

MINUTES OF THE OCTOBER 7, 2008, ROY CITY COUNCIL MEETING

1. Public hearing to consider potential projects for which funding may be applied under the CDBG Small Cities Program for Program Year 2008-2009
2. Public hearing to consider vacating a walkway located at approximately 2102 West between 5650 and 5700 South and at 2103 West between 5600 South and 5650 South
3. Discussion regarding potential projects for the CDBG Small Cities Program for Program year 2008-2009
4. Approval of September 16, 2008, minutes
5. Public comments
6. Consideration for a conditional use permit for drive-thru facilities for a new McDonald's restaurant located at approximately 5413 South 1900 West
7. Consideration of a petition to rezone property at approximately 5756 South 2000 West from an R-3 designation to an R-4 designation
8. Consideration of Ordinance No. 1004 approving amendments to the Sign Ordinance regarding removal of abandoned signs
9. City Manager's report
10. Mayor and Council reports
11. Adjourn
12. Summary of actions charged

Minutes of the Roy City Council Meeting held October 7, 2008, 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 Joe H. Ritchie
Councilwoman Marge Becraft
Councilman Willard Cragun
Councilman Larry Peterson
Councilman Michael Stokes
Councilman Dave Tafoya

City Manager Chris Davis
City Attorney Andy Blackburn
Secretary Michelle Drago

Also present were: Ross Oliver, Public Works Director; Jared Hall, Planner; William Hunter; Michael Ghan; Marty Hamblin; Nila Hamblin; Marsha Hamblin; Rachel Trotter; Erika Wafford; George Yoshimura; Tammy Elton; Bradynn Elton; Charitee Haven; Alyssa Keyes; Emily Keyes; Julie Keyes; Sarah Mestas; Brianne Schow; Samantha Mestas; Emma Duffin; Janett Duffin; Ethan Daleabout; Lexie Madison; Brindee Russell; Riley Adams; Kenna Rae Gentry; Darrell Gentry; JoAnn Ghan; Jason Smiler; R. Hillard; Amy Andrews; Nancy Black; Nathan Anderson; Jay Stump; Travis Stump; Bryan Hammonds; Dallas Hammonds; Saylor Martinez; John Brooks; Paula Fiet; Tessa Fiet; Shania Fiet; Robin Simmons; Amber Simmons; Billie Jo Burger; Samantha Burger; Nic Burger; Andrew Hyer; Jason Hyer; Loral Price; Megan Clasper; Christine Clasper; Eddie Banuelos; Samantha Goodwin; Allen Watson; David Dahl; Ryan Dahl; Steve Smuin; Kelly Smith; Cory Perkins; and Hemp Smith.

Moment of Silence: Councilman Stokes

Pledge of Allegiance: Councilman Stokes

1. PUBLIC HEARING TO CONSIDER POTENTIAL PROJECTS FOR WHICH FUNDING MAY BE APPLIED UNDER THE CDBG SMALL CITIES PROGRAM FOR PROGRAM YEAR 2008-2009

Councilman Peterson moved to open the public hearing at 6:02 p.m. Councilman Stokes seconded the motion. Council members Becraft, Cragun, Peterson, Stokes, and Tafoya voted "aye." The motion carried.

Chris Davis stated that it had been some time since the City had applied for CDBG funding. The staff was moving forward with the project that had been discussed with the City Council - the Hope Community Center. The staff had attended the meetings required by the State. Amy Mortensen was taking a grant writing class. She would coordinate the

proposal the staff would ask the Council to approve. The funding would be on a multi-year basis. This kind of funding had been approved throughout the county in the past.

Mr. Davis stated that last week he and the Mayor were able to answer questions from the RAMP Committee. The County Commission had extended the time frame for the City to have a signed contract to June 30, 2009. If things came together with the CDBG funding, the City would be able to meet that deadline. Mayor Ritchie, Mark Miller, Ross Oliver, and himself were meeting with the architect Bill Salerno to determine where there could be cost savings on the project.

Mayor Ritchie opened the floor for public comments. There were none.

Councilwoman Becraft moved to close the public hearing at 6:08 p.m. Councilman Cragun seconded the motion. Council members Becraft, Cragun, Peterson, Stokes, and Tafoya voted “aye.” The motion carried.

2. PUBLIC HEARING TO CONSIDER VACATING A WALKWAY LOCATED AT APPROXIMATELY 2102 WEST BETWEEN 5650 AND 5700 SOUTH AND AT 2103 WEST BETWEEN 5600 SOUTH AND 5650 SOUTH

Councilman Tafoya moved to open the public hearing at 6:09 p.m. Councilwoman Becraft seconded the motion. Council members Becraft, Cragun, Peterson, Stokes, and Tafoya voted “aye.” The motion carried.

Jared Hall stated that the City had received a request to abandon a walkway located at approximately 2103 West between 5600 South and 5650 South and 2102 West between 5650 South and 5700 South. The nine foot walkway extended through two blocks. Most of it was concrete. The Planning Commission took two meetings to reach a decision to recommend that the City Council vacate the walkway. The Planning Commission felt the critical issues were safe walking routes for school children, the result of the City's action, and how the walkway would be vacated. When UDOT moved the semaphore from 2050 West to 2200 West on 5600 South, the safe walking route would be moved. Based on that fact, the staff and Planning Commission recommended that the walkway be vacated. By State law, when the City vacated a right-of-way, the land was to be deeded to the adjacent property owners in equal portions. The City would have to make adjustments if the adjacent property owners didn't want the land. The City would participate in surveying the walkway and preparing recording documents. The staff estimated that it would cost approximately \$30,000 to have a contractor remove the concrete and fencing. If City crews were used, that cost could be eliminated.

Mr. Hall said the Planning Commission made the following findings:

1. The walkway was not included in safe walking routes for elementary aged children.
2. The walkway will soon not be included in safe walking route for secondary aged children.
3. The walkway was unique among the other walkways in the City in that it does not connect directly to public or quasi-public parcels that are heavily used.
4. The vacation of the walkway is not in violation of any principles or tenets of the Zoning Ordinance or General Plan of Roy City.

The staff and Planning Commission recommended that the City Council approve the vacation of the right-of-way based on the following conditions:

1. The vacation of the right-of-way will be of equal portions to all adjacent property owners as per code.
2. Planning, Engineering, and Public Works staff will work together and with property owners as appropriate to arrange the removal and/or readjustment of the physical improvements in the walkway space, specifically the concrete and fences.
3. Planning and Engineering staff will work with the property owners in preparing the necessary surveys and documents to facilitate any boundary line adjustments related to the walkway vacation.
4. Final vacation of the walkway will not take place until the semaphore is relocated from 2050 West to 2200 West, finalizing the change in the designated 'safe walking route' for the secondary education students in the area.

Mayor Ritchie asked about the time frame for the semaphore change. Jared Hall said UDOT kept telling the staff it would be done this fall.

Councilman Tafoya asked about the fence installed by William Hunter. Jared Hall said Mr. Hunter's fence extended about halfway across the walkway. Councilman Tafoya asked if the City had given Mr. Hunter permission to put up the fence. Jared Hall said it had in some fashion.

Councilman Peterson asked if the staff had identified money to fund the removal of the walkway. Jared Hall said it had not. He felt the cost could be significantly reduced if City employees were used.

Chris Davis stated that funding had not been identified. He anticipated that the City would remove the concrete and take care of the surveying and recording. It would be up to the property owners to move their fences. That was what had been done when the walkway on 4800 South was vacated last year.

Councilman Stokes thought the City was only vacating the walkway from 5600 South to 5650 South. Jared Hall said that if only a portion of the walkway was vacated, issues faced

by adjoining property owners would remain. The public did use the walkway, but the issues faced by the adjacent property owners outweighed that use. Councilman Stokes asked if property owners in the 5650 South to 5700 South block had expressed concerns similar to those of William Hunter's. Chris Davis said they had. The City had not spent a lot of time maintaining the walkway.

Councilman Stokes was concerned about the cost to remove the walkway. Jared Hall said the estimated \$30,000 included relocating the fence, removing concrete, and removing trees. State law did not require the City to do anything. If the City didn't help remove the walkway, the problems faced by adjoining property owners would not be eliminated. Mayor Ritchie opened the floor for public comments.

Marty Hamblin, 4846 South 4075 West, stated that his mother, Nila Hamblin, lived on the south end of the walkway at 2072 West 5700 South. The walkway was in bad shape. It was dark. The wood fence along his mother's lot had been broken and painted with graffiti. Trash was thrown over the fence into his mother's yard, including beer bottles, beer cans, and paper. He didn't feel leaving the walkway open was a good idea. His mother had called the police several times. Whenever someone tried to break in, they had usually come over the fence from the walkway. He was constantly replacing sprinkler heads that had been stolen. Mayor Ritchie asked if Nila Hamblin would want part of the walkway. Mr. Hamblin said she did.

Kenna Rae Gentry, 2122 West 5600 South, was opposed to the walkway being closed. It was needed by the kids. She was concerned that if the walkway was vacated it would become a weed patch because adjacent property owners would not maintain it. A property owner on the corner of 5700 South 2200 West had let his hedge grow until it nearly covered the entire sidewalk. Who did she complain to?

Michael Ghan, 2174 West 5650 South, stated that his kids had used the walkway since 1980. If the walkway was taken out, all of the neighborhood kids would go to the backdoor of the junior high rather than the front door.

Marty Hamblin stated that neither Mrs. Gentry or Mr. Ghan lived next to the walkway. The walkway had its use, but it was no longer needed.

Erika Wafford, 2115 West 5600 South, stated that she had lived next to the walkway for three years. Her dogs had been injured and stolen. The statues in her backyard had been broken. The walkway was not maintained. It was nothing but a problem. The walkway was only used by about five kids a day. At night kids used the walkway for smoking and drinking. She would like to see the walkway closed.

Steve Smuin, 2154 West 5600 South, stated that he used the walkway everyday. It saved him a lot of time. He used the walkway at 5:30 a.m. and had never had a problem. He was opposed to closing the walkway.

Darrell Gentry, 2122 West 5650 South, said he used the walkway once a month. It was not maintained and there was some garbage. If the walkway was closed, did the City plan to keep the streets clean because that was where the kids would leave their trash.

Jason Stump, 5559 South 2425 West, stated that another option the Council had was to use the \$30,000 to beautify the walkway, put in lights, and keep it open. Security could be improved by making the fence a privacy fence.

Councilwoman Becraft moved to close the public hearing at 6:43 p.m. Councilman Peterson seconded the motion. Council members Becraft, Cragun, Peterson, Stokes, and Tafoya voted "aye." The motion carried.

Jared Hall stated that the staff was looking for direction from the City Council.

Andy Blackburn stated that if the City Council desired to vacate the walkway, the staff would need direction to prepare an ordinance.

Councilman Stokes stated that he had reviewed the comments from the Planning Commission's hearing. He could see that the adjacent property owners were frustrated. The concerns of nearby residents became less the further they lived from the walkway. He felt the City had three options:

- Beautify, improve, and keep the walkway open
- Vacate it
- Leave it as it is.

He didn't feel leaving the walkway as is was a viable option. The City would incur a cost whether it vacated or maintained the walk, Improving the walkway would probably cost more than \$30,000. He didn't feel the walkway was a safe walking route for anyone. The kids needed to walk up to 2050 West where there was a semaphore, or down to 2200 West when it was moved. As a parent he would encourage his children to use the intersection with the semaphore. He would feel uncomfortable having his children cross 5600 South in the middle of the block.

Mayor Ritchie said the Police Department had indicated that the walkway was not part of a safe walking route. It supported vacating the walkway.

Councilman Cragun stated that beautifying and maintaining the walkway would be an ongoing expense the City would have to assume. The concrete maintenance money for FY2009 had already been spent. The walkway was a place for young people to go where they were out of sight. However, they weren't out of mind for the adjacent property owners. He felt the walkway created a safety hazard.

Councilman Stokes stated that this walkway was different than most walkways because it did not access a public area.

Councilman Tafoya stated that after reviewing the Planning Commission minutes and listening to comments made in this public hearing, it appeared that five of the eight property owners who spoke up were in favor of vacating the walkway. He felt the Council needed to listen to them.

Councilman Tafoya moved to direct the staff to prepare an ordinance to vacate the walkway located at approximately 2103 West between 5600 South and 5650 South and 2102 West between 5650 South and 5700 South and bring it back to the next Council meeting. Councilman Stokes seconded the motion. Council members Becraft, Cragun, Peterson, Stokes, and Tafoya voted "aye." The motion carried.

Councilman Stokes felt there needed to be internal consideration about how to deal with maintenance of walkways and public rights-of-way.

3. DISCUSSION REGARDING POTENTIAL PROJECTS FOR THE CDBG SMALL CITIES PROGRAM FOR PROGRAM YEAR 2008-2009

Councilman Peterson stated that the CDBG grant was shared among various entities. It had been quite some time since Roy had received CDBG funding. The City was applying for a grant to help fund the Hope Community Center, which would benefit the City to a larger extent than neighborhood project.

Councilman Peterson moved to direct the staff to pursue funding for the Hope Community Center through a Community Development Block Grant. Councilwoman Becraft seconded the motion. Council members Becraft, Cragun, Peterson, Stokes, and Tafoya voted "aye." The motion carried.

4. APPROVAL OF SEPTEMBER 16, 2008, MINUTES

Councilman Cragun moved to approve the minutes of September 16, 2008, as written. Councilman Tafoya seconded the motion. Council members Becraft, Cragun, Peterson, Stokes, and Tafoya voted "aye." The motion carried.

5. PUBLIC COMMENTS

John Brooks, 5113 South 2800 West, asked about for an update on a round-about on the southwest corner of Roy West Park. Mayor Ritchie stated that 4800 South would be closed on October 12th in order for crossing arms and signalization to be installed across the railroad tracks. Chris Davis stated that Dr. Perrin was working with Mark Miller on a letter addressing the round-about.

Councilman Peterson suggested that the public be notified about the closure of 4800 South prior to October 12th. Councilman Tafoya said that electronic signs had been posted.

6. CONSIDERATION FOR A CONDITIONAL USE PERMIT FOR DRIVE-THRU FACILITIES FOR A NEW MCDONALD'S RESTAURANT LOCATED AT APPROXIMATELY 5413 SOUTH 1900 WEST

Jared Hall sated that on September 23rd, the Planning Commission had reviewed a proposal from Allen Watson to tear down and rebuild the McDonald's Restaurant located at 5413 South 1900 West. The Planning Commission approved the site plan and building elevations and recommended that the City Council approve a conditional use permit for drive through facilities based on the staff's findings and subject to the staff's recommendations.

Councilman Tafoya asked how long the business would be down. Allen Watson said it would be down about 120 days.

Councilwoman Becraft felt this would be a good time to bring this business into compliance with the 1900 beautification plans by installing decorative sidewalk. Jared Hall said he had not addressed installation of the decorative sidewalk with McDonald's because they were staying out of the 1900 West right-of-way.

Councilman Tafoya moved to approve a conditional use permit for drive through facilities for a restaurant located at approximately 5413 South 1900 West based on the staff's findings and the recommendations of the staff and Planning Commission. Councilman Stokes seconded the motion. Council members Becraft, Cragun, Peterson, Stokes, and Tafoya voted "aye." The motion carried.

7. CONSIDERATION OF A PETITION TO REZONE PROPERTY AT APPROXIMATELY 5756 SOUTH 2000 WEST FROM AN R-3 DESIGNATION TO AN R-4 DESIGNATION

Jared Hall stated that the staff had sponsored a petition to rezone property located at approximately 5756 South 2000 West from an R-3 designation to an R-4 designation. This property was known as the 'Dr. White' property. It was currently owned by Kevin Conatser. Mr. Conatser was operating a beauty salon in a building behind Dr. White's office. An R-3 Zone did not allow a beauty salon or medical office. The staff wanted to bring the property into compliance by zoning the property R-4. An R-4 Zone allowed medical offices and personal care services as conditional uses. An R-4 would be in keeping with the General Plan. The staff and Planning Commission recommended that the Council approve the rezone based on the staff's findings and recommendations.

Councilman Tafoya asked why the staff had sponsored the rezone. Jared Hall said the zoning became an issue when Mr. Conatser applied for a business license. The staff felt rezoning the property was the solution to the problem and would make both Mr. Conatser's and Dr. White's businesses legal.

Councilman Cragun stated that Mr. Conatser was one of the tenants displaced by Gold's Gym expansion. He had to relocate but wanted to stay in Roy. The rezone would allow Mr. Conatser to do that.

Councilman Peterson stated that the rezone would acknowledge the current use of the property.

Jared Hall stated that the staff was seeking direction from the City Council.

Councilman Cragun moved to direct the staff to prepare the documents necessary to rezone the property at 5756 South 2000 West from an R-3 designation to an R-4 designation. Councilman Peterson seconded the motion. Council members Becraft, Cragun, Peterson, Stokes, and Tafoya voted "aye." The motion carried.

Councilman Stokes asked that rezones be accompanied by an ordinance in order to save proponents time.

8. CONSIDERATION OF ORDINANCE NO. 1004 APPROVING AMENDMENTS TO THE SIGN ORDINANCE REGARDING REMOVAL OF ABANDONED SIGNS

Councilman Tafoya stated that he had asked the staff to look at regulations to clean up abandoned signs based on a call from a citizen named Aubrey Martinez. The proposed amendments to the Sign Ordinance were the result of the staff and Planning Commission's efforts. Councilman Tafoya apologized to Aubrey Martinez about the delay in getting these changes made. However, these amendments did show that a regular citizen could change things. He credited these amendments to Ms. Martinez.

Councilman Cragun felt the section regarding signs on public utility poles needed to be updated so that the City could be cleaned up. He felt giving people 10 days to pick up their signs encumbered the staff. Mayor Ritchie said the only signs that were held for 10 days were those the staff felt had some value. All other signs were destroyed.

Cory Perkins asked if he could put up an off-premise sign if he picked it up daily. Jared Hall said off-premise signs were prohibited. Signs on public utility poles or in the public rights-of-way were picked up.

Councilman Tafoya moved to approve Ordinance No. 1004 approving amendments to the Sign Ordinance regarding removal of abandoned signs as proposed by the staff and Planning Commission. Councilman Stokes seconded the motion.

Councilwoman Becraft asked how the staff planned to let the public know about these regulations. Jared Hall said that an article could be placed in the newsletter.

A roll call vote was taken: Council members Cragun, Peterson, Stokes, Tafoya, and Becraft voted “aye.” The motion carried. (Copy filed for record).

Councilman Stokes felt the City needed to define the signs that would be allowed. The Council agreed to hold a work session to review the Sign Ordinance on November 4th at 6:00 p.m.

9. CITY MANAGER'S REPORT

Chris Davis stated that Fire Department's public open house would be Wednesday, October 8th, from 6:00 to 8:30 p.m.

Chris Davis stated that October 25th was the Scarecrow Extravaganza for the Boys & Girls Club. It would be held at the Davis Conference Center.

Chris Davis stated that the Christmas lighting ceremony would be held Monday, November 24th.

Chris Davis stated that the report from the Audit Committee would be Tuesday, October 21st, at 5:30 p.m.

10. MAYOR AND COUNCIL REPORTS

Mayor Ritchie stated that Chris Davis and himself had attend a MIDA meeting for the purpose of receiving updates on Falcon Ridge. The Air Force and the Military Alliance had

offered to present a complete break down at a City Council meeting. Was the City Council interested? The first ground breaking ceremony would be Friday, October 10. The first project was a search and rescue from Northern Grum for ICBM. It would be inside the fence at the Clearfield gate.

11. ADJOURN

Councilwoman Becraft moved to adjourn at 7:38 p.m.

12. SUMMARY OF ACTIONS CHARGED

1. Staff to prepare an ordinance approving the vacation of a walkway located at approximately 2103 West between 5600 South and 5650 South and 2102 West between 5650 South and 5700 South for the next Council agenda.

Joe H. Ritchie
Mayor

Attest:

Michelle Drago
Secretary