

MINUTES OF THE MAY 17, 2005, ROY CITY COUNCIL MEETING

1. Approval of Minutes of May 3, 2005
2. Presentation by Roy Lions Club
3. Roy Jr. High Student Body Officers - Petition to name street "Razorback Road"
4. Resolution No. 851 expressing appreciation for the creation of Meadowcreek Pond as an urban fishery
5. Award of bid for Airport Road and Riverdale Road Improvement Project
6. Final acceptance of subdivision improvements for Stewart Place Subdivision located at approximately 2292 West 4800 South; Roy Retail Commercial Center Subdivision located at approximately 5600 South 1900 West; and Roy Crossroads Plaza Subdivision located at approximately 3500 West 5600 South
7. Approval of preliminary development plans for Bingham Industrial Park, Lot Nos. 13 and 14, located at approximately 1930 and 1938 West 3350 South
8. Discussion regarding proposed draft of Roy City Code Title 10 - Zoning Regulations
9. City Manager's report
10. Mayor and Council reports

Minutes of the Roy City Council Meeting held May 17, 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; Greg Whinham, Police Chief; Jon Ritchie, Fire Chief; Lon Hansen; Michelle Burton; Rick and Lil Ackley; Joan Rhodes; Jon Ray; Flint Ray; Diane Morin; Brad Hilton; Calvin Kippen

Moment of Silence: Councilman Tafoya

Pledge of Allegiance: Councilman Tafoya

6. APPROVAL OF MINUTES OF MAY 3, 2005

Councilwoman Becraft moved to approve the minutes of May 3, 2005, as written. Councilman Tanner seconded the motion. Council members Smith, Tafoya, Becraft, Tanner, and Peterson voted “aye.” The motion carried.

7. PRESENTATION BY ROY LIONS CLUB

Mayor Burnett stated that item #2 would be removed from the agenda.

8. ROY JR. HIGH STUDENT BODY OFFICERS - PETITION TO NAME STREET "RAZORBACK ROAD"

Greg Whinham reported that he had several special friends in attendance from Roy Jr. High School. The current Student Body Officers and those that have been elected for next year were at the meeting along with their advisors. Chief Whinham stated that the students from Roy Jr. High School desired to help build community pride and he turned the time over to Wyatt Ray, current Student Body President, to explain.

Wyatt Ray stated that the student body officers proposed that 2100 West be named “Razorback Road” to honor the legacy of Roy Jr. High School. Mr. Ray presented a petition signed by

students, faculty and neighbors. Mayor Burnett asked how many signatures the petition included. Mr. Ray stated that the petition included over 600 names.

Councilman Peterson moved to accept the petition from the Roy Jr. High Student Body Officers to name 2100 West "Razorback Road." Councilman Tafoya seconded the motion. A roll call vote was taken. Council members Becraft, Smith, Tafoya, Tanner, and Peterson voted "aye." The motion carried.

Mayor Burnett presented Mr. Ray with a street sign reading; "2100 West - Razorback Road."

The Roy Jr. High Student Body Officers thanked the Council for accepting their petition.

9. RESOLUTION NO. 851 EXPRESSING APPRECIATION FOR THE CREATION OF MEADOWCREEK POND AS AN URBAN FISHERY

Chris Davis stated that Councilman Tafoya recommended the above resolution to express appreciation for the Meadowcreek Pond. Mr. Davis said that the Division of Wildlife Resources was conducting a fishing club this evening.

Councilman Tafoya added that he felt the fishing pond is a great thing for the community. He added that each day 30 to 40 children and their parents visit the pond. He stated that the fishing pond has provided many great bonding experiences with he and his son.

Councilman Tafoya moved to approve Resolution No. 851 expressing appreciation for the creation of Meadowcreek Pond as an urban fishery. Councilman Tanner seconded the motion. A roll call vote was taken. Council members Becraft, Smith, Tafoya, Tanner and Peterson voted "aye." The motion carried. (Copy filed for record)

Chris Davis stated that three representatives from the Division of Wildlife Resources were present along with Lon Hansen. Mayor Burnett presented a copy of the Resolution to the representatives and Mr. Hansen.

10. AWARD OF BID FOR AIRPORT ROAD/RIVERDALE ROAD IMPROVEMENT PROJECT

Michael Mansfield stated that bids opened for the Airport Road and Riverdale Road improvement project last week. Four bids were received. The low bidder for the project was Advanced Paving and Construction, Inc. with a bid of \$128,310.00. The engineer's estimate was \$139,490.00. Mr. Mansfield reported that the bidding was very competitive. Once the Notice to Proceed is issued, the Contractor will have 45 days to complete the project. Due to some significant changes in design, the budgeted amount for this project falls short \$33,310.00. Mr. Mansfield stated that there is \$47,674.00 in the Class C Road account which was originally

budgeted for the Midland Drive project. The project was completed in-house which allowed for the extra funds. Mr. Mansfield proposed that the shortfall amount for the Airport Road and Riverdale Road project be covered by the extra funds in the Class C Road account.

Mr. Mansfield recommended that the City Council award the contract to Advanced Paving & Construction, Inc. in the amount of \$128,310.00 and authorize Mayor Burnett to sign the Contract and Notice of Award.

Chris Davis added that the City still needs to acquire a small portion of right-of-way from the bowling alley and is in the process of doing so. He didn't expect any problems or conflicts in acquiring that.

Councilman Smith asked if curb and gutter would be installed. Mr. Mansfield said that curb and gutter would be installed along both sides of the road. Councilman Smith asked how wide the road would be compared to what it currently is. Mr. Mansfield estimated that it would be approximately twice as wide as it currently is now with a wider turning radius. Councilman Smith stated that this is a dangerous intersection and he feels that it is important to make sure it is constructed correctly. Mr. Mansfield stated that it's not possible to protect people from themselves; however, the project has been designed by the City Engineer, has been reviewed by UDOT twice, and is as good as it can be given what they have to work with.

Councilman Smith moved to award the bid for Airport Road and Riverdale Road Improvement Project to Advanced Paving & Construction, Inc. in the amount of \$128,310.00 and authorize Mayor Burnett to sign the Contract and Notice of Award. Also that the Council authorize the Public Works Department to fund the difference in cost for this project from funds saved from the Midland Drive Project. Councilwoman Becraft seconded the motion. A roll call vote was taken. Council members Becraft, Smith, Tafoya, Tanner and Peterson voted "aye." The motion carried.

11. FINAL ACCEPTANCE OF SUBDIVISION IMPROVEMENTS FOR STEWART PLACE SUBDIVISION LOCATED AT APPROXIMATELY 2292 WEST 4800 SOUTH; ROY RETAIL COMMERCIAL CENTER SUBDIVISION LOCATED AT APPROXIMATELY 5600 SOUTH 1900 WEST; AND ROY CROSSROADS PLAZA SUBDIVISION LOCATED AT APPROXIMATELY 3500 WEST 5600 SOUTH

Mayor Burnett stated that this is a housekeeping issue and asked if there was any comment. There was none.

Councilman Tafoya moved to approve final acceptance of subdivision improvements for Stewart Place Subdivision located at approximately 2292 West 4800 South; Roy Retail Commercial Center Subdivision located at approximately 5600 South 1900 West; and Roy Crossroads Plaza Subdivision located at approximately 3500 West 5600 South.

Councilman Smith seconded the motion. Council members Becraft, Smith, Tafoya, Tanner and Peterson voted “aye.” The motion carried.

12. APPROVAL OF PRELIMINARY DEVELOPMENT PLANS FOR BINGHAM INDUSTRIAL PARK, LOT NOS. 13 AND 14, LOCATED AT APPROXIMATELY 1930 AND 1938 WEST 3350 SOUTH

Mark Larson stated that Bingham Industrial Park will be developed in three stages. Calvin Kippen is requesting approval of a Preliminary Development Plan for Lot Nos. 13 and 14. Mr. Larson stated that there are still some drainage and engineering issues that will need to be worked out before the final development plan can be approved. Preliminary approval includes only the building and the site improvements. He added that the uses are not yet known. The site plan shows one access for each lot and the required parking and landscaping.

Mr. Larson showed the elevations and added that the proponent proposed metal buildings; however, the Planning Commission recommended that the base of the building be constructed using brick. Councilman Tafoya asked if the surrounding buildings looked similar. Mr. Larson stated that the same architecture exists across the street.

Councilwoman Becraft moved to grant approval of preliminary development plans for Bingham Industrial Park, Lot No. 13 located at approximately 1930 West 3350 South. Councilman Peterson seconded the motion. Council members Becraft, Smith, Tafoya, Tanner and Peterson voted “aye.” The motion carried.

Councilman Peterson moved to grant approval of preliminary development plans for Bingham Industrial Park, Lot No. 14, located at approximately 1938 West 3350 South. Councilman Tanner seconded the motion. Council members Becraft, Smith, Tafoya, Peterson and Tanner voted “aye.” The motion carried.

13. DISCUSSION REGARDING PROPOSED DRAFT OF ROY CITY CODE TITLE 10 - ZONING REGULATIONS

Tony Reynolds briefly explained the process that had been undertaken to draft the zoning regulations. He thanked Mayor Burnett, Councilman Peterson, Councilman Tafoya, Chairman Hilton and Chairman Yeoman for being on the Zoning Regulation Committee. He stated that the draft had been presented to the Planning Commission who recommended approval. He stated that a public hearing will be held at the City Council Meeting on June 7th.

Mr. Reynolds introduced Bruce Parker, a consultant who helped draft the new zoning regulations.

Mr. Parker first recognized that staff who also helped draft the zoning regulations including;

Chris Davis, Tony Reynolds, Mark Larson, and Andy Blackburn. Mr. Parker added that the Planning Commission has already held a public hearing and has recommended approval. Mr. Parker then reviewed the document. He stated that the goals were to; 1) make the zoning regulations as easy to understand as possible, 2) remove any inconsistencies, and 3) comply with state and federal law mandates.

Mr. Parker then explained the process. When an application is received, the Zoning Administrator will determine if the application is complete. If the application proves to be complete, staff will then proceed with the applicable application review. If the application is determined to be incomplete, the applicant will receive a letter from the Zoning Administrator stating why the application is incomplete and what needs to be done to complete it. The applicant has 30 days to correct. If a corrected application is not received within 30 days, the application is sent back to the applicant along with part or all of the fee.

Mr. Parker then explained the process of obtaining a Permitted Use for an internal remodel or change of use to an existing building. He stated that this will be handled at a staff level. An application will be submitted to the Zoning Administrator who will determine completeness. If complete, the Development Review Committee (DRC) will review the application. The Zoning Administrator will then either approve or deny the Permitted Use.

A Permitted Use, other than an internal remodel or change of use to an existing building will go through the same process; however, the Planning Commission will approve or deny the permitted use rather than the Zoning Administrator.

Obtaining a Conditional Use Permit will proceed as follows. An application will be submitted. The Zoning Administrator will review and determine completeness. If complete, the application will be reviewed by the DRC, the Planning Commission will then hold a public hearing after which the Planning Commission will make a recommendation to the City Council. The City Council will not hold a public hearing but will approve or approve with reasonable conditions. Mr. Parker stated that request for a Conditional Use Permit can only be denied if there is no acceptable conditions available.

A Temporary Use Permit such as a seasonal fruit stand, Christmas tree stand, etc, will follow the same process as the Permitted Use on a staff level.

Councilman Smith asked what would happen if staff has a disagreement about a Permitted Use. Tony Reynolds stated that hopefully staff would be able to come to an agreement; however, if they could not, the application would be presented to the Planning Commission or City Council.

Mr. Parker then explained the appeals process. He stated that decisions by staff would be appealed to the Planning Commission and then to the District Court.

Decisions made by the Planning Commission would be appealed to the City Council and then to the District Court.

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Decisions by the Board of Adjustments would be appealed to the City Council and then to the District Court.

Councilman Smith asked what role Mr. Blackburn would play in the appeals process. Mr. Blackburn stated that he would play an advisor role any step along the way. He added that one would have to exhaust the administrative appeals process before going to the District Court.

Mr. Parker explained the section that involves Conditional Use Permit requirements including; clear site planning, lighting, landscaping, buffers, sign standards, etc. Mr. Reynolds encouraged the City Council Members to read and review section 14-11 which discusses site design standards and building standards. Mr. Parker also encouraged the Council Members to review Chapter 10; General Property Development Standards.

Mr. Parker stated that existing uses will not be negatively impacted by the new zoning regulations.

Mr. Parker then reviewed the revised Zoning Map. He stated that he is not proposing the re-zone of any property. He said that what was previously C-1 or C-2 would now be called Regional Commercial. There is now going to be a Business Park Zone for areas such as those surrounding Iomega. Mr. Reynolds added that staff is contemplating rezoning the area between 5600 South and Riverdale road regional commercial. Mr. Parker stated that there will also be a Recreation Zone for uses such as golf courses or other recreational type uses.

Mr. Parker reviewed the residential Zoning District Uses including: accessory use or an accessory building such as a barn, stable or corral; church; or day-care center. He also reviewed the type of use, such as permitted or conditional, in each type of zone.

Mr. Reynolds stated that there have also been some changes to Community/Regional Zones including some sign changes, existing strip space being reviewed by staff, and the fact that Planned Commercial will now be subject to Permitted and Conditional Use Permits. He stated that previously there were not standards for Permitted Uses.

Mr. Parker stated that he is looking forward to the Public Hearing that will be held on June 7th. He asked that the Council Members review the document over the next couple of weeks so that they will be prepared to approve the new Zoning Ordinance at that meeting. He added that the temporary ordinance expires June 7th; hence, approval will need to take place that evening. He stated that there would be some fine tuning taking place up until that point. He also stated that

once adopted, changes can be made as needed through the amendment process.

Councilman Peterson commended Mr. Parker, staff, and all of those who participated on the Zoning Regulations Board.

Mr. Parker asked that any suggestions for revisions be submitted to staff as soon as possible.

14. CITY MANAGER'S REPORT

Chris Davis stated that a work session will be held Tuesday, May 24th at 5:30 p.m.

15. MAYOR AND COUNCIL REPORTS

Mayor Burnett reported that he has seen the initial draft of the jurisdictional transfer of roads by UDOT. He stated that the initial draft indicates that the only road in Roy City that will be affected is 1900 West from 5600 South to 6000 South.

Mayor Burnett stated that he received the application from South Ogden City for the mud volleyball tournament which will be held Friday, June 24th at 5:00 p.m.

Roy City received a Thank-You Card from Brigham City for assistance offered in the recent flooding situation.

Councilman Tanner asked if a Roy Days Committee has been chosen. Mr. Davis said he would arrange for that to happen.

10. ADJOURN

Councilwoman Becraft moved to adjourn City Council Meeting at 7:47 p.m. Councilman Tanner seconded the motion. Council members Becraft, Smith, Tafoya, Peterson and Tanner voted "aye." The motion carried.

Roger Phil Burnett
Mayor

Attest:

Char Wolverton
Secretary