

MINUTES OF THE FEBRUARY 17, 2004, ROY CITY COUNCIL MEETING

1. Approval of February 3, 2003 minutes
2. Presentation by Jerry Fenn, President, Qwest Utah
3. Surplus property proposal for DARE car - Chief Whinham
4. Presentation by Dick Dickinson of the Roy Historical foundation and request for funding
5. Presentation by Stephanie DeGraw from Channel 17, government access channel
6. Request for approval of alcoholic beverage license renewals
7. Request for approval of class B beer license and class B liquor licenses for Burrito Grande Restaurant
8. Consent to assignment to Outdoor Promotions of the contract between Lamar Advertising and Roy City
9. Approval of a revised preliminary plat for Masami Estates Subdivision No. 4 located at approximately 3050 West 6000 South
10. Approval of a revised preliminary development plan for a planned commercial development located at approximately 5985 South 3500 West
11. Consideration of a Conceptual Residential Development Plan at approximately 5100 South 1750 West
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 17, 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	City Manager Chris Davis
Councilwoman Marge Becraft	Secretary Char Wolverton
Councilman Tommy Smith	
Councilman Dave Tafoya	
Councilman Dan Tanner	
Councilman Larry Peterson	

Excused: City Attorney Andrew Blackburn

Also present were: Tony Reynolds, Community Development Services Director; Greg Whinham, Police Chief; Michael Dalebout (Qwest); Tyler Dallas (Qwest); Dick & Shirley Dickinson; Pam & Matthew Sakurada; Terry Strickland; Julie Arthur; Marie Dunyon; Tracie & Jilian Jackson; Brad Peterson; Delores & Art Jacobsen; Jerri Lynn Corless.

Moment of Silence: Councilman Tafoya

Pledge of Allegiance: Councilman Tafoya

1. APPROVAL OF FEBRUARY 3, 2004 MINUTES

Councilwoman Becraft stated that she voted “nay” regarding the first motion on page 2; reconsideration of the liquor license for Five Star Restaurant. On Page 7, item 10A, Councilman Tanner made the motion and Councilman Tafoya seconded the motion. It previously read that Councilman Tanner did both.

Councilman Becraft moved to approve the minutes of February 3, 2004, as amended. Councilman Peterson seconded the motion. Council members Smith, Tafoya, Becraft, Tanner, and Peterson voted “aye.” The motion carried.

2. PRESENTATION BY JERRY FENN, PRESIDENT, QWEST UTAH

Tyler Dallas, Qwest, reported that Jerry Fenn was unable to attend the meeting and asked Tyler to take his place. Mr. Dallas explained that Qwest is interested in furthering the telecommunication needs of Roy City and creating a positive relationship with them. Mr. Dallas stated that if Roy City supports UTOPIA, that will eliminate companies like Comcast and Qwest from participating. He explained that

DSL through Qwest is available throughout much of Roy City currently and an attempt is being made to identify underserved areas. Qwest has made a significant investment in Roy City and according to Mr. Dallas, offers all business needs. Qwest also currently uses fiber optic technology.

Mr. Dallas reported that it is the feeling of Qwest that government should not compete with private industry. He reported that the UTOPIA feasibility study, done by Dynamic City, was flawed and the take rates were overestimated. He also stated that estimated costs for UTOPIA will be much higher than projected. Mr. Dallas said that UTOPIA puts the citizens of Roy City at risk due to the requested pledge of \$951,703. He emphasized again that Qwest feels it is unfair for them to have to compete with municipalities and asked that Roy City reconsider supporting UTOPIA.

Councilman Tanner stated that UTOPIA claims an upload and download speed of 1 gig and asked Mr. Dallas if there is a need for such a speed. Mr. Dallas stated that Qwest has offered higher speeds as requested and those types of solutions are available and generally only needed by businesses.

Councilman Peterson said DSL is still not available at his residence after being promised by Qwest for several years that it is going to be available soon. He felt that UTOPIA could possibly take off because Qwest is not meeting the needs of their customers. Councilman Peterson stated that the Utah Tax Payers Association is against UTOPIA and Qwest is a supporter of that organization. He cautioned Mr. Dallas to be careful accusing Dynamic City of having a conflict of interest when it appears that Qwest does also. He felt it was important to get both sides of the story. Mr. Dallas suggested inviting a member of the Taxpayers Association to Council Meeting also. He stated that although Qwest does have an interest in the Utah Tax Payers Association, they are not one of the main contributors.

Councilman Tafoya pointed out that UTOPIA is a huge threat to businesses such as Qwest. He stated that Qwest currently dominates the phone business and the bills just keep going higher. He stated that Qwest needs to address their customer's needs better and Roy City is looking for the best price and best customer service for their citizens.

Councilman Smith stated that his current Internet service cost has increased dramatically in the last year; hence, he is interested in looking at all options. He also made it clear that Roy City hasn't, as of yet, invested any money in UTOPIA. He asked that Mr. Dallas take the concerns of the City Council and citizens back to Qwest. Councilman Smith asked if there is a possibility that Qwest might work together with UTOPIA. Mr. Dallas stated that Jerry Fenn, of Qwest, asked Paul Morris, of UTOPIA, if that was a possibility. He said Qwest currently has not been given the opportunity to do so.

Councilman Tanner stated that government controlled utilities are nothing new. He stated that there are financial benefits to citizens when utilities are government controlled. Mr. Dallas recognized that the council members are interested in getting a better price for Internet service and feels that the pricing will

be competitive despite the information that has been given in the past.

3. SURPLUS PROPERTY PROPOSAL FOR DARE CAR - CHIEF WHINHAM

Police Chief Greg Whinham reported that he is asking the Council to declare the 1988 Mustang DARE car as surplus property. He stated that the car was offered to other cities who may want to start a DARE program but no interest was taken. He introduced Luke Call, President of the Roy Police Association and Sargent Mike Elliott to introduce the "Beat the Heat" program.

Sargent Elliott reported that the Beat the Heat program was started in 1984 in Florida. DARE cars were turned into race cars to provide an opportunity for officers to interact with the youth and provide a legal means of racing cars. He compared this to the skate park built as a means to prevent youth from skateboarding in places they aren't permitted. Sargent Elliott stated that this would involve no risk for Roy City. The Roy Police Association will be responsible for the \$50/year charge to be a member of Beat the Heat. Racing and promotions will be managed by off-duty officers. The racing will take place at the Rocky Mountain Raceway. If approved, this will be the first chapter of Beat the Heat in Utah.

Councilman Tafoya asked how the program will be promoted. Sargent Elliott stated that advertising will be done through the high school.

Councilman Tanner asked who would be responsible for fixing up the car. Sargent Elliott stated that the work would be completed through the Roy High School shop class. He reported also that he would approach Ford Motor Company for donations.

Mayor Burnett recalled that Roy City has tried to give an ambulance to another city in the past and was not allowed. He asked if this would be a problem in this situation. Chris Davis reported that it is hard to put a value on a 1988 Mustang. According to the N.A.D.A., the car value varies from \$1800 to \$2600; however, the car would be sold at a much lower price if it were to go to auction.

Councilman Smith asked where the liability would fall. Sargent Elliott stated that the Roy Police Association would carry all liability.

Councilman Tafoya moved to declare the previous DARE car, 1988 Ford Mustang, as surplus property and donate it to the Roy Police Association for the Beat the Heat Program. Councilman Smith seconded the motion. Council members Becraft, Smith, Tafoya, Tanner, and Peterson voted "aye." The motion carried.

4. PRESENTATION BY DICK DICKINSON OF THE ROY HISTORICAL FOUNDATION AND REQUEST FOR FUNDING

Dick Dickinson from the Roy Historical Foundation passed out a "Footprints of Roy" book to each Council Member. Mr. Dickinson reported that a year ago the Roy Historical Foundation asked Roy City for some help installing curb and gutter at the Museum. He also said the Museum is interested in restoring an old fire truck and they would like some assistance with that. He stated that it would be used mostly for parades in the future if restored. He stated that the Museum has an art show each year that the City has financially contributed to in the past. He asked that funds for the art show be provided for in the budget. He also requested donations for the town reunion which is also held each year and run mostly by volunteers. He thanked the City and City Council for their support and asked them to keep the Roy Historical Museum in mind, especially regarding the fire truck and the curb and gutter project.

Chris Davis stated that Mike Wallace has been asked to evaluate the fire truck repairs which may possibly be handled in-house. He also said that the curb and gutter project is currently on the public works project list.

Chris Davis also reported that he received a thank-you card from the Historical Foundation for the garage sale at the Jensen home which generated approximately \$900.

5. PRESENTATION BY STEPHANIE DEGRAW FROM CHANNEL 17, GOVERNMENT ACCESS CHANNEL

Stephanie DeGraw invited Roy City to become involved with cable Channel 17 which is a public educational government channel. She said this was started in Ogden and currently has 13 volunteers. She is asking all cities within Weber County to become involved. The station operates 24 hours a day 7 days a week and includes announcements related to government and community. This allows cities to help inform citizens of positive activities within the City. The station is funded by Comcast charging each cable subscriber 10 cents per month. The money collected is then returned to the City for them to decide how to utilize the funds. Nate Pierce is the person to contact if the City is interested in participating.

Councilman Smith asked if Comcast collects only 10 cents per household. Ms. DeGraw said that is the minimum; however, the City can decide how much it would like to charge.

Councilwoman Becraft asked if there is a limited number of announcements that can be made. Ms. DeGraw said the time on the air depends on how many subscribers there are within the City. Ms. DeGraw thanked the Council for their time.

Chris Davis added that Nate Pierce is the CEO of Ogden City.

6. REQUEST FOR APPROVAL OF ALCOHOLIC BEVERAGE LICENSE RENEWALS

Tony Reynolds reported that four businesses are requesting renewal of their alcoholic beverage licenses. G's Pitstop Sinclair, Inc. is requesting a Class A Beer; Rainbow Saloon is requesting a Class C Beer; Sacco's Produce is requesting a Class A Beer; and Sparetime Family Fun Center Inc. is requesting a Class B Beer. Councilman Tafoya asked if any of these establishments had any violations. Mr. Reynolds said they did not.

Councilman Tafoya moved to approve the request for alcoholic beverage license renewals as listed above. Councilman Smith seconded the motion. Council members Becraft, Smith, Tafoya, Tanner and Peterson voted "aye." The motion carried.

7. REQUEST FOR APPROVAL OF CLASS B BEER LICENSE AND CLASS B LIQUOR LICENSES FOR BURRITO GRANDE RESTAURANT

Tony Reynolds reminded the Council that this item was tabled at a previous City Council Meeting due to three outstanding issues which have all been resolved.

Councilman Smith moved to approve a class B beer license and class B liquor licenses for Burrito Grande Restaurant.

Councilman Tanner reported seeing the article in the Standard Examiner regarding Mr. Soto's Burrito Grande. Mr. Soto reported that his goal was to work with the City and meet the people of the community. He said that 80 percent of his business is food and he estimates that 20 percent would involve alcohol. He stated that his business is a family business and some customers request alcohol with their meal; however, this is not encouraged by him. Councilman Tanner asked why he was requesting a beer and liquor license in his Roy restaurant but not in his South Ogden restaurant. Mr. Soto reported that his business in South Ogden is very small, only about 8 tables, and he is looking to cater to business dinners, wedding parties, etc. in his Roy restaurant. Councilman Tanner asked Mr. Soto if he was aware of the regulations in regards to serving alcohol. Mr. Soto said he would educate himself and is already aware of the regulations that go along with serving alcohol.

Councilman Smith stated that he appreciates Mr. Soto's business and the information he has provided especially due to the history of the site. Mr. Soto stated that he recognized the problems with the youth and will assure that no alcohol is served to underage patrons.

Councilman Tafoya asked if Mr. Soto and his staff have had the proper training to serve alcoholic

beverages. Mr. Soto stated that had not taken place yet as he is waiting for the approval of the Council. He did assure Councilman Tafoya that no alcohol would be served until he and his staff are fully trained. Councilman Tafoya asked if he planned to have a full service bar. Mr. Soto reported that he planned to serve the most commonly requested drinks and would try to avoid things such as whiskey.

Councilwoman Becraft stated that she had nothing personally against Mr. Soto but wanted to inform him that she would vote against the beer and liquor licence out of concern for the children who may be dining there.

Mr. Soto stated again that his main business will still be food but he would like to use the alcohol as a tool to increase business.

Councilman Tafoya made an amended motion to approve a class B beer license and class B liquor licenses for Burrito Grande Restaurant contingent upon Mr. Soto and his staff getting the appropriate training. Councilman Smith seconded the motion. Council members Smith, Tafoya, Tanner, and Peterson voted “aye.” Council member Becraft voted “nay.” The motion carried.

8. CONSENT TO ASSIGNMENT TO OUTDOOR PROMOTIONS OF THE CONTRACT BETWEEN LAMAR ADVERTISING AND ROY CITY

Chris Davis stated that the contract will remain the same; however, will be reassigned to Outdoor Promotions. Their primary business has been billboard signs and they are currently participating in bus shelter advertising. He stated that they may be willing to do public service announcements for the City.

Councilman Peterson moved to reassign the previous contract between Lamar Advertising and Roy City for bus shelter advertising to Outdoor Promotions. Councilwoman Becraft seconded the motion. Council members Becraft, Smith, Tafoya, Tanner, and Peterson voted “aye.” The motion carried.

9. APPROVAL OF A REVISED PRELIMINARY PLAT FOR MASAMI ESTATES SUBDIVISION NO. 4 LOCATED AT APPROXIMATELY 3050 WEST 6000 SOUTH

Tony Reynolds reported that this item has already received preliminary approval. This subdivision includes six lots in a subdivision (Phase 4). The revised preliminary plat includes a seventh lot to the west of the subdivision. This should complete the subdivision. As noted in the staff report, Masami Miya still owes Roy City/Weber County \$14,100.37 due to a previous curb, gutter, and sidewalk project on the east side of 3100 West. Masami Miya also owes Roy City \$39,424.02 for previous

road improvements in Walker Estates.

Mr. Reynolds recommended approval of the revised preliminary plat for Masami Estates Subdivision No. 4 located at approximately 3050 West 6000 South subject to the conditions of the staff report and any liens being cleared up prior to final approval.

Councilman Smith moved to approve the revised preliminary plat for Masami Estates Subdivision No. 4 located at approximately 3050 West 6000 South subject to the conditions of the staff report and any liens being cleared up prior to final approval. Councilman Tanner seconded the motion. Council members Becraft, Smith, Tafoya, Tanner, and Peterson voted “aye.” The motion carried.

10. APPROVAL OF A REVISED PRELIMINARY DEVELOPMENT PLAN FOR A PLANNED COMMERCIAL DEVELOPMENT LOCATED AT APPROXIMATELY 5985 SOUTH 3500 WEST

Tony Reynolds stated that Mattson, L.C. has requested a revised preliminary development plan for the 2.92 acres of property located at 5991 South 3500 West. The preliminary development plan was approved at the rezone as was required by Ordinance at the time. The revised plan includes five buildings rather than four.

Councilwoman Becraft asked if a turning lane for 3500 West is going to be put in place. Mr. Reynolds said he didn't know yet; however, UDOT is aware of the City's desire for that to happen.

Mr. Reynolds recommended approval of the revised preliminary plan for Mattson, L.C.

Councilman Peterson moved to approve the revised preliminary development plan for a planned commercial development located at approximately 5985 South 3500 West. Councilman Tafoya seconded the motion. Council members Becraft, Smith, Tafoya, Tanner, and Peterson voted “aye.” The motion carried.

11. CONSIDERATION OF A CONCEPTUAL RESIDENTIAL DEVELOPMENT PLAN AT APPROXIMATELY 5100 SOUTH 1750 WEST

Tony Reynolds stated that Development Associates and Pride Homes of Utah are proposing a planned residential unit development for owner-occupied town homes on the Vorhees property at 5100 South 1750 West. The purpose of the Council discussion is to provide input from the Council members regarding their feeling on the concept plan. Mr. Reynolds stated that specifics would not be reviewed until a detailed site development plan is presented to the Council. Dave Millheim, Development

Associates, would like to review the concerns of the Council Members regarding the proposed development. The developers requested an opportunity to present the conceptual plan to the Council and get their input. The development is 7.8 acres, zoned R-4 with the access road being Airport Road. All surrounding property is zoned R-4. The developers are proposing 12 units per acre. Mr. Reynolds recommended that the Council give as much feedback as possible regarding the proposed development.

Dave Millheim stated that the site does have some challenges and has been through five different site plans. He stated that he would like to create a win-win situation for all involved. Mr. Millheim said that he felt poor quality projects have been presented in the past; however, he wasn't present to review the ideas that didn't work. He said that he had reviewed all comments from the previously proposed projects and addressed them with his proposed development. He said this is the right project in the right location. This is a high-density zone and Mr. Millheim stated that there is no other realistic use. The only two possibilities in his mind are apartments versus owner-occupied town homes. A detailed conceptual plan was presented. Mr. Millheim stated that the development would target young families starting out and empty-nesters. He has observed "garbage" in the area that looks cheap and uninviting that in his opinion was not well planned or built. He stated that his goal is to vary building frontages to create a nice look rather than a boxy monotonous look. He stated there will be no carports; each town home would be accompanied by a single or double car garage. He said there would be a basic floor plan with variations with as many options as possible. Mr. Millheim said he felt his proposed development would be high-end for the area.

Mr. Millheim said that the Roy City development process limits developers and he would like to upset the process by adding this conceptual review step to avoid stumbling blocks in the future. The conceptual site plan includes 3, 4, and 5 unit pads with 54% common green space. Roy City Ordinance requires 30% green space in such a development. He said that, if approved, he would like to complete the development in two phases. He complimented the staff on their helpfulness in assuring that city code is addressed. If approved, the developer is willing to give \$10,000 to improve Airport Road which will accommodate widening of Airport Road and curb and gutter to the south end of the Questar property. Throughout the proposed project, there will be raised curb and a trail system rather than sidewalk. The storm drain, water and sewer systems have been laid out. The development includes 94 units.

Councilwoman Becraft expressed concern about the lack of sidewalks. She felt that if there are no sidewalks, the children will walk in the street as the trails will be unavailable in the winter. Mr. Millheim said they will walk in the street anyway and that sidewalks will negatively affect the aesthetics.

Councilman Tanner stated that he would prefer safety over aesthetics. Mr. Millheim said that a trail system will prevent children from having to walk on Airport Road and in his opinion, a trail system is the

best option as he has considered all other options.

Councilman Smith expressed concern over traffic flow. He estimated that the development would bring approximately 200 cars which would only add to the current traffic problems in the area. In addition to the traffic from occupants, there would be visitors and recreation vehicles taking up space. He felt that traffic somehow needed to be deferred. Mr. Millheim stated that no project by itself warrants widening of Airport Road which wasn't originally constructed to handle the current traffic volume. He did acknowledge that this project will exacerbate the traffic problem. He said traffic will occupy any road that will accommodate it.

Mr. Millheim said that the plan does meet City Code. The Ordinance requires 2.5 parking stalls per unit and the proposed development will meet and exceed this requirement. He said the Home Owner's Association will not allow for boats or RV's to occupy any of the parking spaces which was a concern of the Council. He said this is not a project that will attract people with recreational vehicles.

Councilman Peterson recognized that this is a landlocked piece of property. He asked if there was a possibility of creating an additional vehicular access. Mr. Millheim said that would be possible; however, it would require purchasing a commercial establishment which wouldn't be affordable.

Councilman Tanner asked Mr. Millheim that he take the feedback that the Council is giving, take it, use it, and not defend the development. He stated that several legitimate concerns have been expressed in regards to density, sidewalks, and access.

Councilman Tafoya stated that the last site plan received the blessing of the Council which was less dense and included a play area for the children. Mr. Millheim said that those ideas have been considered as part of his site plan and he feels they are important features. Councilman Tafoya asked if the density could be reduced. Mr. Millheim asked why the density is a problem as it is consistent with the surrounding area. He said the density is as high as possible to justify the proposed improvements. Councilman Tafoya asked how he planned to improve Airport Road. Mr. Millheim said the city right-of-way can be improved and acknowledged that he has to work within the parameters that are given.

Councilwoman Becraft asked if he would consider backing off the number of units. Mr. Millheim stated that picking out a number without a plan doesn't make sense; however, he would consider decreasing the number if that was a problem for the Council.

Councilman Peterson pointed out several issues that need to be considered; 1) safety in relation to sidewalks, 2) off-street parking for guests, and 3) the density, although in his mind, the number of units is not the biggest issue.

Councilman Tanner stated that such a development will also have an impact on the public school system further crowding the schools. Mr. Millheim acknowledged the impact on the school system; however, he feels the proposed development is appropriate as the property is zoned for such a use and “it makes sense.” Mr. Millheim expressed appreciation for the input and stated that he plans to go forward with the development.

Councilman Tafoya said that he felt the concept of town homes is good; however, the number of people in that space is a concern.

Kent Saxey, Pride Homes of Utah, said he would look into constructing an additional access through Sheffield Estates as this was previously planned for but was not constructed. Mr. Saxey also stated that reducing the density would decrease the quality of the project and the ability to assist with surrounding projects.

Councilman Tafoya asked what the price range would be for the town homes. Mr. Saxey said the base price would be \$115,000 per unit.

Councilman Smith encouraged Mr. Millheim and Mr. Saxey to work with staff to resolve issues such as traffic and safety. Mr. Saxey said he would address the sidewalk issue.

Mr. Millheim thanked the Council again for their time and stated that he felt if his development is not approved, the property will remain as it is indefinitely.

Mayor Burnett asked if there was any public comment.

Art Jacobsen, 1760 West 5000 South, expressed concern regarding snow removal. He asked if the owners or the City would be responsible for snow removal. Mr. Millheim said it would be the responsibility of the home owners. Mr. Jacobsen said if that were the case, the roads would end up being one-lane in the winter time. Mr. Millheim said he would work with staff to include “snow removal zones” in the plan.

Doug Rochelle, Cozy Dale Estates, said that his backyard currently collects the debris that blows off the Voorhees property. He said that the City has a Master Plan in place and Mr. Voorhees didn't choose for his property to become landlocked. He felt that Mr. Voorhees is being penalized for a landlock due to “specialized zoning.” He recommended that the City condemn property if necessary to construct an additional access through Sheffield Estates. He also recommended that the City and Council back up the development.

Mayor Burnett thanked Mr. Millheim and Mr. Saxey for coming.

12. CITY MANAGER'S REPORT

Chris Davis stated that the Boys and Girls Club has asked permission to display a banner across 1900 West to announce upcoming activities. He asked the Council if they were at all interested in allowing this and suggested that if allowed, it may bring about additional requests from other organizations. Mayor Burnett said that in the past, this space has been used only for City announcements. Councilwoman Becraft asked if the City would be paying for the banners. Mr. Davis said they would not. Councilman Smith felt that there would need to be consistency if allowed as other organizations would expect the same opportunity. Jerri Lynn Corless recommended that specific guidelines be put in place if it is allowed. Chris Davis said access could be limited to non-profit organizations only. Councilwoman Becraft recommended that

staff write specific guidelines before this is allowed. Mr. Davis said he would follow through with that.

On March 16th there will be a public hearing in regards to UTOPIA with Paul Morris present. This will take place unless Senate Bill 66 prevents UTOPIA from materializing before that time.

13. MAYOR AND COUNCIL REPORTS

On March 1st the Council Members are invited to participate in a "Reading in Schools" program.

Councilwoman Becraft said she will donate her "Footprints of Roy" book to the school as she already has one.

14. ADJOURN

Councilman Tanner moved to adjourn City Council Meeting at 9:17 p.m. Councilwoman Becraft seconded the motion. Council members Becraft, Smith, Tafoya, Tanner, and Peterson voted "aye." The motion carried.

15. SUMMARY OF ACTIONS CHARGED

1. Staff to draft specific guidelines in regards to banners being displayed on 1900 West before the Boys and Girls Club is allowed to do so.

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Roger Phil Burnett
Mayor

Attest:

Char Wolverton
Secretary

dc:feb1704