

## FARMINGTON CITY COUNCIL MEETING

Tuesday, August 20, 2013

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### **CLOSED SESSION 5:00 pm**

#### ***Motion:***

At 6:15 p.m., **John Bilton** made a motion to go into a work session. **Cory Ritz** seconded the motion which was unanimously approved.

### **WORK SESSION**

*Present: Mayor Scott Harbertson, Council Members John Bilton, Cory Ritz, Cindy Roybal and Jim Talbot, City Manager Dave Millheim, City Development Director David Petersen, Deputy City Recorder DeAnn Carlile and Recording Secretary Lara Johnson. Council member Jim Young was excused for the work session.*

### **Form-Based Code Presentation**

Eric Anderson, from the City's Planning Commission, gave a presentation regarding some of the problems off-street parking may create and how form based codes help to solve those problems.

### **Historic Landmark Designation – Robinson Buildings and Homes**

The Council discussed the letter received from Lagoon regarding their home that was nominated for the City's Historic Landmarks Register located at 104 West 100 North. The letter stated Lagoon does not want their home to be included on the City's Register.

Council members were unaware, until this letter was received, that any property owners were not comfortable being added to the Register. They felt it would be appropriate to table this item until some kind of written approval was received by the Historic Preservation Committee from each property owner of the homes and buildings being nominated for the Register.

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### **REGULAR SESSION**

*Present: Mayor Scott Harbertson, Council Members John Bilton, Cory Ritz, Cindy Roybal, Jim Talbot and Jim Young, City Manager Dave Millheim, City Development Director David Petersen, Deputy City Recorder DeAnn Carlile and Recording Secretary Lara Johnson*

### **CALL TO ORDER:**

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

The invocation was offered by **Cindy Roybal** and the Pledge of Allegiance was led by a scout from the community, **Hayden Wilcox**.

**PUBLIC HEARINGS:**

**Historic Landmark Designation – Robinson Buildings and Homes**

**David Petersen** stated the Historic Preservation Commission are nominating 4 homes and 1 business to the City's Historic Landmarks Register. Each home has a tie to Joseph Lee Robinson or members of his family.

**Annette Tidwell**, Chair of the Farmington City Historic Preservation Commission, nominated the following homes for the City's Historic Landmarks Register: 127 North Main Street, 104 West 100 North, 94 North 100 West, 67 West 100 North, 79 North Main Street. Each home was built by Joseph Lee Robinson or one of his descendants. Joseph Lee Robinson was one of the first settlers of Farmington and was the first L.D.S. bishop for the area. She provided a brief history of each home. **Annette Tidwell** stated each property owners of the homes were notified of the nomination and to her knowledge, there were no known objections.

*Public Hearing opened at 7:21 p.m.*

**Andre Meekham**, representative of the property owners of location 104 West 100 North, which is being nominated for the Register, formally objected to the nomination of this property. The property owners feels this type of status brings restrictions, conditions and burdens without additional benefits. He also said based on Chapter 39 of the City's code, he said it is debatable whether this home qualifies for the Register based on changes that were made to the home prior to and since the current ownership. They would like this property withdrawn from the nomination, but are still supportive of any property owners that would like the designation.

*Public Hearing closed at 7:25 p.m.*

**Mayor Harbertson** asked **Annette Tidwell** if there had been anything signed by the property owners stating they would like this designation. **Annette Tidwell** stated that letters went out to all property owners requesting them to contact the Historic Preservation Commission if they did not want to be included in the nomination. She did not hear back from any property owners.

**John Bilton** applauded the Commission for being very attentive in walking through the full process, but he would like to be sure the home owners to have a clear understanding of what they are signing up for with this designation. In regards to the letter received by Dave Freed, from the Lagoon Investment Company, **John Bilton** felt some wording included was unnecessary; however, the letter will be entered into the record for this meeting.

**Cory Ritz** counseled the Commission to be sensitive to personal property rights. He would also like an affidavit, a letter or some other written form from each property owner requesting this designation.

*Motion:*

**Cory Ritz** made a motion that the City Council table this item to future date to allow for the creation of letters from property owners requesting this designation. The motion was seconded by **Jim Talbot** which was unanimously approved.

## **PRESENTATION OF PETITIONS AND REQUESTS:**

### **Festival Days Charity Motorcycle Ride Check Presentation to Huntsman Cancer Foundation**

**Mayor Harbertson**, along with **Neil Miller**, **Stefanie Gallagher** and **Sid Young** of the Festival Days Charity Motorcycle Ride, presented a check for \$1410 to **Sally Montgomery**, representative of the Huntsman Cancer Foundation.

**Sally Montgomery** thanked everyone for the donation as it all goes to funding cancer research. **Mayor Harbertson** thanked **Chris Hansen**. **Mr. Hansen** designated the funds to be donated to the Huntsman Cancer Foundation in honor of his late wife.

### **Microphones for Council Chambers**

**Mayor Harbertson** said the Council discussed new microphones as the Council has to lean far over to reach the current ones. They felt a headset or a microphone that could be clipped on would be good alternatives. The proposals, as shown in the staff report, were significantly more expensive than anticipated. He does not feel comfortable spending that much on microphones.

**Jim Talbot** suggested asking the public to raise their hand if at any time they cannot hear the Council. He said he would feel embarrassed to spend that much money on microphones.

**Mayor Harbertson** asked the Council to please remember to lean forward and talk clearly into the microphone; he asked the public to please raise their hand if at any time they cannot hear the counsel adequately.

### ***Motion:***

None.

## **SUMMARY ACTION**

1. Approval of Minutes from August 6, 2013
2. Ambulance Write-offs for FY2013
3. Resolution amending the Consolidated Fee Schedule relating to Recycling Collection Fees
4. Canvass for Primary Election Results
5. Proposed Jeppson Annexation (#A-1-13)
6. Ratification of Approvals of Storm Water Bond Logs

**David Petersen** clarified that the Jeppson's would like to do a subdivision of approximately 12-14 lots similar to the developments around them. Last time they submitted

an application was in 2006-2007; however, the applicant was not ready to move forward at that time. They are now ready to do so.

***Motion:***

**John Bilton** made a motion to approve the Summary Action List as noted in the items 1-6. **Cory Ritz** seconded the motion which was unanimously approved.

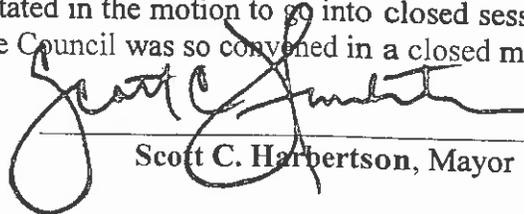
**CLOSED SESSION**

***Motion:***

At 7:42 p.m., **John Bilton** made a motion to go into a closed meeting for the purpose of potential litigation. **Cory Ritz** seconded the motion which was unanimously approved.

**Sworn Statement**

I, **Scott C. Harbertson**, 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.



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Scott C. Harbertson, Mayor

***Motion:***

At 8:33 p.m., a motion to reconvene into an open meeting was made by **John Bilton**. The motion was seconded by **Jim Talbot** which was unanimously approved.

**City Direction on West Davis Corridor EIS**

**Mayor Harbertson** said the Council needs to make a decision on how we get the City's comments to Utah Department of Transportation (UDOT) before September 6, 2013, which is the deadline for the EIS public comment period.

***Motion:***

**Cory Ritz** made a motion that the City Council direct staff, legal counsel and consultants to draft a letter to the Utah Department of Transportation, with a copy sent to the Federal Highway Administration, in response to the EIS public comment period, for entering into the record on behalf of Farmington City in regards to the West Davis Corridor, which will include Farmington's position, philosophy and desires in accordance with points raised in the outline memorandum brought by the City's consultant Jeffrey Appel and to use the points made and analysis provided in the outline presented tonight in support of an official Farmington position, which will then be provided to the Council and public for submittal. **Jim Talbot** seconded the motion which was unanimously approved.

**GOVERNING BODY REPORTS:**

**City Manager - Dave Millheim**

- Building Activity Reports for June and July. See the staff report.
- Recreation Fees for Coaches – Review Memo. He stated the City is currently doing a lot, as shown in the memo and Neil Miller, the Parks and Recreation Director, does not feel like the City needs to do anything additional in this area.
- Solar Panels for Pool. He stated there is no simple solution for solar panels as the pool is so large.
- URMMA Score. Farmington received the highest score of any of the participating cities.
- Preconstruction Meeting on Remaining 3 Miles of D&RGW Trail. It will be a 36 day construction cycle; the hardest part will be keeping people off the trail. There will be a story in the City newsletter regarding it. It should be completed by mid-October.
- Benches at Bus Stops. If the City works with UTA to get benches at bus stops, it will take years and will cost significantly more than anticipated, even with splitting it 50/50 with UTA. If the City builds their own concrete pads, each will cost \$985 if all are completed at the same time. There are approximately 25 stops of the 70 bus stops in Farmington where a concrete pad could easily be placed and which are heavily used stops. Once the pads are in place, UTA will give the City benches; however, it is up to the Council on the quality of benches they want as the UTA ones are very basic. The Council would like more information from UTA to determine the heavy trafficked bus stops to ensure benches would be placed at the most appropriate spots. They would also like to find out if UTA has any other benches they offer.
- The Wells. The City has two wells, Well #1 and the Woodland Well. Well #1's circuit board went out causing the City to run the Community Center Well at a much higher capacity. The City did see an increase in calls from citizens complaining about water quality as the Community Center Well was running at 85% for 4 days. Without the Community Center Well, however, the circumstance could have been much worse. The Council asked that more information be provided to them in circumstances like this so they can adequately respond to citizen's complaints. **Dave Millheim** would also like the Council to direct citizens to the City website to complete the water quality questionnaire so the City environmental consultants can better determine water quality problems as they occur.

### **Mayor Scott Harbertson**

- Farmington Market. He said there was a great article in the paper about it. It was a great event, but he would like to see it better attended. He wants the City to support it, but he would like to see more advertisements. **Dave Millheim** clarified that CenterCal is providing all advertisement and insurance for the event. The Mayor would like the Council to pass the word to other community members.
- Recent Farmington Fire. He recognized the Fire Crews, the whole district area, the forest service and so many more for their help with the recent fire. The City and the Council appreciates a job well done.
- Noise Complaint from Woodland Park. He received a call from Bob Arbuckle, former Mayor of Farmington. He was upset about the noise coming from the band playing at Woodland Park. Mr. Arbuckle called dispatch and was upset with their short response. **Mayor Harbertson** would like staff to follow-up with the ending times of events and the current noise ordinance as the park is so close to residents.

- David Stringfellow. He expressed his appreciation for his willingness to serve the community.

### City Council

#### *Cory Ritz:*

- He expressed concerns that panhandlers could accompany the growth here in Farmington. He would like staff and the City attorneys to research what we can do as a City to keep residents unbothered.

#### *John Bilton:*

- He did not have anything to report at this time.

#### *Jim Talbot:*

- He followed up on location 1426 Walker Lane. The resident is still in violation of the code; he would like the City to continue action to the next level. **Mayor Harbertson** would also like 1470 South 200 East to have further action taken as many notices have already been sent.
- He would like the City to review the fireworks ordinance signage next spring and summer as there are some neighborhoods that do not need the restrictions. He felt it was confusing.
- He would like the rock from the Robinson home that Lagoon tore down. The Council was not sure if it was still available. He will go and look.
- He talked about what a great asset Station Park is to Farmington. It is bringing a lot of attention and traction to our City.
- He appreciated how quickly the Farmington fire was put out and recognized all those that worked so hard to make that happen.
- He visited Craig Holmes, who currently has a lawsuit with the City. Mr. Holmes provided a letter to him that he never sent the City in response to the denial of a U-Haul business. **Jim Talbot** said he will share this letter with the Council. He wondered if the City could revisit that issue at all with the current lawsuit in place. **Dave Millheim** said yes, but he also does not know where the City is with the litigation. He will get a report of where the City is in the litigation. **Jim Talbot** asked the Council to read the letter and if they feel it appropriate, they can possibly revisit the issue at a later date.

#### *Cindy Roybal:*

- She also expressed concerned about how the circumstance was handled with Craig Holmes. She feels the City could do more to reach out to its citizens and listen to what they are saying to resolve problems.
- **Dave Millheim** also discussed that he and **Cindy Roybal** had a conference call with a property owner with regards to a property acquisition and possible annexation. It will be discussed in the next closed meeting.

**Jim Young** arrived at 9:15 pm

***Jim Young:***

- The Mayor has served as President of Utah's League of Cities and Towns and he has been attending the policy committee meetings. He would like Farmington to continue to have representation on that board. He would like to be nominated to continue to serve on that board.

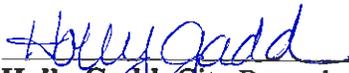
***Motion:***

**Cindy Roybal** made a motion to nominate and support **Jim Young** to file an application to serve on the board of Utah's League of Cities and Towns. **Jim Talbot** seconded the motion which was unanimously approved.

## **ADJOURNMENT**

***Motion:***

**Jim Young** made a motion to adjourn the meeting. The motion was seconded by **Cindy Roybal** which was unanimously approved; the meeting was adjourned at 9:26 p.m.

  
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**Holly Gadd**, City Recorder  
Farmington City Corporation



375 North Lagoon Drive  
P.O. Box 696  
Farmington, Utah 84025-0696  
Phone: 801-451-8080  
Fax: 801-451-8017  
www.lagoonpark.com

August 16, 2013

Mayor Scott Harbertson  
Farmington City Council  
160 South Main Street  
Farmington, UT 84025

Dear Mayor and City Council:

We are disturbed and disappointed to learn that as if commanded by DNA, members of the Historic Preservation Commission have recommended (over our objection) that our house 104 West 100 North be added to the City Historic Landmarks Register. The July 22<sup>nd</sup> letter to the Mayor and City Council from Annette Tidwell implies our consent. However, our representatives attended the June 27<sup>th</sup> Commission meeting to present our strong objections which is noted in the FCHPC Meeting Notes. Ms. Tidwell and Alyssa Revell were the only attendees for the Commission during Ms. Tidwell's presentation. Our two representatives were the only other people in the room for the discussion.

When we bought the house and property in January, 1986, it was in poor condition and retained little of the amenities mentioned in the nomination. Two of the rooms had an odd, simplistic landscape mural. The depiction was not artistically akin to the mural in the Farmington Main Street Rock Church, for example, and seemed a curious frill. In addition, medieval implements of battle adorned the walls, an interesting swing hung in one of the bedrooms, which also had a trap door leading to a torture themed room below.

Before the home could be used, extensive remodeling was required which included additions to the west and north of the structure, new appliances, roofing, plumbing, electrical, and total painting and refurbishment inside and out. The house, now being in excellent condition, is no longer representative of the original structure.

We ask that the City Council reject the nomination of this house. Preservation of property rights should be our first obligation. When originally purchased by us, it was with the belief that there were not in existence, nor would there be, special conditions and/or restrictions. As owners of this property, there is no benefit, whatsoever, to being listed on the Historic Landmark Register. For 27 years, we have maintained and well cared for our property absent the reign of the Historic Preservation Duopoly. Please respect our wishes and our rights that we may quietly enjoy our property without unnecessary intrusion, as any citizen would want for their own property.

Sincerely,

David W. Freed  
Lagoon Investment Company

DWF:jc

COPY TO: Councilman John Bilton  
Councilwoman Cindy Roybal  
Councilman Jim Young

Councilman Jim Talbot  
Councilman Cory Ritz

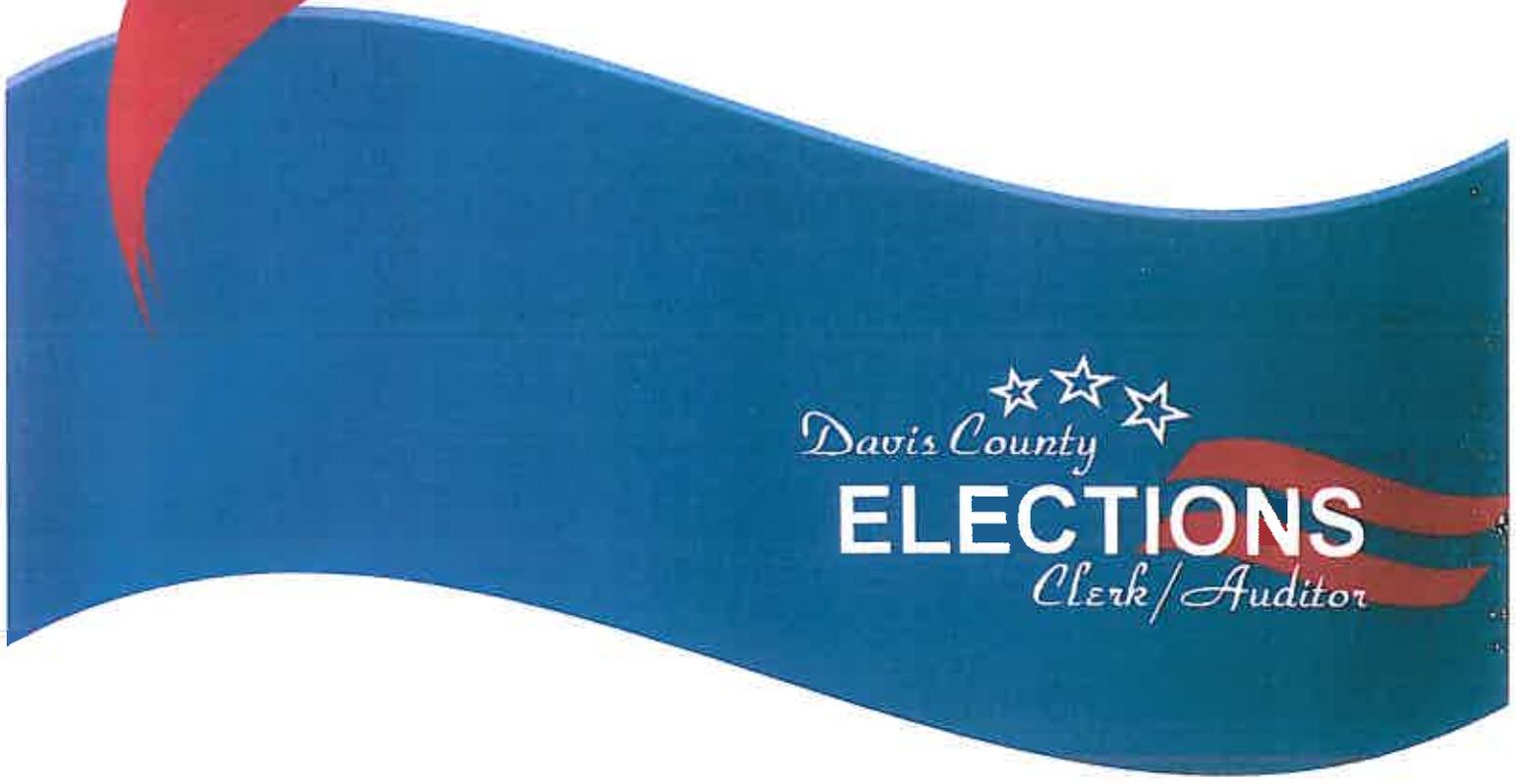
**2013 MUNICIPAL PRIMARY**

**CANVASS REPORTS AND**

**MATERIALS**

**FARMINGTON CITY**

**AUGUST 20, 2013**



*Davis County*   
**ELECTIONS**  
*Clerk/Auditor*

## Contents

- Election Summary Report
- Official Results Report by Precinct (SOVC)
- Results by Ballot Type
- Summary of Rejected Absentee/By-Mail and Provisional Ballots
- Poll Books
  - Early Vote (Blue)
  - Election Day (Green)
  - Provisional (Orange)
  - Paper Ballots (Yellow)

Official Election Results  
Davis County  
Municipal Primary Election  
Held August 13, 2013  
Farmington City Council 2

Registered Voters: 11465 - Ballots Cast: 1388 12.11%

Doug R Anderson	559	41.19%
Kristen F Harbertson	464	34.19%
David Stringfellow	334	24.61%

Official Results Davis County, Utah CANVASS Primary Election held on August 13, 2013	Reg Voters	Polling	Early	Absentee Before	Election Night	Accepted Absentee After	Vote Center Votes	Total Provisionals	Early Vote Provisionals	Machine Provisional	Rejected Machine Provisional	Paper at Polls	Provisional (Paper)	Paper Provisional Rejected	Final Total
Farmington 1	703	41		23	64	4	4	4	0	4	0	0	0	0	76
Farmington 2	1256	168	6	20	194	6	6	10	0	8	2	0	0	0	214
Farmington 3	1023	7	2	25	34	0	3	0	0	0	0	0	0	0	37
Farmington 4	1028	37	2	29	68	5	18	4	0	3	1	0	0	0	94
Farmington 5	857	41	3	32	76	10	3	0	0	0	0	0	0	0	89
Farmington 6	1042	36	2	44	82	12	0	3	0	1	0	0	2	0	97
Farmington 7	790	73	12	16	101	6	2	3	0	3	0	0	0	0	112
Farmington 8	791	63	4	10	77	8	4	0	0	0	0	0	0	0	89
Farmington 9	1107	63	1	56	120	30	2	7	0	7	0	0	0	0	159
Farmington 10	1020	84	8	22	114	9	2	4	0	4	0	0	0	0	129
Farmington 11	1194	59	6	47	112	14	6	1	0	1	0	0	0	0	133
Farmington 12	660	121	10	15	145	1	2	10	0	10	0	0	0	0	159
TOTALS	11471	793	56	339	1188	105	52	46	0	41	3	0	2	0	1388

Official Results Davis County, Utah Primary Election Held on August 13, 2013		Canvass			Farmington City Council 2				
		Registered Voters	Ballots Cast	Turnout	Registered Voters	Ballots Cast	David Stringfellow	Kristen F Harbertson	Doug R Anderson
Farmington 1	Polling	703	49	6.97%	703	49	1	9	39
	Early Voting	703	0	0.00%	703	-	-	-	-
	Absentee	703	27	3.84%	703	27	3	15	7
	Provisional-Paper	703	0	0.00%	703	-	-	-	-
	Paper at Polls	703	0	0.00%	703	-	-	-	-
	<b>Total</b>	<b>703</b>	<b>76</b>	<b>10.81%</b>	<b>703</b>	<b>76</b>	<b>4</b>	<b>24</b>	<b>46</b>
Farmington 2	Polling	1,256	182	14.49%	1,256	182	74	3	105
	Early Voting	1,256	6	0.48%	1,256	6	2	-	4
	Absentee	1,256	26	2.07%	1,256	26	11	3	12
	Provisional-Paper	1,256	0	0.00%	1,256	-	-	-	-
	Paper at Polls	1,256	0	0.00%	1,256	-	-	-	-
	<b>Total</b>	<b>1,256</b>	<b>214</b>	<b>17.04%</b>	<b>1,256</b>	<b>214</b>	<b>87</b>	<b>6</b>	<b>121</b>
Farmington 3	Polling	1,023	10	0.98%	1,023	10	7	3	-
	Early Voting	1,023	2	0.20%	1,023	2	2	-	-
	Absentee	1,023	25	2.44%	1,023	25	6	12	7
	Provisional-Paper	1,023	0	0.00%	1,023	-	-	-	-
	Paper at Polls	1,023	0	0.00%	1,023	-	-	-	-
	<b>Total</b>	<b>1,023</b>	<b>37</b>	<b>3.62%</b>	<b>1,023</b>	<b>37</b>	<b>15</b>	<b>15</b>	<b>7</b>
Farmington 4	Polling	1,022	58	5.68%	1,022	58	47	7	2
	Early Voting	1,022	2	0.20%	1,022	2	2	-	-
	Absentee	1,022	34	3.33%	1,022	34	13	11	8
	Provisional-Paper	1,022	0	0.00%	1,022	-	-	-	-
	Paper at Polls	1,022	0	0.00%	1,022	-	-	-	-
	<b>Total</b>	<b>1,022</b>	<b>94</b>	<b>9.20%</b>	<b>1,022</b>	<b>94</b>	<b>62</b>	<b>18</b>	<b>10</b>
Farmington 5	Polling	857	44	5.13%	857	44	9	31	4
	Early Voting	857	3	0.35%	857	3	-	3	-
	Absentee	857	42	4.90%	857	42	4	30	6
	Provisional-Paper	857	0	0.00%	857	-	-	-	-
	Paper at Polls	857	0	0.00%	857	-	-	-	-
	<b>Total</b>	<b>857</b>	<b>89</b>	<b>10.39%</b>	<b>857</b>	<b>89</b>	<b>13</b>	<b>64</b>	<b>10</b>
Farmington 6	Polling	1,042	37	3.55%	1,042	37	10	19	7
	Early Voting	1,042	2	0.19%	1,042	2	-	2	-
	Absentee	1,042	56	5.37%	1,042	56	9	37	10
	Provisional-Paper	1,042	2	0.19%	1,042	2	1	1	-
	Paper at Polls	1,042	0	0.00%	1,042	-	-	-	-
	<b>Total</b>	<b>1,042</b>	<b>97</b>	<b>9.31%</b>	<b>1,042</b>	<b>97</b>	<b>20</b>	<b>59</b>	<b>17</b>

Official Results Davis County, Utah Primary Election Held on August 13, 2013		Canvass			Farmington City Council 2				
		Registered Voters	Ballots Cast	Turnout	Registered Voters	Ballots Cast	David Stringfellow	Kristen F Harbertson	Doug R Anderson
Farmington 7	Polling	790	78	9.87%	790	78	22	51	5
	Early Voting	790	12	1.52%	790	12	-	12	-
	Absentee	790	22	2.78%	790	22	1	16	2
	Provisional-Paper	790	0	0.00%	790	-	-	-	-
	Paper at Polls	790	0	0.00%	790	-	-	-	-
	<b>Total</b>	<b>790</b>	<b>112</b>	<b>14.18%</b>	<b>790</b>	<b>112</b>	<b>23</b>	<b>79</b>	<b>7</b>
Farmington 8	Polling	791	67	8.47%	791	67	23	22	21
	Early Voting	791	4	0.51%	791	4	2	2	-
	Absentee	791	18	2.28%	791	18	6	8	2
	Provisional-Paper	791	0	0.00%	791	-	-	-	-
	Paper at Polls	791	0	0.00%	791	-	-	-	-
	<b>Total</b>	<b>791</b>	<b>89</b>	<b>11.25%</b>	<b>791</b>	<b>89</b>	<b>31</b>	<b>32</b>	<b>23</b>
Farmington 9	Polling	1,107	72	6.50%	1,107	72	17	16	38
	Early Voting	1,107	1	0.09%	1,107	1	-	-	1
	Absentee	1,107	86	7.77%	1,107	86	9	26	44
	Provisional-Paper	1,107	0	0.00%	1,107	-	-	-	-
	Paper at Polls	1,107	0	0.00%	1,107	-	-	-	-
	<b>Total</b>	<b>1,107</b>	<b>159</b>	<b>14.36%</b>	<b>1,107</b>	<b>159</b>	<b>26</b>	<b>42</b>	<b>83</b>
Farmington 10	Polling	1,020	90	8.82%	1,020	90	18	44	23
	Early Voting	1,020	8	0.78%	1,020	8	1	5	2
	Absentee	1,020	31	3.04%	1,020	31	5	16	10
	Provisional-Paper	1,020	0	0.00%	1,020	-	-	-	-
	Paper at Polls	1,020	0	0.00%	1,020	-	-	-	-
	<b>Total</b>	<b>1,020</b>	<b>129</b>	<b>12.65%</b>	<b>1,020</b>	<b>129</b>	<b>24</b>	<b>65</b>	<b>35</b>
Farmington 11	Polling	1,194	66	5.53%	1,194	66	7	21	38
	Early Voting	1,194	6	0.50%	1,194	6	1	4	1
	Absentee	1,194	61	5.11%	1,194	61	17	26	15
	Provisional-Paper	1,194	0	0.00%	1,194	-	-	-	-
	Paper at Polls	1,194	0	0.00%	1,194	-	-	-	-
	<b>Total</b>	<b>1,194</b>	<b>133</b>	<b>11.14%</b>	<b>1,194</b>	<b>133</b>	<b>25</b>	<b>51</b>	<b>54</b>
Farmington 12	Polling	660	133	20.15%	660	133	3	5	125
	Early Voting	660	10	1.52%	660	10	-	-	10
	Absentee	660	16	2.42%	660	16	1	4	11
	Provisional-Paper	660	0	0.00%	660	-	-	-	-
	Paper at Polls	660	0	0.00%	660	-	-	-	-
	<b>Total</b>	<b>660</b>	<b>159</b>	<b>24.09%</b>	<b>660</b>	<b>159</b>	<b>4</b>	<b>9</b>	<b>146</b>
Grand Totals	Polling	11,465	886	7.73%	11,465	886	238	231	407
	Early Voting	11,465	56	0.49%	11,465	56	10	28	18
	Absentee	11,465	444	3.87%	11,465	444	85	204	134
	Provisional-Paper	11,465	2	0.02%	11,465	2	1	1	-
	Paper at Polls	11,465	0	0.00%	11,465	-	-	-	-
	<b>Total</b>	<b>11,465</b>	<b>1,388</b>	<b>12.11%</b>	<b>11,465</b>	<b>1,388</b>	<b>334</b>	<b>464</b>	<b>559</b>



Craig L. Holmes  
97 North main  
Farmington Utah 84025

August 19, 2012

Farmington City Council  
160 S Main Street  
Farmington, Utah 84025

Dear Farmington City Council,

I am the owner of the U-Haul dealership located at 97 North Main Street. My location has been a gas station and/or car repair service station since the 1940s. I am writing to respectfully appeal your August 7, 2012 denial of my request to allow a "small neighborhood truck and trailer rental dealer" as a zone text amendment. Your Decision seemed to be premised upon the recent action of the City making a small portion of Main Street a "Historic District", and that a U-Haul dealership is inconsistent with the City's vision for the Historic District.

U-Haul was created by a World War II veteran who came home from war and saw a need for having a means of moving their belongings from one location to another without the expense of owning their own truck or trailer. A customer could rent a trailer at a local gas station (*i.e.*, a U-Haul dealership) and return the rented trailer to a local U-Haul dealer near their new home. By the end of 1949, it was possible to rent a trailer one way from city to city throughout most of the United States. Indeed, there were literally thousands of U-Haul dealerships throughout the country, and most of them were small dealerships located in gas stations just like my location at 97 North Main. As such, I firmly believe that the repair business I have operated in Farmington for nearly 20 years and a U-Haul location are consistent with the post-World War II values, style, and usage of my building.

Importantly, the majority of the Farmington City Planning Commission recommended to the City Council that my requested amended allowing a "small neighborhood **residential** self-moving truck/trailer company" should be approved. *See* Planning Commission Minutes, June 14, 2012 (emphasis added). One thing that distinguishes U-Haul from other national moving carriers (such as Budget and Penske) is that U-Haul caters to the residential movers, as opposed to corporate customers. As such, U-Haul is uniquely qualified to comport with both the City's desire to maintain an authentic feel to Main Street, while also allowing me to pursue this line of service to Farmington residents. Moreover, the language of the Planning Commission's motion limits such companies to "residential self-moving" companies and to no more than eight vehicles. *Id.* As such, not only is U-Haul, by its very nature as a self-moving company, consistent with the City's plan for Main Street, the recommendation of the Planning Commission limiting the number of vehicles to eight is a built-in protection against the national carriers wanting to open a location on Main Street.

Christy Alexander, Associate City Planner of Farmington, quoted Alyssa Revel, Chair of the Historic Commission stating:

They are not in favor of allowing a U-Haul dealership in this location. She explained that the use of the building (windshield repair) was grandfathered in-it was a lesser use than the previous business. There are specific zones in the city which would allow a U-Haul business as a permitted or conditional use. Farmington is unique because Main Street is mostly residential.

*Id.* With all due respect to Ms. Revel, I am not sure whether her motivation is to re-write history or to preserve history. If it is to preserve history, which I hope it is, it seems to make more sense to preserve and reflect the appropriate age and style of my building. As stated above, my building has been a gas station/repair station since the 1940s. And, this is exactly the type of building where a post World War II American could expect to rent a U-Haul for his/her residential move.

Ms. Revel further referred to the uniqueness of Main Street as mostly residential. While this is in some sense accurate, at one point in history or another, Farmington City approved each and every building on Main Street. Thus, it does not matter if it was a residential and commercial building, the residents and businesses on Main Street, including mine, have co-existed for over a hundred years. Each property owner purchased property understanding that there are rights, responsibilities, and unique circumstances associated with Main Street, with the homes and businesses being co-mingled. This new Historic District leaves me with the responsibilities, and unique circumstances, but strips many of my rights as a property owner if the City refuses to allow me to add a U-Haul dealership to my location.

Roughly 15 to 20 years ago, Farmington City did allow Farmington Service and Towing to have a U-Haul dealership at the property directly across the street from my property. Farmington City did not make the owner close that portion of his business; he decided not to continue on his own accord. Would it be discrimination or merely selective enforcement of the city code to not allow me the same rights as the City afforded Farmington Service and Towing.

Farmington Planning Commissioner Michael Wagstaff said on June 14, 2012, quoting Ms. Revel's letter to the City, "The purpose of the BR zone is to limit commercial uses." *Id.* Mr. Wagstaff further stated that "there is a long list of possible uses which are far from complementing a historical district" and "many of the listed uses would be far worse than a U-Haul business." *Id.* He also added, "The overlay of the conditional uses and historic district are conflicting." He asked "what time period would be as standards for the historical district?"

In my opinion, the time period standard should be the age of the building and the use it was originally intended for or could have been used for at the time it was built and approved by the City. That would be an accurate representation of history, not a revisionist history that improperly limits property owner's rights.

Farmington Planning Commissioner Brett Anderson agreed with Mr. Wagstaff. He read aloud the list of 26 uses which would be allowed in the BR zone. He asked, "Would it be classified 'historic' if it [U-Haul] was an Amish Wagon Moving Company." *Id.* He said he was leaning toward approval of the request and does not know how the distinction can be logically drawn between this business [U-Haul] and a towing, welding, auto repair or any other business that is on Main Street.

For the record, it is important to note that HHI Construction Company has a large shipping and receiving yard behind their Main Street office frontage, and anyone can see it from State Street or the Wells Fargo Bank parking lot. This large shipping and receiving yard is in the Main Street Historical district, and also in close proximity of the Clark Lane Historical District. Yet, without explanation, HHI Construction has not been ordered to shut down within 30 days like my business was. I think that is fair to ask that I be afforded equal treatment.

As another example, Farmington Service and Towing is an auto repair shop across the street from my property, and typically has 10 to 15 vehicles and trailers parked in the front of his location at any given time. Nonetheless, I am not allowed to have even a single U-Haul truck or trailer at my location. This disparate treatment of similarly-situated business is of concern to me, and it affects my business.

Lest there be any confusion on this point, I have absolutely no problem with the way these aforementioned businesses use their properties. I simply raise the issue because I find it unsettling for Farmington to not allow me to use my property in a similar manner to conduct my business. I firmly believe that most residents of Farmington find your rejection of my request unreasonable. Coupled with the unequal treatment of similarly-situated business, I respectfully believe the City Council came to the incorrect decision for me and for Farmington.

I am respectfully requesting that the City revisit its decision denying my request. I not only have the right to have a U-Haul dealership, I feel my business and property would represent a part of history and fit into an Americana theme that many citizens still remember, which is simply loading up a U-Haul truck or trailer and moving from one house to another. I have already stated, and reaffirm here, that I am prepared and able to run this business in a manner that does not negatively impact the Historical District. More specifically, I only need a small truck and/or trailer on my front parking lot. The rest of the inventory can be stored in my shop or behind my building. I respect the decision of the City to have a historical district where I own property, but I simply ask for the same respect from the City. Allow me to exercise my property owner rights and have a U-Haul dealership that reflects a part of Americana in a historical district. I fully expect that if the zone text is changed and I am allowed to add U-Haul to my existing business, the City would issue some reasonable conditional requirements for me to operate under.

Should you have any additional questions or concerns, please feel free to contact me directly at (801) 599-7678.

Sincerely,

Craig L. Holmes