

MINUTES OF THE APRIL 15, 2003, ROY CITY COUNCIL MEETING

1. Approval of April 1, 2003 minutes
2. Recognition of Employees of the Month for March and April
3. Consent Agenda
 - a. Conditional acceptance of subdivision improvements for Taylor's Place Subdivision located at approximately 5125 South 3375 West
 - b. Approval of an amended subdivision plat for Hills of Homes Subdivision and approval of a revised site plan for the LDS Sandridge Seminary located at approximately 4595 South 2075 West
 - c. Consideration of a revised preliminary site plan for Mike Erekson/Cape Companies for the Herefordshire Square Commercial Center located at approximately 4450 South 1900 West
4. Public Hearing to consider a petition from Robert Fuller to vacate a public right-of-way in the Lula Subdivision located at approximately 4600 South 3100 West
 - a. Consideration of Ordinance No. 913 vacating 5 feet of public right-of way in the Lula Subdivision
5. Presentation by UTA on update on commuter rail
6. Public Hearing to consider a petition from P. Wayne and Gwen C. Hansen to annex approximately 42.39 acres located at approximately 3651 South 1900 West with a zone of MP-1
 - a. Consideration of Resolution No. 797 approving the annexation of the P. Wayne and Gwen C. Hansen property
 - b. Consideration of Ordinance No. 914 establishing a zone of MP-1 for P. Wayne and Gwen C. Hansen property which has been annexed into Roy City
7. Public Hearing to consider a petition from P. Wayne and Gwen C. Hansen, Shaunna Wassom, Kevin W. Hansen, Scott J. Hansen, Kenney C. Hansen, R. Craig Hansen and Paul K. Hansen to rezone approximately 9.53 acres located at approximately 3665 South 1900 West from an R-1-8 to CP-2
 - a. Consideration of Ordinance No. 915 approving a rezone of property located at approximately 3665 South 1900 West, Roy, Utah from an RE-20 designation to a CP-2 designation

8. Consideration of a Site Plan for Shawn Strong for the Stone Edge Commercial Center (Westridge Subdivision Lot No. 6) located at approximately 4655 South 1900 West and a Conditional Use Permit for storage units located at approximately 4665 South 1900 West
 - a. Consideration of Ordinance No. 909 approving a rezone of property located at approximately 4655 South 1900 West, Roy, Utah from an R-4 designation to a CP-2 designation
9. Presentation by Paul Morris on Utopia
10. Gary Tanner - Presentation on communications
11. Preliminary and final approval of the Shawn Strong Subdivision located at approximately 4655 South 1900 West
12. Consideration of a Conditional Use Permit and Site Plan for Dr. John Anderson for a dental office located at approximately 3479 West 4800 South
13. Consideration of a Conditional Use Permit and Site Plan for Loren and Kerry Glover for a teen dance club located at approximately 5301 South 1900 West
14. City Manager's Report
15. Mayor and Council Reports
16. Adjourn and convene a Redevelopment Agency Meeting

Minutes of the Roy City Council Meeting held April 15, 2003, 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: Mark Larson, Planner; Tony Reynolds, Development Services Director; Ralph S. Anderson; Mary Elizabeth Anderson; Bert Visser; Wayne & Gwen Hansen; Paul Martin; Sally Dana; D. Petersen; Mike Erikson; Kirt Wallace; Bob Ekstrom; Kerry Glover; Loren Glover; Clay Child; Jewelene Child; Curt Landes; Marjorie R?; Mike & Joan Fullmer; Shawn Strong; Clyde V. Goodwin; Julie Cawley Hanson; Jeff Howell; Kathryn Clark; Gennie Kirch; Robert Fuller; Stacy Mann; David T. Stephens; Keisha Tafoya; Payton Tafoya.

Prayer: Councilman Tafoya

Pledge of Allegiance: Councilman Tafoya

1. APPROVAL OF APRIL 1, 2003 MINUTES

Councilman Cordova asked that on Page 2, Item 3 Pacific Corporation be corrected to Pacificorp.

Councilwoman Becraft moved to approve the minutes of April 1, 2003, as amended. Councilman Tanner seconded the motion. Council members Becraft, Smith, Tafoya, Cordova, and Tanner voted “aye.” The motion carried.

2. RECOGNITION OF EMPLOYEES OF THE MONTH FOR MARCH AND APRIL

Greg Whinham and Chris Davis nominated Doug Gard for Employee of the Month for March, 2003. Mr. Gard recently retired after serving in the Police Department for over 20 years.

Mayor Burnett stated that Mr. Gard came to the Police Department after serving in the military; hence, has spent all of his adult life serving the citizens of Roy City and other citizens throughout the country.

Councilman Tanner moved to approve Doug Gard as employee of the month for March 2003.

Councilman Cordova seconded the motion. Council members Becraft, Smith, Tafoya, Cordova, and Tanner voted “aye.” The motion carried.

Mr. Gard introduced his family.

Jimmy Openshaw nominated Kirt Wallace as Employee of the Month for April 2003. The City has received great support from Mr. Wallace in the area of zoning and coding enforcement. He has displayed a great ability to work with the public and other departments within the City.

Councilwoman Becraft moved to approve Kirt Wallace as employee of the month for April 2003. Councilman Tafoya seconded the motion. Council members Becraft, Smith, Tafoya, Cordova, and Tanner voted “aye.” The motion carried.

3. CONSENT AGENDA

Councilman Cordova asked that Item C; consideration of a revised preliminary site plan for Mike Ereksen/Cape Companies for the Herefordshire Square Commercial Center located at approximately 4450 South 1900 West, be removed from the consent agenda to discuss individually.

Councilman Tafoya moved to approve items A and B of the Consent Agenda consisting of; conditional acceptance of subdivision improvements for Taylor’s Place Subdivision located at approximately 5125 South 3375 West, and approval of an amended subdivision plat for Hills of Homes Subdivision and approval of a revised site plan for the LDS Sandridge Seminary located at approximately 4595 South 2075 West. Councilman Smith seconded the motion. Council members Becraft, Smith, Tafoya, Cordova and Tanner voted “aye.” The motion carried.

Councilman Cordova noted that on page 11 of the Planning Commission notes it was recommended that landscaping islands around the light poles be added. Councilman Cordova felt this was unrealistic and he saw no gain by the addition of landscaping around the light poles. Mark Larson stated that this is preliminary and he will pass the information along to the Planning Commission.

Councilman Cordova moved to approve item C of the Consent Agenda consisting of; consideration of a revised preliminary site plan for Mike Ereksen/Cape Companies for the Herefordshire Square Commercial Center located at approximately 4450 South 1900 West. Councilwoman Becraft seconded the motion. Council members Becraft, Smith, Tafoya, Cordova and Tanner voted “aye.” The motion carried.

4. PUBLIC HEARING TO CONSIDER A PETITION FROM ROBERT FULLER TO VACATE A PUBLIC RIGHT-OF-WAY IN THE LULA SUBDIVISION LOCATED AT APPROXIMATELY 4600 SOUTH 3100 WEST

Councilman Smith moved to open a public hearing at 6:17 p.m. Councilman Cordova seconded the motion. Council members Becraft, Smith, Tafoya, Cordova and Tanner voted “aye.” The motion carried.

Mark Larson stated that notices were sent out to surrounding neighbors and there was no response within the 10 day protest period. When the Lula Subdivision plat was presented to the City Engineer, he noted that the subdivision platted over the existing right-of-way. To resolve this issue, 5 feet of right-of-way needs to be vacated. The additional five feet needed for the 4600 South right-of-way will be dedicated when the Miya property on the south side of the road develops.

Councilwoman Becraft moved to close the public hearing at 6:23 p.m. Councilman Tanner seconded the motion. Council members Becraft, Smith, Tafoya, Cordova and Tanner voted “aye.” The motion carried.

4A. CONSIDERATION OF ORDINANCE NO. 913 VACATING 5 FEET OF PUBLIC RIGHT-OF WAY IN THE LULA SUBDIVISION

Councilman Cordova moved to adopt Ordinance No. 913 vacating 5 feet of public right-of-way in the Lula Subdivision. Councilman Tafoya seconded the motion. A roll call vote was taken. Council members Becraft, Smith, Tafoya, Cordova and Tanner voted “aye.” The motion carried.

5. PRESENTATION BY UTA ON UPDATE ON COMMUTER RAIL

Chris Davis stated that UTA was unable to attend the meeting; hence, rescheduled for May 20. Burke Visser, 4833 S. 2500 W., who owns property near the tracks asked what UTA plans and for which set of tracks. Mayor Burnett explained that UTA has purchased a right-of-way along the east side of the Union Pacific tracks. They have also purchased a section of the D&RG tracks which remains a right-of-way. There has been talk about a Rails to Trails. Mayor Burnett told Mr. Visser that there is no plan to encroach upon anyone’s land on the east side as there should be plenty of room between the tracks to meet their needs.

6. PUBLIC HEARING TO CONSIDER A PETITION FROM P. WAYNE AND GWEN C. HANSEN TO ANNEX APPROXIMATELY 42.39 ACRES LOCATED AT APPROXIMATELY 3651 SOUTH 1900 WEST WITH A ZONE OF MP-1

Councilman Tanner moved to open a public hearing at 6:30 p.m. Councilman Tafoya seconded the motion. Council members Becraft, Smith, Tafoya, Cordova and Tanner voted “aye.” The motion carried.

Mark Larson explained that this property is located between Bingham Industrial Park and the Roy

City detention basin on 4000 South. The property is currently being used by the Bingham Family for agricultural purposes. The MP-1 zone requested by the Hansen family is consistent with the City's future land use map. It should be noted that the Weber Fire District does have a bond on this property that will be enforced until August of 2005. Mr. Hansen desires to continue to farm the land as he currently does. Mr. Hansen requested that the current farm and animal use be grandfathered. Councilman Tafoya noted that in the Planning Commission minutes there is mention of some agricultural uses being allowed in a manufacturing zone. He asked for clarification. Mark Larson stated that the agricultural uses are mainly associated with running a business. Andy Blackburn clarified that the grandfathered rights would exclude any new or additional uses. Mr. Hansen will be able to continue farming as he currently does.

Mr. Hansen explained to the Council that with the planned extension of Hinckley Drive, he was advised to annex and rezone his property to the highest possible zone. He confirmed that he continues to farm the land as he currently does.

Councilman Tanner moved to close the public hearing at 6:43 p.m. Councilman Smith seconded the motion. Council members Becraft, Smith, Tafoya, Cordova and Tanner voted "aye." The motion carried.

6A. CONSIDERATION OF RESOLUTION NO. 797 APPROVING THE ANNEXATION OF THE P. WAYNE AND GWEN C. HANSEN PROPERTY

Councilman Tafoya moved to approve Resolution No. 797 approving the annexation of the P. Wayne and Gwen C. Hansen property. 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).

6B. CONSIDERATION OF ORDINANCE NO. 914 ESTABLISHING A ZONE OF MP-1 FOR P. WAYNE AND GWEN C. HANSEN PROPERTY WHICH HAS BEEN ANNEXED INTO ROY CITY

Councilman Tafoya moved to adopt Ordinance No. 914 establishing a zone of MP-1 for the P. Wayne and Gwen C. Hansen property which has been annexed 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.

7. PUBLIC HEARING TO CONSIDER A PETITION FROM P. WAYNE AND GWEN C. HANSEN, SHAUNNA WASSOM, KEVIN W. HANSEN, SCOTT J. HANSEN, KENNEY C. HANSEN, R. CRAIG HANSEN AND PAUL K. HANSEN TO REZONE APPROXIMATELY 9.53 ACRES LOCATED AT APPROXIMATELY 3665 SOUTH 1900

WEST FROM AN R-1-8 TO CP-2

Councilman Cordova moved to open a public hearing at 6:47 p.m. Councilwoman Becraft seconded the motion. Council members Becraft, Smith, Tafoya, Cordova and Tanner voted “aye.” The motion carried.

The Hansen family is requesting that 9.53 acres of their farm along 1900 West be rezoned from RE-20 to CP-2 as designated in the General Plan. A CP-2 zone requires that a development plan be submitted along with the rezone which has not been done. Staff recommends that the public hearing be held and that this item be tabled until either a development plan is submitted or the Ordinance is amended. Councilman Tafoya asked when this would be brought back before the Council. Mark Larson felt that it would be 2 to 3 months. Andy Blackburn felt that there was no rush; hence, recommended that the item be tabled subject to Council review.

Councilman Smith moved to close the public hearing at 6:58 p.m. Councilman Tanner seconded the motion. Council members Becraft, Smith, Tafoya, Cordova and Tanner voted “aye.” The motion carried.

Councilman Smith moved to table the petition from P. Wayne and Gwen C. Hansen, Shaunna Wassom, Kevin W. Hansen, Scott J. Hansen, Kenney C. Hansen, R. Craig Hansen and Paul K. Hansen to rezone approximately 9.53 acres located at approximately 3665 South 1900 West from an R-1-8 to CP-2 for approximately three months pending Council review. Councilman Cordova seconded the motion. Council members Becraft, Smith, Tafoya, Cordova and Tanner voted “aye.” The motion carried.

8. CONSIDERATION OF A SITE PLAN FOR SHAWN STRONG FOR THE STONE EDGE COMMERCIAL CENTER (WESTRIDGE SUBDIVISION LOT NO. 6) LOCATED AT APPROXIMATELY 4655 SOUTH 1900 WEST AND A CONDITIONAL USE PERMIT FOR STORAGE UNITS LOCATED AT APPROXIMATELY 4665 SOUTH 1900 WEST

Mark Larson explained that Shawn Strong is requesting Site Plan Approval and a Conditional Use Permit for storage units. The site includes all of lot #6 of the Westridge II Subdivision. The project includes a total of 3.63 acres with 261 commercial storage units and six commercial building spaces along 1900 West. The site plan includes a 6 foot masonry wall around the storage units with a rod iron fence along the commercial property. The City Engineering, Public Works, and Fire Marshall comments have all been addressed. There are conflicting ordinances regarding parking leaving a shortage of as little as two or as many as 10 parking spaces; however, there is parking space within the storage units. The Planning Commission recommended that the employees be required to park in the south parking lot. Councilman Cordova expressed concern over the metal roofed and sided storage sheds under the power lines. Mr. Strong explained that the sheds will be completely grounded and that he has spoken with UP&L and an electrical engineer. Councilman Cordova also asked if UP&L would have access to the four power poles along the west side of the property. Mr.

Strong confirmed that they would. Councilman Tafoya complimented Mr. Strong on his willingness to work with the City to make his plan work.

Mayor Burnett asked if there was any public comment.

Richard Copps stated that he looked at purchasing this same property approximately 18 months ago and was steered away from it. He pointed out several potential problems within the property. He stated that there is no access to the Questar property, there are two homes currently on the property containing asbestos which presents a problem with demolition, and due to the slope of the property, there is a potential problem with runoff. He also pointed out that handicap parking will be required which makes the parking availability more inadequate.

Julie Cawley Hanson, 2011 W. 4600 S., first thanked the Council for all they put into her brother, James Cawley's, funeral services. Ms. Hanson then stated that she would like to see Mr. Strong's proposed site plan go through; however, she felt that a 6 foot masonry wall is not adequate. She would like to see a 10 foot wall, minimum of 8 foot.

Clyde Goodwin, 4660 S. 2025 W., stated that he has "tolerated" the ground since 1961. He stated that the Brownstone Apartments do not follow regulations, have been a problem as long as they have existed, and he would like to see a higher fence also. He is concerned about the teenagers that live in the apartments jumping the fence or ruining the fence and causing problems.

Kathryn Clark, 1995 W. 4600 S., also added that in her opinion a 6 foot fence is inadequate.

Mark Larson explained that there would be a 3 foot retaining wall with a 6 foot fence on top of that for a total of 7 to 9 feet depending on the contour of the adjoining lots. Mr. Larson also explained that each retail space would go through a conditional use permit which will address the parking issue.

Councilman Cordova felt that the neighbors need protection from the tenants of the Brownstone Apartments and asked what an additional foot of wall would cost. Mark suggested that barbed wire on top of the 6 foot fence would be allowed by the Ordinance and may be worth discussing. Mr. Strong stated that he would be willing to put barbed wire on the top of the block wall fence.

8A. Consideration of Ordinance No. 909 approving a rezone of property located at approximately 4655 South 1900 West, Roy, Utah from an R-4 designation to a CP-2 designation

Councilman Tafoya moved to approve Ordinance No. 909 approving a rezone of property located at approximately 4655 South 1900 West, Roy, Utah from an R-4 designation to a CP-2 designation. Councilman Smith seconded the motion. A roll call vote was taken. Council members Becraft, Smith, Tafoya, Cordova and Tanner voted "aye." The motion carried.

Councilman Tommy Smith left the meeting at 8:25 p.m.

9. PRESENTATION BY PAUL MORRIS ON UTOPIA

Paul Morris, Executive Director of Utopia and City Attorney for West Valley City, updated the Council on Utopia. Utopia is legally organized as of May and includes 18 participating cities. This is the largest fiber optic home network in the western hemisphere. Mr. Morris updated the Council on the recent developments, construction bidding and awarding of contracts, and marketing and funding of the project with grants and bonds.

Councilman Cordova asked where the Comcast upgrade fits in. Mr. Morris explained that Comcast is a hybrid system with fiber loops into neighborhoods using cable modems with a focus on residential. He explained that Utopia is a pure fiber system which exceeds the capacity of Comcast at a very competitive price. For \$28 to \$30 per month, one can get the ability to upload and download one meg available to homes and businesses.

Councilman Tanner asked if this would be redundant as Microsoft, AT&T, Questar, etc., are already available. Mr. Morris explained that the fiber optic would come straight to the home which has not already been done.

Councilman Cordova asked when construction is expected to commence. Mr. Morris stated that construction would begin in the Murray and Orem areas on September 1 which would include 30,000 homes in the first bond.

Councilman Tafoya asked if Utopia would be asking for more money in the future. Mr. Morris stated that it would not, that the goal is to pay back the initial investment of \$40,000. Mayor Burnett asked what the cost would be if Roy City decided to be excluded. Mr. Morris said that the participating cities will have the ability to review the interlocal agreement before the bonds are issued and could get out at that time. He indicated that the interlocal agreement should be ready by June.

10. GARY TANNER - PRESENTATION ON COMMUNICATIONS

Gary Tanner, Future Smart Systems, shared his knowledge on communication abilities and capacity. He expressed concern about the employment of fiber optics inside of homes. He also stated that only about half a dozen service providers exist, each of whom already have a working system. He questioned whether Utopia was worth the cost and wondered whether citizens of Roy would need or use such a system. He also stated that technology currently exists that can upload and/or download 1 meg files. He recommended that the City Council look at the pros and cons of Utopia

before committing. He stated that fiber optic networks have been unsuccessful in the past.

Mayor Burnett asked Glen Combe if he had anything to add.

Mr. Combe stated that when Utopia first came about a year and a half ago, there were no broadband Internet service providers. He wondered what the motivating factor will be for citizens to switch over when Utopia reaches Roy in the next 5 years or so if they already have the same capabilities. He felt that Utopia would be a huge asset to a company such as Iomega. He also advised that the City have a way out of Utopia if more money is required to fund the project. His feeling was that 99% of the homes in Roy would require extensive work in order to utilize Utopia's services if and when they are available. He questioned whether the results justify the cost. He said that there are a lot of issues that exist with fiberoptics and such as a system has never been tested. Paul Morris stated that other countries are currently using fiberoptic systems similar to Utopia.

11. PRELIMINARY AND FINAL APPROVAL OF THE SHAWN STRONG SUBDIVISION
LOCATED AT APPROXIMATELY 4655 SOUTH 1900 WEST

Mark Larson explained that Mr. Strong has proposed that Westridge Lot No. 6 be divided into two lots. Lot No. 1 would include the office buildings and Lot No. 2 would house the storage sheds. A boundary adjustment of 13 feet to even up Lots No. 1 and 2 will also be made. Mayor Burnett asked why the property owner would be willing to lose 13 feet of his property. Mr. Larson stated that the property owner's niece would be gaining the 13 feet.

Councilman Tafoya moved to grant preliminary and final approval of the Shawn Strong Subdivision located at approximately 4655 South 1900 West. Councilman Tanner seconded the motion. Council members Becraft, Tafoya, Cordova and Tanner voted "aye." The motion carried.

12. CONSIDERATION OF A CONDITIONAL USE PERMIT AND SITE PLAN FOR DR.
JOHN ANDERSON FOR A DENTAL OFFICE LOCATED AT APPROXIMATELY 3479
WEST 4800 SOUTH

Mark Larson stated that the Council has seen this before when a rezone was requested several months ago. Dr. John Anderson is proposing a pediatric dental office for this site. There have been meetings with the neighbors before and after the rezone process and during the site plan process. Interest was expressed for a fast food restaurant at this site which didn't work out. The staff is excited about the proposed use of a dental office. There was no developer's agreement attached to the rezone; however, the neighbors submitted a list of requested guidelines. The building layout has

been changed from its original proposed position with the dumpster in the SE corner enclosed, the trees have been taken out to allow for adequate parking, and new trees proposed along the east side with 6 feet of landscaping. The building will allow for two other potential tenants. The neighbors requested an 8 foot block wall; however, Planning Commission recommended a 2 foot concrete retaining wall along the parking area with a 4 foot solid vinyl fence atop the retaining wall with a 6 foot solid vinyl fence surrounding the remainder of the property.

Councilman Cordova asked about Mr. Yu's involvement in this development. Dr. Anderson explained that he has the option to buy from Mr. Yu pending the decision made tonight by the City Council.

Councilman Cordova asked Dr. Anderson if he was aware than an 8 foot wall was required. Dr. Anderson said that he was not aware of that.

Councilman Tafoya stated that a long process had been gone through and even though the rezone was not accompanied with conditions, the neighbors had requested an 8 foot block wall.

Councilman Tafoya moved to approve the Conditional Use Permit and Site Plan for Dr. John Anderson for a dental office located at approximately 3479 West 4800 South including an 8 foot masonry wall around the property.

Dr. Anderson explained that he felt a block wall does not fit with the type of business and building he is proposing. He felt that a 6 foot vinyl fence complements the building, gives a much softer look, and still provides a barrier for the neighbors. He saw no need for a block wall and stated that his costs are enormous without the block wall. He stated that it would cost \$30,000 to prepare the land for building and a block wall will add thousands of dollars to the cost. He stated that he currently has a dental practice in Farmington; hence, the block wall issue is a make or break deal. He hoped to utilize this lot to benefit the community and Planning Commission agreed with his site plan. He asked what the purpose of a block wall is as opposed to a vinyl fence. Councilman Cordova asked to hear from the public.

Sally Dana, 3464 W. 4825 S., stated that she was excited about the prospect of a dental office on this property; however, is angered at the revised site plan. She stated that in her opinion, the purpose of a block wall is to protect her yard. She was concerned about a fence becoming a short-cut for kids passing through the area. She stated that her list of requested guidelines has never changed and would like to see a block wall. She brought in pictures of nice block walls and stated that they would look fine with his proposed building. She felt a block wall would provide protection and a visual and sound barrier. She stated that she would actually like to see a 10 foot block wall.

Brad Fehr, 3463 W. 4800 S., stated that he felt the vision was good and would hate to see the project terminated because of fence material. He said that customers will come if he's a good dentist and

wants an 8 foot block wall.

Phil Durbano, 3472 W. 4825 S., said that he was unhappy about a 2 foot concrete retaining wall spanning half of his yard as the parking lot ends in the middle of his property. He stated that he would still like to see the 8 foot block wall also.

Kevin Mann, 3409 W. 4975 S., stated that he is not directly affected as his property does not border the development; however, he is a citizen and neighbor and will be very upset if Dr. Anderson backs out because he is required to construct a block wall. He asked what better business could go in to such a lot. His feeling was that if the dentist office doesn't go through, the lot will remain undeveloped. He is very much in favor of the development and feels that a 2 foot retaining concrete wall is sufficient to prevent any vehicle from entering the adjacent properties.

Carrie Anderson, Dr. John Anderson's wife, presented a picture of Mr. Durbano's current fence and stated that he just wants a nicer fence in his backyard. She said that the City should give an allowance for the fence if they don't want to lose business. Ms. Dana argued that she isn't against the development; however, the trees currently provide a visual and sound barrier and she doesn't want to look out her back window and see a dental office. She felt that the block wall is important to her safety and security and affects her quality of living.

Stacie Mann, 3409 W. 4975 S., stated that she also would like to see the property developed. She recognized that the neighbors are passionate about their requests and asked that if she comes to enough meetings and is persistent, will the City help her with a neighboring dog problem? She stated that the corner is an armpit and needs to be developed. She would love to have a pediatric dental office just a block away from her home and is sad that the neighbors are so hung up on a block wall.

Ralph Anderson, Dr. Anderson's father, stated that a 2 foot concrete retaining wall is much stronger than a block wall and would be much more successful in preventing a car from entering

an adjacent yard. He felt that any development would be a drastic improvement over the current situation.

Dan Stevens stated that the property contains two Artesian wells which will be very costly to cap and a block wall will only add to the expense. He suggested that the neighbors split the cost of the block wall if they are unwilling to compromise. He stated that a 2 foot concrete wall will be sufficient to stop a car at low speeds and with the entrance design, it would be nearly impossible for a car to reach high speeds before coming in contact with the retaining wall.

Councilman Tanner asked who is responsible for the fence or block wall. Andy Blackburn stated that the property owner is responsible for the wall. Councilman Tanner stated that he felt vinyl was a good compromise, would be more attractive, and less likely to be subject to graffiti. If the issue

is privacy, he asked whether it would be possible to construct a 2 foot concrete retaining wall with a 6 foot vinyl fence atop that. Dr. Anderson explained that a retaining wall is \$80 per foot and is looking to keep the cost down as much as possible.

Councilman Tafoya stated that the property wasn't commercial to begin with. Mr. Yu asked for a rezone and at that time the neighbors were told that the Council would attempt to meet their guidelines.

Carrie Anderson stated that she and her husband had greatly compromised and asked why the neighbors couldn't do the same.

Councilman Cordova asked whether the issue was financial or appearance. Dr. Anderson stated that he felt both were an issue; however, listed in order he would put looks first. He stated once again that a block wall doesn't match the development. Councilman Cordova asked whether Dr. Anderson would be willing to construct a 2 foot concrete retaining wall with a 6 foot vinyl fence atop that. He stated that it would be \$10,000 to \$12,000 just for the concrete wall which was planned only for the south side parking area, not all the way around. Councilman Cordova stated that he was not set on a block wall; however, felt that commitments had been made to the neighbors to attempt to meet their guidelines. He felt that light and noise pollution were the real issues and all efforts should be made to shield them from both. He asked whether concessions could be made by the City to help with the cost of the wall/fence. Tony Reynolds, Development Services Director, asked whether the Council would be willing to set such a precedence. It was decided that such a precedence should not be set

Councilman Tanner complimented Dr. Anderson on the design of the building recognizing that the bottom half is brick and the top half stucco. He asked whether a block wall that matches the building could be designed as he would hate to see the project fall through.

Councilman Tafoya stated that his motion still stands; however, motion died for lack of a second.

Councilman Cordova moved to approve a Conditional Use Permit and Site Plan for Dr. John Anderson for a dental office located at approximately 3479 West 4800 South with the stipulation that either a 6 foot vinyl fence atop a 2 foot concrete retaining wall be constructed around the property totaling 8 feet allowing for front set-backs or an 8 foot block wall be constructed around the property. Councilman Tanner seconded the motion. Council members Becraft, Cordova and Tanner voted "aye." Councilman Tafoya voted "nay." The motion carried.

Dr. Anderson asked if the City would be willing to help with the cost. Mayor Burnett stated that this would only be done if the property were within an RDA.

13. CONSIDERATION OF A CONDITIONAL USE PERMIT AND SITE PLAN FOR LOREN AND KERRY GLOVER FOR A TEEN DANCE CLUB LOCATED AT APPROXIMATELY 5301 SOUTH 1900 WEST

Mark Larson stated that Loren and Kerry Glover are requesting approval of a conditional use permit and site plan to open a teen dance club known as Night Moves at 5301 South 1900 West. No tobacco or alcohol will be allowed. They are proposing a new use; however, do not plan to change the building. Because the building will undergo no changes, Mr. Larson asked that the plan be accepted as grandfathered. Two items of concern include lack of parking which has always been a problem and lack of landscaping. The Fire Marshall and Police Department have requested two entrance/exits. The proponents plan to have fewer than 300 persons in the building at any one time. The patrons will be required to check in and check out. Because the building is less than 5,000 square feet, City code does not require a sprinkling system. Councilman Tafoya asked if it had been verified that the building is less than 5,000 square feet. Mr. Larson stated that the Fire Marshall and building inspector have measured the building at 4,700 square feet.

Councilman Tafoya stated that once the use is changed, a grandfather clause does not apply and a site plan is required. Andy Blackburn confirmed that the grandfather clause applies to the use and if the use is changed, grandfather clause does not apply.

Councilman Tafoya moved to table consideration of a Conditional Use Permit and Site Plan for Loren and Kerry Glover for a teen dance club located at approximately 5301 South 1900 West until a site plan is presented. Councilwoman Becraft seconded the motion. Council members Becraft, Tafoya, Cordova and Tanner voted "aye." The motion carried.

Councilwoman Becraft asked what the age requirements would be. Mr. Glover stated that persons 14 years of age and over would be allowed. Councilwoman Becraft was uncomfortable with the idea of 14 y/o children mingling with adults.

14. CITY MANAGER'S REPORT

An Easter egg hunt will be held on Saturday April 19th at Sandridge Park at 9:00 a.m.

On April 26th, there will be a service project at the swimming pool parking lot. Scouts will be laying sod and planting trees.

15. MAYOR AND COUNCIL REPORTS

Mayor Burnett reported that there was a Freedom Walk which was a great program held today at Freedom Elementary in support of the troops.

Councilman Tanner reported that a Carnival has been reserved for Roy Days and could potentially turn into a long-term deal.

16. ADJOURN TO REDEVELOPMENT AGENCY

Councilwoman Becraft moved to adjourn to a Redevelopment Agency Meeting at 11:12 p.m. Councilman Tanner seconded the motion. Council members Becraft, Tafoya, Cordova and Tanner voted “aye.” The motion carried.

Roger Phil Burnett
Mayor

Attest:

Char Wolverton
Secretary

dc:apr1503

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Minutes of the Redevelopment Agency Meeting held April 15, 2003, 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:

Chairman Roger P. Burnett
Board Member Marge Becraft
Board Member John Cordova
Board Member Dave Tafoya
Board Member Dan Tanner

Executive Director Chris Davis
City Attorney Andy Blackburn

Excused: Board Member Tommy Smith

Others present were: Cathy Spencer, Management Services Director; Char Wolverton; Tony Reynolds, Development Services Director.

1. APPOINTMENT OF ANTHONY D. REYNOLDS AS EXECUTIVE DIRECTOR OF THE RDA

Chris Davis stated that Mr. Reynolds has previous experience with RDA and staff recommends appointment of Mr. Reynolds as Executive Director of the RDA.

Board member Cordova moved to appoint Anthony D. Reynolds as Executive Director of the RDA. Board member Tanner seconded the motion. Board Members Becraft, Cordova, Tafoya, and Tanner voted “aye.” The motion carried.

2. APPROVAL OF MINUTES OF JUNE 19, 2001, MAY 7, 2002 AND DECEMBER 17, 2002

Board member Tanner moved to approve the minutes of June 19, 2001, May 7, 2002 and December 17, 2002, as written. Board member Becraft seconded the motion. Board Members Becraft, Cordova, Tafoya, and Tanner voted “aye.” The motion carried.

3. RDA-43, A “RESOLUTION ADOPTING THE PROJECT AREA BUDGET FOR THE 1900 WEST REDEVELOPMENT PROJECT AREA

Chris Davis stated that this is a housekeeping issue which has been overlooked and needs to be formally adopted. Ms. Spencer stated that the budget was adopted but no resolution was approved along with it.

Board member Tanner moved to adopt RDA-43, a Resolution adopting the project area

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budget for the 1900 West redevelopment project area. Board member Cordova seconded the motion. A roll call vote was taken. Board Members Becraft, Cordova, Tafoya, and Tanner voted “aye.” The motion carried.

4. ADJOURN

Board member Tanner moved to adjourn Redevelopment Agency Meeting at 11:17 p.m. Board member Becraft seconded the motion. Board Members Becraft, Cordova, Tafoya, and Tanner voted “aye.” The motion carried.

Roger P. Burnett
Chairman

Attest:

Char Wolverton
Secretary

dc:apr1503