

MINUTES OF THE JANUARY 7, 2003, ROY CITY COUNCIL MEETING

1. Approval of December 17, 2002 minutes
2. Consent Agenda:
  - a. Set a public hearing to consider the Annexation Declaration Policy (suggested date - February 18, 2003, at 6:30 p.m.)
  - b. Set a public hearing to consider a petition from Virgil B. Anderson to rezone approximately 2.09 acres located at approximately 4655 South 1900 West from an R-1-8 designation to an R-4 designation and an R-4 designation to a CP-2 designation (suggested date - February 18, 2003, at 6:45 p.m.)
  - c. Conditional acceptance of subdivision improvements for Hamblin Place Subdivision No. 2 located at approximately 4600 South 4000 West
3. Award of contract for the Municipal Park Tennis Court Project
4. Public hearing to consider a petition from Mattson, LC, to rezone approximately 2.92 acres located at approximately 5991 South 3500 West from an RE-20 Zone to a CP-2 Zone
  - a. Consideration of Ordinance No. 906 approving a rezone of property located at approximately 5991 South 3500 West, Roy, Utah from an RE-20 designation to a CP-2 designation
5. City Manager's report
6. Mayor and Council Reports
7. Adjourn

Minutes of the Roy City Council Meeting held January 7, 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 Dan Tanner

City Manager Chris Davis  
City Attorney Andrew Blackburn  
Secretary Char Wolverton

Excused: Councilman John Cordova

Also present were: Chris Zimmerman, Development Services Director; Mark Larson, Planner; Bob Ekstrom; Richard Copps; Ted Allen; Karl ; Brad Lasater, Jeff DeMoss; Tami Day; Rand Mattson, Tom Hanson, Parks and Recreation Director

Prayer: Councilman Smith

Pledge of Allegiance: Councilman Smith

1. APPROVAL OF DECEMBER 17, 2002 MINUTES

**Councilwoman Becraft moved to approve the minutes of December 17, 2002, as written. Councilman Tafoya seconded the motion. Council members Becraft, Smith, Tafoya, and Tanner voted “aye.” The motion carried.**

2. APPROVAL OF THE CONSENT AGENDA

Mayor Burnett explained that on both item A and Item B, the suggested date for the public hearing needs to be changed from February 4 to February 18 at 6:30 and 6:45 respectively. Also, if the rezone at 4655 South 1900 West is approved, a public hearing will be set for February 18 at 7:15 p.m. to amend the General Plan to accommodate the rezone.

**Councilman Tafoya moved to approve the consent agenda consisting of: Set a public hearing to consider the Annexation Declaration Policy for February 18, 2003, at 6:30 p.m.; Set a public hearing to consider a petition from Virgil B. Anderson to rezone approximately 2.09 acres located at approximately 4655 South 1900 West from an R-1-8 designation to an R-4 designation and an R-4 designation to a CP-2 designation for February 18, 2003, at 6:45 p.m.; Conditional acceptance of subdivision improvements for Hamblin Place Subdivision No. 2 located at approximately 4600 South 4000 West. Councilman Tanner seconded the motion. Council members Becraft, Smith, Tafoya, and**

**Tanner voted “aye.” The motion carried.**

3. AWARD OF CONTRACT FOR THE MUNICIPAL PARK TENNIS COURT PROJECT

Chris Davis explained that the tennis courts at Municipal Park will be on the east side of the existing parking area similar to the tennis courts at North Park. Tom Hanson explained that because of the slope at Municipal Park, a concrete retaining wall will be required along the west side of the tennis courts. With the retaining wall and concrete cap included, Edman Construction was the low bidder at \$119,230. Mr. Hanson stated that Roy City has worked with Edman Construction before with the construction of the tennis courts at North Park and recommended that the contract be awarded to Edman Construction. Mr. Hanson explained that currently, the budget for the tennis courts at Municipal Park is \$100,000; however, \$20,000 will be taken from the Municipal Park Restroom Project to make up for the other \$20,000 required. He also explained that additional costs including concrete from the bowery to the restrooms, engineering costs, etc., would be obtained by taking another \$20,000 from the Sandridge Restroom Re-roofing Project which would be put on hold to allow for improvements to Municipal Park in addition to the tennis courts.

Councilman Tafoya asked if there was a plan for lighting at the tennis courts in the future. Mr. Hanson explained that conduits will be run for that purpose. Councilman Tafoya asked how the number of parking spaces would be affected by splitting the parking lot to put the tennis courts in. Mr. Hanson said there would be the same amount of parking. Mayor Burnett asked about the height of the retaining wall. Mr. Hanson stated that it would be a 4-foot concrete retaining wall. Mr. Hanson also explained that if time permitted, his Parks & Recreation crew would remove the asphalt, do the demolition work, and do the compaction and testing for the project. Councilman Smith asked for a tentative completion date. Mr. Hanson expected the project to be completed in mid-June or early July.

**Councilwoman Becraft moved to award the Municipal Park Tennis Court Project to Edman Construction in the amount not to exceed \$119,230 with \$20,000 to be transferred from the Municipal Park Restroom Project, and an additional \$20,000 to be transferred from the Sandridge Park Restroom Re-roofing Project to provide a total budgeted amount of approximately \$140,000. Councilman Tanner seconded the motion. Council members Becraft, Smith, Tafoya, and Tanner voted “aye.” The motion carried.**

4. PUBLIC HEARING TO CONSIDER A PETITION FROM MATTSON, LC, TO REZONE APPROXIMATELY 2.92 ACRES LOCATED AT APPROXIMATELY 5991 SOUTH 3500 WEST FROM AN RE-20 ZONE TO A CP-2 ZONE

**Councilman Smith moved to open a public hearing at 6:40 p.m. Councilman Tanner seconded the motion. Council members Becraft, Smith, Tafoya, and Tanner voted “aye.” The motion carried.**

Chris Zimmerman explained that the property Dr. Rand Mattson is asking to rezone is located at the Northwest corner of 6000 South 3500 West. This property is identified on the General Plan as possible commercial property. Dr. Mattson's plans consist of demolishing the existing home and constructing four office buildings. Dr. Mattson is a dentist and is proposing to move his practice to this location. The rezone has gone before the Planning Commission who recommended approval. A couple of neighbors raised concerns but were not opposed to the rezone. One neighbor expressed that he was opposed to any commercial development in a residential area. The Planning Commission recommended a developer's agreement to limit the type of buildings to professional offices.

Councilman Tanner stated that in the Planning Commission notes, Michael Blackburn, a neighbor to the property, had expressed concern over losing his animal rights if the rezone was approved. Councilman Tanner asked if that would be a possibility. Andy Blackburn stated that is always a possibility.

Dr. Mattson stated that he is committed to creating a new office space for himself. His hope was that the other three buildings would also attract professional offices; however, he was concerned about a developer's agreement that would limit him to professional space only. He expressed concern that there may be a lack of need for professional space and asked that he not be limited by a developer's agreement, that he only be subject to the limitations of a CP-2 zone. He stated that this is a significant financial risk for him in purchasing such a large piece of property and reassured the Council that his intentions are to create a professional office space setting.

Mayor Burnett opened the meeting to public comment.

Tami Day, 3561 West 6050 South, stated that she was concerned about the width of the streets (6000 S and 3500 West) as they are both two-lane roads without turning lanes. She was concerned that a business would attract increased traffic creating a worse situation than presently exists. She did state; however, that she was not opposed to the rezone.

Richard Copps, 5698 South 3700 West, also expressed concern over traffic flow and speed limits. He also would like to see this corner turned into professional office space; however, would like to see the intersecting roads widened.

Mayor Burnett explained that 3500 West is a state road and 6000 South is a City road. The widening of 3500 West is on UDOT's plan for the next five years.

Chris Zimmerman stated that he contacted UDOT four weeks ago and was told that the widening of 3500 West is in the planning stages which will allow for a turning lane from 3500 West to 6000 South.

**Councilman Tanner moved to close the public hearing at 7:10 p.m. Councilwoman Becraft**

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

Councilman Tafoya stated that Dr. Mattson is a long-time resident of Roy City and trusts in his desire to create a professional setting. Councilman Tafoya suggested that the rezone be approved without the developer’s agreement. Mayor Burnett explained that a CP-2 zone requires that a conditional use and site plan go before the Planning Commission and City Council.

Andy Blackburn stated that some restrictions such as lighting be added at the time of site plan approval.

**Councilman Tafoya moved to approve the rezone of approximately 2.92 acres located at approximately 5991 South 3500 West from an RE-20 zone to a CP-2 zone excluding the limitations listed in Article IV, section 4 of the developer’s agreement. Councilman Tanner seconded the motion. Council members Becraft, Smith, Tafoya and Tanner voted “aye.”  
The motion carried.**

4A. CONSIDERATION OF ORDINANCE NO. 906 APPROVING A REZONE OF PROPERTY LOCATED AT APPROXIMATELY 5991 SOUTH 3500 WEST, ROY, UTAH FROM AN RE-20 DESIGNATION TO A CP-2 DESIGNATION

**Councilman Tafoya moved to approve Ordinance No. 906 approving a rezone of property located at approximately 5991 South 3500 West, Roy, Utah from an RE-20 Designation to a CP-2 Designation. Councilman Tanner seconded the motion. A roll call vote was taken. Council members Becraft, Smith, Tafoya and Tanner voted “aye.” The motion carried.**

5. CITY MANAGER’S REPORT

Chris Davis stated that on January 15, 2003 there will be a commuter rail meeting at 6:00 where recommendations will be made as to the location of the commuter rail stations.

The Chamber Dinner will be held January 23, 2003.

The next WACOG meeting will be held on January 29, 2003 at the Peery Egyptian Center.

The Dinner for the City Council members and Department Heads will be held at Ruby River on February 8, 2003.

The National League of Cities Conference annual meeting will be held in Washington D.C. March 7<sup>th</sup> - 12<sup>th</sup>. Councilman Tafoya and Chris Davis will attend.

Chris Davis explained that the pool is coming along well, the Justice Court has started, and the Salary Survey has been enacted.

6. MAYOR AND COUNCIL REPORTS

Mayor Burnett stated that he attended a WACOG meeting on January 6. Starting July 1, 2003 Weber County will start billing each entity who utilizes their animal control services for the upgrade to the facility which amounts to \$98,000 per year for Roy City. Therefore, the City is contemplating building their own facility. Chief Whinham is working on a proposal.

Councilwoman Becraft asked Andy Blackburn what the purpose of the codifiers is and what they are charging for the service. Mr. Blackburn stated that the purpose of the Sterling Codifiers is to assure that the City Ordinances are consistent with state law. The total fee is approximately \$10,000 and the City has paid one-third of that so far.

Councilman Tafoya suggested that the Council decide as a body what they would like to do as far as replacing the Development Services Director. Councilman Smith suggested that a job description be written before the position is advertised.

Councilman Tanner asked that a Roy Days Committee Chairman be appointed to prevent the disagreements between organizations that existed last year. Councilman Tanner also reported that the City logo and the high school logo will be put on the water tower on 5175 South Street.

7. ADJOURN

**Councilwoman Becraft moved to adjourn City Council Meeting at 8:15 p.m. Councilman Tanner seconded the motion. Council members Becraft, Smith, Tafoya and Tanner voted "aye." The motion carried.**

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Roger Phil Burnett  
Mayor

Attest:

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Char Wolverton  
Secretary