

MINUTES OF THE AUGUST 6, 2002, ROY CITY COUNCIL MEETING

1. Approval of July 16, 2002, minutes
1. Consent Agenda:
 - a. Final acceptance of subdivision improvements for Jones Estates Subdivision located at approximately 3275 West 5200 South
 - b. Final acceptance of subdivision improvements for Park West Subdivision Nos. 1 and 2 located at approximately 4450 South 3025 West
 - c. Set a public hearing to consider vacating a drainage easement on Lot Nos. 2, 7, 8 and 10 of the Larry Daley Subdivision (suggested date: August 20 at 6:15 p.m.)
1. Consideration of Resolution No. 777 accepting a petition from the Hooper Water Improvement District to consider annexation of approximately 0.20 acres of certain real property into Roy City and directing that a public hearing be set for October 15, 2002, at 6:30 p.m.
1. Consideration of a conditional use permit and site plan for TSO Transmission for used vehicle sales at 5791 South 1900 West
1. Public hearing to consider a petition from UDOT and Merlin G. Calver to rezone approximately 0.29 acres of property located at approximately 5635 South 2700 West from an RE-20 Zone to an R-3 Zone
 - a. Consideration of Ordinance No. 898 approving a rezone of property located at approximately 5635 South 2700 West, Roy, Utah from an RE-20 designation to an R-3 designation
1. Public hearing to receive input on the updated General Plan and to consider adoption of said plan
 - a. Consideration of Ordinance No. 899 adopting the General Plan
1. Discussion regarding amendment of set back requirements in Heritage Cove Subdivision (The Crest)
1. Acceptance of bid for Roy City Aquatic Center
1. Award of concrete contract for FY 2003
1. Approval of purchase of land for 4000 South detention basin
1. Conceptual landscaping plan for east Airport Road
1. City Manager's report

1. Mayor and Council Reports
1. Adjourn
1. Summary of actions charged

Minutes of the Roy City Council Meeting held August 6, 2002, at 6:00 p.m. in the City Council Room of the Roy City Municipal Building.

The meeting was a regularly scheduled meeting designated by resolution. Notice of the meeting was provided to *The Standard Examiner* at least 24 hours in advance. A copy of the agenda was posted.

The following were in attendance:

Mayor Roger Burnett
Councilwoman Marge Becraft
Councilman Tommy Smith
Councilman Dave Tafoya
Councilman John Cordova
Councilman Dan Tanner

City Manager Chris Davis
City Attorney Andrew Blackburn
Secretary Char Wolverton

Also present were: Chris Zimmerman, Development Services Director; Mike Mansfield, Public Works Director; Stephanie Hull; Gennie Kirch; Roxanne Pierce; Curtis Pierce; Nathaniel Stoddard; Roy Watts; Jason Christensen; Jordan Christensen; Merlin Calver; Jerri Lynn Corless; Kristy Corless

Prayer: Councilman Smith

Pledge of Allegiance: Councilman Smith

1. APPROVAL OF JULY 16, 2002, MINUTES

Councilwoman Becraft moved to approve the minutes of July 16, 2002, as written. Councilman Tanner seconded the motion. Council members Becraft, Smith, Tafoya, Cordova and Tanner voted “aye.” The motion carried.

1. APPROVAL OF THE CONSENT AGENDA

Councilman Tafoya moved to approve the consent agenda consisting of: Final acceptance of subdivision improvements for Jones Estates Subdivision located at approximately 3275 West 5200 South; final acceptance of subdivision improvements for Park West Subdivision Nos. 1 and 2 located at approximately 4450 South 3025 West; set a public hearing to consider vacating a drainage easement on Lot Nos. 2, 7, 8 and 10 of the Larry Daley Subdivision for August 20 at 6:15 p.m. Councilman Smith seconded the motion. Council members Becraft, Smith, Tafoya, Cordova and Tanner voted “aye.” The motion carried.

1. CONSIDERATION OF RESOLUTION NO. 777 ACCEPTING A PETITION FROM THE HOOPER WATER IMPROVEMENT DISTRICT TO CONSIDER ANNEXATION OF APPROXIMATELY 0.20 ACRES OF CERTAIN REAL PROPERTY INTO ROY CITY AND DIRECTING THAT A PUBLIC HEARING BE SET FOR OCTOBER 15, 2002, AT 6:30 P.M.

Chris Zimmerman stated that Hooper Water Improvement District has proposed that a small parcel of land at approximately 2575 West 4000 South be annexed into Roy City. Councilman Cordova asked how much land would be incorporated. Mr. Zimmerman stated that it would be one small area; .20 acres. Councilwoman Becraft asked if the previous water problem had been taken care of. Mr. Zimmerman stated that he would make sure it had been.

Councilman Cordova moved to accept Resolution No. 777 annexing approximately 0.20 acres of certain real property into Roy City. Councilman Smith seconded the motion. A roll call vote was taken. Council members Becraft, Smith, Tafoya, Cordova and Tanner voted “aye.” The motion carried. (Copy filed for record).

1. CONSIDERATION OF A CONDITIONAL USE PERMIT AND SITE PLAN FOR TSO TRANSMISSION FOR USED VEHICLE SALES AT 5791 SOUTH 1900 WEST

Chris Zimmerman reminded the Council that the conditional use permit and site plan for TSO Transmission had been previously tabled until it could be determined that the cars for sale would be located in the back of the business. That has been approved. Also, a small sign on the front pole will be in place to include the dealer licence number required by the state. The site plan has been modified to include three stalls in the back corner of the business where the cars for sale will be kept. Mr. Zimmerman stated that periodic checks would be made to ensure compliance.

Councilman Cordova moved to approve a conditional use permit and site plan for TSO Transmission for used vehicle sales at 5791 South 1900 West as outlined by staff and Planning Commission. Councilman Smith seconded the motion. Council members Becraft, Smith, Cordova and Tanner voted “aye.” Councilman Tafoya voted “nay.” The motion carried.

1. PUBLIC HEARING TO CONSIDER A PETITION FROM UDOT AND MERLIN G. CALVER TO REZONE APPROXIMATELY 0.29 ACRES OF PROPERTY LOCATED AT APPROXIMATELY 5635 SOUTH 2700 WEST FROM AN RE-20 ZONE TO AN R-3 ZONE

Councilman Smith moved to open a public hearing at 6:15 p.m. Councilman Cordova seconded the motion. Council members Becraft, Smith, Tafoya, Cordova and Tanner voted “aye.” The motion carried.

Chris Zimmerman stated that Merlin G. Calver is asking that .29 acres of property be re-zoned from RE-20 to R-3. The property is directly adjacent to two parcels of property that are currently zoned R-3. Mr. Calver would like to purchase the property in total and would like to have the entire parcel with the same zoning. Currently the three lots are overgrown with weeds. An apartment complex is planned for the lots which would include landscaping and a parking lot to create a buffer between the apartment complex and the adjacent homes. This has gone before the Planning Commission who recommended approval. Mayor Burnett asked what control the Council has over R-3 zoning, whether the staff would handle R-3 or whether it would have to go before the Planning Commission and City Council. Mr. Zimmerman stated that the site plan

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would have to be approved by the Planning Commission and City Council. City Attorney, Andy Blackburn, researched the Ordinance and found that apartments would require a conditional use permit and site plan.

Councilman Cordova asked about the piece of property that runs along the D&RG tracks west of the lot being discussed and six other adjacent lots. He questioned whether it would be parking for future commuter rail. Chris Zimmerman wasn't sure but felt any parking for commuter rail would be on the east side of the tracks to prevent commuters from having to cross the tracks to get aboard the train.

Councilman Smith asked if Mrs. Marleen Eastman had been contacted about the rezone. Mr. Zimmerman stated that several citizens came to Planning Commission Meeting and have called him with questions. He wasn't sure if Mrs. Eastman was one of the citizens present at the meeting. Mr. Calver stated that he contacted UDOT two years ago and asked if he could purchase the property. The original owners should have been given first option to purchase the property. Mr. Calver stated that notices were sent to all previous owners and no response was received.

Councilman Tafoya expressed concern about traffic congestion in the intersection of 5600 South and 2700 West. He felt that the community is generally against rezoning that will allow apartment buildings.

Mr. Calver stated that the elevation of the parcel is such that the apartments will set low enough to provide a good view. He also stated that the parcel they are asking to rezone will be the parking lot and green space.

Councilman Cordova asked Mr. Calver if his intentions were to put the apartment complex on the two north parcels. Mr. Calver stated that the plan was for a U-shaped apartment complex on the two northern parcels and the most southern parcel would be the parking lot and green space. Councilman Cordova asked that if the rezone was not approved, could the complex still go forward; building the apartments on the two northern lots and the parking lot on the southern lot. Chris Davis stated that a parking lot cannot reside in an RE-20 zone, that the primary use for RE-20 is residential.

Councilman Smith asked what kind of multi-family units were planned for this development. Mr. Calver stated that they would be two-story townhouses. Councilman Cordova asked if Mr. Calver intended to acquire the D&RG property. He stated that he had tried but was unsuccessful. Councilwoman Becraft expressed concern about the feeling of the public due to the fact that there are already apartment buildings in the area.

Nathaniel Stoddard, 5649 South 2700 West, stated that he contacted Greg Fox at UDOT who said he would research the sale of the property and get back with him. Mr. Stoddard stated that he and his family expressed interest in purchasing the property but were never given the

opportunity. Mr. Stoddard is concerned over potential traffic problems if the rezone is approved and stated that currently the traffic is bad enough. He often has problems getting in and out of his own driveway. He also expressed concern over the noise a parking lot would create right next to his home. He has not been made aware of any buffer zone. He concluded that he and his grandmother, Marleen Eastman, are opposed to the rezone. Mr. Calver stated that no concrete plan has been established and won't be until the rezone is approved, however, the plans are to put up a fence and work with staff to create a quiet and comfortable environment for everyone affected.

Councilwoman Becraft moved to close the public hearing at 6:42 p.m. Councilman Cordova seconded the motion. Council members Becraft, Smith, Tafoya, Cordova and Tanner voted "aye." The motion carried.

Councilman Cordova asked what effect a short delay would have on the developer. Mr. Calver stated that a closing date of September 19, 2002 had been set and that the bank, contractors, and suppliers were waiting. Councilman Cordova stated that he would like to look at Mariah Cove, a similar development of Mr. Calver's, on 12th Street and Monroe Blvd. Mr. Calver stated that he needed an answer by September 1st.

Councilman Cordova moved to table the petition from UDOT and Merlin G. Calver to rezone approximately 0.29 acres of property located at approximately 5635 South 2700 West from an RE-20 zone to an R-3 zone until the Council could gain a better understanding of the plan. Councilman Smith seconded the motion. Council members Becraft, Smith, Tafoya, Cordova and Tanner voted "aye." The motion carried.

1. PUBLIC HEARING TO RECEIVE INPUT ON THE UPDATED GENERAL PLAN AND TO CONSIDER ADOPTION OF SAID PLAN

Councilman Smith moved to open a public hearing at 6:46 p.m. Councilwoman Becraft seconded the motion. Council members Becraft, Smith, Tafoya, Cordova and Tanner voted "aye." The motion carried.

Chris Zimmerman stated that the Planning Commission, City Council, and Department Heads have all reviewed the General Plan as it has been put together for the past four-and-a-half years. The only new revision in the last four weeks is in reference to the plume. A section addressing natural and physical hazards, including a map, has been added. The "stamp policy" informs anyone who might purchase land on or near the plume that the property is in or near a physical hazard.

Councilman Tanner moved to close the public hearing at 6:55 p.m. Councilman Tafoya seconded the motion. Council members Becraft, Smith, Tafoya, Cordova and Tanner voted "aye." The motion carried.

Councilwoman Becraft moved to accept Ordinance No. 899 accepting the General Plan. Councilman Smith seconded the motion. A roll call vote was taken. Council members Becraft, Smith, Tafoya, Cordova and Tanner voted “aye.” The motion carried.

1. DISCUSSION REGARDING AMENDMENT OF SETBACK REQUIREMENTS IN HERITAGE COVE SUBDIVISION (THE CREST)

Chris Zimmerman reminded the council that the set back amendment for Heritage Cove Subdivision had been previously tabled to give the developer time to speak with the current homeowners in The Crest Home Owner’s Association. He explained that an agreement had been reached and the HOA seemed satisfied. Mr. Zimmerman reminded the Council that this issue was not before them so they could determine the types of homes to be built, but that the issue at hand is the amendment to the sideyard setback. The proponents are asking for a change in the sideyard setbacks from 5 feet to 4 feet. Mr. Zimmerman stated that no street sideyard setback was originally determined and the proponents are requesting a 15 foot street sideyard setback which is reasonable. Councilman Smith asked about the existing fence that runs along the north border of lots 46 through 76. Jason Christensen, of the development team, stated that they plan to leave the fence as is and that they are not asking for a change in rear setbacks.

Councilman Tafoya asked what the plan is for lot #55. Mr. Christensen stated that he had no plans to do anything with it as he has not purchased that lot. Currently the lot is grass and guidewires run through the property.

Councilman Smith expressed concern that the current homeowners understand the plan for the style of homes to be built. Mr. Christensen explained that members of the HOA have been informed and approve of the type of homes that are to be built. Councilman Smith felt it was important to put together a development agreement maintaining the current plan. Chris Davis stated that a current agreement exists.

Councilman Tafoya stated that members of the HOA somehow got the idea that another swimming pool was in the plan. Mr. Christensen stated that was never part of his plan.

Councilman Smith asked what the average price of the new homes would be. Mr. Christensen stated that they would sell for between \$145,000 and \$165,000. He explained that the type of home they plan to build lends itself well to upgrades and fits well with the “retirement community” that exists.

Councilman Cordova moved to approve the amendment of setback requirements in Heritage Cove Subdivision (The Crest). Councilman Smith seconded the motion. Council members Becraft, Smith, Tafoya, Cordova and Tanner voted “aye.” The motion carried.

1. ACCEPTANCE OF BID FOR ROY CITY AQUATIC CENTER

Chris Davis stated that the bids had been received earlier that day for the Aquatic Center. He stated that all bids came in over budget. Councilman Tafoya asked what the budget was. Mr. Davis stated that it was 2.7 million dollars not including architectural fees, however, since the original estimate, several changes have been made. With the required filtration system, the small pool, and expanded deck, the estimate was around 3 million dollars. This also does not include the work that will be done by City employees. Mr. Davis stated that the Council previously expressed a desire to go with the Myrtha pool rather than the Gunitite pool as the Gunitite pool carried only a one year warrantee. R&O Construction was the low bidder at \$3,473,860. The architects have suggested that the top four bidders be considered and the other five be disqualified. The architects will then attempt to negotiate cost with the primary bidders. Mr. Davis also stated that the City is looking to sponsors to help lower the cost. Mr. Davis recommended that the Council table acceptance of the bid until further information is obtained. Work has begun at the pool site and in the last two days, 232 and 249 loads of dirt, respectively, have been removed by City employees. The employees are working 5:00 a.m. to 5:00 p.m. in an attempt to get the site prepared for the contractor as quickly as possible. It is anticipated that the project will last approximately ten days. Councilman Cordova asked if it would be possible to borrow another City's street sweeper to clean up 5200 South, as Roy City's street sweeper is broken. Chris Davis said he felt that was a good idea and would look into it. He also felt that golf passes could be distributed to the neighbors who are being affected by the work.

Mr. Davis stated that when comparing warrantees, the Gunitite Pool and the Myrtha Pool cost about the same. He stated that the architects will work directly with Myrtha, out of Florida and Italy, to see if they are interested in having a Myrtha Pool in Utah.

Councilman Smith asked if the budget could be amended to accommodate the pool. The total estimated price is 4.5 million dollars including the land purchase. This does not include architectural fees and equipment inside the pool such as lounge chairs, cash registers etc.

Councilman Cordova moved to table acceptance of bid for Roy City Aquatic Center until further details can be worked out between the contractor(s) and the architect. Councilman Smith seconded the motion. Council members Becraft, Smith, Tafoya, Cordova and Tanner voted "aye." The motion carried.

1. AWARD OF CONCRETE CONTRACT FOR FY 2003

Chris Davis stated that a bid has not yet been accepted for the concrete contract for FY 2003. Flagship Construction, the low bidder, has never worked in Roy City before and no references were provided. Dalton Concrete is owned by Jimmy Openshaw's brother-in-law creating a conflict of interest. Stark Brother's, the third lowest bidder, has worked in the City for four years and has presented no problems. Mr. Davis recommended that the contract be awarded to Stark Brothers in an amount not to exceed \$116,000.

Councilman Cordova asked what the City gets for the \$116,000. Mike Mansfield explained that this includes sidewalk, curb, and gutter replacement according to a prioritized list.

Councilman Tafoya moved to award the concrete contract for FY 2003 to Stark Brothers in an amount not to exceed \$116,000. Councilman Tanner seconded the motion. Council members Becraft, Smith, Tafoya, Cordova and Tanner voted “aye.” The motion carried.

1. APPROVAL OF PURCHASE OF LAND FOR 4000 SOUTH DETENTION BASIN

The property being considered for purchase is between the tracks north of 4000 South. The current detention basin does not function properly. Vern Thompson owns the property currently and has expressed interest in selling it to the City. \$300,000 has been budgeted for the project, however, \$100,000 will be required for construction leaving \$200,000 for the purchase of the property. Mr. Thompson has asked \$200,000 for the property but states the price is negotiable. Councilman Cordova asked if this would expand the current detention basin. Mike Mansfield explained that the current basin will be expanded with an outlet to the west. In order to install a new outlet, the basin will need to be deepened and widened.

Councilman Tafoya moved to direct staff to purchase land for the 4000 South detention basin in an amount not to exceed \$200,000.00. Councilman Smith seconded the motion. Council members Becraft, Smith, Tafoya, Cordova and Tanner voted “aye.” The motion carried.

1. CONCEPTUAL LANDSCAPING PLAN FOR EAST AIRPORT ROAD

Mike Mansfield reported that the plan is to use city crews to carry out the landscaping plan for east airport road. He asked for any recommendations that the City Council had. He stated that \$45,000 has been budgeted to include three different colors of rocks and trees. The engineer's estimate is about double that amount. Councilman Smith asked if the project would be finished this year. Mr. Mansfield suggested that it would be best to plant the trees in the early spring. He explained that the issue of the steep bank at 4400 South has not been addressed. He suggested that the Council approve a controlled burn from 4400 South to 4800 South. The existing trees are Siberian Elm, most of which are not in good shape. He recommended getting rid of all existing Siberian Elm trees. Councilman Tanner asked the age of the trees. Mr. Mansfield felt they were 40 to 50 years old. Councilman Smith felt that leaving the trees would not add to the landscape project. The Council agreed to get rid of all Siberian Elm trees and approve a controlled burn. It was suggested that the second half of the project be budgeted for the next year. Mr. Mansfield reported that the project would start at the end of September. Chris Davis said he would work on obtaining a burn permit. He also said that he had been notified that there are about six young men from a local scout troop seeking an Eagle Project. He thought they could assist with the landscaping project.

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Councilman Smith moved to accept the conceptual landscaping plan for east airport road and approve a controlled burn. Councilman Tanner seconded the motion. Council members Becraft, Smith, Tafoya, Cordova and Tanner voted “aye.” The motion carried.

Councilwoman Becraft asked Mike Mansfield about the progress of the reservoir on 4000 South. He stated that it has just barely been started due to the fact that there are many projects the maintenance crew is working on within the City.

Councilman Tafoya asked about the progress of the traffic study. He stated that they are counting through and turn lanes and Larry Beknell, who is in charge of the study, felt it would be completed within the next 30 days. Mr. Mansfield stated that the City has looked into widening the road in front of Roy High School and placing a semaphore.

Councilman Cordova asked how long counters would be on 2900 West and 4800 South. Mr. Mansfield stated that they would be there for the next couple of weeks rotating through all lanes. Jerri Lynn Corless, 4791 S. 2900 W., presented letters from several members of the community who live in close proximity to the 2900 West and 4800 South intersection. Ms. Corless felt that a big part of the problem relates to parking, especially during soccer and baseball games. Cars park illegally on both sides of the street creating congestion and safety concerns. Ms. Corless stated that the police have been called when the problem arises, however, several of the illegally parked cars remained. She felt that signage changes or even ticketing could help resolve the problem.

Mayor Burnett asked who has the authority to issue citations. Chris Davis stated that police officers would be best suited.

Councilman Cordova asked Mr. Mansfield if he would provide the Council with different types of decorative lights other than cobra heads. He agreed to.

I. CITY MANAGER'S REPORT

Andy Blackburn expressed concern about the noise arising from work at the pool site which violates the current Noise Ordinance. He did report, however, that the City Council could make an exception to the Noise Ordinance for a short period of time.

Councilman Tafoya moved to make an exception to the Noise Ordinance for a period of two weeks. Councilman Smith seconded the motion. Council members Becraft, Smith, Tafoya, Cordova and Tanner voted "aye." The motion carried.

Councilman Tafoya volunteered to distribute \$500 to \$700 worth of golf passes to the homes fronting 5200 South and 2 or 3 homes into Fairway Estates who are most affected by the work on the pool. Councilwoman Becraft also volunteered to assist in this effort.

Chris Davis reported that Roy Days is coming along well. Fireworks West will be providing the fireworks which will be choreographed. Coca-cola has donated \$1500 toward the fireworks.

Councilman Smith asked what the menu would be for the employee party. Chris Davis reported that it will be the same as it has been in the past.

Chris Davis asked for suggestions for the next Newsletter. Councilwoman Becraft suggested an article addressing the parking problem on 2900 West. She also reported that she knew of citizens at the north end of town who are concerned about the reservoir and suggested that they be updated on the plans for that. The Chevron pipeline is creating issues and Mr. Blackburn is working to resolve those problems. Councilwoman Becraft also suggested that a statement from the new Ms. Roy be included.

Councilman Tanner suggested an announcement of the upcoming marching band competition. Jerri Lynn Corless recommended a reminder to all citizens to make their sidewalks safe for the children prior to the beginning of the new school year.

Tuesday, August 13, 2002 is the annual police, fire, Public Works, Parks & Recreation softball game at West Park. Mr. Davis asked if the Council would approve using Council contingency money to provide hot dogs for the game. They agreed.

Chris Davis is the chief judge of the parade and was looking for volunteers to help judge the floats. Jerri Lynn and Kristy Corless volunteered.

Councilman Tafoya asked about tickets to the salmon bake. Chris Davis reported that tickets are available at the door and at several local businesses.

Mr. Davis reported that Mike Mansfield, Tom Hanson, Chris Zimmerman and Mark Miller have identified the top five projects in the City: 1) 5600 South sign. 2) The Sport Court at Municipal Park. 3) SouthWest Park storm sewer. 4) Sandrige Park detention basin. 5) Airport Road and Riverdale Road intersection. He reported that he would keep the Council updated as the list changes.

Mr. Davis stated that he needed two volunteers to meet with the Grasli Group Wednesday, August 7, 2002 at 5:00 p.m. Councilman Tafoya and Councilman Smith volunteered. There will be meetings for the next six weeks.

I. MAYOR AND COUNCIL REPORTS

Mayor Burnett thanked the Council for the time they took to participate in the trip to Scottsdale, AZ. He reported that it was very informative and beneficial.

Mayor Burnett reported that 2 acres of the Ogden Airport are in Roy City, however, the City doesn't own that property. Mayor Godfrey wants the property annexed into Ogden City. Councilman Smith felt that Mayor Godfrey had no interest in receiving input from the Council.

I. ADJOURN

Councilwoman Becraft moved to adjourn City Council Meeting at 9:04 p.m. Councilman Tanner seconded the motion. Council members Becraft, Smith, Tafoya, Cordova and Tanner voted "aye." The motion carried.

I. SUMMARY OF ACTIONS CHARGED

- A. Staff to purchase land for the 4000 South detention basin not to exceed \$200,000.00.

Roger Phil Burnett
Mayor

Attest:

Char Wolverton
Secretary

dc:aug602