

FARMINGTON CITY – CITY COUNCIL MINUTES

MAY 19, 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; Community Development Director Dave Petersen; Finance Director Greg Davis; Assistant City Manager/Economic Development Director Brigham Mellor; Assistant City Manager/City Engineer Chad Boshell; and Recording Secretary Deanne Chaston.

BUDGET DISCUSSIONS/REQUESTS

The work session was held to consider budget discussion/requests from Engineering, Economic Development, Community Development, and Capital Improvement Projects.

Finance Director **Greg Davis** said the general fund budget was discussed in detail at the last meeting. Discussion included engineering, capital projects including water and storm drain funds, operations in the general fund for staff, and capital street funds.

Assistant City Manager/City Engineer **Chad Boshell** noted a change to the Engineering budget including the \$15,000 development engineering revenue. As it was in the past, this will be collected again for costs incurred for engineering reviews. Last year the department spent \$180,661, and the proposed budget is \$183,461 to cover increases in overtime, memberships and health insurance. A new employee will be added to the department from the Community Development Department.

Davis said historically budgets have seen 3 percent or larger increases in wages for cost of living adjustments for all employees. This budget, however, holds salaries flat but allows for a 3 percent increase to cover health insurance increases for PEHP (health and benefits for Utah public employees) across the board, as well as Utah Retirement Systems (URS) contributions.

Boshell said revenues in capital street improvements are development driven. For example, the City charges a fee for slurry seals and street lights, and then they install them. The department is still expecting a payment from the \$672,000 in federal grants for a pedestrian signal and Right of Way for the Shephard Lane Interchange. Money is still owed to the City for Burke Lane Road construction, as well as Park Lane widening. There is \$2.4 million in projected revenue for capital projects. The City plans to spend \$200,000 on a pedestrian signal at 425 West State Street; \$68,000 for a shuttle bus contribution; \$64,000 for street lights; and money for Christmas light inventory.

Boshell said \$2.9 million in impact fees will be spent on: \$1.75 million on Burke Lane improvements; \$875,000 for land acquisition for Right of Way in the business park; \$200,000 for the business park; and \$100,000 for professional and technical.

Capital street improvements will include: \$6 million on the 950 North interchange, where 50 percent is done with the design; \$189,000 in professional and technical; 425 West pedestrian

signal; and \$50,000 for Main Street lighting. The City will be able to get some federal funding for Main Street lighting, but only after spending money on a study first.

Boshell said the proposed budget includes \$9.5 million in expenditures. Last year \$1.4 million with spent, followed by \$7.1 million this year, including a \$6 million chunk from the state.

Councilman **Shawn Beus** said he is concerned with pedestrian crossings. **Boshell** said that should come out of Class B & C funds and street transportation fees, which will also cover additional sidewalks, school crossings, and trail crossing improvements. City Manager **Shane Pace** said the crossings at the Denver and Rio Grande Western Rail Trail (D&RGW Trail) on Burke and Clark are both in the budget. The 650 West crossing at 5th South is in the proposed budget as well. **Pace** said he asked **Boshell** and **Davis** to try to get the crossing on Main Street at the Rock Church funded this budget year. **Boshell** said the City could stripe it right now, but he would rather stripe it when the flashing lights are ready to install.

Councilwoman **Amy Shumway** said she is concerned about the crossing for Knowlton Elementary School students, and she would like to see flashing lights at that cross walk. They have to cross four lanes of traffic and a median to get to school. While there haven't been too many problems yet, more may arise in the future with the Shephard Lane overpass. **Pace** said Police Chief **Wayne Hansen** has also expressed concern about that area.

Assistant City Manager/Economic Development Director **Brigham Mellor** presented the Economic Development budget. He said money to fund increases in books, subscriptions and memberships will come from a transfer from another fund. The \$6,300 increase in memberships includes Utah Governor's Office of Economic Development and Economic Development Corporation of Utah (EDCUtah). EDCUtah is a nonprofit that handles business recruitment and outreach through members such as cities and large corporations.

Mellor said he is still working on an economic development outreach program to assist with branding and website design. Since last year when STACK came in, he has had to change gears from capital investment and assembling parcels to marketing and business. He said he will have the website ready to present to the Council at an upcoming meeting. The \$75,000 in one-time money for website maintenance will come from the professional and technical budget.

Mellor noted that the incentives paid out is sales tax abatement for Cabella's as part of the deal it took to bring them to Farmington. The deal included \$1 million in sales tax rebates, with \$350,000 from the County and the rest from the City's portion of the sales tax. He said that since Cabella's has opened, the City has not collected all sales tax. When Cabella's opened, they got 100 percent of their sales tax, with less the next year. They have two more years left, maybe longer depending on the pandemic. Using tax increment rules from the early 90s, Farmington is using the Kmart and surrounding area to pay a bond that goes to the Rec Center. That is why the Redevelopment Agency (RDA) still exists.

A few months ago, the Council approved \$550,000 in property tax money from Station Park being diverted to the RDA for economic development. The developer of the Avanti apartments gets a reimbursement payment of \$2.85 million, with one payment left. In 2008, the City

incentivized the construction of Station Park, which required a housing component. The apartments were a requirement by the State to collect incentive money to have that housing element. Station Park donated \$250,000 of that money to go to the regional park for the ball fields, which dropped the figure to \$2.6 million. Almost \$1 million is owed to build Burke Lane, which will be subtracted from the \$2.6 million. **Mellor** said he has seen RDAs all over the city, and he has never seen one as healthy and beneficial on the horizon as Farmington's.

Community Development Director **Dave Petersen** presented the Community Development budget, including operations, buildings, inspections, and Planning and Zoning. He said the budget has been cut back to not feeding the Planning Commission food and not funding a robust training and travel request from the IT and GIS employees. When the City had a consulting engineer, the professional and technical budget was paying out \$160,000. Now that **Boshell** is there, that budget is pared back to \$50,000. The City got a \$48,000 Wasatch Front Regional Council (WFRC) grant to update the land use element in the General Plan. The city has two years to spend that money, which the City must spend \$16,250 to match. The General Plan—including parks and recreation, storm water, affordable housing, and the active transportation plan—is referred to as the general land use map and text. Some of the 12 chapters have not been updated since 1993. **Petersen** said this would be a good time to catch up on that. He said the City continues to issue building permits and move forward with development. There are a lot of meetings lined up all summer.

Davis said the proposed budget has no change in building supplies and utilities. City Hall is due for a \$29,000 one-time upgrade, and a \$12,400 increase for the Public Safety building was sorely needed. The Fire Station did not get a one-time budget increase for a server. The proposed budget includes a 3 percent increase in all departments for health insurance increases.

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; Assistant City Manager/Economic Development Director Brigham Mellor; Assistant City Manager/City Engineer Chad Boshell; City Parks and Recreation Director Neil Miller; City Attorney Todd Godfrey; and Recording Secretary Deanne Chaston.

CALL TO ORDER:

Mayor **Jim Talbot** called the electronic meeting to order at 7:00 p.m.

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

Councilwoman Amy Shumway offered the invocation.

PUBLIC HEARINGS:

Sign Ordinance Amendment—Signs in Mixed Use Areas

Community Development Director **Dave Petersen** presented this agenda item. The City's Sign Ordinance does not include standards for signs in mixed use areas. Thus far, such standards have not been essential because the majority of the new developed mixed use areas consist of primarily three large projects, two of which (Station Park and Park Lane Commons) the City approved sign requirements by development agreement, which included sign standards. The other (the University of Utah Medical Center) is a state-owned facility not subject to local ordinances. Staff is working on a more thorough solution to resolve this lack of standards.

However, in the interim, the Planning Commission and staff are recommending that the City Council consider the proposed enabling ordinance, which provides that commercial and residential uses in the mixed-use areas follow standards for similar uses elsewhere in the City. **Petersen** said it would likely be repealed or drastically modified in a few months.

Councilwoman **Rebecca Wayment** asked what the City's current sign ordinance is for residential and office areas. **Petersen** answered that the City's sign ordinance is very austere, tight, and basic for residential and office uses, which will help keep things in check until the City is done with the new ordinance. Residential uses include realtors, home-based businesses, etc. For office use, no ground or pylon signs are allowed, but monument signs and wall signs are allowed on a certain percentage of the wall.

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

Motion:

Concilman **Brett Anderson** moved to approve the enabling ordinance that enacts Section 15-5-070 of the Sign Ordinance related to signs in mixed-use zones and include Findings for Approval 1 and 2.

Findings for Approval include:

1. The amendments fill a void by providing standards for signs in the mixed-use areas until the City is able to consider more comprehensive/specific standards in the future.
2. The recommended changes are consistent with purposes and intent of the mixed-use chapters in the Zoning Ordinance, and the goals and objections of the General Plan as well.

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

NEW BUSINESS:

Haight Creek Trail Agreement

Mayor Talbot said staff has been working with on this agreement.

Petersen presented this agenda item. Landowner **Kenneth Stuart** has already come in and signed the agreement. The proposed trail property is part of a larger 1.96-acre parcel located on the northeast corner of 950 North and 2000 West Street (350 East in Kaysville). This large parcel primarily consists of wetlands and riparian habitat, but not on the location of the trail. Along 950 North, the trail to the east side winds its way to the D&RGW Trail. Prior to 2018, the said parcel was 2.65 acres in size, but the property owner received approval from the Planning Commission on February 22, 2018, to create a 0.69 acre building lot on uplands in the northwest part of the property adjacent to 350 East in Kaysville. This approval was subject to, among other things, that the property owner dedicate land in fee title to Farmington for the Haig Creek Trail. Later that year, on June 5, the Council approved an ordinance adjusting the City's common boundary, to include the 0.69 acres into Kaysville.

Motion:

Shumway moved to approve the agreement that will allow the property owner to convey land in fee title to the City for the Haight Creek Trail between 950 North and the Utah Transit Authority right-of-way (or the D&RGW Trail) and include Findings for Approval 1 and 2.

Findings for approval include:

1. This will formalize a link in the Haight Creek Trail and place it under City ownership.
Note: This segment of trail is now actively used by the public.
2. The agreement is consistent to the trails Master Plan, which is an element of the Farmington City General Plan.

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

SUMMARY ACTION:

Minute Motion Approving Summary Action List

The Council considered the Summary Action List including:

1. Resolution appointing members to the Historic Preservation Commission of Farmington City. These members are David Barney and Tiffany Ames.
2. Davis County Dispatch Agreement.

Motion:

Wayment moved to approve the Summary Action list Items 1 and 2 noted in the staff report.

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

GOVERNING BODY REPORTS:

City Manager Report

Pace presented the Monthly Fire Activity Report for April. He noted that there were a lot of life-saving and potentially deadly situations recently. He mentioned the email he sent to residents about 475 South being extended to 1525 West, as discussed in the last Council meeting. He said he got three or four responses, and all were positive. A June 1 open house is scheduled to discuss road plans in the business park. He said West Farmington residents want Commerce Drive in, as it will prevent a lot of traffic in their neighborhoods.

Pace noted that some business park developers are concerned about the changes in the market and have expressed some tentativeness to building in the business park. He said staff should try to stay consistent with the message that they want office space in the business park before or at least at the same time as residential. If that message needs to change, **Pace** said he will come back to the City Council. **Mayor Talbot** agreed, saying there may be more details coming forward from developers in the near future. **Pace** said the City Council will likely see a number of proposed developments in the next few weeks.

Pace said he received a call from Davis County Commissioner **Randy Elliott** that the U.S. Forest Service wants to close Patsy's Mine. The mine is in the foothills of Farmington, and people can walk into it about 150 feet. It is a neat mine and there are lots of videos of it on YouTube. The Forest Service wants to plug it because there is no structure or beams to hold it up and secure it. Often children come out of the mine with big chunks of rock that have fallen off the walls and ceiling. **Commissioner Elliott** has been trying to prevent its closure. However, the Forest Service said it will be shut down unless another entity like Farmington or Davis County wants to take over liability. **Pace** said the City may want to check if insurance is available for the mine through Employer's Risk Management Association (ERMA).

Wayment said she took her daughters to the mine three weeks ago, and it is a fantastic destination that she would hate to see closed. It is unique to the Farmington area and gets a lot of interest. She proposed partnering with the County to take some kind of role or oversight of Patsy's Mine. She also suggested talking with the Trails Committee for feedback about a recommended course of action.

Shumway said she would ask the Trails Committee about it at their Thursday meeting that week. She said the Committee would want to do everything in their power to keep the mine open. It is a no brainer because it is a destination, she said.

Isaacson agreed with keeping the mine open. However, he said if a person gets killed in the mine, the City would get sued for an awful lot of money. As such, he would like to know if the City could get insurance on the mine and how much it would cost. **Pace** said he would check with insurance. **Mayor Talbot** said it may not be a bad idea for the County to accept responsibility of the mine. Councilman **Brett Anderson** suggested signage that the mine is not monitored or evaluated for safety, and that people assume their own risk when entering the mine. He said the City Attorney may look at what it would take to shield the City from liability. The City needs to do what it can to reduce risk.

Beus said he feels strongly with keeping the mine open, and wants to find ways to compromise with the County. He suggested the mine be gated off and only accessible by guided tours. With the right signage and insurance, he feels the City could find a creative way to keep it publicly accessible. **Mayor Talbot** said the Forest Service should be pressured to keep it open. In the meantime, the City should get information from insurance and the City Attorney.

City Attorney **Todd Godfrey** joined the meeting electronically.

Mayor Talbot and City Council Reports

Beus said mosquito abatement is using drones to survey the wetlands area of the county. He noted that they take service calls and will spray for mosquitos upon residential request.

Shumway inquired about the liquor store, wondering if it would be a complex of state buildings in the end. **Mayor Talbot** said the City is waiting on the next legislative session or the beginning of the year to see if there will be funding for a full complex including a Utah Division of Motor Vehicles (DMV) and Utah Driver License Division. The liquor store already had its funding. He said he thinks it will end up a complex in the next couple of years. **Shumway** asked if the County had reported anything to the City about the National Environmental Policy Act (NEPA) study being finished for the Bonneville Shoreline Trail. **Mayor Pace** said no.

Shumway said some Ivory Homes homeowners near Russon Mortuary contacted her, **Beus**, and Parks and Recreation Director **Neil Miller**. She said there are some big problems with this trail connection as an electrical box is in the middle of the trail easement and trail easements are fenced off. She asked **Petersen** if there was a possibility going forward that there be a condition that the lot with the trail easement be staked prior to a home being built, so that the trail could be graded and roughed in prior.

Mayor Talbot said there is history with this development, that this development was originally with Ovation Homes, and many City staff originally went there to consider how far down to the creek they were going to let the lots go. A compromise was reached that allowed them to go down to the creek as long as the most northly lot included the trail. **Petersen** said the trail was marked on the plat and the home was built on spec. He was told the buyer knew the trail was there, but it turns out the buyer did not know the trail was there. The buyer keeps wondering

why people are walking by their house. **Shumway** said unhappy homeowners are saying the Ivory sales people downplayed the trail.

Pace said the City continues to have problems with Ivory Homes on issues like this when Ivory doesn't represent the accurate truth. It has become a pattern with one of the largest home developers in Utah when they are doing three to four developments at a time in Farmington. They keep making mistakes. He said they need to take responsibility and follow through on things like this. **Mayor Talbot** said these things will be discussed with **Petersen**.

Isaacson said there is a trail going in in his neighborhood, and he asked if all the homeowners knew about it. **Pace** answered yes, that the City had met with the homeowners there. **Isaacson** said that things had been staked, and it was quite close to the new home going in there. **Pace** said they had put in landscaping that prevented the trail, and they should have done landscaping to accommodate the trail.

Shumway asked if bathrooms near City Parks are open, now that parks are open. **Mayor Talbot** said bathrooms and playgrounds opened Monday. **Pace** said outside leagues are wanting to play on Farmington sports playing fields. He said they are getting ready to open the pool on June 15, depending on the yellow or green phase as set by the State. **Mayor Talbot** said in talking with other mayors in the county, the consensus is it is better to err on being over-reactive than under-reactive. He asked the City Council members to be positive about this when talking with their neighbors and answer as many questions as they can.

Shumway said the Haight Creek Trail is a hidden gem in the City that needs some work.

Isaacson asked if the City has any kind of open forum for citizens to come in and address the Council. **Mayor Talbot** said there is no policy that says the City has to hold an open forum. **Pace** said when residents get upset, they come en masse and take over the meeting. He has seen some public comment periods of City Council meetings go for three hours. He said a citizen could officially get an item on the agenda by talking to him or the mayor. City Recorder **Holly Gadd** said at one time, the City held Town Hall meetings for citizens to come in with any item. She said not very many people came, and they ended up cancelling Town Hall meetings. **Mayor Talbot** said **Mayor Scott Harbertson** instituted those Town Hall meetings, and **Talbot** as a councilman was the only one to show up.

CLOSED SESSION

Motion:

Anderson made the motion to go into a closed meeting for the purpose of land acquisition. **Wayment** seconded the motion, which was unanimously approved.

Sworn Statement

I, **Jim Talbot**, 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.

Jim Talbot, Mayor

Motion:

Beus made a motion to reconvene to an open meeting. The motion was seconded by **Wayment**, which was unanimously approved.

ADJOURNMENT

Motion:

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

Holly Gadd, Recorder