

MINUTES OF THE AUGUST 17, 2004, ROY CITY COUNCIL MEETING

1. Approval of August 3, 2004 minutes
2. Recognition of Employee of the Month
3. Consideration of Resolution No. 837 to support the County Commission to go forward with their resolution to create the special district for the dispatch center
4. Consideration of a Conditional Use Permit for a photography studio located at approximately 3626 West 5600 South, Pad C, of Kent's Commercial Development
5. Consideration of a Final Development Plan for Battistone development at approximately 2732 West 4800 South
6. Consideration of Resolution No. 835 on ambulance transportation rates and charges
7. Consideration of Resolution No. 836 Adopting the Wasatch Front Regional Council Natural Hazard Pre-Disaster Mitigation Plan as required by the Federal Disaster Mitigation and Cost Reduction Act of 2000
8. A public hearing to consider a preliminary PRUD site plan and a preliminary PRUD subdivision plan for Stony Brook Cottages PRUD Subdivision located at approximately 5095 South 1750 West (Airport Road)
9. City Manager's report
10. Mayor and Council Reports
11. Adjourn to a closed meeting to discuss pending litigation
12. Summary of Actions Charged

Minutes of the Roy City Council Meeting held August 17, 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 Dave Tafoya
Councilman Dan Tanner
Councilman Larry Peterson

City Manager Chris Davis
City Attorney Andrew Blackburn
Secretary Char Wolverton

Excused: Councilman Tommy Smith

Also present were: Tony Reynolds, Community Development Services Director; Mark Larson, Planner; Greg Whinham, Police Chief; Jon Ritchie, Fire Chief; Merlyn Johnson; Lorenzo Johnson; David Lloyd; Frank Battiston; Gwenda Toone; Jeff Christensen; Ruayne Freeman; Harold Freeman; Leland J. Bates; Barbara J. Bates; Dave Millheim; Ben Rasmussen

Moment of Silence: Councilman Peterson

Pledge of Allegiance: Councilman Peterson

1. APPROVAL OF AUGUST 3, 2004 MINUTES

Councilman Tafoya moved to approve the minutes of August 3, 2004, as written. Councilwoman Becraft seconded the motion. Council members Tafoya, Becraft, Tanner, and Peterson voted "aye." The motion carried.

2. RECOGNITION OF EMPLOYEE OF THE MONTH

Greg Whinham explained that for the last four years, since the dispatch center was created, the Roy City Police Department has been attempting to create a records division. Additional duties have also arisen since the implementation of the Justice Court. Ruayne Freeman has been able to learn duties and has been very proactive in helping the police department and the court. Casey Jones from the Police Department and Rose Martinez from the Justice Court both nominated Ruayne Freeman as employee of the month. Mrs. Freeman has worked the Friday afternoons that she would have otherwise had off, to do catch-up work. She has learned the court procedures and has great phone etiquette. She has brought in thousands of dollars in revenue by making calls and recovering fines.

Councilwoman Becraft moved to approve Ruayne Freeman as Employee of the Month for August 2004. Councilman Tanner seconded the motion. Council members Tafoya,

Becraft, Tanner, and Peterson voted “aye.” The motion carried.

3. CONSIDERATION OF RESOLUTION NO. 837 TO SUPPORT THE COUNTY COMMISSION TO GO FORWARD WITH THEIR RESOLUTION TO CREATE THE SPECIAL DISTRICT FOR THE DISPATCH CENTER

Chief Greg Whinham stated that this issue arose when the consolidated dispatch center was organized. The County Commission is requesting to create a special service taxing district for the operation of the Weber Consolidated Dispatch Center. Passing the resolution would give the County Commission an idea of the level of support they have from the cities involved.

Mayor Burnett asked what the special service district will do. Chief Whinham stated that it would create equitable fees throughout the County.

Councilman Tanner moved to approve Resolution No. 837 to support the County Commission to go forward with their resolution to create the special district for the dispatch center. Councilman Peterson seconded the motion. A roll call vote was taken. Council members Becraft, Tafoya, Tanner, and Peterson voted “aye.” The motion carried. (Copy filed for record.)

4. CONSIDERATION OF A CONDITIONAL USE PERMIT FOR A PHOTOGRAPHY STUDIO LOCATED AT APPROXIMATELY 3626 WEST 5600 SOUTH, PAD C, OF KENT’S COMMERCIAL DEVELOPMENT

Tony Reynolds stated that this is a routine review. David Lloyd is requesting a Conditional Use Permit for a photography studio for Building C of Kent’s Commercial Development. The Planning Commission has recommended approval and the staff has no outstanding issues.

Councilman Tafoya moved to approve a Conditional Use Permit for a photography studio located at approximately 3626 West 5600 South, Pad C, of Kent’s Commercial Development. Councilwoman Becraft seconded the motion. Council members Becraft, Tafoya, Tanner and Peterson voted “aye.” The motion carried.

5. CONSIDERATION OF A FINAL DEVELOPMENT PLAN FOR BATTISTONE DEVELOPMENT AT APPROXIMATELY 2732 WEST 4800 SOUTH

Tony Reynolds explained that in 1999 the process began to rezone Mr. Frank Battistone’s property. That was later approved and now a Final Development Plan and Developer’s Agreement are now in place which describe the land uses and standards. Mr. Battistone is seeking approval of the Final Development Plan and Developer’s Agreement for Phase 1. Phase 1 includes the continued use of selling produce on the property and constructing a small produce stand with five parking stalls.

Councilwoman Becraft asked what kind of sign will be in place. Mr. Reynolds stated that it is a sign advertising produce.

Councilman Peterson moved to approve the Final Development Plan for Battistone development at approximately 2732 West 4800 South subject to staff recommendations. Councilman Tanner seconded the motion. Council members Becraft, Tafoya, Tanner and Peterson voted “aye.” The motion carried.

6. A CONSIDERATION OF RESOLUTION NO. 835 ON AMBULANCE TRANSPORTATION RATES AND CHARGES

Chief Jon Ritchie said that the State of Utah sets the rates which may be charged by ambulance providers which has been increased by 7.2%.

Mayor Burnett asked how much of an increase 7.2% amounts to. Chief Ritchie stated that it will be approximately \$46,000 per year or \$70 per trip. He stated that it depends on the nature of the call. Councilman Peterson asked about the Non-Transport Fee. Chief Ritchie stated that it would remain \$40 for Roy citizens. Mayor Burnett asked about the toll road cost. Chief Ritchie stated that to use the toll road to Ogden Regional Medical Center costs about \$157 every 55 days.

Councilwoman Becraft moved to approve Resolution No. 835 on ambulance transportation rates and charges. Councilman Tanner seconded the motion. A roll call vote was taken. Council members Becraft, Tafoya, Tanner and Peterson voted “aye.” The motion carried. (Copy filed for record)

7. CONSIDERATION OF RESOLUTION NO. 836 ADOPTING THE WASATCH FRONT REGIONAL COUNCIL NATURAL HAZARD PRE-DISASTER MITIGATION PLAN AS REQUIRED BY THE FEDERAL DISASTER MITIGATION AND COST REDUCTION ACT OF 2000

Chief Jon Ritchie stated that this mitigation plan is required by the federal government. If the plan is in place and a disaster occurs, FEMA is willing to contribute funds to assist.

Councilman Tafoya asked Chief Ritchie if he agrees with the plan. Chief Ritchie stated that the plan protects Roy City.

Councilman Tanner moved to approve Resolution No. 836 Adopting the Wasatch Front Regional Council Natural Hazard Pre-Disaster Mitigation Plan as required by the Federal Disaster Mitigation and Cost Reduction Act of 2000. Councilman Peterson seconded the motion. A roll call vote was taken. Council members Becraft, Tafoya, and Tanner voted “aye.” The motion carried. (Copy filed for record).

8. A PUBLIC HEARING TO CONSIDER A PRELIMINARY PRUD SITE PLAN AND A PRELIMINARY PRUD SUBDIVISION PLAN FOR STONY BROOK COTTAGES PRUD SUBDIVISION LOCATED AT APPROXIMATELY 5095 SOUTH 1750 WEST (AIRPORT ROAD)

Councilman Tafoya moved to open a public hearing at 6:32 p.m. Councilwoman Becraft seconded the motion. Council members Becraft, Tafoya, Tanner and Peterson voted “aye.” The motion carried.

Tony Reynolds stated that he and staff are delighted about this project and it has been a pleasant experience working with the proponents. Mr. Reynolds introduced Kent Saxey and Dave Millheim. The Development Plan consists of 7.8 acres with 11.41 units per acre which is very harmonious with the surrounding developments. Mr. Reynolds stated that the approval is for the PRUD site plan and preliminary approval of the PRUD subdivision which is required because the units will be sold. Once preliminary approval has been granted, the detailed work will begin. Mr. Reynolds stated that he is comfortable with the layout so far. The proponents are requesting preliminary approval to save engineering costs.

The Preliminary Plan includes no on-street parking and the previous issue regarding sidewalk has been addressed; the sidewalk has been moved to the front of the units. Mr. Reynolds stated that the only issue brought up by the City Council that has not been resolved is an additional access to the development which is not a resolvable issue. A traffic study was done at Airport Road and 4400 South which projected no appreciable impact by the development of Stony Brook Cottages. Mr. Reynolds stated that there are other projects in the area that will improve access including; Airport Road and Riverdale Road which will improve traffic and sidewalk installation at 5150 South and 1900 West which will improve pedestrian traffic. These projects will take place late fall or early spring. The Planning Commission recommended a vinyl fence surrounding the entire project; however, a chain-link fence already exists around part of the project. It has been proposed that slats be added to the chain-link fence.

Councilwoman Becraft asked why there is no fence around the tot lot. She expressed concern about children running into the street. Mr. Millheim stated that issue could be addressed.

Councilman Tanner noted that the backyards were all open and asked what would happen if some of the homeowners want to fence their property in the future. Mr. Millheim stated that the restrictive covenants would dictate whether that would be possible or not; however, he felt that the project was designed to have a lot of open space and felt it would remain that way.

Mr. Millheim thanked the staff for letting the proposed project come to the Council in its early stages. He stated that staff has been very helpful and he and Mr. Saxton are anxious to get the project started soon. Mr. Millheim added that \$60,000 has already been spent in site plan engineering even though the specifics are not yet there. He stated that they are very prepared to

finish the project and prepare for final approval. He also stated that the Ordinance did not require the traffic study; however, that was completed anyway. Mr. Millheim addressed the concern of the tot lot. He stated that he felt a non-fenced tot lot was better for the project as a fenced tot lot may be portrayed as a “babysitter.” He said there are other tot lots around the City that are not fenced. He stated that they moved it up by the road so it would be in a visible location. He felt that a fence could surround the tot lot; however, that would detract from the project. Councilwoman Becraft stated that she is still very concerned about it being so close to the road and not fenced. Mr. Saxton stated that it could be moved an additional 20 feet from the road if that would help.

Mr. Millheim then addressed Councilman Tanner’s concern about the fencing of yards in the future. Mr. Millheim stated that the restrictive covenants would limit animals which would be one of the main reasons for fencing a yard. He said that was not a big issue that he was concerned about. He felt it would be too difficult of a process for a homeowner to pursue.

Councilman Tanner asked what the speed limit would be throughout the development. Mr. Saxton said the speed limit is 20 mph and there are speed bumps to enforce that. Councilman Tanner suggested adding speed bumps in front of the tot lot to ensure that cars are going slow in that area. Mr. Millheim stated that he felt that was a good suggestion and would add that to the plan.

Councilman Peterson expressed concern about the distance that school children will have to walk to get to school. He asked if it was feasible to use City powers to obtain a strip of land for a walkway between the Roy Dental Association and Royal Gardens. Mr. Davis stated that is a possibility. Mr. Millheim stated that he respected that decision; however, would worry about setting a precedence for other developers. Councilwoman Becraft stated that she felt this was a unique situation and would not be setting a precedence. Mr. Davis agreed. Councilman Peterson stated that he felt there was not a lot of foresight in previous planning and felt that the City is doing a better job with long-term planning. Councilwoman Becraft felt that providing the school children with a shorter route to school would cut down on the traffic problem also as more children would walk to school rather than being taken by their parents.

Mr. Millheim then addressed the fencing issue. He stated that he felt like his development was being singled out and he was being asked to fix problems that he didn’t create. Mr. Millheim stated that he was aware that the neighbors want the area cleaned up and his plan is to begin as soon as approval is obtained. He felt that phase 1 could be completed in the next year and phase 2 could begin this time next year. He stated that the whole project would be cleaned up and graded at the same time and he had no problem with cleaning up the site.

Chief Greg Whinham, in relation to the tot lot, added that at Municipal Elementary the City provided a fence around 50% of the tot lot. He felt that this provided safety for the children, creating a barrier that alleviates quick access. He said there is a 4-foot chain link fence around

the front half which is a comfortable barrier for the community.

Mayor Burnett asked for any public comment.

Merlyn Johnson, 5435 S. Midland Drive, stated that he felt that a vinyl fence should surround the whole development. He said that mixing fence types creates an eye sore.

Jeff Christensen, 5353 S. 2050 W., asked if emergency services had commented on their ability to get in and out of the development. Mayor Burnett stated that it has been approved by emergency services.

Mayor Burnett asked if there were any easements through any of the surrounding properties. Mr. Reynolds said there are utility easements but nothing in the way of pedestrian access.

Councilman Tanner moved to close the public hearing at 7:20 p.m. Councilwoman Becraft seconded the motion. Council members Becraft, Tafoya, Tanner and Peterson voted “aye.” The motion carried.

Councilman Tafoya moved to approve the preliminary PRUD Site Plan and a preliminary PRUD subdivision plan for Stony Brook Cottages PRUD Subdivision located at approximately 5095 South 1750 West (Airport Road) including speed bumps in the road in front of the tot lot and a fence around the front half of the tot lot. Councilman Peterson seconded the motion. Council members Becraft, Tafoya, Tanner and Peterson voted “aye.” The motion carried.

Councilman Tafoya asked if staff recommended a fencing requirement. Chris Davis suggested that if a vinyl fence is required surrounding the entire project, that would leave a strip of ground between the two fences, in areas where that is the case, that no one wants to take care of. He recommended putting slats in the existing chain link fence. Councilman Tafoya suggested putting panels along the existing fence. He stated that there are vinyl-like panels that snap onto existing chain link fence.

The City Council directed staff to look into the fencing issue and obtaining an easement for public access.

9. CITY MANAGER’S REPORT

Chris Davis stated thanked the City Council Members for their participation in Roy Days. He stated that there was good participation and no major incidences to report.

On September 11th, several members of staff are going to San Jose to look at their commuter rail system. Councilman Tafoya reported that he would be able to participate in that trip. Mr. Davis

said he would try to arrange a second trip for the City Council Members who are unable to attend on September 11th.

Also on September 11th, the City is expecting 600 volunteers to assist with the Airport Road and Howard Slough beautification projects.

Kent's Market is holding the annual Night out Against Crime on October 6th.

Fire Prevention Week begins October 13th.

The Utah League of Cities and Towns Fall Conference will be held September 15th - 17th.

The Roy City employee party will be held Thursday August 19th at the Aquatic Center at 6:30.

On September 21st, the County Commission will address the clean landfill issue. Mr. Davis will keep the Council apprized of that information.

10. MAYOR AND COUNCIL REPORTS

Councilman Tanner thanked all of the departments who assisted with the Roy Days Celebration.

Councilwoman Becraft stated that a thank-you card needs to be sent to Stock Lumber Company for donating the CERT building.

Councilwoman Becraft also expressed concern about a pilot who has been flying an acrobatic airplane close to the ground. Chris Davis said this would be an FAA issue. Councilwoman Becraft said that apparently he was initially denied a license but was later able to obtain one. Several citizens have expressed concern. Mr. Davis said he would look into the problem.

Councilman Tafoya, on behalf of the North Davis Sewer Board, thanked the City for allowing them to hold their annual party at the Aquatic Center.

11. ADJOURN

Councilman Tanner moved to adjourn to a closed meeting to discuss pending litigation at 7:45 p.m. Councilman Peterson seconded the motion. A roll call vote was taken. Council members Becraft, Tafoya, Peterson and Tanner voted "aye." The motion carried.

12. SUMMARY OF ACTIONS CHARGED

The City Council directed staff to look into the fencing issue and obtaining an easement for public access for Stony Brook Cottages.

Roger Phil Burnett
Mayor

Attest:

Char Wolverton
Secretary