out that the developer is saying the City is not doing what it promised, and now residents are upset about broken promises. Residents there don't want the road to be a thoroughfare, and it is unfair to put the whole burden on that one street. He said 475 South currently ends in a cul-de-sac and he is unsure how a road will be put through there. **Pace** said the road would continue through the cul-de-sac, and it is only 50 to 70 yards to the new road. **Isaacson, Beus, and Shumway** thanked **Pace** for sending residents an email explaining the situation. **Pace** said he would provide more details after the analysis.

### **Mayor Talbot and City Council Reports**

Councilman **Anderson** said he has heard from a vocal minority who want the City to provide an area for a skateboard park. He has heard similar requests four and eight years ago. **Mayor Talbot** said he hears similar requests every year. He said there is a small skateboard park on the south end of the City that perhaps could be improved. The City just doesn't have funds to put toward a large skateboard park. In the past, **Mayor Talbot** has asked those requesting a skateboard park to look for funding sources. He told **Anderson** that he would speak with those making recent requests.

**Pace** said a nice skate park in Sandy became a regional draw for the entire Wasatch Front, leading to drug and assault problems. A number of times the Sandy mayor had to shut the park down for weeks at a time to stop the problems going on there. **Pace** suggested that Farmington improve and expand on the skate park they already have, and not build a large skate park in the future, as it would not be in the best interest of the City.

**Shumway** said the Trails Committee had a meeting on April 21 and discussed that dogs off leashes on City trails is a problem, as was dog waste that is not removed. She asked if a reminder could be placed in an upcoming edition of the City Newsletter. **Pace** said he has also noticed the problem lately. **Mayor Talbot** asked City Recorder **Holly Gadd** to help get the item in the newsletter.

**Shumway** asked if the site of the liquor store would also be the site for a DMV. **Pace** said there had been a proposal for a DMV and DLD there along with the liquor store, but not all have been funded by the legislature yet. **Mayor Talbot** said the City is hoping that all three can be located on the site if funding becomes available.

**Shumway** also mentioned the amount of trash on the I-15 freeway on and off ramps, as well as on Shepherd Lane and Highway 89. She asked who would be responsible for removing this trash. **Mayor Talbot** said he didn't know, but the City doesn't have the staff available to do that at this point. **Pace** said he would check with UDOT on who is allowed to clean the trash.

**Wayment** asked if the City would be opening the pool. **Mayor Talbot** said that in discussions with Parks and Recreation Director **Neil Miller**, it had been decided that there is no way to keep proper social distancing at the pool. So for now, he doesn't see the pool opening before June or July. He said it is still a work in progress. **Pace** said the Davis County Health Department is not recommending opening pools at this time.

**Beus** said he had attended a Mosquito Abatement meeting over Zoom.

**Mayor Talbot** said that as testing for Covid 19 has increased, cases are decreasing. The number of those infected and hospitalized is going down. There are eleven beds in the area, and only four of those were used in the last four weeks. He is noticing that very few people are wearing masks. He said there was one new case last week in Farmington and a death in Fruit Heights had been reported, an elderly person over the age of 60 with compromising conditions. After speaking with the mayor of St. George, he said the southern area of the State feels that they are a month ahead of the north.

**Mayor Talbot** said the quarantine has led to emotional situations in the City about organized community baseball. The State and County Health Departments have both decided that there is not going to be any organized baseball and the fields are closed. Recently two teams from Farmington were holding scheduled practice on City fields, and they were asked to leave. He said he knows it is not popular, but at this point it is a mandate.

**Mayor Talbot** also said he had been dealing with tensions over opening pickle ball facilities in Farmington. He said the all the mayors in Davis County had met about the issue, as they knew there is a strong and united pickle ball community. He said he did not push one way or the other, but did emphasize that the mayors stay united in their decision so that unnecessary mass gatherings would not be happening in one area of the County while the others were closed. Weber County hasn't restricted many things that Davis County has. While the Davis County mayors all initially voted to close pickle ball courts, Layton "caved in" to a small minority of people asking for open courts. Kaysville soon followed suite. This lead to a lot of pressure on Farmington to do the same, and they opened the pickle ball courts recently. Some cities in Davis County will not be opening up pickle ball courts until May 15, but they don't have courts that are the same size and quality as Farmington's. He said he got letters from residents complaining about opening the courts, but no letters thanking him, and it didn't go well with him. He said he is concerned that everyone is touching the same ball. He hopes the ball and hands are being sanitized during and after play. He said it has been difficult lately making decisions for the community.

**Mayor Talbot** said he is concerned about how the pandemic is affecting Lagoon, a regional draw and one of the largest employers of children in the County. He said the amusement park is

losing millions and millions of dollars of revenue, but he is not sure how they can social distance and avoid mass gatherings.

## **ADJOURNMENT**

Motion:

**Beus** made a motion to adjourn the meeting. **Shumway** seconded the motion, which was unanimously approved.

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**Holly Gadd**, Recorder