

## MINUTES OF THE APRIL 20, 2004, ROY CITY COUNCIL MEETING

1. Approval of April 6, 2004 minutes
2. UTA update on commuter rail
3. Reed Richards, Public and Community Relations for the RAMP tax initiative
4. Consideration of a Conditional Use Permit for animals in an R-1-7 zone located at approximately 5994 South 3260 West
5. Final acceptance of subdivision improvements for Westridge Subdivision No. 2 located at approximately 1950 West 4600 South
6. Award of contract for the Great Basin C.D.B.G. Project, Phase 3
7. City Manager's report
8. Mayor and Council Reports
9. Adjourn

Minutes of the Roy City Council Meeting held April 20, 2004, 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 Dan Tanner  
Councilman Larry Peterson

City Manager Chris Davis  
City Attorney Andrew Blackburn  
Secretary Char Wolverton

Excused: Councilman Dave Tafoya

Also present were: Mark Larson, Planner; Denise Whitney; Shari Rudd; Kelly Hamp; Ruth Silvester; Lil Ackley; Melissa Weiker; Ryan Bryson; Paul Sorensen; Dennis Cluff; Beverly Cluff; Nancy Ungles; Joan Thomas; Marilyn Shelton; Trevan Blaisdell; Denny Faulkner.

Moment of Silence: Councilman Peterson

Pledge of Allegiance: Councilman Peterson

1. APPROVAL OF APRIL 6, 2004 MINUTES

**Councilwoman Becraft moved to approve the minutes of April 6, 2004, as written. Councilman Smith seconded the motion. Council members Smith, Becraft, Tanner, and Peterson voted “aye.” The motion carried.**

2. UTA UPDATE ON COMMUTER RAIL

Andrea Packer, Communications Department for UTA, stated that she would update the Council and audience on the activities in relation to commuter rail. She reported that the project was a 30 year plan. Commuter rail will eventually extend from Payson to Brigham City; however, the first phase will involve 44 miles from Weber County to Salt Lake City. In the fall of 2002 the project was started with public meetings and the project includes nine stations. Currently UTA is working on the federal funding process and environmental documentation. Since the project began there has been an increase in competition for federal funding which has reduced the amount of available federal funding. In January of 2004 \$9 million was appropriated for the project. Environmental analysis studies began in 2003 and a 600-page environmental document has been produced. The document consists of nine chapters; 1) Purpose and Need, 2) Alternatives, 3) Affected environment, 4) Transportation Impacts, 5) Evaluation of Alternatives, 6) Financial Plan, 7) Public Involvement, 8) Section 4 (F) and 6(F) as required by the

Department of Transportation, and 9) the appendices. The document will be released on April 30, 2004 followed by a 45-day comment period. The document will be available on UTA's website at [www.rideuta.com](http://www.rideuta.com) and at various locations throughout the community including public libraries, city offices, school districts, and government agencies. Public open houses will be held May 22 through May 27 including three weekdays and one Saturday. There will be an open house at Clearfield High School on May 26 and one at the Ogden Union Station on May 27 from 4:00 to 8:00 p.m. The public open house will include a comment corner where comments can be submitted. Other avenues for submitting comments include E-mail, regular mail, and either verbal or written comments at the open houses. All comments will be responded to before the Final Environmental Impact Study (FEIS) is completed. Construction is likely to begin in 2005. Councilwoman Becraft asked if privacy fences would be installed while construction is in progress. Ms. Packer said she was unsure and asked for the question to be submitted via E-mail. Councilman Peterson asked if the trains will be electric or diesel powered. Ms. Packer stated that they would be hybrid trains.

Mayor Burnett asked if there was any public comment.

Dennis Cluft, 5810 S. 3260 W., asked if another track would be added at the crossings as there are significant traffic problems already. He also expressed concern about noise pollution from the trains. Ms. Packer said that these issues have been addressed in the document and the plan is for each train to consist of four cars which will take only seconds to cross the tracks. Mr. Cluft stated that the time spent for the crossing arms to go down and then back up again could take more time than the train crossing and that has to be considered. Ms. Packer said that each train that crosses the tracks will take approximately 30 seconds; however, she recognized that the cumulative effect throughout each day would cause delays. She also stated that the City could apply for quiet zones which would limit noise pollution.

David Bennion stated that currently UP trains sometimes block crossings for up to 40 minutes waiting to get into the Ogden Station. Ms. Packer stated that the two trains would not be sharing track. Mr. Bennion said he was aware of that; however, was still concerned about trains waiting to get to the Ogden Station. Ms. Packer said that UTA doesn't have much influence over the UP.

Ms. Packer stated that the City would receive three hard copies of the environmental document and encouraged all citizens and Council members to review the document and make comments.

### 3. REED RICHARDS, PUBLIC AND COMMUNITY RELATIONS FOR THE RAMP TAX INITIATIVE

Mr. Richards stated that the legislature recently passed a code that allows counties to increase sales tax one tenth of one percent. This increase is utilized to fund projects in the following areas; recreation, arts, parks, and museums. This tax will bring \$3 million per year for eight years. Mr. Richards supplied suggested language to be used on the ballots for the County

Commission to adopt this tax. If adopted, an ordinance will be drafted to allocate the money. Three committees have been organized in relation to the RAMP tax; one to raise money, one for PR purposes, and one for legal purposes and the drafting of the ordinance. A meeting will be held at the Union Station on May 12, 2004 at 7:00 for the stakeholders and public meetings will be scheduled after that time.

Councilwoman Becraft suggested that the proposed ballot language specify that the money will be used for “cities and unincorporated areas of Weber County” rather than just Weber County.

Sandy Crosland, also representing the RAMP tax initiative, talked about necessities and amenities. She emphasized that amenities provide access for citizens to take advantage of bike trails, parks, museums, etc.; hence, amenities become necessities. She also stated that if citizens provide the financial means for such projects, they get to choose the amenities for their community.

Chris Davis asked if the tax would be imposed for just the 8 year period. Mr. Richards said that the tax would have to be re-authorized every 8 years. Mr. Davis also stated that when this tax became effective in Salt Lake City, specific areas were defined that the funding would be used for. He asked if a similar plan would be in place for Weber County. Mr. Richards thought that would probably not be the case.

Dennis Cluff, 5810 S. 3260 W., felt it would be important to identify specific projects that the funding would be used for. He thought that the tax would be better supported if the public knew where the money would be spent.

Mr. Richards thanked the Mayor and Council for their time.

#### 4. CONSIDERATION OF A CONDITIONAL USE PERMIT FOR ANIMALS IN AN R-1-7 ZONE LOCATED AT APPROXIMATELY 5994 SOUTH 3260 WEST

Mark Larson stated that Ryan Bryson is requesting approval of a Conditional Use Permit to use 8.82 acres of the Utah Power corridor to keep 10 cows. The City Zoning Ordinance allows animal rights in an R-1-7 zone if the residence is adjacent to the corridor. Mr. Larson stated that Mr. Bryson would have to comply with RE-20 zoning requirements. Mr. Bryson will install a 5-foot agricultural wire fence all around the corridor. The ten cows would include female cows, no bulls or other animals and the cows could at times have a calf that would be in addition to the 10 female cows. Mr. Larson stated that it was also recommended by the Planning Commission that the Conditional Use Permit stay with the proponent and would not be transferable.

Councilman Tanner asked if the number of calves would be limited. Mr. Larson said the Council could put a limit on the number of calves but felt it would be best to ask Mr. Bryson what his plan is in relation to calves.

Mr. Bryson came forward to answer any questions.

Mayor Burnett asked about cows with calves. Mr. Bryson said that when the calves were weaned they would be moved to a different property. He stated that the cows would control the weeds and recreation vehicles that are currently present on the property.

Councilman Peterson reported that in the Planning Commission notes, it is stated that the agricultural fence would be inside the property line 1 to 2 feet. He asked if the existing fence, which is much closer than 2 feet to the property line, would be moved. Mr. Bryson said that he had a surveyor find the property line markers. He said that his residential fence is 12-inches from the agricultural fence. Councilman Peterson said that he had been to the property and felt that the agricultural fence was much closer than 12 inches to the residential fences and stated that for safety reasons, the agricultural fence needs to be 2 feet from the existing residential fences. Mr. Bryson said that he had no problem with that requirement. Councilman Tanner asked what type of fence Mr. Bryson planned to install. Mr. Bryson said he planned on a 3 to 5 wire fence depending on the existing fences. He also said that he wasn't concerned about the cattle bothering people, dogs, etc., as they tend to stay away as long as there are other cows, food, and water available. He reported no problems at other locations where he keeps cattle.

Dennis Cluff said that he lives on 3260 West and has 310 feet of open space behind his home. There have never been animals there in the 9 years he has lived there. He was notified of the Planning Commission meeting and talked to Mr. Bryson about his concerns including problems with weeds. Mr. Cluff said in the past the grass on that property has never been mowed close to the fence so the weeds come through to his yard. He has controlled the weeds himself and mowed behind his property line. He would like to see the agricultural fence 4 to 5 feet away from his so that he could mow that area and control the weed problem. He would also like to see the issue postponed as several of his neighbors were unable to attend the City Council Meeting.

Lil Ackley, 2839 S. 3260 W., acknowledged that the motorcycles make noise but the cows smell bad and attract flies. She has lived in her home since 1995 and has never had to deal with animals in the corridor. She would prefer to keep the area residential. She also expressed concern about water use, where it will come from and who will pay for it.

Nancy Ungles, 5842 S. 3260 W., said that she works a graveyard shift, there are several dogs in the area, and she is concerned about the dogs barking at the cows while she tries to sleep. She also expressed concern about the cows attracting horse flies. She stated that she doesn't want to see cows behind her home.

Kelly Hamp, 5910 S. 3260 W., stated that she did not receive the original letter about the Planning Commission meeting; hence, was not at the meeting. She does not want cows in her backyard and doesn't want the fence 6 inches from hers. She stated that she would like access to the area behind her fence in order to keep the weeds out. She asked Mr. Bryson why he didn't

notify the neighbors of his desire to keep the cows in the corridor. Mr. Bryson stated that he felt that 10 cows on 10 acres was not an issue. Mayor Burnett asked Ms. Hamp to address the Council, not Mr. Bryson. She stated that she felt more time was needed before a decision was made.

Beverly Cluff, 5810 S. 3260 W., stated that she hadn't spoken to any neighbor who was in favor of the cows being kept in the corridor. She said she would make a petition if that would help. She felt that more time was needed to discuss the issue.

Councilwoman Becraft asked that if the agricultural fence be placed 4 to 5 feet from the residential fences, who would care for the area if the homeowner didn't want to. Councilman Tanner stated that the weeds have always been there and have always been a problem.

Councilman Smith asked Mr. Bryson if there was any other place he could keep his cattle. Mr. Bryson said that he already had other properties with cattle; however, he thought the cattle would control the weed problem. Councilman Smith asked if he was willing to fight to have his cattle kept there. Mr. Bryson said he wasn't willing to put up a fight if it would cause problems with his neighbors. Mr. Bryson stated that he felt it was no different than Pony Acres where horses are kept in close proximity to the homes anyway. The neighbors disagreed with his comparison stating that the horses are much further away.

Councilman Smith asked if there was another use for the property. Mr. Bryson said he could plant hay instead.

**Councilman Smith moved to table consideration of a Conditional Use Permit for animals in an R-1-7 zone located at approximately 5994 South 3260 West pending further discussion.**

Councilman Tanner asked Mr. Larson about the notification process for the Planning Commission meeting. Mr. Larson stated that the notification process was followed; that every residence within 500 feet of the 9 acres was sent a letter and a record is kept of those notifications and any letters that are returned. Councilman Tanner felt that a meeting with the neighbors would bring about the same issues that have already been raised. He wondered if a resolution could be reached. He questioned whether tabling the issue would result in solving the problems. He felt that an organized discussion would need to be held in order to resolve the issues that have been brought about. Andy Blackburn asked for a definition of the type of meeting he was referring to. Councilman Peterson suggested that Mark Larson or Tony Reynolds organize a meeting with the neighbors and Mr. Bryson in order to resolve the issues. Mr. Larson stated that he felt such a meeting would bring about the same issues that have been raised.

Beverly Cluff said that she didn't speak to anyone who was in favor of the cattle being kept in the corridor; however, it may be wise to speak to all of the neighbors who would be affected.

**Councilman Peterson made a substitute motion to table consideration of a Conditional Use Permit for animals in an R-1-7 zone located at approximately 5994 South 3260 West and directed staff to organize an informational meeting between staff, the neighbors involved, and Mr. Bryson. Councilman Smith seconded the motion. Council members Becraft, Smith, Tanner and Peterson voted “aye.” The motion carried.**

Chris Davis added that all adjoining property owners would be notified of the meeting.

Susan Voorhees stated that she is planning to build a home close to the area and is concerned about the impact the cows might have on the value of the homes and properties not yet sold.

5. FINAL ACCEPTANCE OF SUBDIVISION IMPROVEMENTS FOR WESTRIDGE SUBDIVISION NO. 2 LOCATED AT APPROXIMATELY 1950 WEST 4600 SOUTH

**Councilman Smith moved to approve final acceptance of subdivision improvements for Westridge Subdivision No. 2 located at approximately 1950 West 4600 South. Councilman Tanner seconded the motion. Council members Becraft, Smith, Tanner and Peterson voted “aye.” The motion carried.**

6. AWARD OF CONTRACT FOR THE GREAT BASIN C.D.B.G. PROJECT, PHASE 3

Michael Mansfield reported that bids were recently opened for Phase III of the C.D.B.G. Project. Seven bids were received, the lowest being from Advanced Paving & Construction, Inc., in the amount of \$289,570.00. The budgeted amount is \$545,372.00 and the Engineer’s Estimate is \$342,165.00. Because the budgeted amount is much higher than the bid, Mr. Mansfield reported that the balance would either be returned to Fund Balance or used on another project. Mr. Mansfield also reported that Advanced Paving has done work in Roy City before and has done a good job. The recommendation is that the City Council award this contract to Advanced Paving & Construction, Inc. in the amount of \$289,570.00.

**Councilman Tanner moved to award the contract for the Great Basin C.D.B.G. Project, Phase 3 to Advanced Paving & Construction, Inc. in the amount of \$289,570.00 and authorize Mayor Burnett to sign the notice of award and contract documents. Councilwoman Becraft seconded the motion. A roll call vote was taken. Council members Becraft, Smith, Tanner and Peterson voted “aye.” The motion carried.**

Councilwoman Becraft asked Mr. Mansfield how the Sandridge Park Project is coming along. Mr. Mansfield stated that he reviewed the project today with Troy Wolverton, Wasatch Civil Engineering, and he reported that the project is ready to go out to bid. He also reported that phase II will involve enlarging the park to hold more storm water

7. CITY MANAGER'S REPORT

Chris Davis reminded the Council that the City Council Retreat is still scheduled for May 14<sup>th</sup> and 15<sup>th</sup>.

8. MAYOR AND COUNCIL REPORTS

Mayor Burnett stated that he recently signed a Youth Week Proclamation declaring the first Sunday in May as the beginning of Youth Week.

Wednesday, May 12<sup>th</sup> there will be a Business Leaders Against Crime Dinner.

The UTA open house will be held Thursday, May 27<sup>th</sup> at the Ogden Union Station from 4:00 to 8:00 p.m.

Councilman Tanner thanked the City for their support of the Boys and Girls Club garage sale. The sale was successful and Councilman Tanner passed along the appreciation of the Boys and Girls Club.

9. ADJOURN

**Councilman Tanner moved to adjourn City Council Meeting at 7:48 p.m. Councilwoman Becraft seconded the motion. Council members Becraft, Smith, Tanner, and Peterson voted "aye." The motion carried.**

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Roger Phil Burnett  
Mayor

Attest:

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Char Wolverton  
Secretary

dc:apr2004