

## MINUTES OF THE DECEMBER 16, 2014, ROY CITY COUNCIL MEETING

1. Approval of the December 2, 2014, minutes
2. Presentation of awards for 2014 House Lighting Contest
3. Public hearing to consider proposed adjustments to Fiscal Year 2015 Budget
4. Consideration of Resolution No. 1059 approving adjustments to the Fiscal Year 2015 Budget
5. Consideration of Ordinance No. 1077 amending the Zoning Map to include a Special Service District – Residential Infill Overlay (RIO) District – on property located at approximately 2750 West 4800 South
6. Consideration of a request for preliminary approval of West Park Subdivision, a residential subdivision located approximately 2750 West 4800 South
7. City Manager's Report
8. Public comments
9. Mayor and Council reports
10. Adjourn

Minutes of the Roy City Council Meeting held December 16, 2014, 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 members were in attendance:

Mayor Willard Cragun	City Manager Andy Blackburn
Councilwoman Marge Becraft	City Attorney Clint Drake
Councilman John Cordova	Secretary Michelle Drago
Councilman Dave Tafoya	
Councilwoman Karlene Yeoman	

Excused: Councilman Brad Hilton

Also present were: Cathy Spencer, Management Services Director; Steve Parkinson, Planning and Zoning Administrator; Travis Flint, Parks and Recreation Director; Ross Oliver, Public Works Director; Rachel Trotter; Brandon Drago; Bert Visser; D.L. Thurman; Jane Thurman; Sarah Elliott; Kirk Smith; Joseph Pheto; Gary Empey; Robert Nunes; Niven Turner; Greg Sagen; Lisa Powell; Allison Odekirk; Alicia Hall; Jason Skeen; Danny Hammon; Sayoko Yokogaura; Geraldine Trickett; Melissa Montano; Taylor Holmes; Lorenzo Rosi; Casey Pembertin; Terra Pembertin; Brittney Pembertin; BreeAnna Pembertin; Brijett Pembertin; Bianco Pembertin; Tristan Smithy; Damian Trujillo; Jeremy Searle; Colby Bond; Steven Sommer; Jason Sommer; and Dale Allen.

Moment of Silence: Councilman Cordova

Pledge of Allegiance: Councilman Cordova

#### 1. APPROVAL OF THE DECEMBER 2, 2014, MINUTES

**Councilman Tafoya moved to approve the minutes of December 2, 2014, as written. Councilwoman Yeoman seconded the motion. Council members Becraft, Cordova, Tafoya, and Yeoman voted “aye.” The motion carried.**

#### 2. PRESENTATION OF AWARDS FOR 2014 HOUSE LIGHTING CONTEST

Mayor Cragun said the judges felt the houses for this year’s contest were outstanding. He asked that City Council to present the awards.

Councilwoman Yeoman stated that Dale Allen, 5329 South 2500 West, had received the award for the Most Likely to Take Out a Loan for Their Power Bill. Mayor Cragun said Dale Allen was raising funds for the fight against cancer. His light display was a representation of the Hunstman Cancer Center.

Councilman Tafoya stated that Steve and Gerri Goralski, 5843 South 2950 West, had received the award for the Most Traditional Lighting.

Councilman Cordova stated that Casey Pembertin, 2802 West 5600 South, had received the award for the Most Energy Efficient Lighting.

Councilwoman Becraft stated that Jason Skeen, 5718 South 3950 West, had received the award for the Most Creative/Unique Lighting.

Councilman Tafoya asked that the addresses for the winners be posted on the City's website so that citizens could view them.

Mayor Cragun thanked everyone who participated. It took a lot of time and energy to put up the Christmas lights.

Councilwoman Yeoman appreciated all who helped make the city pretty for the holidays.

### 3. PUBLIC HEARING TO CONSIDER PROPOSED ADJUSTMENTS TO THE FISCAL YEAR 2015 BUDGET

**Councilman Tafoya moved to open the public hearing at 6:03 p.m. Councilwoman Becraft seconded the motion. Council members Becraft, Cordova, Tafoya, and Yeoman voted "aye." The motion carried.**

Cathy Spencer, Management Services Director, stated the budget adjustments being proposed were mainly to reduce the fund balance, to balance funds for capital projects for the realignment of George Wahlen North Park, beautification along 1900 West, and to purchase land for the round-about on 4800 South. In the General Fund, revenues had been added for a grant for the Court Room; the sale of a police motorcycle and the purchase of body cameras. Funding for S.W.A.T. had been removed because it was paid last year; and insurance proceeds for street sweeper which caught fire and the purchase of a new sweeper had been added. Adjustments had been made to comply with the new State requirements for the Water and Sewer Fund reimbursed the City for wages. Fund balance reserves were being used to fund Phase 1 of George Wahlen North Park and beautification of 1900 West. The Water and Sewer budget had been adjusted for repairs to the 4300 West Lift Station and some waterline projects. In the Park Development Fund adjustments had been made for the installation of lights at Roy Park.

Mayor Cragun stated that Cathy Spencer and her staff did a great job of putting together and maintaining a budget that fell within the limits. The State required the City to maintain a reserve fund. Cathy Spencer clarified that there wasn't a minimum requirement, but the maximum amount was 25% of the General Fund Budget. Mayor Cragun stated that the City was in great shape financially, which was due to the management of Cathy Spencer and the department heads. There was money available to do some things to improve the City.

Mayor Cragun opened the floor for public comments.

Sarah Elliott, 2631 West 4050 South, asked about the specific amount of the reserve fund. Councilman Tafoya said it was at 25%.

**Councilman Cordova moved to close the public hearing at 6:09 p.m. Councilwoman Yeoman seconded the motion. Council members Becraft, Cordova, Tafoya, and Yeoman voted “aye.” The motion carried.**

4. CONSIDERATION OF RESOLUTION NO. 1059 APPROVING ADJUSTMENTS TO THE FISCAL YEAR 2015 BUDGET

**Councilman Tafoya moved to approve Resolution No. 1059 approving adjustments to the Fiscal Year 2015 Budget. Councilman Cordova seconded the motion. A roll call vote was taken: Council members Cordova, Yeoman, Becraft, and Tafoya voted “aye.” The motion carried.** (Copy filed for record).

5. CONSIDERATION OF ORDINANCE NO. 1077 AMENDING THE ZONING MAP TO INCLUDE A SPECIAL SERVICE DISTRICT – RESIDENTIAL IN-FILL OVERLAY (RIO) DISTRICT – ON PROPERTY LOCATED AT APPROXIMATELY 2750 WEST 4800 SOUTH

Steve Parkinson, Planning and Zoning Administrator, stated that the City had received a request for approval of a Special Service District on the property located at 2750 West 4800 South. The Subdivision Ordinance did not allow a temporary dead-end street to be longer than 1,000 feet. The proposed West Park Subdivision contained a street that was about 1,800 feet in length. The West Park street layout was the same as the development proposed on this property last year. Mr. Parkinson said he had reviewed the notes left by the prior planner to determine how the street length had been approved. Mr. Hall interpreted the loop in the subdivision as the second access. Mr. Parkinson disagreed with that interpretation. He didn't feel the loop qualified as a second access. The only way to currently access the proposed subdivision was from 4800 South. There would probably be a road from 4000 South eventually. The staff researched the ordinances to see if there was anything that would allow the proposed subdivision. Section 803 of the Zoning Ordinance contained provisions for a special service district. The provisions allowed a longer temporary dead-end subject to approval from the City Engineer and Fire Marshall if there wasn't any other way to access the property. Mr. Parkinson said the staff report included letters from the City Engineer and Fire Marshall recommending approval of the subdivision. In order for the Fire Department to be able to safely respond to an emergency in this subdivision, more fire hydrants would be required than normal. The developer also had to prove there was adequate fire flow. The Fire Marshall felt the looped road would allow fire trucks to exit the subdivision and wasn't requiring a turn around. The staff and Planning Commission recommended approval of the overlay zone in order to allow approval of the proposed subdivision.

Mr. Parkinson stated that Roy was landlocked. All of the easy-to-develop land was gone. The difficult parcels were all that was left. The Special Service District could help those difficult parcels to develop.

Councilman Tafoya stated that the City Engineer referred to comments from the City's traffic consultant, Dr. Joe Perrin. Had the staff had received those comments? Mr. Parkinson said it had not.

Councilman Tafoya stated that he had received a phone call from Mr. Beeli who was concerned about his inability to turn into his property. Steve Parkinson stated that the 2700 West intersection would remain the same. The proposed striping plan would better define the 2700 West acceleration lane. The proposed subdivision would have a three-quarter access. Vehicles could make right turns in, right turns out, and left turns in. There would be a median on 4800 South to prevent left turns out. The traffic study supported a three-quarter access. A three-quarter access was part of the development agreement signed by the City for this property. The three-quarter access would be inconvenient for some. There would be a learning curve. It was convenience versus safety. The proposed three-quarter access was the safer option.

Councilman Cordova recalled that last year's discussion talked about two lanes traveling west from 2700 West to the round-about at 2900 West.

Ross Oliver, Public Works Director, stated that the original proposal was for two lanes when the access was restricted to right in and right out only.

Councilman Tafoya felt the City Council needed to hear from Dr. Joe Perrin. The round-about would control a lot of the traffic. Mr. Parkinson said the City Engineer's letter indicated he had spoken to Dr. Perrin. Councilman Tafoya said the City Engineer's memo also said he had not seen the latest information.

The Mayor invited the applicant's traffic engineer to speak.

Jeremy Searle, Hale Engineering, stated that his firm was hired to conduct a traffic study for this subdivision. They were not part of the development. The development agreement specified a three-quarter access. When they did the traffic study they found there were existing safety concerns. Mark Miller and Dr. Perrin agreed that property owners south of the development used the center turn lane to make left turns from their properties. Those left turns conflicted with traffic turning left from 2700 West. There hadn't been a serious problem because there wasn't anything on the north side of the road. The proposed development would cause a serious problem. Due to the hump from the D&RG Trail there wasn't enough site distance to safely make a left-hand turn from the subdivision. The best way to resolve the problems was to restrict left-hand turns from the subdivision and put in a center median. There was adequate site distance for the other turn movements. The proposed striping would better define the center lane. The center lane would merge with the west bound lane before the D&RG Trail. He had spoken with the City's Engineer, Mark Miller, and Dr. Joe Perrin several

times. Both felt this was the safest option. Nearby residents were concerned that the center median would prohibit their traffic movements; they would no longer be able to make left turns out. However, Hale Engineering felt the proposed striping plan would be the most beneficial to all.

Councilman Tafoya felt the median would make it difficult for pedestrians using the trail to cross 4800 South. Should the City consider another way for pedestrians to cross? Steve Parkinson stated that the trail was owned by UTA who would have restrictions about what could and could not be done to the right-of-way. UTA wanted to be able to preserve the possibility of the right-of-way being used for train traffic again.

Mayor Cragun stated that pedestrians using the trail stepped out into traffic thinking traffic had to yield to them. In reality traffic didn't yield to them. Pedestrians had to yield to the traffic. He asked if there were signs on the trail informing pedestrians to yield to vehicular traffic.

Councilman Cordova said it wouldn't be much of a diversion for pedestrians to walk from the trail to the round-about. It would be safer than trying to cross 4800 South at the trail.

Councilman Tafoya asked if the developer had tested the fire flow. Mr. Parkinson said he hadn't. Fire flow testing was a requirement the developer would have to fulfill before receiving final approval.

Councilman Tafoya asked when construction on the round-about would begin and when the developer would be required to participate. Mr. Parkinson said the development agreement did not stipulate a time frame. The developer could pay the City, and the City could construct the round-about when it was ready. The Planning Commission recommended that the subdivision and round-about be constructed concurrently.

Andy Blackburn said he would report back to the Council on the construction time frame. Ross Oliver, Public Works Director, said construction of the round-about would be part of the FY2016 Budget. Cathy Spencer, Management Services Director, said the City had purchased the land for the round-about. The project would be budgeted so the round-about could be built when the subdivision started.

**Councilman Cordova moved to approve Ordinance No. 1077 establishing a zoning designation of RIO on properties located at approximately 2750 West 4800 South subject to the staff and Planning Commission recommendations. Councilwoman Becraft seconded the motion. A roll call vote was taken: Council members Yeoman, Cordova, Becraft, and Tafoya voted "aye." The motion carried. (Copy filed for record).**

6. CONSIDERATION OF A REQUEST FOR PRELIMINARY APPROVAL OF WEST PARK SUBDIVISION LCOATED AT APPROXIMATELY 2750 WEST 4800 SOUTH

**Councilman Tafoya moved to grant preliminary approval of West Park Subdivision based on the staff's findings and subject to the recommendations of the staff and Planning Commission. Councilwoman Yeoman seconded the motion. Council members Becraft, Cordova, Tafoya and Yeoman voted "aye." The motion carried.**

7. CITY MANAGER'S REPORT

Andy Blackburn stated that he had received a progress update from Jason Burmingham which he would forward to the Council members.

Andy Blackburn stated that he had spoken with Council members about annexation of unincorporated islands. He would be starting that process.

Andy Blackburn stated that the Bar J Wranglers would be performing at Roy High School on December 17<sup>th</sup>. If the Council members needed tickets they could contact Amy Mortenson.

Mr. Blackburn was excused.

8. PUBLIC COMMENTS

Mayor Cragun opened the floor for public comments.

Bert Visser, 4833 South 2500 West, objected to the fact that the Council approved the West Park Subdivision before the audience was allowed to make comments. He couldn't understand how the Council could have approved the subdivision when its road was illegal. He felt that at some time in the future the D&RG tracks would open up again. The City didn't own that right-of-way. This property was supposed to be manufacturing, not residential. He felt there would be trouble with traffic coming off of the hill.

Mayor Cragun felt that Bert Visser had been around long enough to know that public comments had been taken during the three public hearings regarding this subdivision. Mr. Visser felt the City Council should take public comments at the beginning of the agenda, not the end.

Mr. Visser felt the City Council should decide whether 3500 West should be closed, not UDOT. He felt the citizens should take the Council members out because they weren't listening to the citizens. The Council did what it wanted. The City had been telling him for more than two years that it was working on another cemetery location, but nothing was happening. Citizens paid taxes but never saw a cemetery. Yet the City was giving property away to Weber County for a library. He felt the City's plan to move North Park

so the property along 1900 West could develop commercially was a stupid idea. The property could be used for a cemetery. The vacant ground in Roy was gone. The City had given it away.

Elizabeth Brown, 4990 South 1950 West, stated that the existing cemetery was full. Where would the City put deceased? Apartments looked nice for the first six months, and then they became rundown. She cited the apartments west of Pizza Hut and the Royal Garden Apartments at 5000 South 1900 West as examples. The owners rented to whoever they wanted to. People were moving out of Roy because there was too much traffic and too many people. She hated driving at 3:30 p.m. because of the traffic. She felt the empty building on 5600 South next to the freeway was an eyesore

Sarah Elliott, 2631 West 4050 South, thanked the Council and the City for their help in getting her Neighborhood Watch Program going. After a rash of vandalism in her neighborhood, she asked the Council if there was a possibility of having more street lights and Neighborhood Watch Signs placed in her neighborhood. She was contacted by Lieutenant Smith from the Police Department and Brandon Edward from Public Works to let her know about the signs and lights. She had 120 members on her Neighborhood Watch. They had had 150 patrols. Part of the reason her neighbors were participating was because of the City's quick response. Ms. Elliott asked if the purchase of signs that tracked and posted speeds were included in the budget. Lieutenant Hammons said the City had been contacting companies about prices. Ms. Elliott asked if there was a purchase time frame. Councilman Tafoya understood the City had received grant money. The Police Department was trying to determine what would be most cost effective. He suggested that she contact Lt. Hammon or Chief Elliott for details. Ms. Elliott asked about body cameras for the police officers. Lt. Hammon said Roy's police officers had been using body cameras for more than four years. The City was upgrading the cameras so there were all on the same operating system. More cameras would be added so all officers had one.

D.L. Thurman, 4953 South 3100 West, stated that he owned the house and barn located at approximately 2730 West 4800 South. If the City put a median in 4800 South, he would have to travel east across the tracks and turn around in those neighborhoods in order to get into his property. Vehicles traveling west on 4800 South actually disappeared from view when they were crossing the tracks. A driver sitting on his property couldn't see them. He pulled out of his property every day. It was scary. His mailbox had been taken out five times. The West Park development would mess him up.

Mayor Cragun stated that the City could increase enforcement in this area.

Councilwoman Yeoman stated that the City had studied this area and looked at different ways to make it as safe as possible.

D.L. Thurman felt lives would be lost.

Jane Thurman, 4953 South 3100 West, stated that the median would not prevent left hand turns from the subdivision. Drivers would use the break in the median to make left turns out. She asked if there could be a break in the median in front of their property. Councilman Cordova said there wasn't a break in the median.

9. MAYOR AND COUNCIL REPORTS

Mayor Cragun wished everyone a Merry Christmas.

Councilman Tafoya stated that he had received a lot of positive comments about the City's Christmas lights. He thanked the staff for another great light display.

10. ADJOURN

**Councilman Becraft moved to adjourn at 6:58 p.m. Councilman Tafoya seconded the motion. Council members Becraft, Cordova, Tafoya, and Yeoman voted "aye." The motion carried.**

Attest:

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Willard Cragun  
Mayor

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Amy Mortenson  
Recorder