

MINUTES OF THE AUGUST 19, 2003, ROY CITY COUNCIL MEETING

1. Approval of August 5, 2003 minutes
2. Consent Agenda
 - a. Final acceptance of subdivision improvements for Countrybrook No. 10 located at approximately 5000 South 4075 West
 - b. Consideration of a Conditional Use Permit and site plan for Dane Searle and Matt Aspittle/Valpak of Northern Utah for an advertising office located at approximately 4729 South 1900 West
3. Consideration of renewal of Mutual Aid Agreement with Hill Air Force Base
 - a. Resolution No. 811 approving an agreement with the Air Force for mutual aid in fire protection and hazardous materials incident response
4. Public hearing to consider an amendment to the Future Land Use Map of the Roy City General Plan
 - a. Consideration of Ordinance No. 919 amending the City of Roy General Plan 2002
5. Consideration of Resolution No. 808 honoring the 2002/03 Roy High School Boys Soccer team for their state championship season
6. Public hearing to consider an amendment to RCO 34-15-3 - Conditional Uses in Single-Family Residential Zones
 - a. Consideration of Ordinance No. 920 amending Title 34, Chapter 15, Section 3 of the Roy City Ordinances to allow cemeteries as a conditional use in single-family residential zones
7. Public hearing to consider a petition from Lynn M. Wiseman and John L. and Mary G. Henry to annex approximately 3.00 acres located at approximately 3301 West 5600 South and establish a zone of R-1-10
 - a. Consideration of Ordinance No. 807 approving the annexation of the Lynn M. Wiseman and John L. and Mary G. Henry properties
 - b. Consideration of Ordinance No. 921 establishing a zone for the Lynn M. Wiseman and John L. and Mary G. Henry properties which have been annexed into Roy City
8. Preliminary and final approval of Lindquist Subdivision located at approximately 3275 West 5600 South

9. Consideration of a Conditional Use Permit and site plan for Lindquist Mortuary for a mortuary located at approximately 3313 West 5600 South
10. Consideration of Resolution No. 809 naming Southwest Park “Emma Russell Memorial Park”
11. Consideration of Resolution No. 810 naming the 4000 South reservoir gardens “Al Poppell Xeriscape Nature Gardens”
12. City Manager’s report
13. Mayor and Council Reports
14. Adjourn

Minutes of the Roy City Council Meeting held August 19, 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: Tony Reynolds, Community Development Services Director; Mark Larson, Planner; Michelle Drago, Assistant Planner; Jon Ritchie, Fire Chief; Bob and Debbie Staley; London Staley; Greg Reynolds; Mary and Riley Anderton; Bruce and Julie Peterson; Wallace Hunsaker; Michael L. Stokes.

Moment of Silence: Councilman Cordova

Pledge of Allegiance: Councilman Cordova

1. APPROVAL OF AUGUST 5, 2003 MINUTES

Councilman Smith moved to approve the minutes of August 5, 2003, as written. Councilwoman Becraft seconded the motion. Council members Becraft, Smith, Tafoya, Cordova, and Tanner voted “aye.” The motion carried.

2. APPROVAL OF THE CONSENT AGENDA

Councilman Tafoya requested that Item B be removed from the Consent Agenda to discuss individually.

Councilman Tanner moved to approve Item A of the consent agenda consisting of: Final acceptance of subdivision improvements for Countrybrook No. 10 located at approximately 5000 South 4075 West. Councilman Smith seconded the motion. Council members Becraft, Smith, Tafoya, Cordova, and Tanner voted “aye.” The motion carried.

Councilman Tafoya stated that he had questions about the issues of fencing and handicap access as brought up by the Planning Commission. Tony Reynolds reported that the proponents would be responsible to install a solid fence on the west and south side; however, the type of fence was not

specified. Councilman Tafoya asked about the condition of the existing fence. Mark Larson reported that there is a 6-foot barnwood fence along the west side and the proponents will be required to either repair the existing fence or install a new one. Mr. Larson also reported that the proponents would be required to comply with the city requirements for handicap parking; however, because this is not a retail use, the building inspector would make the decision. Councilman Smith felt that the site should include at least one or two handicap parking spaces and accessibility even though there will be no customers.

Councilman Cordova stated that he had driven to the site in the evening and felt that some type of screening needs to be included at the end of the driveway to keep the lights out of the neighboring homes. Dane Searle asked if this would have to be a permanent structure or whether some type of shrub or plant could be used. Councilman Cordova said that it didn't matter as long as there was some type of screening. Mr. Searle said he would work with the neighbors to accommodate the request.

Councilman Tafoya moved to approve Item B of the consent agenda consisting of; Consideration of a Conditional Use Permit and site plan for Dane Searle and Matt Aspittle/Valpak of Northern Utah for an advertising office located at approximately 4729 South 1900 West subject to the Planning Commission recommendations; that the proponents provide a 6' fence along the south and west property lines and comply with the City Ordinance regarding handicap access. Councilman Smith seconded the motion. Council members Becraft, Smith, Tafoya, Cordova and Tanner voted "aye." The motion carried.

3. CONSIDERATION OF RENEWAL OF MUTUAL AID AGREEMENT WITH HILL AIR FORCE BASE

Jon Ritchie reported that Hill Air Force Base has maintained a good relationship with surrounding cities and now proposes a renewal of the Mutual Aid Agreement for mutual fire and hazardous material incident response. Chief Ritchie said this will be a three year agreement and is a great resource for Roy City and recommended renewal of the agreement.

Mayor Burnett asked if Roy City has utilized their services in the past. Chief Ritchie stated that Roy City has not; however, Riverdale City has called on them before and they quickly responded.

3A. RESOLUTION NO. 811 APPROVING AN AGREEMENT WITH THE AIR FORCE FOR MUTUAL AID IN FIRE PROTECTION AND HAZARDOUS MATERIALS INCIDENT RESPONSE

Councilwoman Becraft moved to accept Resolution No. 811 approving an agreement with the Air Force for mutual aid in fire protection and hazardous materials incident response. Councilman Tanner 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)

4. PUBLIC HEARING TO CONSIDER AN AMENDMENT TO THE FUTURE LAND USE MAP OF THE ROY CITY GENERAL PLAN

Councilman Smith moved to open a public hearing at 6:18 p.m. Councilman Cordova seconded the motion. Council members Becraft, Smith, Tafoya, Cordova and Tanner voted “aye.” The motion carried.

Tony Reynolds reported that Item Nos. 4, 6, 7, 8, and 9 on the agenda are closely related as they are all associated with Lindquist Mortuary. Item No. 4 relates to amending the Future Land Use Map so that the project area is uniformly zoned R-1-10. Mr. Reynolds also stated that a text amendment will be proposed to allow a conditional use for a mortuary in a residential zone. Mayor Burnett asked if there was any public comment.

Brent Jorgensen, 3468 W. 5300 S., reported that he actually lived outside of Roy City boundaries and did not receive notice of the public hearing. Mayor Burnett told him that notices were sent out to all homes within 500 feet of the rezone. Mr. Jorgensen stated that he was representing Wheatridge Subdivision and asked why another business would be approved along 5600 South. He felt that 5600 South already has a major traffic problem and wondered why the City would want to add to the problem. He stated that he was told by Gerry Adair that street lights would be installed to control the traffic and that was never done. Mayor Burnett said that 5600 South is a State road, a study was done by UDOT, and it was determined that no traffic light was warranted. The City has no control over that issue. Mr. Jorgensen felt that the issue of traffic needed to be addressed before the mortuary or any other business is approved. Mayor Burnett reminded Mr. Jorgensen that if that were the case, the property owner would have an unusable piece of property which isn't right either. Mr. Jorgensen stated that he still felt it was not good planning to authorize something that would increase traffic when that is already a big problem.

Councilman Tafoya stated that Roy City is growing and in order to keep the tax base down, the City encourages business growth. He felt that traffic is a problem that requires patience, not the prevention of growth in Roy City. He also stated that 5600 South is a state road that the City has no control over and that businesses are attracted to 5600 South because of the traffic. He said that he understood Mr. Jorgensen's frustration but felt that eliminating growth is not the solution.

Councilman Tanner stated that he felt a mortuary is a great use for such a site due to the fact that funerals and viewings are generally held in the off-peak times and felt this would have much less of an impact than any other business. Mr. Jorgensen stated that he felt any business would create a problem.

Wallace Hunsaker, 3111 West 5600 South, stated that he owns property along 5600 South also and plans to sell it within the next three to four years. He also agreed that 5600 South is a problem and

feels that additional lanes are warranted; however, he plans to sell his property also which will further impact 5600 South.

Councilman Cordova reported that he received a call from Marcell Westergard, 3100 W. 5700 S., who was in favor of the mortuary. She felt it would be a good buffer and was much in favor of the rezone.

Mayor Burnett asked for any further public comment. There was none.

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

4A. CONSIDERATION OF ORDINANCE NO. 919 AMENDING THE CITY OF ROY GENERAL PLAN 2002

Councilman Tafoya moved to approve Ordinance No. 919 amending the City of Roy General Plan 2002. Councilman Cordova seconded the motion. A roll call vote was taken. Council members Becraft, Smith, Tafoya, Cordova and Tanner voted “aye.” The motion carried.

5. CONSIDERATION OF RESOLUTION NO. 808 HONORING THE 2002/03 ROY HIGH SCHOOL BOYS SOCCER TEAM FOR THEIR STATE CHAMPIONSHIP SEASON

Mayor Burnett reported that the Roy High School Boys Soccer Team has had a very successful season leading them to a 4A State Championship. He complimented them on their accomplishments and recognized them as great examples of student athletes. A plaque was presented to the assistant coach.

Councilman Tanner moved to approve Resolution No. 808 honoring the 2002/03 Roy High School Boys Soccer team for their state championship season. 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)

6. PUBLIC HEARING TO CONSIDER AN AMENDMENT TO RCO 34-15-3 - CONDITIONAL USES IN SINGLE-FAMILY RESIDENTIAL ZONES

Councilman Tanner moved to open a public hearing at 6:51 p.m. Councilman Cordova seconded the motion. Council members Becraft, Smith, Tafoya, Cordova and Tanner voted “aye.” The motion carried.

Tony Reynolds reported that this is a general change to the zoning ordinance to allow mortuaries

as a conditional use in a residential zone. He explained that this actually corrects a nonconforming use with the Roy Cemetery. He stated that he felt a mortuary would create an effective buffer between the commercial to the west and the residential to the east. Mayor Burnett asked if there was any public comment. There was none.

Councilman Smith moved to close the public hearing at 6:54 p.m. Councilman Tanner seconded the motion. Council members Becraft, Smith, Tafoya, Cordova and Tanner voted “aye.” The motion carried

6A. CONSIDERATION OF ORDINANCE NO. 920 AMENDING TITLE 34, CHAPTER 15, SECTION 3 OF THE ROY CITY ORDINANCES TO ALLOW CEMETERIES AS A CONDITIONAL USE IN SINGLE-FAMILY RESIDENTIAL ZONES

Councilman Tafoya moved to approve Ordinance No. 920 amending Title 34, Chapter 15, Section 3 of the Roy City Ordinances to allow cemeteries as a conditional use in single-family residential zones. Councilman Smith seconded the motion. A roll call vote was taken. Council members Becraft, Smith, and Tafoya, Cordova and Tanner voted “aye.” The motion carried.

7. PUBLIC HEARING TO CONSIDER A PETITION FROM LYNN M. WISEMAN AND JOHN L. AND MARY G. HENRY TO ANNEX APPROXIMATELY 3.00 ACRES LOCATED AT APPROXIMATELY 3301 WEST 5600 SOUTH AND ESTABLISH A ZONE OF R-1-10

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

Tony Reynolds explained that Lynn M. Wiseman and John L. and Mary G. Henry have petitioned to annex approximately 3.00 acres located at approximately 3301 West 5600 South to be zoned R-1-10. The annexation includes three separate parcels. The annexation complies with the Annexation Declaration.

Councilman Cordova stated that he felt this was a good use and would create a good buffer between residential and commercial property. Mayor Burnett asked for any public comment. There was none.

Chris Davis stated that it is important to note that there were no objections by any governmental entity to this annexation.

Councilman Tanner moved to close the public hearing at 6:58p.m. Councilman Cordova

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

7A. CONSIDERATION OF ORDINANCE NO. 807 APPROVING THE ANNEXATION OF THE LYNN M. WISEMAN AND JOHN L. AND MARY G. HENRY PROPERTIES

Councilman Smith moved to approve Ordinance No. 807 approving the annexation of the Lynn M. Wiseman and John L. and Mary G. Henry properties. Councilman Tanner 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)

7B. CONSIDERATION OF ORDINANCE NO. 921 ESTABLISHING A ZONE FOR THE LYNN M. WISEMAN AND JOHN L. AND MARY G. HENRY PROPERTIES WHICH HAVE BEEN ANNEXED INTO ROY CITY

Councilman Tafoya moved to approve Ordinance No. 921 establishing a zone for the Lynn M. Wiseman and John L. and Mary G. Henry properties which have 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.

8. PRELIMINARY AND FINAL APPROVAL OF LINDQUIST SUBDIVISION LOCATED AT APPROXIMATELY 3275 WEST 5600 SOUTH

Tony Reynolds showed the final subdivision plat and explained that the four existing homes will be taken down and the 90-foot roadway dedication to the City will coincide with the easement. Councilwoman Becraft asked who lot No. 2 belongs to. Mr. Reynolds said that Jordan Valley Water District owns lot No. 2.

Councilman Tafoya asked if the City would be responsible for putting in 3275 West. Mr. Reynolds said the road would be installed at the developer’s expense and will be incorporated with the site plan. Councilman Tafoya then asked if the road would be completed to the south along Lot No. 2 now or at a later time. Mr. Reynolds said this would be completed at the Council’s discretion. For the City to install the south part of the road adjacent to Lot No. 2, the cost would include the construction of the road in addition to acquiring the property. Mr. Reynolds stated that the Transportation Plan is for the road to go through; however, Jordan Valley Water plans to use Lot No. 2 for installation of an aqueduct and there are no plans to develop the property at this time. Councilman Tafoya felt the developer should be required to complete the road so the City doesn’t have the additional expense.

Councilman Smith moved to approve preliminary and final approval of Lindquist Subdivision located at approximately 3275 West 5600 South requiring that the developer of Lot No. 2 complete the road (3275 West) before Lot No. 2 is developed. Councilman Cordova seconded

the motion. A roll call vote was taken. Council members Becraft, Smith, Tafoya, Cordova and Tanner voted “aye.” The motion carried.

9. CONSIDERATION OF A CONDITIONAL USE PERMIT AND SITE PLAN FOR LINDQUIST MORTUARY FOR A MORTUARY LOCATED AT APPROXIMATELY 3313 WEST 5600 SOUTH

Tony Reynolds showed a picture of the Lindquist Layton facility and explained that the proposed building in Roy would be similar. He showed the site plan and pointed out that 10% landscaping is required and the Lindquist site plan shows 30% landscaping. The parking requirement is for 80 stalls and the site plan includes 120. He also showed the floor plan of the mortuary consisting of two viewing rooms and a chapel designed to seat 200 people. The fencing will consist of a 6-foot vinyl rail fence along the south side of the site and a 6-foot solid vinyl fence along the west side to the front setback where it would drop to four feet. Sidewalk will be required along the north and east side of the property.

Councilman Tafoya moved to approve a Conditional Use Permit and site plan for Lindquist Mortuary for a mortuary located at approximately 3313 West 5600 South subject to staff and Planning Commission recommendations. Councilman Smith seconded the motion. Council members Becraft, Smith, and Tafoya, Cordova and Tanner voted “aye.” The motion carried.

10. CONSIDERATION OF RESOLUTION NO. 809 NAMING SOUTHWEST PARK “EMMA RUSSELL MEMORIAL PARK”

Chris Davis reported that this issue was discussed at the last City Council Meeting and a Resolution has been created to name Southwest Park after Emma Russell. Ms. Russell unfortunately passed away since the last meeting. Mr. Davis introduced Mary Anderton who petitioned to have the park named after Ms. Russell.

Ms. Anderton first thanked the Council for the Aquatic Center which she states she and her family have very much enjoyed. She then thanked the Council for their support in naming a city park after Ms. Russell. She explained that she responded to the contest to name Southwest Park. She spoke with Ms. Russell about her idea to name the park the “Emma Russell Memorial Park” and she was excited and humbled about it. She then created a petition which was well received. Mrs. Anderton reported that she shared the news with Ms. Russell at her bedside and read the article that was published in the Standard Examiner honoring Ms. Russell. Mrs. Anderton proposed a black S-shaped bench in the park with an engraved poem reading; “Come my friend and sit awhile and we will discuss the road less taken. You and I can make a difference.” Because Ms. Russell also liked diversity, Mrs. Anderton proposed that some oriental design be included on the bench also. Mrs. Anderton has collected names and phone numbers of persons interested in contributing funds to the project.

Councilman Smith moved to approve Resolution No. 809 naming Southwest Park “Emma Russell Memorial Park” including the tribute proposed by Ms. Anderton. Councilman Cordova 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)

11. CONSIDERATION OF RESOLUTION NO. 810 NAMING THE 4000 SOUTH RESERVOIR GARDENS “AL POPPELL XERISCAPE NATURE GARDENS”

Chris Davis stated that the Council wanted to do something to honor Mr. Al Poppell. Mike Mansfield recommended naming the 4000 South Reservoir Gardens after him as he was always concerned about water conservation.

Councilman Smith moved to approve Resolution No. 810 naming the 4000 South reservoir gardens “Al Poppell Xeriscape Nature Gardens.” Councilman Tanner 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)

12. CITY MANAGER’S REPORT

Chris Davis reported that the newsletter is about to go out and asked that any information be given to Tony Reynolds in the next couple of days. He reported that there are seven candidates for the election which will occur on October 7. He would like a picture and comments from each candidate in the September newsletter.

The employee party was successful and everyone had a great time.

Mr. Davis had a meeting with the Roy High School administrators. Lee Dickamore is the new principal and would like to have the City Council more involved with the school as they desire.

The Aquatic Center season is coming to an end. The facility will be open until Weber School District starts class on August 27 and then will be open again for the weekend, August 30 - September 1.

13. MAYOR AND COUNCIL REPORTS

Mayor Burnett stated that he was pleased with a successful season for the Aquatic Center.

Councilwoman Becraft reported that 6 stakes including youth ages 12 to 18 will be involved in a service project to work on the Howard Slough. They will prepare the walkway and plant trees and shrubs. After the project they will swim at the Aquatic Center.

Councilman Cordova thanked Roy City on behalf of the Boys and Girls Club for a successful fund-

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raiser at the Aquatic Center on August 18. The fund-raiser produced \$2,500 to help fund the Boys and Girls Club.

Councilman Tafoya reported that he received a letter from the North Davis Sewer District thanking Roy City for allowing them to use the Aquatic Center for an employee party.

14. ADJOURN

Councilman Tanner moved to adjourn City Council Meeting at 8:05 p.m. Councilwoman Becraft seconded the motion. Council members Becraft, Smith, Tafoya, Cordova and Tanner voted “aye.” The motion carried.

Roger Phil Burnett
Mayor

Attest:

Char Wolverton
Secretary