

The regular meeting of the Farr West City Council was held on August 19, 2021 at 7:00 p.m. at city hall.

Council members present were Mayor Lee Dickemore, Boyd Ferrin, Josh Blazzard, Ken Phippen and Bruce Richins. Dave Chugg was excused.

Planning Commission Members present was Chairman Ted Black.

Staff present was Ryan Shaw and Andrea Zweifel.

Visitors present were: See attached list.

#### #1 – Call to Order – Mayor Lee Dickemore

Mayor Lee Dickemore called the meeting to order.

#### #2- Opening Ceremony

a. Pledge of Allegiance

Josh Blazzard led in the Pledge of Allegiance.

b. Prayer

Bruce Richins offered a prayer.

#### #3 – Comments/Reports

a. Public Comments

*\*Resident(s) attending this meeting were allotted 2 minutes to express a concern or ask a question about any issue not on the agenda.*

There were no public comments.

#### #4 – Business Items

a. Approval of business licenses – Energy Savers Insulation LLC (Solicitors)

Anthony Torres was present requesting a solicitors license for Energy Savers Insulation LLC. Mr. Torres stated they sell and install solar in the City. Ken Phippen thanked the applicant for their thoroughness and reminded him that the solicitors will need to be sure to wear their badges. Boyd Ferrin asked that they respect homes that have no soliciting signs.

**KEN PHIPPEN MOTIONED TO APPROVE A SOLICITORS LICENSE FOR ENERGY SAVERS INSULATION LLC. BRUCE RICHINS SECONDED THE MOTION, ALL VOTING AYE.**

b. Special Blend Motor Garage LLC Business License Revocation Hearing

Mayor Dickemore stated Ryan Shaw's letter, the petition from Country Place residents and a history of the property is included in tonight's packets. He asked that participants and audience members be respectful of each other and not interrupt each other. Ryan Shaw explained the hearing process as outlined in Ordinance 5.04.140. He stated that while this is a hearing, this is not a public hearing and audience members will be heard at the discretion of the Mayor. Mr. Shaw stated the Council can make a decision tonight or they may take some time to consider the matter. Mr. Shaw stated in June of 2016, New Vision Hot Rods applied for a Conditional Use Permit which was approved at that time with the conditions of 6a-10pm business hours, no more than 5 visually appearing vehicles displayed at the property and inoperable vehicles should be obscured from sight. Mr. Shaw stated Drive Motor Garage applied for a business license at that location in May 2019 and in June of 2019 when the business license was considered for approval, the Council informed the applicant there was a conditional use permit attached to the property and Mr. Carr asked for a copy so he could be in compliance. Mr. Shaw stated on November 4, 2020 the City had received some complaints about the business and a letter was sent to the business. Mr. Shaw stated the business changed owners or names on December 24, 2020 to Special Blend Motor Garage and the owner reported they had addressed the issues from the letter. Mr. Shaw stated that due to continued complaints since then, City Council and other staff has visited the site to notify the business they were still not in compliance. Mr. Shaw stated Councilman Dave Chugg then asked for another notice to be sent to bring them in for a revocation hearing.

David Rhees was present on behalf of the residents of Country Place. He presented a PowerPoint with pictures from a few residents demonstrating a dangerous intersection due to employee and patron parking, limited visibility, vehicles parked in front of residential mailboxes, vehicles interrupting garbage pickup, excessive vehicles and inoperable vehicles parked in the parking lot of the business, delivery vans parking in "no parking" zones, vehicles parked on sidewalks, dumpsters on sidewalks, sandblast materials on sidewalks, gutters and in the air, many parking violations with unregistered vehicles and coolant running into storm drains. Mr. Rhees stated 116 residents of the neighborhood signed the petition which constitutes 66% of the residents and 99.2% of residents that were approached signed the petition. Mr. Rhees stated he is asking for the Council to institute a long term resolution. Mr. Rhees presented his recommendations regarding the business.

Tammy Fowers stated her daughter and son are renting a storage unit and can't get in and out of the parking lot. She stated they have almost gotten hit twice from vehicles coming out of the business.

Becky Brooks stated she was on the Planning Commission when the conditional use permit was approved. She stated the business has not been in compliance since New Vision Hot Rods left. Ms. Brooks stated she drove by the business at 5:00 pm and there were 35 cars in the front parking lot. She stated they have made little to no effort to get in compliance.

Jeff Chadwick stated he is proud of the city he lives in and the business in the city, but stated the south end isn't a good representation of Farr West. Mr. Chadwick stated it is a nuisance to the residents and a bad representation of Farr West City. Mr. Chadwick voiced his concerns about his property value being affected by the non compliant businesses.

Cindy Jones stated she has narrowly avoided accidents in the area and believes it is a very dangerous situation for the residents of Country Place.

Michael Johnson stated he seconds the concerns that have already been voiced and stated it is an embarrassment to the residents and the City.

Wendy Aardema stated she has had trouble getting a trailer in and out of the storage units. She also relayed an incident in which a person was laying under a car on the road and she had to swerve to miss his legs.

Jed Rhees presented photos to the Council of some of the issues he has observed. He stated he has almost been hit several times on his motorcycle. He stated the residents love their homes and the city and are asking that it be cleaned up.

Shaun Carr was present for Special Blend Motor Garage. He stated his wife Stephanie is the actual business owner. Mr. Carr stated he can appreciate what's been said here tonight. He stated he understands the pride of living in a small town because he grew up in Mantua. Mr. Carr stated everything reported by the citizens has validity and he doesn't want what he presents to be perceived as empty promises or excuses. He stated he understand the conditional use permit was for the previous occupant and that business offered to sell him the equipment so they bought the business and presented to the Council they would be running a similar operation. Mr. Carr stated he has looked for storage locations for the inoperable vehicles that are waiting to be repaired. Mr. Carr stated the previous owner was only allowed 5 spaces out front to be used but when they acquired the full property they didn't park cars out front until mid 2020 because they took on more work. Mr. Carr admitted to having many vehicles parked along both sides of the street. He stated he agreed with the Mayor's decision to install the no parking signs because it is hard to control vendors and delivery vehicles. He requested the signs be turned so the oncoming traffic can see them. Mr. Carr stated he has had a difficult time finding a landscaper to help take care of their issues but it is not in their lease to maintain the landscaping. He stated

he is embarrassed by the parking near the intersection. He stated this was a habitual problem with two employees and he stated one no longer works there and the other one has been talked to. Mr. Carr explained what his business does and states it's not like most restoration businesses. He said the sand used for sandblasting is environmentally friendly. Ms. Carr stated they don't want it to look like a junkyard and want to be proud of it. She stated that admittedly it hasn't been the case thus far. She stated she would like to apologize to the residents of Farr West. She stated they accept responsibility and want to take care of the issues presented tonight. Mr. Carr stated they have made a lot of improvements in 5 days and want to be in compliance. He asked the Council for a 30, 60 or 90 day review to allow them to come into compliance with the conditional use permit. He stated they have access to 25 spots in the front and can put anything that's visually appealing there. He stated he has an upcoming meeting with Smith and Edwards about storage. Mr. Carr stated he know they can't stay at their current location with the amount of business they are doing and want to build their own facility to continue to grow. He stated his goal is to run a successful business without disturbing the neighbors. Mr. Carr stated he has been talking to a sandblasting plant, and will commit to reclaim the used material the same day for the time being. He stated he has talked to Councilman Dave Chugg about putting up a tent to contain the dust. Ken Phippen asked how long it would take for him to come into compliance. Boyd Ferrin stated when Mr. Carr came in for his business license in 2019 this was addressed and they were informed they were working under the conditional use permit that was approved allowing only 5 visually appealing vehicles out front. Boyd stated they are not within the conditions and just because they came back in, it doesn't change the conditions approved by the city. Boyd stated if the business restores 2 vehicles a month, then the cars out front are a year and a half worth of surplus vehicles. Mr. Carr some of the issues brought up tonight can be addressed right away. Boyd asked how long to get down to only 5 vehicles out front. Mr. Carr stated it was his understanding that the previous business was only allowed to have 5 spots, but because they acquired the whole business they have access to all the parking spots. Boyd state the 5 spaces was what was approved, that isn't something that changes with the business. Mr. Carr stated he had talked to Councilman Chugg about getting that modified. Boyd stated this room is packed with family, friends and residents of the city and they don't feel you are being a good neighbor. Boyd asked Mr. Carr how he could be a good neighbor and comply with the conditional use permit. Ms. Carr stated they are currently looking at another location for storage. Boyd stated he understands that but the city doesn't want them to just move the junkyard to both ends of the city. He also stated that just because they have 25 parking stalls; it doesn't mean you can park incomplete cars in all of them. Mayor Dickemore stated if they want a change in the amount of allowed vehicles parked out front, they would need to come in and see about modifying the

conditional use permit. Josh Blazzard stated they city ordinance does not allow for manufacturing in that zone. Boyd stated there may have been a code change since this was approved. Mr. Carr stated he can immediately change the amount of vehicles up front but there will be something in every stall until he can find an offload site. He stated he would like to have 30 days to get down to the 5 allowed or see about having that allowance increased. He stated he would also like to have the city define what a complete or aesthetically pleasing vehicle is. Boyd stated he has spoken with the city attorney and has driven by the business everyday and if that's the best they can do, then it's not appealing enough. Mr. Carr stated he understands what he's saying but what he has there is just vehicles waiting for restoration. Mr. Carr again requested 30 days to work with the city to define some things and look at increasing the allowance. Mr. Carr stated they have made an effort since receiving the notice to be parked in stalls and legally on the streets. Ms. Carr stated it is hard right now to find workers and they've had to threaten their employment and explain to them how this is jeopardizing the business license. Mayor Dickemore stated Councilman Chugg is out of town, but he did send Ken an email he would like read. Ken read the email that stated Councilman Chugg understands there will be a plan is to mitigate the problem. Bruce Richins asked why they started cleaning up a month ago. Mr. Carr stated it was because they were getting too congested and they couldn't work. Bruce stated the business needs to have parking area on the property for all their employees. He stated it sounds like the business accepted too much work and has been a bad neighbor. Bruce stated at this time he would be in favor of revoking license. Bruce stated he would like them to come back to the next Council meeting with a written short, mid and long term plan. Ken Phippen stated he works at a rocket factory and there's a reason it's out at promontory, because no one wants it as a neighbor. He stated there are appropriate places for certain types of business. He stated he lives out by Pick-a-Part Auto and right now they look better than Special Blend. Lt. Horton, WCSO, stated he doesn't feel all the blame should be on the business for the delivery drivers. He also pointed out the vehicle on 2000 West (in the Power Point presentation) was parked legally. Lt. Horton agreed there are traffic violations and safety concerns that need to be addressed. City Attorney Ryan Shaw stated his observation is that we have a business that has outgrown its current location and is now occupying more space than originally allowed in the conditional use permit. He stated Farr West is one of the most business friendly municipalities, but he feels there are several concerns that need to be addressed.

Dave Rhees stated he understood the C-2 Zone to be a "clean commercial" zone and doesn't think their resolution of moving cars to the north fixes the problem.

Mr. Carr stated the purpose of them freeing up the front was to load from the east side. He stated they can do all the loading from there and plan on maintaining that at 75-80%. Mr. Carr stated the 6 vehicles on the west end need to be moved and that

will happen over the next few days. He stated there shouldn't be any more loading or unloading on 900 North.

**KEN PHIPPEN MOTIONED TO REVOKE THE BUSINESS LICENSE AND CONDITIONAL USE PERMIT FOR SPECIAL BLEND MOTOR GARAGE LLC IF THEY ARE NOT IN COMPLIANCE WITHIN 30 DAYS. BOYD FERRIN SECONDED THE MOTION. A ROLL CALL VOTE WAS TAKEN WITH KEN PHIPPEN, BRUCE RICHINS, BOYD FERRIN AND JOSH BLAZZARD VOTING AYE. MOTION PASSES.**

- c. Discussion/Action – Approval of Ordinance No. 21-09, amending the business license approval process

Ryan Shaw explained Mayor Dickemore brought this topic up at the last meeting about streamlining the business license approval process. He stated the essential change is that office staff can approve licenses with certain conditions. Mr. Shaw stated this is just a rough draft and can be tweaked. He stated if there are certain businesses the City Council wants to see specifically, than can be added. Mr. Shaw stated he is not looking for approval on this tonight, but looking for a discussion on what the council would like to change. Ken Phippen stated he is okay with residential businesses being approved by office staff with a really good checklist. He also stated he would be comfortable with that procedure for professional offices like dentist and medical offices in existing buildings. Ken stated if the business is modifying anything they would need to come in for site plan approval. Ken also recommended a processing fee for home occupations and stated the city should look into electronic versions of business licenses. Josh Blazzard stated he would like to see solicitor and temporary licenses. Mr. Shaw stated he thinks the office staff is excellent and will pick up on additional steps they need to take. He stated if the staff has a question they would send them to the council. Bruce Richins said he would like to see a list of what licenses have been approved. Josh stated he would like to see the checklists that will be used.

**KEN PHIPPEN MOTIONED TO TABLE APPROVAL OF ORDINANCE NO. 21-09, AMENDING THE BUSINESS LICENSE APPROVAL PROCESS. BOYD FERRIN SECONDED THE MOTION, ALL VOTING AYE.**

- d. Approval of Ordinance No. 21-10, incorporating changes to the city ordinance to comply with HB82 and HB409 from the 2021 Utah Legislative Session. This will include changes to sections 17.08.010, 17.44.170, and the city development standard and create a new section 17.44.210

Ted Black stated this is an effort to comply with legislation. He stated the Planning Commission has gone through and tried to streamline this as much as possible. He stated he consulted with City Attorney Ryan Shaw about some fines and fees and things he didn't feel were necessary to include in the ordinance. Ted stated he sent out an explanation of what the law says the city has the ability to act on and why the Planning Commission took the action they did. Ted stated House Bill 49 is an effort to reduce storm water. He stated there was a lot of debate in the house about this bill. He said Ken pointed out the 32 feet and stated that has to be asphalt. He stated that is not exactly how are development standards are formatted, so what the Council is passing is the 32 foot minimum as outlined by the law. Ken stated Mr. Shaw clarified these need to be separated as an ordinance and a resolution for the public works standards update.

**BOYD FERRIN MOTIONED TO APPROVE ORDINANCE NO. 21-10, AMENDING TITLE 17 OF THE MUNICIPAL CODE TO COMPLY WITH HB 82. JOSH BLAZZARD SECONDED THE MOTION. A ROLL CALL VOTE WAS TAKEN WITH BOYD FERRIN, JOSH BLAZZARD, BRUCE RICHINS AND KEN PHIPPEN ALL VOTING AYE. MOTION PASSES.**

**BOYD FERRIN MOTIONED TO APPROVED RESOLUTION AMENDING PUBLIC WORKS STANDARDS. JOSH BLAZZARD SECONDED THE MOTION. A ROLL CALL VOTE WAS TAKEN WITH JOSH BLAZZARD AND BOYD FERRIN VOTING AYE, BRUCE RICHINS AND KEN PHIPPEN VOTING NAY. MAYOR DICKEMORE WAS CALLED TO BREAK THE TIE, MAYOR DICKEMORE VOTED AYE, MOTION PASSES.**

Ken stated he doesn't it fits the law as he read it. He stated he doesn't believe the city requires the LID standards. Josh Blazzard stated everything new will be LID compliant and that is a statewide mandate. Ken asked if the City needs to lay out what areas that would affect. Josh stated our standards have been updated. Ted Black stated he worked with Robbie and the low impact standards have been in place since last year. Josh stated there are options for the developers but they are all governed by the low impact development standards. Josh stated any currently active developments are being allowed to continue under the old standards, but anything new will have to be LID compliant.

#### #5 – Consent Items

- a. Approval of minutes dated August 5, 2021

**KEN PHIPPEN MOTIONED TO APPROVE THE MINUTES DATED AUGUST 5, 2021. BRUCE RICHINS SECONDED THE MOTION, ALL VOTING AYE.**

b. Approval of bills dated August 18, 2021

**BOYD FERRIN MOTIONED TO APPROVE THE BILLS DATED AUGUST 18, 2021. BRUCE RICHINS SECONDED THE MOTION, ALL VOTING AYE.**

c. Smith Family Park Update

Boyd Ferrin reported the triangle park is coming together. Ken reported on the latest ship date for the equipment and stated it wouldn't be installed this week anyway due to the rain. Boyd stated SWAT soccer wants to use Smith Park and he is concerned with their activities and recommend they don't use that park.

#6 – Mayor/Council Follow-up

a. Report on Assignments

There were no Council Reports.

#7 – Adjournment

**AT 9:02 P.M., BOYD FERRIN MOTIONED TO ADJOURN THE MEETING. KEN PHIPPEN SECONDED THE MOTION, ALL VOTING AYE.**

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Andrea Zweifel, Clerk

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Lee Dickemore, Mayor

Date Approved: \_\_\_\_\_