

MINUTES OF THE JUNE 17, 2003, ROY CITY COUNCIL MEETING

1. Approval of June 3, 2003 minutes
- 1a. Recognition of Employees of the Month for May and June
2. Consent Agenda
 - a. Consideration of a Conditional Use Permit and Site Plan for Matthew Flamm for an Allstate Insurance office located at approximately 3519 West 5600 South
3. Consideration of Resolution No. 799, A Resolution of the Roy City Council Approving Adjustments to the Fiscal Year 2003 Budget Amended to Include Changes to the Capital Projects Fund
4. Consideration of Resolution No. 802 accepting a petition to consider annexation of certain real properties located at approximately 3300 West 5600 South into Roy City and directing that a Public Hearing be set for August 19, 2003, at 6:30 p.m.
5. Public hearing to consider:
 - a. Vacating a public utility easement for a temporary turn-around located at approximately 5308 South 3275 West
 - i. Consideration of Ordinance No. 917 vacating a public utility easement pertaining to a temporary turn-around on Lot Nos. 9 and 10 of Jones Estates Subdivision Amended
 - b. Vacating a 6-foot walkway located at approximately 4677 South 2900 West
 - i. Consideration of Ordinance No. 918 vacating a 6-foot walkway between Lot Nos. 6 and 7 of Park Side Estates Subdivision
 - c. Vacating a 5-foot walkway located at approximately 3917 South 2675 West
6. Consideration of Ordinance No. 871 approving a rezone of property located at approximately 3500 West 5600 South, Roy, Utah from an RE-20 designation to a CP-2 designation
7. 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
8. UTA update on commuter rail
9. Review of bids and discussion on 5200 South storm drain project
10. Mayor and Council Reports
11. Adjourn

Minutes of the Roy City Council Meeting held June 17, 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:

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| Councilman Tommy Smith | City Manager Chris Davis |
| Councilman Dave Tafoya | City Attorney Andrew Blackburn |
| Councilman John Cordova (Acting Chairman) | Secretary Char Wolverton |

Excused: Mayor Roger Burnett, Councilwoman Marge Becraft, Councilman Dan Tanner

Also present were: Tony Reynolds, Community Development Services Director; Mark Larson, Planner; Mike Mansfield, Public Works Director; Pam Wittmann; Dave Van Dyke; Derick O'Connor; E Runchel; Brandon Welch; Dean Stimpson; Barbara Stimpson; Kaitlyn Frayser; P Jay Frayser; Jerri Lynn Corless; P. Wayne and Gwen Hansen; Bret Wahlen; Ronda Bruce; Cameron Bruce.

Moment of Silence: Councilman Tafoya

Pledge of Allegiance: Councilman Tafoya

1. APPROVAL OF JUNE 3, 2003 MINUTES

Councilman Tafoya moved to approve the minutes of June 3, 2003, as written. Councilman Smith seconded the motion. Council members Smith, Tafoya, and Cordova voted “aye.” The motion carried.

1a. RECOGNITION OF EMPLOYEES OF THE MONTH FOR MAY AND JUNE

Virgil Howe reported that he submitted a letter to Chris Davis nominating employees of the month for May. A major water line break occurred at the recreation complex over Easter weekend. On a Saturday night, Rusty Tubbs from the Recreation Department, Josh Gibson from the Recreation Department, Kevin Tubbs from the Water Department, and Brandon Edwards from the Street Department cut 20 feet of concrete floor in the women’s shower room, repaired the plumbing, and re-poured the floor in order to allow the complex to re-open Monday morning. Some of these employees worked for 18 hours in order to allow uninterrupted service to the public.

Councilman Smith moved to approve Rusty Tubbs, Josh Gibson, Kevin Tubbs, and Brandon Edwards as Employees of the Month for May 2003. Councilman Tafoya seconded the motion. Council members Smith, Tafoya, and Cordova voted “aye.” The motion carried.

Before announcing the Employees of the Month for June 2003, Chief Greg Whinham announced

the recent promotion of Police Captain, Tim Jensen, to the Council and audience. Captain Jensen has been assigned as parole division commander. He has had extensive experience in the department in the SWAT Team and undercover narcotics. He is also a nationally certified fraud investigator.

Chief Whinham then explained that throughout Roy City there are 13 spots where school children cross busy streets three times a day. He explained that it takes dedicated crossing guards to accomplish this task. Ed Griner, crossing guard for 10 years, is now the crossing guard coordinator. His wife Sherry Griner was also present and has served as a crossing guard for the last two years. Chief Whinham asked Pam Whitman, Principal of Midland Elementary to help him with the presentation. Chief Whinham explained that he received a call from Mrs. Bolton who contacted him to tell him how great the two crossing guards are at Midland Elementary. They have served for several years. Chief Whinham asked Mrs. Bolton to write a letter regarding these crossing guards and send it to him so the recognition could be passed on to them. She went to the school and started a petition that each child signed saying what great crossing guards they have at their school. Chief Whinham nominated Walt Forster and Don Woolsey as Employees of the Month for June 2003.

Councilman Smith moved to approve Walt Forster and Don Woolsey as Employees of the Month for June 2003. Councilman Tafoya seconded the motion. Council members Smith, Tafoya, and Cordova voted “aye.” The motion carried.

2. APPROVAL OF THE CONSENT AGENDA

Councilman Tafoya moved to approve the consent agenda consisting of: Consideration of a Conditional Use Permit and Site Plan for Matthew Flamm for an Allstate Insurance office located at approximately 3519 West 5600 South. Councilman Smith seconded the motion. Council members Smith, Tafoya, and Cordova voted “aye.” The motion carried.

3. CONSIDERATION OF RESOLUTION NO. 799, A RESOLUTION OF THE ROY CITY COUNCIL APPROVING ADJUSTMENTS TO THE FISCAL YEAR 2003 BUDGET AMENDED TO INCLUDE CHANGES TO THE CAPITAL PROJECTS FUND

Chris Davis explained that the City has an opportunity to purchase a home out in front of the City Office Building. It is proposed that the funds, in the amount of \$135,000, be taken from the Contingency Fund to the Capital Projects Fund to purchase this home.

Councilman Cordova asked what the long-term plans are for this property. Chris Davis explained that this property will be used to expand the City Office Building some time in the future.

Councilman Smith moved to accept Resolution No. 799, a Resolution of the Roy City Council Approving Adjustments to the Fiscal Year 2003 Budget Amended to include changes to the Capital Projects Fund. Councilman Cordova seconded the motion. A roll call vote was taken. Council members Smith, Tafoya, and Cordova voted “aye.” The motion carried. (Copy filed for record).

4. CONSIDERATION OF RESOLUTION NO. 802 ACCEPTING A PETITION TO

CONSIDER ANNEXATION OF CERTAIN REAL PROPERTIES LOCATED AT APPROXIMATELY 3300 WEST 5600 SOUTH INTO ROY CITY AND DIRECTING THAT A PUBLIC HEARING BE SET FOR AUGUST 19, 2003, AT 6:30 P.M.

Chris Davis explained that this Resolution is in accordance with the new annexation process which includes sending out notices to surrounding properties and setting up a Public Hearing within 60 days.

Councilman Tafoya moved to approve Resolution No. 802 accepting a petition to consider annexation of certain real properties located at approximately 3300 West 5600 South into Roy City and directing that a Public Hearing be set for August 19, 2003, at 6:30 p.m. Councilman Smith seconded the motion. A roll call vote was taken. Council members Smith, Tafoya, and Cordova voted “aye.” The motion carried. (Copy filed for record).

5. PUBLIC HEARING TO CONSIDER:

- A. Vacating a public utility easement for a temporary turn-around located at approximately 5308 South 3275 West
 - i. Consideration of Ordinance No. 917 vacating a public utility easement pertaining to a temporary turn-around on Lot Nos. 9 and 10 of Jones Estates Subdivision Amended
- B. Vacating a 6-foot walkway located at approximately 4677 South 2900 West
 - i. Consideration of Ordinance No. 918 vacating a 6-foot walkway between Lot Nos. 6 and 7 of Park Side Estates Subdivision
- C. Vacating a 5-foot walkway located at approximately 3917 South 2675 West

Councilman Smith moved to open a Public Hearing at 6:20 p.m. Councilman Tafoya seconded the motion. Council members Smith, Tafoya, and Cordova voted “aye.” The motion carried.

- A. Vacating a public utility easement for a temporary turn-around located at approximately 5308 South 3275 West

Mark Larson explained that when the Jones Estates Subdivision was originally approved, the amended plat vacated the temporary turn-around from lots #9 and #10. Ordinance No. 830 that vacated the turn-around did not include vacating the public utility easement adjacent to the turn-around. The property owners have requested that the easement be vacated if it is not needed. The Development Staff has agreed that it is not needed.

- B. Vacating a 6-foot walkway located at approximately 4677 South 2900 West

When Phase 1 of Park Side Estates Subdivision was approved, the subdivision was recorded with a 6-foot wide walkway. The sidewalks on 4800 South and 4600 South were completed creating a safe walking route for the school children. The walkway in Park Side Estates was never completed

and staff feels that the need for this walkway has been eliminated; hence, it is proposed that the 6-foot walkway right-of-way between lots #6 and #7 of Park Side Estates Subdivision be vacated.

C. Vacating a 5-foot walkway located at approximately 3917 South 2675 West

Chris Davis asked that this item be removed from the agenda.

5A. CONSIDERATION OF ORDINANCE NO. 917 VACATING A PUBLIC UTILITY EASEMENT PERTAINING TO A TEMPORARY TURN-AROUND ON LOT NOS 9 AND 10 OF JONES ESTATES SUBDIVISION AMENDED

Councilman Tafoya moved to approve Ordinance No. 917 vacating a public utility easement pertaining to a temporary turn-around on Lot Nos. 9 and 10 of Jones Estates Subdivision Amended. Councilman Smith seconded the motion. A roll call vote was taken. Council members Smith, Tafoya, and Cordova voted “aye.” The motion carried.

5B. CONSIDERATION OF ORDINANCE NO. 918 VACATING A 6-FOOT WALKWAY BETWEEN LOT NOS. 6 AND 7 OF PARK SIDE ESTATES SUBDIVISION

Councilman Smith moved to approve Ordinance No. 918 vacating a 6-foot walkway between Lot Nos. 6 and 7 of Park Side Estates Subdivision. Councilman Tafoya seconded the motion. A roll call vote was taken. Council members Smith, Tafoya, and Cordova voted “aye.” The motion carried.

6. CONSIDERATION OF ORDINANCE NO. 871 APPROVING A REZONE OF PROPERTY LOCATED AT APPROXIMATELY 3500 WEST 5600 SOUTH, ROY, UTAH FROM AN RE-20 DESIGNATION TO A CP-2 DESIGNATION

Tony Reynolds reminded the Council that Dale Barlow and the Hazel Martin Trust had previously requested a rezone of 8.41 acres that they own from an RE-20 to a CP-2. The request was previously tabled by the City Council pending a Developer’s Agreement. Notices were sent out to neighbors within 500 feet of the property and no comments were received. Staff recommends approval of the rezone only which would not address proposed development. Chairman Cordova asked for any public comment.

Dean Stimpson, 5511 South 4450 West, stated that he already has a hard time getting in and out of his property due to traffic. He felt that rezoning this property to commercial would only add to the traffic problem. He felt that when rezoning to commercial property, the City doesn’t take into consideration light pollution. He stated that Kent’s Market already lights up his backyard and wouldn’t like to see the problem get worse. He questioned why a rezone would be approved without an identified use. He stated that surrounding neighbors need to know the use before they will be in favor of a rezone.

Councilman Cordova stated that when a use is identified, the proponents will be required to come

back to the City Council and another Public Hearing will be held where he will have an opportunity to express his feelings. Councilman Smith stated that there is no plan at this time and concerns will be addressed at the time of Site Plan approval.

Mr. Stimpson stated that development affects him and his neighbors and wonders where it will stop.

Councilman Smith moved to approve Ordinance No. 871 approving a rezone of property located at approximately 3500 West 5600 South, Roy, Utah from an RE-20 designation to a CP-2 designation. Councilman Tafoya seconded the motion. A roll call vote was taken. Council members Smith, Tafoya, and Cordova voted “aye.” The motion carried.

7. 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

Tony Reynolds reminded the Council that they had seen this request before and tabled the rezone pending a site plan. Due to a recent change in ordinance, a site plan is no longer required at the time of rezone and the proponents are back with their request.

Councilman Tafoya moved to approve 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. Councilman Smith seconded the motion. A roll call vote was taken. Council members Smith, Tafoya, and Cordova voted “aye.” The motion carried.

8. UTA UPDATE ON COMMUTER RAIL

Steve Meyer introduced himself and apologized for missing the last two Council Meetings. Mr. Meyer also introduced Andrea Packer, Manager of Communications, who also helped with the presentation.

Mr. Meyer updated the Council on commuter rail. He reported that commuter rail will travel at 80 mph, each car will comfortably seat 150 persons and the rail cars will be two-level. The commuter rail will travel longer distances than light rail, approximately 21 mile trip lengths, requiring fewer stations. The rail could eventually extend from Payson to Brigham and the first phase is underway which will extend from Weber County to Salt Lake City. The scheduled completion date is late 2007. Some of the benefits of commuter rail include reduced traffic congestion and benefits to the environment. The project started in 1996 and has reached several milestones. In 2000, a ¼ cent sales tax in Salt Lake, Davis, and Weber Counties was approved to help fund the project. In 2002, UTA purchased the right-of-way. In 2002 the project was “kicked off” with public scoping meetings and UTA purchased 175 miles of rail corridors from UPRR. This will eliminate the need to share track preventing delays. The goals of the UTA commuter rail are to; 1) create the most cost-effective rail system in the country, 2) create a community rail system that is supported by the community, 3) secure project funding including a federal and local match.

Andrea Packer then reported on Project Communications. She explained the importance of

communicating with the public on the plans for commuter rail. Public meetings were held in November 2002 in Clearfield, SLC, and Ogden with approximately 350 attendees combined. Several questions were answered, issues addressed, and overall the support was very strong. Research was completed in the way of public surveys where several questions were asked to get an idea of the support for commuter rail. Once again, overall support was strong.

Mr. Meyer then reported that late summer/early fall an environmental document would be published and he anticipates further meetings in each city that will house a commuter rail station. The next step is obtaining federal funding as competition for federal grants has increased since the beginning of the project. Mr. Meyer asked if there were any questions. There were none.

9. REVIEW OF BIDS AND DISCUSSION ON 5200 SOUTH STORM DRAIN PROJECT

Mike Mansfield explained that the original project consisted of installing a deep storm drain line on 5200 South from Fire Station #2 to the west side of 3500 West. The low bidder on the original project was Whitaker Construction in the amount of \$283,775.00. The Engineer's Estimate for this project was \$336,290.00 and the budget amount is \$45,000.00. The majority of the cost is due to the depth required to drain the Fire Station #2 basement; hence, it was proposed that a pumping system continue to be utilized for the Fire Station basement and that a new storm drain line be run across 3500 West to drain the new subdivisions. Whitaker Construction has agreed to install a portion of the storm drain project crossing 3500 West for \$39,100.00. Mr. Mansfield recommended that the City Council award the contract to Whitaker Construction in the amount of \$39,100.00 and authorize Mayor Burnett to sign the Notice of Award and Contract Documents.

Councilman Cordova asked what the pipe line across 3500 West will accomplish and what the situation currently is. Mr. Mansfield explained that there is currently a ditch that the water runs through with no means to cross 5200 South to connect to the existing storm drain because of interference from the drought relief line. Runoff from the properties along the north side of 3500 West currently surface drain to the roadway and accumulate at the north corner of 3500 West and 5200 South. The project will direct public storm water from the north side of 5200 South into the storm drain away from private properties on 3500 West.

City Attorney Andy Blackburn stated that because this could propose a liability to the City, a roll call vote is needed.

Councilman Smith moved to award the contract for the 5200 South Storm Drain Project to Whitaker Construction in the amount of \$39,100.00 and authorize Mayor Burnett to sign the Notice of Award and Contract Documents. Councilman Tafoya seconded the motion. A roll call vote was taken. Council members Smith, Tafoya, and Cordova voted "aye." The motion carried.

10. CITY MANAGER'S REPORT

Chris Davis stated that the fountain at Village Inn will be turned on Saturday, June 21 at 9:00 a.m. Marketplace Plaza will have a grand opening at 10:30 a.m. and the grand opening for the Aquatic Center will be at 11:00. There will be a reduced rate of \$3.00 for that day only. He reported that

the pool has been well received and supported by the citizens of Roy.

There will be a public meeting on June 25 at 6:30 p.m. at the Riverdale Community Center regarding the Riverdale Road Expansion Project.

11. MAYOR AND COUNCIL REPORTS

Councilman Smith reported that along with the Juneteenth Celebration, a gospel concert will be held at the Amphitheater in Ogden June 18th at 7:00 p.m. The Juneteenth Celebration will be held June 20th through the 22nd.

12. ADJOURN

Councilman Smith moved to adjourn City Council Meeting at 7:40 p.m. Councilman Tafoya seconded the motion. Council members Smith, Tafoya, and Cordova voted “aye.” The motion carried.

Roger Phil Burnett
Mayor

Attest:

Char Wolverton
Secretary