

MINUTES OF THE FEBRUARY 3, 2004, ROY CITY COUNCIL MEETING

1. Approval of January 20, 2004 minutes
2. Presentation by Comcast
3. Liquor license renewal for Five Star Restaurant
4. Consideration of Mayor's recommendation for Planning Commission appointment
5. Consideration of Resolution No. 816 in opposition to landfill adjacent to Ogden Airport
6. Final approval of Southfork Meadows Subdivision No. 5 located at approximately 6050 South 3950 West
7. Public hearing to consider revisions to RCO Title 34 - Zoning Regulations - regarding definitions of a tavern, kennel, site plan review requirements, required improvements and guarantee of improvements, and planned commercial zones; and to consider revision to RCO Title 32 - Subdivision Regulations - regarding the definition of a subdivision
8. Consideration of Ordinance No. 925 approving the recodification of the Roy City Ordinances
9. Discussion regarding amending Title 10 - Zoning Regulations to specify commuter rail stations as a conditional use
10. Public hearing for the purpose of receiving public input and obtaining Council approval to amend the FY 2004 budget
 - a. Resolution No. 818 approving adjustments to the FY 2004 budget
11. Consideration of UTA interlocal agreement
 - a. Consideration of Resolution No. 817 approving an interlocal agreement between the Utah Transit Authority and Roy City and expressly authorize a waiver of fees
12. City Manager's report
13. Mayor and Council Reports
14. Adjourn
15. Summary of actions charged

Minutes of the Roy City Council Meeting held February 3, 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; Cathy Spencer, Management Services Director; Kevin Spease; P. Wayne Hansen; Jhah & Sarah Jensen; Ken & JoAnn Payne; Bryce Dunyon; Morgan Wilkins; Niven Turner; Joy Cain; Lou Cain; Bob Van Fossen; Scott Dansie; Bryan Tillotson; Lyndley Tillotson; Michael L. Stokes; Holly J. Sandefur; Brittni Strickland; Julie Arthur; Kristen Becraft; Cyndi Becraft; David Sumner; Justin, Jeran, Joe, and James Hardy; Steven Swensen; Chandler Christiansen; The Turners (Five Star Restaurant); Carlos D. Sandefur; Dolly J. Sandefur; Sue Thompson; Patti Adkins; Carma Cooper; Carolee Danton.

Moment of Silence: Councilman Tanner

Pledge of Allegiance: Councilman Tanner

1. APPROVAL OF JANUARY 20, 2004 MINUTES

Councilman Tafoya corrected paragraph #4 on page #4 which should read; Council Members Smith and Tafoya voted "aye." Council Members Tanner, Becraft, and Peterson voted "nay."

Councilman Peterson moved to approve the minutes of January 20, 2004, as amended. Councilman Tanner seconded the motion. Council members Tafoya, Becraft, Tanner, and Peterson voted "aye." The motion carried.

2. PRESENTATION BY COMCAST

Scott Dansie, from Comcast, updated the Council on the upgrade to the Comcast system which was completed last fall. He thanked the City for their cooperation during construction. He explained that fiber optic lines were installed within the City which gives Comcast the ability to expand in the future if necessary. He reviewed the products that are currently available and those that will be available in the future. Currently available services through Comcast include

video service offerings, digital picture quality, digital music quality, the most advanced parental control device on the market today, pay-per-view movies, high-definition TV, high-speed Internet, home networking, telework, and the ability to provide telecommunications for many businesses. In the near future, Comcast will be offering video-on-demand, digital video recorder, and voice over Internet protocol phone service.

Councilman Tanner asked what upload speed would be offered. Mr. Dansie said that the upload speed generally offered is 256 K; however, Comcast is experimenting with larger capacity which would come with an additional fee.

Chris Davis recognized that Mr. Dansie has been very helpful and responsive and thanked him for his willingness to work so well with the City.

Mr. Dansie recognized that Roy City is looking into UTOPIA and encouraged the Council to ask any questions they had in comparing Comcast to UTOPIA. He did recognize that Comcast would have to compete aggressively with UTOPIA and would like to make the City and Council aware of that concern. He also stated that Comcast is in the process of upgrading their entire system from Nephi north and this should be completed by July of this year.

Mr. Dansie thanked the Council for their time.

3. LIQUOR LICENSE RENEWAL FOR FIVE STAR RESTAURANT

Mayor Burnett stated that in the last City Council Meeting, a motion was made to approve the liquor license for Five Star Restaurant; however, the motion was denied. In order to reconsider such a motion, one of the City Council Members who voted against the motion must ask for the motion to be reconsidered. This request was made.

Councilman Tanner moved to reconsider the liquor license for Five Star Restaurant. Councilman Tafoya seconded the motion. Council members Tafoya, Tanner and Peterson voted "aye." Council member Becraft voted "nay." The motion carried.

Councilman Tafoya moved to approve the liquor license for Five Star Restaurant. Councilman Peterson seconded the motion. Council members Tafoya, Tanner, and Peterson voted "aye." Councilwoman Becraft voted "nay." The motion carried.

4. CONSIDERATION OF MAYOR'S RECOMMENDATION FOR PLANNING COMMISSION APPOINTMENT

Mayor Burnett reported that a vacancy exists on the Planning Commission which needs to be filled. Mayor Burnett recommended that Michael Stokes be appointed to fill that vacancy. Mr. Stokes ran in the recent City Council election and received the highest number of votes of those

who were not elected.

Councilwoman Becraft moved to approve the appointment of Michael Stokes to serve on the Planning Commission. Councilman Tanner seconded the motion. Council members Becraft, Tafoya, Tanner and Peterson voted “aye.” The motion carried.

5. CONSIDERATION OF RESOLUTION NO. 816 IN OPPOSITION TO LANDFILL ADJACENT TO OGDEN AIRPORT

Mayor Burnett explained that a landfill has been proposed adjacent to the Ogden Airport. Ogden City is opposed to this and Mayor Burnett suggested that the item be tabled until after the next WACOG meeting which will be held the first Monday in March.

Wayne Hansen, 3673 S. 1900 W., stated that if the landfill is approved, it will affect 300 homes and the Roy North Industrial Park. Mr. Hansen farms near the proposed site, is opposed to the landfill and asked the City Council for their support.

Councilman Tanner moved to table Resolution No. 816 in opposition to a landfill adjacent to Ogden Airport until after the next WACOG meeting which will be held March 1, 2004. Councilman Tafoya seconded the motion. Council members Becraft, Tafoya, Tanner and Peterson voted “aye.” The motion carried.

6. FINAL APPROVAL OF SOUTHFORK MEADOWS SUBDIVISION NO. 5 LOCATED AT APPROXIMATELY 6050 SOUTH 3950 WEST

Tony Reynolds stated that as noted on page 8 of the Staff Report, no escrow agreement is in place because design of the detention basin is just being completed. In addition to the Escrow and Development Agreements, a 6' chain link fence will be required along the north side of lots 83 through 86.

Councilman Tafoya asked if the access road will also be fenced off. Mr. Reynolds explained that a 6' chain link fence will also be installed along the access road and around the detention basin with a gate to block the access road to the detention basin.

Mayor Burnett asked if the depth of water in the detention basin has been determined yet. Mr. Reynolds said if it has, he is not aware of what that is but will look into it.

Councilman Peterson moved to accept final approval of Southfork Meadows Subdivision No. 5 located at approximately 6050 South 3950 West subject to resolution of the detention pond costs, completion of the Escrow and Development Agreements, and the requirement of a 6' chain link fence along the north border of lot Nos. 83-86. Councilwoman Becraft seconded the motion. Council members Becraft, Tafoya, Tanner and Peterson voted

“aye.” The motion carried.

7. PUBLIC HEARING TO CONSIDER REVISIONS TO RCO TITLE 34 - ZONING REGULATIONS - REGARDING DEFINITIONS OF A TAVERN, KENNEL, SITE PLAN REVIEW REQUIREMENTS, REQUIRED IMPROVEMENTS AND GUARANTEE OF IMPROVEMENTS, AND PLANNED COMMERCIAL ZONES; AND TO CONSIDER REVISION TO RCO TITLE 32 - SUBDIVISION REGULATIONS - REGARDING THE DEFINITION OF A SUBDIVISION

Councilman Tanner moved to open a public hearing at 6:34 p.m. Councilman Tanner seconded the motion. Council members Becraft, Tafoya, Tanner, and Peterson voted “aye.” The motion carried.

Andy Blackburn explained that this item is in conjunction with item No. 8, an Ordinance approving the recodification of the Roy City Ordinances. He said that a vote will not need to be taken until Item No. 8. Mr. Blackburn said that state law allows changes to ordinances through recodification which he has been working on. He has changed several items to make them consistent with state law or to clarify what is currently written. Mr. Blackburn has made revisions to RCO Title 34 - Zoning Regulations regarding definitions of a tavern and kennel. This also included modifying site plan review to be consistent with the current practice. State law has changed the definition of a subdivision; hence, this has also been done in the City Ordinance.

Tony Reynolds explained that some changes have also been made that do affect the operations of the City in regards to the Zoning Ordinance. In section 10-1-7, a change has been made that will require developers to post bond or escrow money which will be released as the agreed upon improvements are completed. In Section 10-6A-5, Item No. 1, a change has also been made to define the type of professional who can submit a site plan including architects, landscape architects, land planners, engineers, surveyors, transportation engineers or other professionals deemed necessary by the community and economic development director. The ordinance previously limited this to an engineer or surveyor licensed in the state.

Item No. 11 of section 10-6A-5: Site Plan Review, has been modified to say, “storm water runoff and detention calculations prepared by a registered engineer, using formulas approved by the City Engineer, shall be submitted,” rather than stating a specific formula as these sometimes change. In the same section, Item No. 16 has been deleted or moved to the general section; 10-1.

In section 10-6B-7: Submission of Application and Preliminary Development Plan, Item B was deleted which required a site plan at preliminary approval.

Councilman Peterson added that when he was on the Planning Commission, the decision was made to modify Item No. 1, Section 10-6A-5 to avoid unqualified persons from preparing and

stamping site plans.

Councilman Tanner moved to close the public hearing at 6:45 p.m. Councilwoman Becraft seconded the motion. Council members Becraft, Tafoya, Tanner and Peterson voted “aye.” The motion carried.

8. CONSIDERATION OF ORDINANCE NO. 925 APPROVING THE RECODIFICATION OF THE ROY CITY ORDINANCES

Andy Blackburn stated that he has been looking forward to this day for a long time. He submitted the recodification of the City Ordinances to Sterling Codifiers in April of 2003. He received this back in August of 2003. Since that time there have been new state laws and new Ordinances which have been incorporated. He is now before the City Council to get approval of the recodification. He explained that state law allows recodification to look at each law, eliminate errors, and make City Ordinances consistent with state law. Mr. Blackburn stated that there are several international codes which still need to be updated as well as a need to update the beer and liquor license requirements which will happen in the near future. He stated that the recodification information is available on the website at sterlingcodifiers.com. This information will eventually be available on Roy City’s website.

Councilman Tafoya complimented Mr. Blackburn and staff on the long process of completing the recodification of the Roy City Ordinances. Mr. Blackburn stated that the process will make the Ordinances more user-friendly for everyone.

Councilman Tafoya moved to approve Ordinance No. 925 approving the recodification of the Roy City Ordinances. 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.)

9. DISCUSSION REGARDING AMENDING TITLE 10 - ZONING REGULATIONS TO SPECIFY COMMUTER RAIL STATIONS AS A CONDITIONAL USE

Tony Reynolds recommended that the Zoning Ordinance be amended to specify a commuter rail station as a conditional use. As a public building as defined by UTA, a commuter rail station could be confused as a permitted use as the Ordinance is currently written. Classifying a commuter rail station as a conditional use would require approval by the Planning Commission and City Council and also a public hearing.

Councilwoman Becraft moved to direct the staff and Planning Commission to amend Title 10 - Zoning Regulations to specify commuter rail stations as a conditional use. Councilman Peterson seconded the motion. Council members Becraft, Tafoya, Tanner, and Peterson voted “aye.” The motion carried.

10. PUBLIC HEARING FOR THE PURPOSE OF RECEIVING PUBLIC INPUT AND OBTAINING COUNCIL APPROVAL TO AMEND THE FY 2004 BUDGET

Councilman Tanner moved to open a public hearing at 7:02 p.m. Councilwoman Becraft seconded the motion. Council members Becraft, Tafoya, Tanner and Peterson voted “aye.” The motion carried.

Cathy Spencer presented the break-down of the mid-year budget adjustments for Roy City. This included ensuring that projected revenues are on track, providing for grants and other assistance obtained since the original budget was approved, allocating funds for expenditures which were not previously expected, and expending monies from smaller funds that are no longer being used.

Ms. Spencer stated that there are funds reserved for Community Development and Pedestrian Safety for \$1,417 and \$30,369 respectively. These funds were reserved many years ago and the intent is unknown; hence, it has been recommended that the \$1,417 be unreserved for economic development and that the \$30,369 be unreserved and placed in the fund balance for traffic signals.

The beautification fund has a balance of \$5,671.85 and it has been proposed that this money be used toward the development of the Al Poppel Memorial Garden at the new reservoir.

The clock maintenance fund has a balance of \$3,267.08. The clock at the fire station needs repairs and it is proposed that these monies be used for that purpose.

Revenues have been reviewed including property tax, sales tax and franchise taxes which are currently meeting expectations; however, the budget for Questar Gas has been decreased by \$60,000. This account is expected to rise, however, due to the cold winter months.

Revenue from construction related items are down significantly from the original projections. In the general fund, revenues from building permits, zoning fees, and fees to developers were reduced \$77,000. In the water and sewer utility fund, revenue from impact fees and annexation fees was reduced \$114,000.

For the first quarter of FY 2004, revenue from the Aquatic Center was much higher than expected. It has been proposed that the initial budget estimates be adjusted by \$235,210 for admissions, concessions, and rental fees. Some of the estimates for expenditures were underestimated so of the \$235,210, \$175,327 has been used to cover increases in overtime, concessions, maintenance and equipment/infrastructure.

Revenue from the justice court is increasing. As a result, the revenue projection has been increased by \$60,000.

Interest rates on savings are still down and it has been proposed that the general fund budget be reduced by \$25,000 related to interest income.

The City received a grant from the Land and Water Conservation Fund which will be used to assist in the construction of Emma Russell Park. Revenue from Phase 1 of the grant will be \$80,923 and is budgeted in the park development fund.

The most significant changes in expenditures include \$36,441.69 for health insurance coverage, \$22,160 for over-time, concessions, and maintenance at the Aquatic Center, \$98,167.42 to complete construction at the Aquatic Center, and \$55,000 to construct an additional bowery at the Aquatic Center. The budget also includes the cost to complete three park projects; Municipal at \$17,967.60, the skate park at \$22,338.75 and sod at the west end of the Aquatic Center for \$5,000.

Ms. Spencer explained that the adjustments made to revenues and expenditures were nearly even. A cost of living adjustment was not originally included in the budget and she explained that revenue is still not available to accommodate a COLA.

Mayor Burnett asked if there was any public comment. There was none. Mayor Burnett thanked Ms. Spencer for her time and all she does for the City.

Councilwoman Becraft moved to close the public hearing at 7:12 p.m. Councilman Tanner seconded the motion. Council members Becraft, Tafoya, Tanner and Peterson voted “aye.” The motion carried.

10A. RESOLUTION NO. 818 APPROVING ADJUSTMENTS TO THE FY 2004 BUDGET

Councilman Tanner moved to approve Resolution No. 818 approving adjustments to the FY 2004 budget. Councilman Tafoya seconded the motion. A roll call vote was taken. Council members Becraft, Tafoya, Tanner, and Peterson voted “aye.” The motion carried.
(Copy filed for records).

11. CONSIDERATION OF UTA INTERLOCAL AGREEMENT

Chris Davis explained that 47 cities from Brigham to Payson had to agree on the language of this agreement. This agreement will allow cities to have some control over UTA. He stated that UTA has been very cooperative in the process. Some concern has been expressed over the D&RG tracks. The primary line is east of the UP tracks where the right-of-way was purchased. According to the agreement, Roy City has granted a waiver of fees to UTA. UTA previously

charged fees to bore under the tracks and that will no longer occur. This agreement should hasten commuter rail coming to northern Utah. The agreement has been reviewed by Andy Blackburn, Chris Davis, and several other attorneys.

Councilman Tanner asked if the City would still be required to pay fees to UP to bore under the tracks. Mr. Davis said that would still be the case; however, there would not be a separate fee paid to UTA.

Councilman Tafoya asked if in summary this is a working arrangement. Mr. Davis said this is a working arrangement and all of the cities and UTA have cooperated to make it such.

Mayor Burnett clarified that this agreement applies to the rail corridor only and not the station.

Councilman Peterson asked what the time frame will be. Mr. Davis said it is expected to take 2 to 3 years to get the funding.

11A. CONSIDERATION OF RESOLUTION NO. 817 APPROVING AN INTERLOCAL AGREEMENT BETWEEN THE UTAH TRANSIT AUTHORITY AND ROY CITY AND EXPRESSLY AUTHORIZE A WAIVER OF FEES

Councilman Tanner moved to adopt Resolution No. 817 approving an interlocal agreement between the Utah Transit Authority and Roy City and expressly authorize a waiver of fees. Councilman Peterson seconded the motion. A roll call vote was taken. Council members Becraft, and Tafoya, Tanner, and Peterson voted “aye.” The motion carried. (Copy filed for record.)

Mayor Burnett introduced Michael Stokes who is the newly appointed Planning Commission member.

12. CITY MANAGER’S REPORT

Chris Davis reported that the new bulldozer has been purchased and received by the City. It should be at the Howard Slough in the next week.

The City Council/Department Head dinner will be held February 7th at 6:30 p.m. at the Maddox Lodge.

On February 12th there will be a work session regarding UTOPIA at the recreation building at 6:00 p.m.

On February 10th the Land Use Planning training meeting will be held at 6:30 p.m.

On February 24th there will be a work session on several different items at 6:00 p.m.

The updated code is now available on sterlingcodifiers.com.

13. MAYOR AND COUNCIL REPORTS

Councilwoman Becraft noticed that a street light was burned out on the west side of Midland Drive and 3100 South. She recognized that this is a state road but asked if this could be fixed as the road is hard to see without the street light. Chris Davis said he would look into it.

Mayor Burnett recognized that there were several citizens in the audience and asked if any of them had any comments.

Joy Caine, 5097 S. 2600 W., said that the Roy High soccer team starts practicing at West Park before the restroom facilities are open. She recognized that this was due to the fact that water was not turned on but asked if facilities could be brought in to accommodate the team and visiting teams who sometimes come from distant areas. Mayor Burnett said this issue would be looked into and something will be done.

14. ADJOURN

Councilwoman Becraft moved to adjourn City Council Meeting at 7:32 p.m. Councilman Tanner seconded the motion. Council members Becraft, Tafoya, Tanner, and Peterson voted "aye." The motion carried.

SUMMARY OF ACTIONS CHARGED

1. Councilwoman Becraft moved to direct the staff and Planning Commission to amend Title 10 - Zoning Regulations to specify commuter rail stations as a conditional use.

Roger Phil Burnett
Mayor

Attest:

Char Wolverton
Secretary