

MINUTES OF THE JULY 6, 2004, ROY CITY COUNCIL MEETING

1. Approval of June 15, 2004 and June 29, 2004 minutes
2. Recognition of Employees of the Month for May, June, and July
3. Approval of an amended Final Development Plan for the Royal Professional Plaza located at approximately 3479 West 4800 South
4. Consideration of a Preliminary Development 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
5. Approval of a Final Development Plan for Phase No. 1 of the Stone Edge Commercial Center located at approximately 4655 South 1900 West
6. Approval of an amended final development plan for the Midland Commercial Center located at approximately 4800 South 3500 West and extension of a Conditional Use Permit for vehicle sales located at approximately 4763 South 3500 West
7. Preliminary and final approval of Westward Subdivision located at approximately 5250 South 4300 West
8. Award of contract for the 2004 Street Maintenance Project
9. Award of contract for the 2004 Slurry Seal Project
10. Award of contract for the 2004 Concrete Replacement Project
11. Discussion regarding the Airport Road beautification project
12. Approval of Ordinance No. 930 amending the criminal code relating to trespass
13. Approval of Ordinance No. 931 amending the criminal code relating to curfew
14. Approval of Ordinance No. 932 amending the criminal code relating to noise
15. Approval of Resolution No. 831 establishing the City Council Meeting Schedule for FY2004/2005
16. City Manager's report
17. Mayor and Council Reports
18. Adjourn City Council Meeting

Minutes of the Roy City Council Meeting held July 6, 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:

Councilwoman/Mayor Pro-Tem Marge
Becraft
Councilman Tommy Smith
Councilman Dan Tanner
Councilman Larry Peterson

City Manager Chris Davis
City Attorney Andrew Blackburn
Secretary Char Wolverton

Excused: Mayor Roger Burnett and Councilman Dave Tafoya

Also present were: Michael Mansfield, Public Works Director; Jimmy Openshaw ; Mark Larson, Planner; Shawn Strong; Harold Wolcott; Joan Fullmer; C. Stegen; D. R. Chambers.

Moment of Silence: Councilman Tanner

Pledge of Allegiance: Councilman Tanner

1. APPROVAL OF JUNE 15, 2004 AND JUNE 29, 2004 MINUTES

Councilman Tanner moved to approve the minutes of June 15, 2004, and June 29, 2004 as written. Councilman Smith seconded the motion. Council members Smith, Becraft, Tanner, and Peterson voted “aye.” The motion carried.

2. RECOGNITION OF EMPLOYEES OF THE MONTH FOR MAY, JUNE, AND JULY

Jodi Hammer was nominated as Employee of the Month for May 2004. Ms. Hammer is self motivated, has an excellent work ethic, and is willing to help wherever she sees the need. When Ms. Hammer accepted the position of full-time Public Works Secretary, she voluntarily cleared and organized the majority of paperwork and filing that has accumulated over the past couple of years. When the office was remodeled, Ms. Hammer took the responsibility of organizing it to function efficiently and is diligent in keeping the office clean and organized and has trained two part-time secretaries.

Councilman Smith moved to approve Jodi Hammer as Employee of the Month for May 2004. Councilman Peterson seconded the motion. Council members Smith, Becraft, Tanner, and Peterson voted “aye.” The motion carried.

Tom Hansen nominated Travis Flint as Employee of the Month for June 2004. Mr. Flint has done a great job this year helping to expand the recreation program in providing the best

recreation programs available. He has helped to organize the ASA Tournament which is the biggest event of the year involving teams from all over Utah and neighboring states. He prepares for this event by overseeing field preparation and tournament organization and preparing score-keeping assignments. Mr. Flint is committed to the City and the Parks and Recreation Department that he supervises.

Councilman Smith moved to approve Travis Flint as Employee of the Month for June 2004. Councilman Peterson seconded the motion. Council members Smith, Becraft, Tanner, and Peterson voted “aye.” The motion carried.

Virgil Howell nominated Kandace Wilde as employee of the month for July 2004. Ms. Wilde has fulfilled her assignment in setting up the Aquatic Center for the second year. She hired and trained, and scheduled over 70 part-time employees. She established policies and procedure of operation, developed emergency action plans for the facility, contacted the vendors for the facility, and conducted several training sessions for all of the staff involved. The Aquatic Center is looking forward to another successful season under Ms. Wilde’s leadership.

Councilman Peterson moved to approve Kandace Wilde as Employee of the Month for July 2004. Councilman Tanner seconded the motion. Council members Smith, Becraft, Tanner, and Peterson voted “aye.” The motion carried.

3. APPROVAL OF AN AMENDED FINAL DEVELOPMENT PLAN FOR THE ROYAL PROFESSIONAL PLAZA LOCATED AT APPROXIMATELY 3479 WEST 4800 SOUTH

Mark Larson stated that Dr. John Anderson has requested an amendment to the Final Development Plan for the Royal Professional Plaza. The amendment includes three signs; two monuments signs along the 4800 South frontage and one wall sign installed above the main entrance on the south side of the building. Mr. Larson stated that staff and Planning Commission recommend approval.

Councilman Peterson commended Dr. Anderson for his willingness to accommodate the neighbors and produce a first class project.

Councilman Smith moved to approve the amended Final Development Plan for the Royal Professional Plaza located at approximately 3479 West 4800 South. Councilman Peterson seconded the motion. Council members Becraft, Smith, Tanner, and Peterson voted “aye.” The motion carried.

4. CONSIDERATION OF A PRELIMINARY DEVELOPMENT 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

Andy Blackburn stated that several months ago this item came before the Council and Councilman Tafoya made a motion to approve an Ordinance to re-zone Stone Edge Commercial Center. Mr. Blackburn stated that in talking with Councilman Tafoya, it was his intention to also approve the site plan and Conditional Use Permit; however, those two items were not included in the Ordinance. Hence, this is brought before the council as an amendment to an earlier motion.

Councilman Smith moved to approve a Preliminary Development 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. Councilman Tanner seconded the motion. Council members Becraft, Smith, Tanner and Peterson voted “aye.” The motion carried.

5. APPROVAL OF A FINAL DEVELOPMENT PLAN FOR PHASE NO. 1 OF THE STONE EDGE COMMERCIAL CENTER LOCATED AT APPROXIMATELY 4655 SOUTH 1900 WEST

Mark Larson stated that Mr. Strong is seeking approval of a Final Development Plan in order to begin construction of the storage units. The City Council approved the rezone, Preliminary Development Plan and Conditional Use Permit at a meeting on April 15, 2003. He stated that no changes have been made to the Preliminary Development Plan.

Councilman Smith asked if the lighting would be a problem for neighbors. Mr. Larson stated that the lights shouldn't be a problem as the only lights will be on the storage units themselves, not higher than 8-feet with an 8-foot wall surrounding the storage units.

Councilman Tanner asked if the issue of high voltage over the storage units had been addressed. Mr. Larson stated that as long as Mr. Strong meets the requirements of the Uniform Electric Code there wouldn't be a problem.

Mr. Larson reported that staff and Planning Commission recommend approval.

Councilman Tanner expressed concern about the approach to the storage units and asked if he would be rockscaping that area. Mr. Strong stated that he plans to level the area, kill the weeds and clean it up. Councilman Tanner asked when Mr. Strong planned to complete Phase 2. Mr. Strong stated that he hoped to begin in the spring of 2005.

Councilman Tafoya arrived at the meeting at 6:30 p.m.

Councilman Smith moved to approve the Final Development Plan for Phase No. 1 of the Stone Edge Commercial Center located at approximately 4655 South 1900 West subject to staff recommendations. Councilman Peterson seconded the motion. Council members Becraft, Smith, Tafoya, Tanner and Peterson voted “aye.” The motion carried.

6. APPROVAL OF AN AMENDED FINAL DEVELOPMENT PLAN FOR THE MIDLAND COMMERCIAL CENTER LOCATED AT APPROXIMATELY 4800 SOUTH 3500 WEST AND EXTENSION OF A CONDITIONAL USE PERMIT FOR VEHICLE SALES LOCATED AT APPROXIMATELY 4763 SOUTH 3500 WEST

Mark Larson stated that on May 18, 2004 this item was presented to the City Council. A discussion was held but no motion was made. It was recommended that a workshop be scheduled in order for the proponents to go over some of their concerns and possible solutions and that took place. Mr. Larson made a list of five items that needed to be addressed. (Staff Report - June 1, 2004). Councilman Tafoya asked what has changed since the last presentation to the City Council Meeting. Mr. Larson stated that the proponents have proposed to landscape the west end of lot #5 with grass and a sprinkling system. Harold Wolcott, partner with Bruce Crouch, added that since the last meeting, the lights atop of the ballards have been finished, the cable has replaced the chain link between the ballards and no vehicles are outside of the boundaries for car sales. Councilman Tafoya stated that he felt the consensus from the work session was that the whole lot be developed rather than developed in phases. He asked why they are proposing that it be developed in phases. Mr. Wolcott said that he and Mr. Crouch are attempting to be financially prudent and that it would be too expensive to develop the whole lot at this time. He stated that the grass and other landscaping is being proposed in an attempt to beautify the lot as previously requested by the City Council members. He said that if the building were to be constructed the cost would be \$1.25 million and that's not feasible in the early stages of the business. He stated that if the business continues to be successful, a building will be constructed in the future.

Councilwoman Becraft asked why they are proposing grass rather than asphalt which was previously proposed. Mr. Wolcott said that was due to cost. Councilman Tanner asked Mr. Wolcott how he planned to keep traffic off the grass. Mr. Wolcott said he would put landscape rocks around the grass so that no one could drive on it.

Councilman Peterson stated that he felt there was some confusion regarding the whole development and the development of lot #5. He suggested that barriers surround the whole lot in order to keep traffic off and keep the lot looking nice.

Councilman Tafoya stated that he was opposed to a phased development, that nothing has changed since the previous meeting and that Mr. Crouch has not been trustworthy in the past.

Councilman Tafoya moved to deny approval of an amended Final Development Plan for

the Midland Commercial Center located at approximately 4800 South 3500 West and extension of a Conditional Use Permit for vehicle sales located at approximately 4763 South 3500 West.

Councilman Smith asked Mr. Wolcott what reason he will give to Mr. Crouch for their request being denied. Mr. Wolcott said that in his own opinion, other than plans for the building being constructed and the phasing, all concerns of the City Council have been met. He said again that it is not feasible to construct the building at this point. Councilman Smith asked how Mr. Wolcott and Mr. Crouch would address the concerns that have been expressed. Mr. Wolcott said he would look into creating a barrier for the lot to avoid traffic; however, he wasn't sure if that would be financially feasible. Mr. Wolcott said that previously he recalled that the concern was only regarding the east border of the property. Councilman Tanner added that he left the previous meeting understanding that lot #5 would either be blacktopped or a building would be constructed.

Councilman Smith seconded the motion.

D. Chambers, counsel for Mr. Crouch, requested to speak. Chris Davis stated that in order to allow Mr. Chambers to speak, the motion would have to be denied.

Council members Smith and Tafoya voted "aye." Council members Tanner, Becraft, and Peterson voted "nay." The motion was denied.

Mr. Chambers said that Mr. Crouch came to the Council asking what it would take to develop the lot and provide additional parking for the car lot. Mr. Chambers felt that the City Council was opposed to the expansion of the car lot because they were hoping McDonalds would come back.

Councilman Tafoya advised Mr. Chambers that he not assume what the City Council wants.

Mr. Chambers stated that the Planning Commission approved the request subject to recommendations such as removing cars from unauthorized sales areas. He stated that Mr. Crouch and Mr. Wolcott are willing to do what's reasonable and acknowledged that the Conditional Use Permit has conditions and could be withdrawn at any time if the conditions are not met. He stated that the Planning Commission never said anything about not liking the phased idea. Mr. Chambers said that in the previous meeting no action was taken and he felt that in this meeting an action needed to be taken. A work session was held which Mr. Chambers did not attend, and he stated that he felt all issues of public safety, etc. had been addressed. He acknowledged that the City Council members requested asphalt for the west side of lot #5; however, the asphalt would not be used; hence, Mr. Chambers felt grass and a sprinkling system was reasonable with landscape rocks surrounding the grass area to prevent traffic. Mr. Chambers stated that he and Mr. Crouch need to know what they need to do in order to be

approved for the expansion.

Councilman Peterson stated that having been on the Planning Commission and now the City Council, he felt that neither board necessarily wanted a McDonalds; however, it did fit in with the General Plan. Councilman Peterson stated that he felt Mr. Crouch was the one wanting McDonalds or another similar business to occupy the lot and that he was trying to protect himself until the business comes. Mr. Chambers stated that there are vacant buildings all over Roy City due to business failure and he didn't want to see a building constructed as a car lot office if the car lot wasn't going to succeed. He said the lot is currently dirt and anything would look better than the dirt.

Andy Blackburn suggested to the Council that they could deny the request for specific reasons such as negative impacts or they could approve the request with certain requirements.

Mr. Chambers stated that he would like to address the negative impacts. Councilman Tanner stated that when the Council met previously, they discussed putting asphalt on the lot, not grass; hence, grass and landscape rocks are not an issue.

Mr. Chambers stated that a building is currently not feasible due to cost and that addressing the beatification concerns was the next best solution.

Councilman Tafoya withdrew his previous motion.

Councilman Tafoya moved to approve the amended Final Development Plan for the Midland Commercial Center located at approximately 4800 South 3500 West and extension of a Conditional Use Permit for vehicle sales located at approximately 4763 South 3500 West subject to the staff recommendations outlined in the staff report, asphalt surface, a building being constructed on the lot and the cross-traffic issue being addressed. Councilman Smith seconded the motion. Council members Becraft, Smith, Tafoya, Tanner and Peterson voted "aye." The motion carried.

Mr. Chambers asked if he could be more specific. Councilman Tafoya stated that the same issues exist that previously existed that have not yet been resolved. Mr. Chambers asked what Mr. Tafoya based his decision on. Councilman Tafoya stated that the Council previously decided that if used car lots were to be within the City, they would be nice. He used Kapp Auto Sales and Raye Citte as examples. Mr. Chambers stated that Mr. Crouch always does first class work.

7. PRELIMINARY AND FINAL APPROVAL OF WESTWARD SUBDIVISION
LOCATED AT APPROXIMATELY 5250 SOUTH 4300 WEST

Mark Larson stated that the proposed subdivision is located on the southeast corner of 5250

South 4300 West. The proponents own the property along 4300 West and the City owns the lot along 5250 South. The Howard Slough runs through the City's lot and is not a buildable lot. The preliminary development plan includes realigning the property line along the Howard Slough affecting lot #62 of the Meadow Creek Subdivision. An Ordinance has been approved to vacate lot #62 of Meadow Creek Subdivision in order to redescribe the new boundary lines of the proposed Westward Subdivision. After Westward subdivision is recorded, the City will quit claim any and all interest in lot #1 and #2 to Jon West and in turn, John West will quit claim any and all interest in lot #3 to the City.

Councilman Peterson moved to approve the preliminary and final approval of Westward Subdivision located at approximately 5250 South 4300 West subject to staff recommendations. Councilman Tanner seconded the motion. Council members Becraft, Smith, Tafoya, and Tanner voted "aye." The motion carried.

8. AWARD OF CONTRACT FOR THE 2004 STREET MAINTENANCE PROJECT

Michael Mansfield stated that the low bidder for this project was Staker & Parson Company with a bid of \$349,105.00. The City Engineer estimated the project cost at \$367,244.00. The low bid falls within the budget amount or \$400,000.00. The contract provides that the project will be completed by August 15, 2004. Mr. Mansfield recommended that the City Council award the project to Staker & Parson Company in the amount of \$349,105.00.

Councilman Tanner moved to award the contract for the 2004 Street Maintenance Project to Staker & Parson Company in the amount of \$349,105.00 and authorize Mayor Burnett to sign the contract and Notice of Award. Councilman Tafoya seconded the motion. A roll call vote was taken. Council members Becraft, Smith, Tafoya, Tanner and Peterson voted "aye." The motion carried.

9. AWARD OF CONTRACT FOR THE 2004 SLURRY SEAL PROJECT

Michael Mansfield stated that the low bidder for the 2004 Slurry Seal Project was Morgan Pavement Maintenance in the amount of \$35,784.00. The Engineer's estimate was \$37,800.00. The contract provides that the project will be completed by August 15, 2004. Mr. Mansfield recommended that the City Council award this contract to Morgan Pavement Maintenance in the amount of \$35,784.00.

Councilman Tafoya moved to award the contract for the 2004 Slurry Seal Project to Morgan Pavement Maintenance in the amount of \$35,784.00 and authorize Mayor Burnett to sign the contract and Notice of Award. Councilman Tanner seconded the motion. A roll call vote was taken. Council members Becraft, Smith, Tafoya, Tanner and Peterson voted "aye." The motion carried.

10. AWARD OF CONTRACT FOR THE 2004 CONCRETE REPLACEMENT PROJECT

Michael Mansfield stated that the low bidder for the 2004 Concrete Replacement Project was Stark Brothers Incorporated in the amount of \$132,350.00. The Engineer's estimate was \$143,487.50. The contract provides that the project will be completed by May 30, 2005.

Councilman Tafoya stated that he called the City to get on the list for sidewalk replacement in front of his home and was told that there is a two year waiting list. He asked if that is the case. Mr. Mansfield stated that the project to replace sidewalks and curbs exists and is prioritized as much as possible. He stated that since 1990 the City has spent \$2 million for ongoing maintenance regarding sidewalk and curb repair and continues to do so. Councilman Tafoya recommended that information regarding sidewalk replacement be put on the website. Councilman Tanner also asked if clarification regarding the cameras on the semaphores be included on the website as citizens have expressed concern to him that they feel they are "being spied on."

Councilman Peterson moved to award of contract for the 2004 Concrete Replacement Project to Stark Brothers Incorporated in the amount of \$132,350.00 and authorize Mayor Burnett to sign the contract and Notice of Award. Councilman Tanner seconded the motion. A roll call vote was taken. Council members Becraft, Smith, Tafoya, Tanner and Peterson voted "aye." The motion carried.

11. DISCUSSION REGARDING THE AIRPORT ROAD BEAUTIFICATION PROJECT

Michael Mansfield stated that this years budget for the Airport Road beautification project is \$45,000; however, after researching the costs, the budget falls short by approximately \$55,000. Mr. Mansfield stated that the City does have \$120,000 to complete Midland Drive and some of that money could be used to complete the Airport Road Project. Councilman Smith recommended that the money be taken from the Midland Drive Project to complete the Airport Road Beautification Project. Councilman Tafoya suggested that before the money is taken from the Midland Drive Project, the City look into using RDA funds for Airport Road Project.

Councilman Smith made a motion recommending that staff look into using RDA funds to complete the Airport Road Beautification Project and if that's not possible, take \$55,000 from the Midland Drive Project. Councilman Tafoya seconded the motion. Council members Becraft, Smith, Tafoya, Tanner and Peterson voted "aye." The motion carried.

12. APPROVAL OF ORDINANCE NO. 930 AMENDING THE CRIMINAL CODE RELATING TO TRESPASS

Andy Blackburn stated that Ordinances Nos. 930, 931, and 932 were not included in the recodification. He stated that Councilman Peterson recommended that in Ordinance No. 930, the

word “church” be replaced with the words “house of worship.” Other than that, no changes have been made.

Councilman Peterson moved to approve of Ordinance No. 930 amending the criminal code relating to trespass including replacing the word “church” with “house of worship.” Councilman Tanner seconded the motion. A roll call vote was taken. Council members Becraft, Smith, Tafoya, Tanner and Peterson voted “aye.” The motion carried.

13. APPROVAL OF ORDINANCE NO. 931 AMENDING THE CRIMINAL CODE RELATING TO CURFEW

Councilwoman Becraft stated that she wasn’t aware that there was a problem with children being out so late. Mr. Blackburn stated that the only time it becomes criminal for a young person to be out on the streets is between 12:00 a.m. and 5:00 a.m. Councilman Tanner expressed concern about young persons coming home from work between those hours during the summer. Mr. Blackburn stated that issue is addressed in section 3D of the Ordinance.

Councilman Tafoya moved to approve of Ordinance No. 931 amending the criminal code relating to curfew. Councilman Tanner seconded the motion. A roll call vote was taken. Council members Becraft, Smith, Tafoya, Tanner and Peterson voted “aye.” The motion carried.

14. APPROVAL OF ORDINANCE NO. 932 AMENDING THE CRIMINAL CODE RELATING TO NOISE

Councilwoman Becraft asked Mr. Blackburn what constitutes loud noise, if there is a decibel requirement or how that is defined. Mr. Blackburn stated that in order to place a decibel reading to a noise, there has to be a decibel meter which the City does not have. He stated that it’s easier to enforce the Ordinance with the definition stated in section 1 of Ordinance 932 which reads; It shall be unlawful for any person to make, continue, or cause to be made or continued any excessive, unnecessary or unusually loud noise or any noise which either annoys, disturbs, injures, or endangers the comfort, repose, health, peace or safety of others within the limits of the city. Any such noise is hereby declared a public nuisance.

Councilman Tanner moved to approve Ordinance No. 932 amending the criminal code relating to noise. Councilman Smith seconded the motion. A roll call vote was taken. Council members Becraft, Smith, Tafoya, Tanner and Peterson voted “aye.” The motion carried.

15. APPROVAL OF RESOLUTION NO. 831 ESTABLISHING THE CITY COUNCIL MEETING SCHEDULE FOR FY2004/2005

Councilwoman Becraft stated that the only amendment she could see that needed to be made was to November 2. That is a general election date; hence, there will be no City Council Meeting that day.

Councilman Tanner moved to approve Resolution No. 831 establishing the City Council Meeting Schedule for FY2004/2005 with the exception of November 2nd. Councilman Smith seconded the motion. Council members Becraft, Smith, Tafoya, Tanner and Peterson voted “aye.” The motion carried.

16. CITY MANAGER’S REPORT

Chris Davis stated that he needs information regarding the Grand Marshall(s) for the Roy Days Parade. He stated that Councilwoman Becraft suggested having 4 or 5 Grand Marshalls rather than one individual. Some suggestions include; Dean Fackrell who takes care of the holiday lighting; Orlan Karras who has dedicated many years of his life to the fire department; Nancy Howe who has dedicated her life to caring for her son, Braden, who is a quadriplegic; a high school student, and a gradeschool student who have somehow distinguished themselves. Councilman Peterson suggested that Kent Spicer be considered as one of the students as he donated his bicycle for the fund raiser when the Princess of Africa was here previously.

17. MAYOR AND COUNCIL REPORTS

The Council Retreat is scheduled for Friday and Saturday, July 30th and 31st at Wolf Creek Resort.

Councilman Tanner stated that the Boys and Girls Club is having a fundraiser at the Aquatic Center on July 16th. The cost is \$5 for individuals and \$25 for families.

18. ADJOURN

Councilman Smith moved to adjourn City Council Meeting at 8:00 p.m. Councilman Tanner seconded the motion. Council members Becraft, Peterson, Smith, Tafoya, and Tanner voted “aye.” The motion carried.

Roger Phil Burnett
Mayor

Attest:

Char Wolverton, Secretary