

MINUTES OF THE MAY 20, 2003, ROY CITY COUNCIL MEETING

1. Approval of May 6, 2003 minutes
2. Consent Agenda
  - a. Consideration of a Conditional Use Permit and site plan for Dan E. Haltinner/5-Buck Pizza for a restaurant located at approximately 3570 West 5600 South, Suite E
  - b. Consideration of a Conditional Use Permit and site plan for Robert Russell/Samson and Delilah's for a beauty salon located at approximately 3570 West 5600 South, Suite D
  - c. Preliminary and final approval of Herefordshire Square Subdivision located at approximately 4450 South 1900 West
  - d. Final approval of a street dedication plat for 2100 West Street
3. Public hearing to consider revisions to RCO 34-21, Planning Commercial Zones
  - a. Consideration of Ordinance No. 916, an ordinance amending Title 34, Chapter 21, of the Roy City Ordinances regarding Planned Commercial Zones
4. Presentation by UTA on update on commuter rail
5. Presentation by Utopia by Dynamic City on survey results relating to Roy City
6. City Manager's report
7. Mayor and Council Reports
8. Adjourn

Minutes of the Roy City Council Meeting held May 20, 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	City Attorney Andrew Blackburn
Councilman Tommy Smith	Secretary Char Wolverton
Councilman Dave Tafoya	
Councilman John Cordova	
Councilman Dan Tanner	

Excused: Councilwoman Marge Becraft and City Manager Chris Davis

Also present were: Mark Larson, Planner; Dan Haltinner; Mike Erekson; Brent Saxton; Bert Visser; Todd Strong; Robert Russell; Ben de Hoyos; Keith Wilson.

Prayer: Councilman Cordova

Pledge of Allegiance: Councilman Cordova

1. APPROVAL OF MAY 6, 2003 MINUTES

Councilman Tafoya pointed out that on page 5, second word should read Cordova, not Tafoya.

**Councilman Cordova moved to approve the minutes of May 6, 2003, as amended. Councilman Tanner seconded the motion. Council members Smith, Tafoya, Cordova, and Tanner voted "aye." The motion carried.**

2. APPROVAL OF THE CONSENT AGENDA

In relation to Item C, preliminary and final approval of Herefordshire Square Subdivision located at approximately 4450 South 1900 West, Councilman Smith asked if each business that goes into Herefordshire Square will require a Conditional Use Permit and if notices of a public hearing will be sent out to adjacent neighborhood residents. Mark Larson stated that residents within 500 ft of the property will be notified of the public hearings.

**Councilman Tafoya moved to approve the consent agenda consisting of: Consideration of a Conditional Use Permit and site plan for Dan E. Haltinner/5-Buck Pizza for a restaurant located at approximately 3570 West 5600 South, Suite E; Consideration of a Conditional Use**

**Permit and site plan for Robert Russell/Samson and Delilah's for a beauty salon located at approximately 3570 West 5600 South, Suite D; Preliminary and final approval of Herefordshire Square Subdivision located at approximately 4450 South 1900 West; and Final approval of a street dedication plat for 2100 West Street. Councilman Tanner seconded the motion. Council members Smith, Tafoya, Cordova, and Tanner voted "aye." The motion carried.**

In regards to item C, preliminary and final approval of Herefordshire Square Subdivision located at approximately 4450 South 1900 West, Mark Larson said that Mike Erekson, Cape Companies, was present and would like to address the Council regarding the preliminary plan. Mr. Erekson explained that there would be three tenants; the first space on the northwest corner will be marketed as a small restaurant with an open patio, the second and largest will be a grocery store by the name of "Right Price," and the third will be marketed as retail space. The architectural plans will be completed on Friday, May 23 and Mr. Erekson expects the grocery store to open the end of August or first of September. He explained that the site will be cleaned up; repairing the fence along the east property line, adding a landscaping border along the fence, and the repairing the road.

3. PUBLIC HEARING TO CONSIDER REVISIONS TO RCO 34-21, PLANNING COMMERCIAL ZONES

**Councilman Smith moved to open a public hearing at 6:18 p.m. Councilman Cordova seconded the motion. Council members Smith, Tafoya, Cordova and Tanner voted "aye." The motion carried.**

Mark Larson stated that Andy Blackburn and Tony Reynolds had reviewed the changes made to RCO 34-21, Planning Commercial Zones, and recommended approval. He explained that several instances have existed where proponents are asking for a rezone from residential to commercial property but have not identified a use; hence, no preliminary plan exists. Section 34-21-12 has been revised to eliminate the requirement of a preliminary development plan at the time of a rezone application in districts identified as existing commercial or future commercial.

Councilman Tafoya expressed concern about continuing to grandfather existing uses resulting in run-down businesses. Mr. Blackburn stated that he also felt this issue needed to be addressed sometime in the future as that would cover more than the section being discussed tonight.

Mr. Larson explained that the revisions have been reviewed by the Planning Commission, Tony Reynolds, and Andy Blackburn. Mr. Larson recommended that in Section 34-21-4, that rather than requiring a three and one-half foot fence along the property line which bounds the front yard of the adjoining residential lots, this should be changed to a 4 foot fence as a three and one-half foot fence is not a standard size.

Mayor Burnett asked if there was any comment from the audience.

Brent Saxton, former Roy City Council Member, expressed concern over eliminating the need for a preliminary site plan with the thought that once a property is rezoned to commercial, there is some loss of control as to what type of business occupies the site. Mark Larson stated that a Conditional Use and Site Plan will still be required and approved by the Planning Commission and City Council. Rezoning without requiring a preliminary site plan will allow one to market the property as commercial. Mr. Saxton felt that a preliminary site plan is important before a rezone approval due to the fact that adjacent residents are more willing to favor a rezone if they know what type of business is planned for the site. Mr. Larson stated that in the past, preliminary site plans have been presented in order to be approved for a rezone and then the site plan is revised and the process must be gone through again. He felt that eliminating the need for a preliminary site plan would save time and eliminate repeating the approval process. Mr. Saxton asked for clarification that the ordinance will change; however, the rezone procedure won't. Councilman Cordova felt that this was eliminating a hurdle as the site plan is very preliminary when presented for a rezone.

Bert Visser felt that approval of commercial zones adjacent to residential zone presented a conflict. He felt that certain sections of the City should be designated commercial as problems occur when small sections of property are rezoned commercial interfering with residents. Mr. Visser owns property in Roy City along the tracks and he expressed frustration with the unknown destiny of his property.

Councilman Tanner explained to Mr. Visser that notices are sent out to residents within 500 feet of a potential rezone and they have the ability to attend a public hearing and voice their opinion.

Mr. Visser stated that this doesn't help at all. He felt that residents don't understand the letters.

Councilman Tanner stated that a General Plan for future land use is available to the public and does designate potential commercial zones.

Mark Larson added that in relation to Councilman Tafoya's concern over grandfathering uses, Section 34-21-6 addresses the issue.

**Councilman Smith moved to close the public hearing at 6:50 p.m. Councilman Tafoya seconded the motion. Council members Smith, Tafoya, Cordova and Tanner voted "aye." The motion carried.**

3A. CONSIDERATION OF ORDINANCE NO. 916, AN ORDINANCE AMENDING TITLE 34, CHAPTER 21, OF THE ROY CITY ORDINANCES REGARDING PLANNED COMMERCIAL ZONES

**Councilman Cordova moved to table consideration of Ordinance No. 916, an ordinance amending Title 34, Chapter 21, of the Roy City Ordinances regarding Planned Commercial Zones until the next meeting as the Council Members just received the revisions tonight and**

**would like more time to review them. Councilman Smith seconded the motion. Council members Smith, Tafoya, Cordova and Tanner voted “aye.” The motion carried.**

4. PRESENTATION BY UTA ON UPDATE ON COMMUTER RAIL

UTA representatives were unable to attend the meeting; hence, the item was removed from the agenda.

5. PRESENTATION BY UTOPIA BY DYNAMIC CITY ON SURVEY RESULTS RELATING TO ROY CITY

Ben de Hoyos, Dynamic City, explained that the feasibility study he would present is in relation to financial feasibility with the question of whether the system could be built and self sustained. The Marketing Survey was part 1 and the Financial Feasibility Study was part 2. Aside from the membership fees, Roy City will not be asked to make further financial contributions to Utopia. In order to minimize financial risk, it will be necessary to obtain a tier 1 service provider. Because enough subscribers will exist throughout the Utopia service area, they will be able to attract a strong service provider. Roy City will get a \$16.4 million system without having to pay more than the original fee. Mr. de Hoyos presented a chart showing potential revenues. The information was gathered in a survey taken at the end of last year. The survey revealed a likely residential take-rate of 66% and a likely business take-rate of 50%. Councilman Cordova asked Mr. de Hoyos if he thought the new upgrade Comcast has been involved in will affect those numbers. Mr. de Hoyos stated that he could not say for sure but felt that the Comcast upgrade would not significantly affect the survey if taken again. He concluded that a positive revenue potential exists for Roy City. Mr. de Hoyos then presented the costs associated with Utopia. Roy's capital costs were below Utopia's average. In order to fund Utopia, four separate bonds will be obtained over a 20 year period as the system will be built in four phases. Utopia hopes to get a 7% bond interest rate. Mr. de Hoyos then presented 4 possible risks. 1) Bond rate possibly being higher than 7%. 2) Construction costs could increase over time. 3) The take-rate may be lower than predicted. 4) Competitive reaction could slow the take-rate. Using a Monte Carlo simulation factoring in the possible risks, it is calculated that there is an 84.7 percent chance that Utopia will be successful.

Councilman Tanner asked if the tier 1 service provider will allow other service providers to use the system. Mr. de Hoyos stated that he was unsure; however, for the first while there would be a limited number of service providers. The terms are still being discussed and the tier 1 service provider is still under disclosure. Mayor Burnett thanked Mr. de Hoyos for his presentation and asked him if he would E-mail him a copy of the power point presentation. He said he would E-

mail the presentation to Chris Davis who could then get the Mayor and Council Members a copy.

Mayor Burnett stated that Todd Strong was present at the meeting and requested that he have a minute to talk with the Council regarding the Aquatic Center fees. Mr. Strong addressed the Council

and stated that he represented several families with children who are concerned about the Aquatic Center fees. He stated that when the fees were published many of the citizens he has spoken with were angry and surprised. Their biggest complaint was lack of a season or family pass. He presented a price comparison of surrounding pools and similar aquatic centers all of which had a lower admission rate than the Roy Aquatic Center and all offered a season pass. His feeling was that residents will go elsewhere if a season pass is not offered.

Councilman Cordova stated that the unknown is scary as this will be the first season the Aquatic Center is open. He reminded Mr. Strong that a lot of money has been spent on the pool and a lot of money will be required to break even. He felt that season passes may be offered next year.

Councilman Tafoya stated that Logan and Brigham City pools are subsidized; hence, are not comparable. The City is attempting to stay out of debt and not go to a tax basis to fund the pool and also felt that it was important to keep the fees the way they are for the first year and reconsider a season pass at least for next year.

Mr. Strong stated that he still felt a season pass would be advantageous and would assist with the funding of the pool. He felt that the anticipation has been huge, the community has been excited about the pool and the prices were shocking. He asked the Council to consider a season pass for next season.

Councilman Smith stated that he felt it was important to have a partnership between the City officials and the residents and reminded Mr. Strong that a lot of cuts had been made in other areas to make the pool possible.

Councilman Tanner stated that many discussions were held in regards to the fees charged for admission. In order to break even the prices need to stay as they are for at least this season.

Councilman Cordova suggested that it's possible for the competition prices go up. Mr. Strong agreed that was a possibility; however, felt that it was very unlikely that they would drop their season pass.

## 6. CITY MANAGER'S REPORT

In Chris Davis' absence, Any Blackburn reported that the pool is still on track and is scheduled to open on June 6. Additional sod will be laid on May 7.

Mr. Blackburn asked the Council for ideas for a theme for Roy Days. Councilman Cordova suggested a theme related to partnering with the residents.

Mr. Blackburn said he received a call from Tammy from Sterling Codifiers who felt that the City Ordinances would be on line in approximately 60 days.

7. MAYOR AND COUNCIL REPORTS

Councilman Smith requested that the City support the Martin Luther King Memorial Foundation by donating to the monument which will be built next to the Washington Monument.

Councilman Tanner talked with Tom Hansen about the Aquatic Center. Mr. Hansen wants to set a date for the grand opening and ribbon cutting. There will be a soft opening on June 6 and would like to set a date for the grand opening. It was decided that the grand opening would be set for Saturday, June 21 in the afternoon.

Councilman Tanner also reported that the Roy High School boy's soccer team won the quarter finals, will compete in the semi-finals on Thursday and if they win that, the finals will be held on Friday. The girls softball team is also competing for a possible title.

**Councilman Cordova moved to use Mayor Discretionary Funds to support the Martin Luther King Memorial Foundation in the amount of \$250.00. Councilman Tanner seconded the motion. Council members Smith, Tafoya, Cordova and Tanner voted "aye." The motion carried.**

8. ADJOURN

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

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Roger Phil Burnett  
Mayor

Attest:

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Char Wolverton  
Secretary