

MINUTES OF THE APRIL 19, 2005, ROY CITY COUNCIL MEETING

1. Approval of Minutes of April 5, 2005
2. Briefing update on Hill Air Force Base plume
3. Conditional acceptance of subdivision improvements for Shady Meadows Subdivision No. 2 located at approximately 5225 South 3750 West
4. Final approval of Apple Blossom Estates Subdivision located at approximately 3200 West 4800 South
5. Approval of a preliminary development plan for a commercial development located at approximately 5852 South 1900 West
6. Approval of a revised development plan for Midland Commercial Auto Sales located at approximately 4785 South 3500 West
7. Approval of a final development plan for Phase No. 1 of Lexington Square located at approximately 3495 West 5600 South and approval of a Conditional Use Permit for a Maverik convenience store located at approximately 3495 West 5600 South
8. Consideration of Storm Sewer Ordinance No. 939
9. Consideration of Ordinance No. 940 amending the Roy City Municipal Code to revise when subdividers, builders, or other persons are required to procure proof that a secondary water supply for their property has been purchased
10. City Manager's report
11. Mayor and council reports

Minutes of the Roy City Council Meeting held April 19, 2005, 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 Tommy Smith
Councilman Dave Tafoya
Councilman Dan Tanner
Councilman Larry Peterson

City Manager Chris Davis
City Attorney Andrew Blackburn
Secretary Char Wolverton

Also present were: Tony Reynolds, Community Development Services Director; Mark Larson, Planner; Dale Searcy, Roy City Water Department; Mark Roginske; Carly Brown; Rita Painter; David Harris; Sharon Liegel; Zac Anderson; Zach West; Todd Strong; Blake Heiner; Roy Watts.

Moment of Silence: Councilman Smith

Pledge of Allegiance: Councilman Smith

1. APPROVAL OF APRIL 5, 2005 MINUTES

Councilwoman Becraft stated that on page 2, first paragraph, in relation to the public vote, she also stated that she felt it was important to advertise that a vote would be taken and educate the public prior to the vote.

Councilman Smith moved to approve the minutes of April 5, 2005, as amended. Councilwoman Becraft seconded the motion. Council members Smith, Tafoya, Becraft, Tanner, and Peterson voted “aye.” The motion carried.

2. BRIEFING UPDATE ON HILL AIR FORCE BASE PLUME

Mark Roginske, Project Manager, updated the Council on the Hill AFB Environmental Restoration in relation to the plume. Mr. Roginske reviewed the contaminated area. He then discussed the performance of the Permeable Reactive Barrier (PRB) that has been installed. The purpose of the PRB is to prevent the plume from spreading and reduce TCE concentrations in the groundwater. The PRB contains iron filings which convert TCE to a non-toxic form. The PRB is performing as expected and TCE concentrations are decreasing in the groundwater. After approximately two months of operation, TCE concentrations of up to 150 parts per billion (ppb) have been treated to less than 20 ppb at five feet downgradient of the PRB. In plume areas with lower TCE concentrations (5 to 20 ppb), TCE concentrations have been treated to non-detectable levels at five feet downgradient of the PRB.

Councilman Tafoya asked if more PRB's would be installed. Mr. Roginske stated that there are no plans to install additional PRB's; however, other options are being evaluated as currently the cost of iron is very high.

Mayor Burnett asked if the PRB provides a vent source where gas is escaping or if a chemical reaction occurs as the TCE comes in contact with the iron filings. Mr. Roginske stated that a chemical reaction occurs.

Councilman Peterson asked if the plume is being decreased with the PRB system. Mr. Roginske stated that the PRB contains the plume but doesn't decrease the size of it. He added that the PRB is exceeding expectations in the clean-up effort. He stated that only a small part of the plume is not being contained on the Base.

Councilwoman Becraft asked Mr. Roginske for a time line. He stated that it will take 30 to 40 years to clean up all off-Base TCE.

Councilman Peterson asked if more could be done toward the clean-up effort. Mr. Roginske stated that efforts are still in the planning stages.

Councilman Tafoya asked if the plume is contained or if it is still growing. Mr. Roginske stated that since contamination already existed when the PRB was installed, there is potential for the contamination to migrate with the flow of groundwater.

Mayor Burnett asked what the life of the PRB is expected to be. Mr. Roginske said that the life of the PRB is expected to be 10 to 20 years. There is technology available that could regenerate the PRB; however, it will be 10 to 20 years before that will be needed.

Councilman Smith asked why the plume is not expected to get any wider. Mr. Roginske stated that currently the plume is not getting any wider; hence, it is not expected to get any wider in the future.

Mr. Roginske added that the PRB is not finished due to the moisture that has been received. He stated that hopefully in the next month the soil will dry out enough to allow finishing of the PRB.

Dale Searcy, Roy City Water Department, stated that many tests have been run on the drinking well and no TCE has been detected in the drinking water. He stated that the well is currently 750-feet deep and there are plans this year to lower the well to the Delta Aquifer. In addition to that, a pump house will be constructed next year.

Mr. Roginske stated that there will be a work session held April 27th at the Roy City Municipal

Building at 1:00 p.m. to discuss clean-up alternatives. A Feasibility Study is currently in progress that was designed to develop, screen, and evaluate potential alternatives for clean-up. A Restoration Advisory Board, which includes two Roy City representatives, will be involved in the process. The above meeting will be held which will result in a clean-up alternative followed by public review and comment.

Mr. Roginske stated that indoor air sampling is in progress. If chemical is found in a home which is above the action level, it is recommended that a vapor mitigation system be installed.

Councilwoman Becraft asked how many have been installed to this point. Mr. Roginske said that 13 systems have been installed and 6 more are scheduled to be installed. He explained that a vapor mitigation system pulls vapors from below the foundation of a home and vents the chemical to the air outside of the home.

Mr. Roginske thanked the City for their support in the clean-up effort.

Councilwoman Becraft asked if the clean-up would continue even if Hill AFB is closed. Mr. Roginske said that it would.

Councilman Smith moved to table the awarding of the contract for the Southfork Meadows Storm Water detention Pond Project until the next City Council Meeting. Councilman Peterson seconded the motion. Council members Smith, Tafoya, Becraft, Tanner, and Peterson voted "aye." The motion carried.

3. CONDITIONAL ACCEPTANCE OF SUBDIVISION IMPROVEMENTS FOR SHADY MEADOWS SUBDIVISION NO. 2 LOCATED AT APPROXIMATELY 5225 SOUTH 3750 WEST

Mayor Burnett asked if there were any questions regarding this issue. There were none.

Councilman Tafoya moved to grant conditional acceptance of subdivision improvements for Shady Meadows Subdivision No. 2 located at approximately 5225 South 3750 West. Councilman Tanner seconded the motion. Council members Becraft, Smith, Tafoya, Tanner and Peterson voted "aye." The motion carried.

4. FINAL APPROVAL OF APPLE BLOSSOM ESTATES SUBDIVISION LOCATED AT APPROXIMATELY 3200 WEST 4800 SOUTH

Tony Reynolds stated that this is the last time the Council will have to give final approval of a subdivision due to a change in the Subdivision Ordinance. He stated that the Council has seen the layout many times and is familiar with it. He reviewed the items of concern including the installation of a wall or fence at the back of lot Nos. 16 and 17 of Midland Meadow Estates. He

stated that a 4-foot white solid vinyl fence atop a 2-foot wall would be installed at that location. He also added that the Development Review Committee still needs final drawings, an escrow and a preconstruction meeting.

Councilwoman Becraft moved to grant final approval of Apple Blossom Estates Subdivision located at approximately 3200 West 4800 South. Councilman Peterson seconded the motion. Council members Becraft, Smith, Tafoya, Tanner and Peterson voted “aye.” The motion carried.

5. APPROVAL OF A PRELIMINARY DEVELOPMENT PLAN FOR A COMMERCIAL DEVELOPMENT LOCATED AT APPROXIMATELY 5852 SOUTH 1900 WEST

Tony Reynolds reported that the staff is excited about this commercial development. The proponents are requesting a Preliminary Development Plan Approval for a Les Schwab Tire Center. The Temporary Zoning Ordinance will be in effect and this will be a redevelopment project which will include several older homes being removed. The developer will be responsible for the streetscape beautification. Mr. Reynolds stated that this is a C-2 zone and not much detail will be included in the approval at this point. He added that city specifications will be met by the developer. The site plan includes one access at the south end of the development. The hours of operation, as stated in the Staff Report, will be 7:00 a.m. to 7:00 p.m. Monday through Saturday and will be closed on Sundays. All lighting will be on the building.

Councilman Tafoya asked if there is a stipulation for future shared access. Mr. Reynolds stated that in the Staff Report, Item #3 states; The proponents agree to allow a side reciprocal access to the north and south properties when it develops and becomes practical with the adjacent property owners.

Councilman Smith asked about signage. Mr. Reynolds stated that there will be one pole sign along the back lot line that will be 50-feet high, 30-feet across and 7.5-feet tall. There will also be one monument sign located at the front of the property. Mr. Reynolds added that there is still some work that needs to be done with the property owner to the south regarding redesigning a driveway approach. There is also a power pole at the south property line that needs to be relocated. The outside tire display area needs to be identified on site not using the access isles, parking and landscaping areas approved on site.

Mr. Reynolds stated that the Planning Commission recommended approval subject to staff and City Engineering recommendations.

Councilman Smith made a motion to grant approval of a preliminary development plan for a commercial development located at approximately 5852 South 1900 West subject to staff and engineering recommendations. Councilman Tanner seconded the motion. Council members Becraft, Smith, Tafoya, Tanner and Peterson voted “aye.” The motion carried.

6. APPROVAL OF A REVISED DEVELOPMENT PLAN FOR MIDLAND COMMERCIAL AUTO SALES LOCATED AT APPROXIMATELY 4785 SOUTH 3500 WEST

Tony Reynolds stated that the City Council previously approved a Conditional Use Permit and Final Development Plan with conditions for the Crouch Vehicle Sales Lot. The proponent is now seeking a revision to the site plan to include 16 additional parking stalls on the west end of the sales lot area which is undeveloped. This would include moving a previously approved retaining wall 20 feet to the east to allow for the proposed parking stalls.

Councilman Tafoya asked why the proponent needs the additional parking stalls. Mr. Reynolds stated that the parking would be beneficial to adjacent tenants which is unrelated to the vehicle sales.

Councilman Tanner asked if cars would be available for sale in this area. Mr. Reynolds said they would not.

Mr. Reynolds stated that the retaining wall would be 2-feet above the retained ground level with an 18-inch railing atop the wall.

Councilman Smith asked Mr. Reynolds if he felt the recommendation was a good one and that the proponent was putting forth a good faith effort. Mr. Reynolds stated that he felt that it helped the balance of the commercial site. He added that vehicle display areas were previously approved and outlined in the conditional use permit. Councilman Tanner expressed concern about the additional parking stalls being used as staging or detailing related to the vehicle sales lot. Mr. Reynolds stated that the Staff Report included a recommendation that no vehicle sales will be allowed in the proposed 16 customer parking stalls. Vehicles for sale must remain in the approved general sales and display areas.

Councilman Peterson added that he felt additional parking was a benefit to the entire development.

Councilman Peterson moved to approve the revised development plan for Midland Commercial Auto Sales located at approximately 4785 South 3500 West subject to the conditions referred to in the Staff Report and subject to the new parking area being used in no manner related to vehicle sales including detailing, staging, or storing of vehicles that are for sale. Councilwoman Becraft seconded the motion. Council members Becraft, Smith, Tanner and Peterson voted "aye." Councilman Tafoya voted "nay." The motion carried.

6. APPROVAL OF A FINAL DEVELOPMENT PLAN FOR PHASE NO. 1 OF LEXINGTON SQUARE LOCATED AT APPROXIMATELY 3495 WEST 5600 SOUTH AND APPROVAL OF A CONDITIONAL USE PERMIT FOR A MAVERIK CONVENIENCE STORE LOCATED AT APPROXIMATELY 3495 WEST 5600 SOUTH

Tony Reynolds stated that Lexington Square has been rezoned commercial, CP-2, and includes three parcels. Maverik Country Stores, Inc. is the developer and owns the 6.8 acre parcel formerly owned by Hazel Martin, Dale Barlow owns a house to the south on a 1.61 acre parcel, and there is a 66-foot wide utility right-of-way owned by Roy City adjacent to the site on the south. The total site is 8.5 acres. A preliminary development plan was approved for this site on December 7, 2004. This included preliminary approval of elevations, lighting, and the monument signs. There is one monument sign at the 3500 West access and another one in the intersection corner of the parcel on 5600 South. There will be a 26.5-foot high, free-standing center sign in a future phase on 5600 South.

Mr. Reynolds stated that Phase 1 would include a looped culinary water line from 3500 West which will connect into the 5600 South water line, sidewalk along 3500 West and 5600 South to the east side of the property, removal of the existing home on the Maverik Country Stores, Inc. parcel, and capping of the spring near the home owned by Maverik.

Councilman Smith asked if Maverik is the only tenant at this point. Mr. Reynolds said he believed they were. Dan Murray, Maverik Country Stores, said that he has received a few inquiries from possible tenants but Maverik is the only one at this time.

Mr. Reynolds reviewed the Planning Commission concerns with the Council including; 1) lack of a second access along 5600 South, 2) temporary borders or curbs to prevent traffic from traveling on unfinished sites, 3) screening of the Barlow property.

Councilman Tafoya asked if Maverik owns the whole site. Mr. Reynolds said that Maverik owns the whole site with exception of the Barlow property.

Councilman Peterson asked about the difference between temporary curbing and permanent curbing as referred to on the site plan. Mr. Murray stated that he talked with the Planning Commission about temporary improvements such as chainlink fence or some type of border along the south border of the Maverik Store that would be removed as part of a future phase. Mr. Murray also stated that the Planning Commission asked that he attempt to receive permission from UDOT to include an access at the far east corner of the property along 5600 South. He said that as of September of '03, UDOT has changed their requirements for accesses. He said that a traffic impact study is required and a specific use must be identified in order to obtain UDOT's permission to include an additional access. He said that because a use has not

been identified and traffic counts will change as the site is developed requiring re-approval by UDOT, he doesn't know that it will be possible to obtain UDOT's permission for the access.

Councilman Tafoya stated that he felt developing that corner is a mistake. He felt that Maverik should be required to develop the whole site within one year as was required of Kent's. He said that would eliminate all of the problems and confusion with temporary improvements.

Mr. Murray said that he felt the scale of development was much too different to compare to Kent's. He said the Maverik site is approximately 6 acres and Kent's is in the 10 to 14 acre range. He stated that he was comfortable with the idea of phasing. He added that when the site is masterplanned, phasing is possible and effective. Mr. Murray said that he had a substantial investment in the property and has great motivation to assure development of the remaining site quickly and nicely.

Councilman Tanner asked Mr. Murray if he had ever developed a property this large before. Mr. Murray said that he had developed properties in the past between 3 and 10 acres.

Councilman Tafoya stated that he is most concerned about the way the site looks as it develops. He expressed concern about Maverik being constructed on the corner and then the rest of the site being empty fields for years. Mr. Murray stated that he hoped that wouldn't happen. He stated that he feels that the site is appealing to retailers and the 5600 South traffic patterns are favorable. He said that he has had some inquiries about the available pads.

Councilman Tanner asked who has inquired. Mr. Murray said that McDonalds, Arby's, Great Harvest and some generic retailers have expressed interest.

Councilman Smith stated that he felt the corner needs to be developed. He felt that the biggest focus needed to be on marketing that will attract retailers. Mr. Murray stated that he felt Maverik itself will be the attraction. He said retailers have already approached Maverik even without marketing.

Councilman Tanner stated that he agreed with Councilman Tafoya in that he would like to see the whole site develop; however, he felt that it may be unrealistic to require that. Councilman Tafoya said that it was required of the Chevron.

Tony Reynolds stated that he felt the best marketing motivation is the capital investment.

Councilman Peterson asked Mr. Murray if he was willing to install bollards and chains along the south of the Maverik Store to prevent traffic flow in the undeveloped site to the south. Mr. Murray said he would prefer minimizing temporary improvements; however, was willing to do whatever is required of him.

Councilman Smith asked Mr. Murray if he was willing to create an aggressive marketing plan in order to complete the site. Mr. Murray asked Councilman Smith if he had seen the development in Layton. He said that one very similar to this was built in Layton and he would use commercial brokers to develop a marketing plan for the remaining pads as he did there. Councilman Smith asked Andy Blackburn, City Attorney, if it would be possible to require Mr. Murray to develop a marketing plan. Mr. Blackburn stated that he didn't feel that was necessary.

Councilman Smith moved to approve the final development plan for Phase No. 1 of Lexington Square located at approximately 3495 West 5600 South and approval of a Conditional Use Permit for a Maverik convenience store located at approximately 3495 West 5600 South subject to staff and engineering recommendations and that Maverik Country Stores be required to install permanent curb and gutter along the east border of Phase 1, that they install bollards and chains along the south border and that they make application to UDOT for a second access along 5600 South. Councilman Peterson seconded the motion. Council members Becraft, Smith, Tafoya, and Tanner voted "aye." The motion carried.

7. CONSIDERATION OF STORM SEWER ORDINANCE NO. 939

Andy Blackburn stated that Ordinance 939 is in regards to a federally mandated program for managing storm water and managing and controlling run-off. He said there had been some revisions to the Ordinance requiring a process for storm water connection. The process requires a storm water construction permit and allows for an appeals procedure. Mr. Blackburn added that residential properties are exempt. Federal law mandates approval by June 1.

Councilman Peterson moved to approve consideration of Storm Sewer Ordinance No. 939. Councilman Tanner seconded the motion. Council members Becraft, Smith, Tafoya, Tanner and Peterson voted "aye." A roll call vote was taken. The motion carried.

8. CONSIDERATION OF ORDINANCE NO. 940 AMENDING THE ROY CITY MUNICIPAL CODE TO REVISE WHEN SUBDIVIDERS, BUILDERS, OR OTHER PERSONS ARE REQUIRED TO PROCURE PROOF THAT A SECONDARY WATER SUPPLY FOR THEIR PROPERTY HAS BEEN PURCHASED

Andy Blackburn stated that Mark Miller, City Engineer, recognized that a change needed to be made to this Ordinance. Chris Davis added that the ordinance requires that a developer be required to purchase secondary water for their development so that the homeowner is not responsible for paying the fee associated with obtaining secondary water.

Councilman Tafoya moved to approve Ordinance No. 940 amending the Roy City Municipal Code to revise when subdividers, builders, or other persons are required to procure proof that a secondary water supply for their property has been purchased. Councilman Tanner

seconded the motion. A roll call vote was taken. Council members Becraft, Smith, Tafoya, Tanner and Peterson voted “aye.” The motion carried.

9. CITY MANAGER’S REPORT

Chris Davis stated that the budget process is ongoing and preliminary budgets will be available for the Council around the first part of May.

Tony Reynolds stated that the updated zoning ordinance would be presented to the Planning Commission next Tuesday.

10. MAYOR AND COUNCIL REPORTS

Councilman Peterson stated that he represented the City at the opening of the Weber/Davis ATC and reported that it was a nice facility.

10. ADJOURN

Councilman Tanner moved to adjourn City Council Meeting at 8:13 p.m. Councilwoman Becraft seconded the motion. Council members Becraft, Smith, Tafoya, Peterson and Tanner voted “aye.” The motion carried.

Roger Phil Burnett
Mayor

Attest:

Char Wolverton
Secretary