

MINUTES OF THE SEPTEMBER 16, 2003, ROY CITY COUNCIL MEETING

1. Approval of September 2, 2003 minutes
2. Recognition of Employees of the Month for August and September
3. Consideration of an amendment to the landscaping element of the final development plan for Royal Professional Plaza located at approximately 3495 West 4800 South
4. Consideration of a Conditional Use Permit for Royal Professional Plaza located at approximately 3495 West 4800 South
5. Fire Department's public education presentation on fire prevention, smoke detectors and open house
6. Public hearing to consider a petition from the G. H. Jackson Family, LLC to annex approximately 26.15 acres located at approximately 2750 West 4000 South with zones of R-1-8 and CP-2
 - a. Consideration of Resolution No. 812 approving the annexation of the G. H. Jackson Family, LLC property
 - b. Consideration of Ordinance No. 922 establishing zones of R-1-8 and CP-2 for the G. H. Jackson Family, LLC property which has been annexed into Roy City
7. Preliminary approval of Summers Pointe Subdivision No. 5 located at approximately 2725 West 4000 South
8. City Manager's report
9. Mayor and Council Reports
10. Adjourn

Minutes of the Roy City Council Meeting held September 16, 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
Secretary Char Wolverton

Excused: City Attorney Andrew Blackburn

Also present were: Tony Reynolds, Community Development Services Director; Mark Larson, Planner; Jon Ritchie, Fire Chief; Lee Watts; Jeff Barfuss; Gerald Short; Michael L. Stokes; Lella Argyle; Carrie Anderson; Brenden Pearson; Lee Pearson; Robin Simmons; Gloria Sveum; Ryan Sveum; Jerri Lynn Corless; Jeff Corless; Ilo Corless; Frank Corless; Karen Janson; Katie Ellis; John R. Anderson; Sandra Jensen; Bonnie Olsen; Richard and Neva Jarman; Dave and Julie Kay; Paige and Colter Hill; Bruce Nilson; Nelle Stuart; Keisha Tafoya; Shannon Tuke; Kristi Corless; Tim Corless; Amy Tafoya; Elaine P. Hansen.

Moment of Silence: Councilman Tanner

Pledge of Allegiance: Councilman Tanner

1. APPROVAL OF SEPTEMBER 2, 2003 MINUTES

Councilman Smith moved to approve the minutes of September 2, 2003, as written. Councilwoman Becraft seconded the motion. Council members Becraft, Smith, Tafoya, Cordova, and Tanner voted “aye.” The motion carried.

Mayor Burnett stated that he recognized that many citizens were present to discuss the issue of the traffic light location. He stated that because that item is not on the agenda, no formal discussion will take place. A motion was made in the previous council meeting to place the first semaphore at 3100 West and 4800 South and in order for that to be reconsidered, one of the three council members who voted for the motion would have to request that it be reconsidered. Mayor Burnett said that he would take citizen input at the end of the meeting before the City Manager's Report; however, no action will be taken because it is not on the agenda.

2. RECOGNITION OF EMPLOYEES OF THE MONTH FOR AUGUST AND SEPTEMBER

Mayor Burnett asked that this item be removed from the agenda until the involved Department Heads could be present.

3. CONSIDERATION OF AN AMENDMENT TO THE LANDSCAPING ELEMENT OF THE FINAL DEVELOPMENT PLAN FOR ROYAL PROFESSIONAL PLAZA LOCATED AT APPROXIMATELY 3495 WEST 4800 SOUTH

Tony Reynolds explained that item Nos. 3 and 4 on the agenda are closely related and will be discussed together. Mr. Reynolds stated that Dr. Anderson has requested approval of an amendment to the landscape element of the final development plan for the Royal Professional Plaza. Mr. Reynolds expressed excitement about the project and explained that a lot of hard work has gone into addressing the concerns of the proponent and the surrounding neighbors. The amended landscape plan includes additional trees on the east side and adjustments to the landscaping of the detention basin on the west side. Originally, the landscape plan proposed trees on the north side under an existing power line. These trees will eventually grow into the power line creating additional maintenance issues. The developer has proposed a mow strip and additional bushes along the north side of the building in lieu of trees under the power lines.

Councilman Tafoya said that Brad Fehr, a neighbor to the property, had asked if the phone line could be buried and wondered if that had been addressed. Mr. Reynolds said he wasn't sure but would check on that.

Councilman Smith moved to approve the amendment to the landscaping element of the final development plan for Royal Professional Plaza located at approximately 3495 West 4800 South. Councilman Tafoya seconded the motion. Council members Becraft, Smith, Tafoya, Cordova and Tanner voted "aye." The motion carried.

4. CONSIDERATION OF A CONDITIONAL USE PERMIT FOR ROYAL PROFESSIONAL PLAZA LOCATED AT APPROXIMATELY 3495 WEST 4800 SOUTH

Tony Reynolds stated that Dr. Anderson has requested that the Conditional Use Permit, previously approved by the City Council, be amended to depict a more accurate definition of the use. He explained that there would be no change to the conditions previously set. Originally, the Conditional Use Permit was issued on the basis of a dental office only. Dr. Anderson and another dentist plan to occupy two of the office spaces; however, an attorney is interested in the third space.

Councilman Cordova stated that he felt the initial understanding was that the building would be a

professional plaza and didn't feel there was a problem with an attorney occupying the third space. Councilman Cordova said that he noticed the dumpster is in the back of the building by the neighboring homes and asked what time of day the dumpster will be emptied, his concern being that the dumping may take place during hours of sleep. Dr. Anderson said that the dumpster is currently being emptied at the request of the contractor. He stated that he will eventually contract services to take care of the dumpster and said he would stay within the hours of operation; 6:00 a.m. to 10:00 p.m.

Councilman Smith asked if there would be a requirement for a closed dumpster. Mark Larson said that is a requirement and is currently the case.

Councilman Smith moved to approve a Conditional Use Permit for Royal Professional Plaza located at approximately 3495 West 4800 South. Councilman Tanner seconded the motion. Council members Becraft, Smith, Tafoya, Cordova and Tanner voted "aye." The motion carried.

5. FIRE DEPARTMENT'S PUBLIC EDUCATION PRESENTATION ON FIRE PREVENTION, SMOKE DETECTORS AND OPEN HOUSE

Lee Watts thanked the Council for their support of the program that took them to California. He said that the Fire Department has a new program that they are presenting to the seven elementary schools that educate Roy City students. He explained that he has been invited to take the program to Arizona in February. He stated that he was at Council Meeting to challenge the Council Members to help with the program in connection with the open house that will be held on October 7. Mr. Watts showed a short video on fire safety which portrayed young children being taught to escape from their homes in the event of a fire. Mr. Watts then handed out a packet to each Council Member. He stated that this is the packet that has been or will be given to each student at the elementary schools in Roy City. The packet included instructions for a home escape plan, a sample family escape plan for the students to practice at home, and a blank page where students are encouraged to draw an escape plan for their own home. As the packet is completed, parents are encouraged to sign the packet and have the students return it to their teachers. Each student who returns the signed packet will be given trading cards depicting the fire trucks at Stations 31 and 32. As an additional incentive, the children's names will be put into a hat and those drawn out will be invited to an ice cream social with the firefighters. Mr. Watts also challenged each Council Member to complete the packet, practice their escape plan, and report back at the next City Council Meeting. He asked that the Council Members set an example for the community in this way. He thanked the Council for their time and support.

Mayor Burnett joined Mr. Watts in challenging the Council Members to complete the packet and create an escape plan for each of their homes.

Councilman Tanner suggested that the Fire Department have stickers made displaying the

acronym “EDITH” (exit drills in the home) to pass out. Chief Ritchie stated that each year the Fire Department has a theme that it follows and this year it is “Get out, stay out” and they have had stickers with that message made. He reminded the Council again that the Fire Department Open House is October 7.

6. PUBLIC HEARING TO CONSIDER A PETITION FROM THE G. H. JACKSON FAMILY, LLC TO ANNEX APPROXIMATELY 26.15 ACRES LOCATED AT APPROXIMATELY 2750 WEST 4000 SOUTH WITH ZONES OF R-1-8 AND CP-2

Councilman Cordova moved to open a public hearing at 6:50 p.m. Councilman Smith seconded the motion. Council members Becraft, Smith, Tafoya, Cordova and Tanner voted “aye.” The motion carried.

Mark Larson explained that the G. H. Jackson family is requesting that 26.15 acres of property that they own be annexed into Roy City and zoned R-1-8 and CP-2. All of this property is undeveloped. This annexation is in accordance with the General Plan and the Annexation Declaration Policy. Notices were sent out and no formal protests were received. He stated that some engineering concerns exist but nothing that can’t be resolved. He stated that this item will come before the Council when a final development plan is proposed.

Some general comments from neighbors were received, one of them from Mr. Richard Jarman who is concerned about the ditch on 4000 South that he feels has caused some flooding in the past.

Councilwoman Becraft asked if Mr. Jarman still desired to be included in the annexation as he had expressed some interest in the past. Mr. Larson said that he did not wish to be part of the annexation.

Councilman Cordova asked if there were any plans yet for the commercial development. Mr. Larson said there are currently no plans for the property.

Councilman Tanner asked about the 12-inch culvert pipe dumping into a 6-inch culvert pipe as was talked about in the Planning Commission notes. Mr. Larson said Engineering would look into that and address the problem as needed. Mr. Jarman stated that the ditch runs to the property line and UDOT apparently put in a collection basin. When Nilson Homes developed Summers Point Subdivision they installed a 12-inch culvert pipe which discharges into a 6-inch culvert. Storm water flows that exceed the capacity of the 6-inch culvert produces an overflow which floods his front yard. He stated that he would like to know who is responsible for the problem. Mr. Jarman also added that he was not interested in his property being annexed along with the Jackson property because the impact fees are too high.

Tony Reynolds stated that Mr. Jarman’s concerns were addressed at the Planning Commission

Meeting and the City Engineer is working with Nilson Homes to solve the problem. Councilman Tanner asked who is responsible for the flooding. Mr. Reynolds said that is being researched but the storm water on the street is the City's responsibility.

Councilman Tafoya moved to close the public hearing at 7:03 p.m. Councilwoman Becraft seconded the motion. Council members Becraft, Smith, Tafoya, Cordova and Tanner voted "aye." The motion carried.

6A. CONSIDERATION OF RESOLUTION NO. 812 APPROVING THE ANNEXATION OF THE G. H. JACKSON FAMILY, LLC PROPERTY

Councilman Tanner moved to approve Resolution No. 812 approving the annexation of the G. H. Jackson Family, LLC property. Councilman Tafoya 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. 922 ESTABLISHING ZONES OF R-1-8 AND CP-2 FOR THE G. H. JACKSON FAMILY, LLC PROPERTY WHICH HAS BEEN ANNEXED INTO ROY CITY

Councilman Tafoya moved to approve Ordinance No. 922 establishing zones of R-1-8 and CP-2 for the G. H. Jackson Family, LLC property which has been annexed into Roy City. Councilman Cordova seconded the motion. A roll call vote was taken. Council members Becraft, Smith, Tafoya, Cordova and Tanner voted "aye." The motion carried.

7. PRELIMINARY APPROVAL OF SUMMERS POINTE SUBDIVISION NO. 5 LOCATED AT APPROXIMATELY 2725 WEST 4000 SOUTH

Mark Larson explained that Nilson Homes is requesting approval of Summers Pointe Subdivision No. 5. This is the final phase of Summers Pointe Subdivision. This includes 34 lots on 9.46 acres. Mr. Larson presented the subdivision layout. There will be a 6-foot vinyl fence along the west side of the subdivision to divide the agricultural use from the residential neighborhood.

Mr. Larson reported that some concerns were raised by Engineering and Public Works with the two existing temporary detention basins that will eventually be eliminated in exchange for one larger temporary detention pond within phase 5.

Councilman Cordova asked if the ditch has been addressed. Mr. Larson said that Nilson Homes will be responsible to pipe the ditch on 4000 South to the end of the subdivision. Councilman Cordova also asked about the south property line adjustment that was referred to in the Staff Report. Mr. Larson stated that a 14-foot protective strip was acquired along Westlake Village to

allow for lot Nos. 112-115. Councilman Cordova pointed out that 4100 South and 4175 South connecting with 2725 West allows for another access to Westlake Village.

Councilman Cordova moved to approve preliminary approval of Summers Pointe Subdivision No. 5 located at approximately 2725 West 4000 South. Councilman Smith seconded the motion. Council members Becraft, Smith, Tafoya, Cordova and Tanner voted “aye.” The motion carried.

Mayor Burnett invited the public to comment on the traffic signal installation currently planned for 3100 West and 4800 South. Councilman Cordova first addressed the Council and audience. He stated that he and Jerri Lynn Corless took a ride, watched the traffic, and talked about the decision that was made about installing a semaphore at 3100 West. He stated that he held a meeting at his home where he, a few other Council Members, and several citizens talked about ideas that could resolve the traffic problem that exists along 4800 South. Some of the ideas discussed include; a four-way-stop at 2900 West, flashing lights to accommodate pedestrian traffic, a round-about, and a traffic signal. He felt that all involved left with the understanding that there is still work left to do and the intersection at 2900 West and 4800 South will not be ignored even if the decision stands to place the first semaphore at 3100 West. He stated that there was concern expressed about crossing guards being eliminated at 3100 West if a traffic signal is installed. He felt that Chief Whinham made it clear in the last Council Meeting that crossing guards will be available to help the children get safely to and from school where they are needed, not necessarily warranted. Councilman Cordova felt that an agreement in writing that addresses this concern would be helpful for concerned citizens.

Councilman Tanner clarified that the motion to install the first semaphore at 3100 West did not state that 2900 West would be ignored. He explained that as stated, traffic flow would be evaluated after the semaphore at 3100 West is installed. He felt that two lights in such close proximity would be a problem and would like to look at other options. He hoped that no one got the idea that 2900 West would be ruled out for an alternative solution.

Sandra Jensen, 4539 S. 2900 W., said that she would like to stress why she thinks the light should be installed at 2900 West. She asked why it was not brought to the public's attention that a change was being made. She said the last she heard, the priority was 2125 West and the second priority was 2900 West. She explained that in her mind, if 2125 West was taken off the list, 2900 West should automatically be first priority. She stated that a light on 3100 West would not stop the confusion that exists. She felt that it would still be impossible to turn left because of the children crossing at the cross walk. She felt that a traffic problem will exist as long as the park is at 2900 West and only the people who live in Roy City would know to go to 3100 West if that's where the light is installed. She stated that it is currently impossible to turn left at 2900 West onto 4800 South and said that her 16 y/o daughter won't even attempt it. She said that people use the park all year and a light at 3100 West won't solve the problems at 2900 West. She felt that the Council needed to talk with more citizens before making such a big decision.

She felt that a light at 2900 West will eliminate the problems at 3100 West and she has spoken to several people who live near 3100 West who don't want a light there. She has spoken to 100+ people who would like the light at 2900 West and hasn't spoken to one person who would like the light at 3100 West over 2900 West. She recommended to the Council that they re-think their decision.

Shannon Tuke, 2814 W. 4975 S., stated that attempting to turn out of 2900 West onto 4800 South is a guessing game. She said that the only way to get across is to floor it and hope you make it. She said that even as an adult, she is afraid to cross the street and would appreciate the Council reconsidering their decision and putting the first light at 2900 West.

Lella Argyle, 2803 W. 4925 S., stated that she has teenage children at home who use the skate park, the Aquatic Center, etc. and she goes around to avoid 2900 West. She states that she makes several trips each night and always weaves her way through to avoid 2900 West. She said that it is difficult to cross at 3100 West but now there are two crossing guards there. She asked that if a light is installed at 3100 West, the City wait until school is out to avoid more confusion. She felt that a light would be most beneficial at 2900 West.

Councilman Smith asked if the citizens are looking for an alternative or if they would prefer having a light. Ms. Argyle stated that she would prefer a light. Councilman Smith felt that alternatives need to be discussed and would like to emphasize that there are alternatives to traffic lights.

Jared Preisler, 5098 S. 2825 W., stated that he is concerned about safety at 2900 West. He said that he felt the meeting at Councilman Cordova's house was productive and urged the Council to make some changes. He stated that he is a residential appraiser and compared Roy City to Sunset City where they have developed thoroughfares. He said there is only one main road through Sunset that passes a park and a school. He suggested finding ways to encourage certain routes and discourage others. He suggested discouraging 4800 South as a thoroughfare. He said that he does like the idea of a roundabout as he has seen and used them before and traffic seems to flow smoothly through them. He complimented the Council Members for their willingness to serve the City and make decisions for the City. He urged the Council to consider changing their vote and making 2900 West the first priority for a traffic signal.

Kristi Corless, 4450 S. 2836 W., explained that she crosses 2900 West frequently. She said that today she waited 5 minutes to make a left turn from 2900 West onto 4800 South. She stated that she doesn't know how anyone could discourage the use of 4800 South as a thoroughfare and hoped that the first traffic signal would be installed at 2900 West.

Jeff Barfuss, 4519 S. 2900 W., asked that no signal be installed at 3100 West. He would like more studies and more meetings before a decision is made. He stated that he likes the idea of a round-about at 3100 West but knows that they take a lot of room. He also recognized that a

traffic signal costs a lot of money.

Ms. Argyle recommended that a study be done to look at pedestrian traffic as well as vehicle traffic if a round-about is considered.

Mr. Preisler said that his feeling is that it is easy and safe for pedestrians to cross at a round-about.

Jill Smith, 5064 S, 2825 W., stated that she had been in an accident at 2900 West as she was turning left into a subdivision. She said high speed was a factor and felt that a traffic signal would slow down traffic. She said that the City has already acknowledged that there is a problem at 2900 West because policemen often direct traffic at that location after games at the park. She said there has been a need there for a long time and it is only getting worse. She would like to see something done soon. She stated that from 2:30 p.m. to 8:30 p.m. her daughter is not allowed to turn left at 2900 West. She feels that there is a lot of confusion at the intersection as to who has the right-of-way because there is so much congestion.

Jerri Lynn Corless, 4791 S. 2900 W., stated that she left City Council Meeting two weeks ago very upset. She originally understood that a light would first be installed at 2125 West and a second light would be installed at 2900 West. She recognized Mike Mansfield for the work he had done on the light that was originally to be installed at 2125 West and thought the plan was to have the light installed at 2900 West by spring of 2004. She thanked all of the citizens who came to the meeting. She explained that she called most of the City Council Members within the last few weeks and expressed her concern and disappointment. She felt that the focus was on vehicle traffic and that pedestrian traffic was left unchecked. She said that a man on a bicycle was hit by a car just last week at 2900 West. She stated that it made her sick and further encouraged her to come back to the Council to request a light at that location. She stated that she would feel terrible if something were to happen at that intersection and she had not done everything she could to make it safer. She stated that she is open to options and will agree with whatever it takes to make that intersection more safe. She stated that she grew up in a corner home next to a traffic signal and it was a pain but felt that it was more safe. She stated that she loves Roy City and has many relatives who have moved to Roy. She pleaded with the Council Members to work together with the community to resolve the safety issue that exist at 2900 West and 4800 South.

Ms. Corless also stated that she spoke with Chris Davis about the newsletter. She said that sometimes the newsletter has good information and sometimes it is a waste of time. She would like to see the newsletter advertise upcoming discussions and presentations that will take place at City Council Meeting. She re-emphasized that she would like simply to have a safe place to live.

Mayor Burnett explained that because this item was not on the agenda, no action will be taken

tonight; however, the information that has been presented will be taken into advisement.

Councilwoman Becraft stated that while so many citizens were present, she would like to invite all of them to help the City with the tree lighting activity that will take place on September 27th at 10:00 a.m. She stated that there is not enough staff to do the project and would appreciate any community involvement. Councilman Cordova added that a few years ago they had each family decorate a tree and it worked well.

Gerald Short, 3302 W. 4725 S., stated that he is a neighbor to Kirk Nations and each of their homes have a problem with pooling water. He stated that every time someone waters their lawn or it rains, the water pools at their yards. He and Mr. Nations both have grandchildren who visit and they are concerned about the children getting into the water. They are also concerned about the standing water encouraging a mosquito problem. He stated that he has attempted to contact Kurt Wallace and Jimmy Openshaw on several occasions and feels he is being ignored. He said that the problem existed back in 1998 when the new road was graveled. He felt that this would be a good time to solve the problem and spoke to Mark Miller, Roy City Engineer, who attempted to have the problem fixed but was not successful. Mr. Short stated he would like to see a solution to his problem and would like to know what to do about his potential sink hole.

8. CITY MANAGER'S REPORT

Chris Davis stated that a couple of repairs have been made at the pool. A leak was repaired in the small wading pool and some concrete issues in the women's restroom were resolved. At the next meeting there will be a report on how well the pool did during its first season.

The elections will be held on the 7th of October. A meeting to canvass the election will be held on Friday, October 10th at 6:30 p.m.

Andy Blackburn is excused from the meeting tonight because he is ill.

9. MAYOR AND COUNCIL REPORTS

Councilman Tafoya reminded the Council that the Night Against Crime will be held September 17th from 7:00 to 9:00 p.m. in the Harmon's Plaza. Councilman Tafoya also reported that one of the Clearfield City Council Members called him recently. The City Council Member said that he was pulled over for speeding in Roy City recently by Officer Rick Morgan and explained that he was very impressed with the professional manner in which he was treated.

Councilwoman Becraft reported a wonderful turnout at the Howard Slough Beautification Project. Chris Davis thanked Antone Clark from the Standard Examiner for the photo and article that was published in regards to the Howard Slough Project.

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10. ADJOURN

Councilwoman Becraft moved to adjourn City Council Meeting at 8:33 p.m. Councilman Tanner seconded the motion. Council members Becraft, Smith, Tafoya, Cordova and Tanner voted “aye.” The motion carried.

Roger Phil Burnett
Mayor

Attest:

Char Wolverton
Secretary