

## MINUTES OF THE JULY 18, 2006, ROY CITY COUNCIL MEETING

1. Approval of Minutes of June 20, 2006
2. Presentation of Carl Stegen Award
3. Recognition of employees of the month for the month of June
4. Consideration of Resolution No. 884 on ambulance transportation rates and charges
5. Consideration of a Conditional Use Permit for a beauty salon located at approximately 5643 South 3500 West
6. Award of contract for the 2006 Street Maintenance Project
7. Award of contract for the 2006 Slurry Seal Project
8. Award of contract for the 5175 South Well Replacement
9. Award of contract for a right of way specialist for the 4800 South Project
10. Surplus Water Sales Agreement between Roy City and West Haven Special Service District
11. Resolution No. 885 setting City Council regular and workshop meetings schedule
12. Public hearing to consider a request for disconnection made by Bruce Crouch & Crouch Family Investments
13. Consideration of amendments to the Future Land Use Map of the Roy City General Plan
  - A Consideration of Ordinance No. 969 amending the Future Land Use Map City of Roy General Plan 2002
14. Consideration of Resolution No. 883 accepting a petition from JMS Roy, LLC, and Stephen P. Smith to consider annexation of approximately 2.48 acres of certain real properties into Roy City and directing that a public hearing be set for September 5, 2006, at 6:15 p.m.
15. Public Comments
16. Consideration of amendments to Roy City Title 10 - Zoning Regulations

- A. Consideration of Ordinance No. 970 amending Title 10 of the Roy City Code regarding accessory buildings
  - B. Consideration of Ordinance No. 971 amending Title 10 of the Roy City Code regarding fence regulations
17. Recreation Fields Rental Policy
  18. City Manager's report
  19. Mayor and Council reports

Minutes of the Roy City Council Meeting held July 18, 2006, 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 Pro-Tem Marge Becraft  
Councilman Tommy Smith  
Councilman Dave Tafoya  
Councilman Michael Stokes

City Manager Chris Davis  
City Attorney Andrew Blackburn  
Secretary Char Wolverton

Excused: Mayor Joe H. Ritchie, Councilman Larry Peterson

Also present were: Tony Reynolds, Community Development Services Director; Michael Mansfield, Public Works Director; Kirt Wallace; Virge Howe, Parks and Recreation Director, C. Barrow; Gordon Barrow; Kathleen Yarrington; Daniel Trujillo; Carl Stegen; Katie Ellis; D. R. Chambers; Karri Beckett; Josh Beckett

Moment of Silence: Councilwoman Becraft

Pledge of Allegiance: Councilwoman Becraft

1. APPROVAL OF JUNE 20, 2006 MINUTES

**Councilman Smith moved to approve the minutes of June 20, 2006, as written. Councilman Stokes seconded the motion. Council members Smith, Tafoya, Becraft, and Stokes voted "aye." The motion carried.**

2. PRESENTATION OF CARL STEGEN AWARD

The recipient of this award was not present; hence, this item will be addressed at a future City Council Meeting.

3. RECOGNITION OF EMPLOYEES OF THE MONTH FOR THE MONTH OF JUNE

Councilman Tafoya stated that he received a letter from Lon Hansen nominating Casey Wergin, Scott Werre, and Broch Manning as employees of the month for June 2006. These three young men comprise the crew who maintain the grounds around the lift stations, detention ponds, and reservoirs for the Public Works Division. They are conscientious, reliable, and take pride in their work which has resulted in these areas

looking better than they ever have.

**Councilman Tafoya moved to approve the nomination of Casey Wergin, Scott Werre, and Broch Manning as employees of the month for June 2006. Councilman Smith seconded the motion. A roll call vote was taken. Council members Becraft, Smith, Tafoya, and Stokes voted “aye.” The motion carried.**

4. CONSIDERATION OF RESOLUTION NO. 884 ON AMBULANCE  
TRANSPORTATION RATES AND CHARGES

Jon Ritchie stated that ambulance rates have increased as recommended by the State of Utah. The increase helps to offset some of the cost for providing emergency medical services. This increase occurs on an annual basis.

Councilman Smith expressed concern about senior citizens and their ability to pay for such a service. Chief Ritchie stated that Medicare is accepted and if necessary, the balance after Medicare payment can be written off.

**Councilman Tafoya moved to adopt Resolution No. 884 approving ambulance transportation rates and charges. Councilman Smith seconded the motion. A roll call vote was taken. Council members Becraft, Smith, Tafoya, and Stokes voted “aye.” The motion carried. (Copy filed for record)**

5. CONSIDERATION OF A CONDITIONAL USE PERMIT FOR A BEAUTY SALON  
LOCATED AT APPROXIMATELY 5643 SOUTH 3500 WEST

**Councilman Tafoya moved to approve a Conditional Use Permit for a beauty salon located at approximately 5643 South 3500 West. Councilman Smith seconded the motion. Council Members Becraft, Smith, Tafoya, and Stokes voted “aye.” The motion carried.**

6. AWARD OF CONTRACT FOR THE 2006 STREET MAINTENANCE PROJECT

Michael Mansfield stated that two bids were received for this project. Both bids came in above the budget amount. The scope of work was reduced to fit within the budget. Staker & Parson Company was the low bidder and the adjusted quantity amounts to \$174,465.25. The budget amount was \$180,000.00. Mr. Mansfield recommended that the contract for the 2006 Street Maintenance Project be awarded to Staker & Parson Company in the amount of \$174,465.25.

**Councilman Stokes moved to Award the contract for the 2006 Street Maintenance**

**Project to Staker & Parson Company in the amount of \$174,465.25 and authorize Mayor Joe Ritchie to sign the contract and Notice of Award. Councilman Smith seconded the motion. A roll call vote was taken. Council members Becraft, Smith, Tafoya, and Stokes voted "aye." The motion carried.**

7. AWARD OF CONTRACT FOR THE 2006 SLURRY SEAL PROJECT

Michael Mansfield stated that this project was bid out and three bids were received. All bids came in over the budget amount of \$120,000.00. The scope of work was adjusted in order for the bids to fall within the budget. Morgan Pavement Maintenance was the low bidder with the adjusted quantity amounting to \$118,481.63. Mr. Mansfield recommended that the contract for the 2006 Slurry Seal Project be awarded to Morgan Pavement Maintenance in the amount of \$118,481,63.

Councilman Smith expressed concern about the slurry seal. He stated that in the past, the rocks haven't stuck which brings a lot of complaints from the public. Mr. Mansfield stated that this will not be a chip seal but a mixed product which bonds well.

**Councilman Smith moved to Award the contract for the 2006 Slurry Seal Project to Morgan Pavement Maintenance in the amount of \$118,481,63 and authorize Mayor Joe Ritchie to sign the contract and Notice of Award. Councilman Tafoya seconded the motion. A roll call vote was taken. Council members Becraft, Smith, Tafoya, and Stokes voted "aye." The motion carried.**

8. AWARD OF CONTRACT FOR THE 5175 SOUTH WELL REPLACEMENT

Michael Mansfield stated that the screens in the wells are corroding blocking the water flow. A new well needs to be drilled. Stainless steel screens will be installed. The budget amount which was set at mid-year was \$450,000.00. The low bidder for this project was Layne Christensen Co., with a bid of \$582,000.00. Cathy Spencer recommended re-allotting money for this project when the budget opens. Councilwoman Becraft asked where the funds would come from. Mr. Mansfield said they would be transferred from the Water Utility Fund.

**Councilman Tafoya moved to award the contract for the 5175 South Well Replacement to Layne Christensen Co., in the amount of \$582,000.00 and authorize Mayor Joe Ritchie to sign the contract and Notice of Award. Councilman Smith seconded the motion. Council Members Becraft, Smith, Tafoya, and Stokes voted "aye." The motion carried.**

9. AWARD OF CONTRACT FOR A RIGHT OF WAY SPECIALIST FOR THE 4800

## SOUTH PROJECT

Michael Mansfield stated that Roy City received a grant for the widening of 4800 South street. UDOT, who has a pool of contracted workers, administers the grant. There are approximately 86 properties which will be affected. For each property, an easement is required. An offer to buy the easement is given to each of the property owners.

Councilman Tafoya asked what would happen if the property owner refuses to give an easement. Mr. Mansfield stated that so far that hasn't happened. Councilman Tafoya asked how big the right-of-way is. Mr. Mansfield said that it is a 66-foot right-of-way which varies from 6 to 8 feet back of sidewalk. Mr. Mansfield added that there are some trees that will need to be removed and some power poles which will need to be moved.

Councilman Smith asked how long the project would last and how long 4800 South would be closed. Mr. Mansfield estimated three to four months for completion but hoped that at least one lane would remain open. Once the design plan is completed, a public meeting will be held. Councilman Smith added that he felt it was important to maintain public safety during construction.

Mr. Mansfield stated that there is a possibility that the Wasatch Front Regional Council may provide more funds for the project.

**Councilman Smith moved to grant approval for award of contract for a right of way specialist for the 4800 South Project. Councilman Stokes seconded the motion. A roll call vote was taken. Council Members Becraft, Smith, Tafoya, and Stokes voted "aye." The motion carried.**

### 10. SURPLUS WATER SALES AGREEMENT BETWEEN ROY CITY AND WEST HAVEN SPECIAL SERVICE DISTRICT

Michael Mansfield stated that the Council has seen this agreement before. West Haven needs water and Roy City has surplus water. Mr. Mansfield stated that if Roy City doesn't use the water allotted, there is a possibility that the State will take it away. If approved, the water would come from the 4000 South culinary water facility. The water will sell for \$150 per acre foot and that cost can be adjusted as needed. Andy Blackburn stated that the contract is a 30-year contract with a 2-year opt out clause by either party.

Councilman Stokes asked if this would supply water to the Wal-Mart. Mr. Davis said that it would not.

**Councilman Stokes moved to approve the Surplus Water Sales Agreement between Roy City and West Haven Special Service District. Councilman Smith seconded the motion. A roll call vote was taken. Council Members Becraft, Smith, Tafoya, and Stokes voted “aye.” The motion carried.**

11. RESOLUTION NO. 885 SETTING CITY COUNCIL REGULAR AND WORKSHOP MEETINGS SCHEDULE

Chris Davis stated that in the past, if there is a 5<sup>th</sup> Tuesday in a month, that has been reserved for City Council Meeting if needed. Because a City Council Meeting has never been held on a 5<sup>th</sup> Tuesday, that has been removed from the schedule.

**Councilman Smith moved to approve Resolution No. 885 setting the City Council regular and workshop meetings schedule. Councilman Tafoya seconded the motion. A roll call vote was taken. Council Members Becraft, Smith, Tafoya, and Stokes voted “aye.” The motion carried. (Copy filed for record)**

12. PUBLIC HEARING TO CONSIDER A REQUEST FOR DISCONNECTION MADE BY BRUCE CROUCH & CROUCH FAMILY INVESTMENTS

**Councilman Smith moved to open a public hearing at 6:30 p.m. Councilman Stokes seconded the motion. Council Members Becraft, Smith, Tafoya, and Stokes voted “aye.” The motion carried.**

Andy Blackburn stated that the City has received a disconnect request from attorney Dee R. Chambers on behalf of Bruce Crouch. A public hearing is required after which the Council has 45 days to make a decision. The Council can accept the request and grant disconnection or deny the request. If the request is denied, the case could go before the district court if the proponent desires.

Councilman Smith asked how much property is involved. Tony Reynolds stated that there is approximately 7 acres. Councilman Becraft asked if an island would be left if the disconnection is granted. Mr. Blackburn showed a map of the area and showed that it would create an island. There would be a small piece of Roy City property between the West Haven border and Mr. Crouch’s property. Councilman Tafoya asked how many years the property has been in Roy City. Mr. Blackburn said 20 to 30 years. Councilman Smith asked what the assessed tax value would be. Mr. Blackburn said it would be around \$40,000.

Mr. Chambers stated that he believed that disconnection would not result in an island as the property borders West Haven. Mr. Chambers explained that there has been a

conflict which has resulted in Mr. Crouch's desire to disconnect from Roy City and be annexed into West Haven City so that he would be governed by West Haven. Mr. Chambers added that the State of Utah has provided a process by which this is possible. He stated that this would result in some expense to Mr. Crouch in the way of disconnecting and connecting utilities. It was his opinion that this would not adversely affect Roy City.

Councilman Stokes asked Mr. Chambers why Mr. Crouch would prefer to be governed by West Haven City rather than Roy City. Mr. Chambers stated that Mr. Crouch has experienced many years of concern where he feels that he has not been treated fairly by City officials. Councilman Stokes asked for a list of concerns that has caused him to feel this way. Mr. Chambers said that he felt that wasn't relevant. Councilman Stokes stated that if this case were to go to district court, those things would be asked; hence, they are relevant and would be helpful to the Council in making a decision. Mr. Chambers stated that he would be willing to provide a written deliberation; however, still doesn't think those things are relevant.

Councilman Smith asked what West Haven is willing to provide that Roy City won't. Mr. Chambers stated that Mr. Crouch feels that with the current City Council and the history Mr. Crouch has had with them, he wouldn't receive fair-minded consideration.

Mayor Pro-Tem Becraft asked if there was any public comment.

Karri Beckett, 2788 W. 4400 S., stated that the Mayor of West Haven recently said they needed the Wal-Mart because the citizens of West Haven didn't have anywhere to purchase milk. She said that it's less than 1.5 miles to Winegars. She disapproved of the way West Haven manages their property and doesn't understand why Mr. Crouch would prefer West Haven over Roy City.

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

Mr. Blackburn stated that the Council has 45 days to make a decision. This decision will be rendered at a future City Council Meeting. Mr. Chambers will provide additional information before that time.

Councilman Smith stated that he doesn't appreciate, as a Councilman, being accused of being biased and unfair-minded.

Mr. Davis recommended that a decision be made and presented at the second City

Council Meeting in August which will be held on 15<sup>th</sup>.

13. CONSIDERATION OF AMENDMENTS TO THE FUTURE LAND USE MAP OF THE ROY CITY GENERAL PLAN

Tony Reynolds stated that Roy City has received a petition from Steve Smith to have the Future Land Use Map of the General Plan amended. The property in question is at the corner of 3500 West and 4800 South. The request involves two parcels. The first, Parcel A, is located at approximately 4885 South 3500 West. The future land use is currently Medium Density Single Family Residential. He is asking that it be changed to Commercial. The second parcel, Parcel B, is located at approximately 4850 South Midland Drive. The current future land use is Commercial and Mr. Smith is asking that it be changed to Medium Density Single Family Residential. Mr. Reynolds stated that the entire parcel that the Smith Family has obtained is approximately 8 acres. Mr. Reynolds showed a possible site plan. The proponents have provided a number of possibilities for Parcel B as residential property. Mr. Reynolds stated that staff and the Planning Commission have recommended approval.

13A. CONSIDERATION OF ORDINANCE NO. 969 AMENDING THE FUTURE LAND USE MAP CITY OF ROY GENERAL PLAN 2002

**Councilman Tafoya made a motion to approve Ordinance No. 969 amending the Future Land Use Map City of Roy General Plan 2002. Councilman Smith seconded the motion. A roll call vote was taken. Council Members Becraft, Smith, Tafoya, and Stokes voted "aye." The motion carried.**

14. CONSIDERATION OF RESOLUTION NO. 883 ACCEPTING A PETITION FROM JMS ROY, LLC, AND STEPHEN P. SMITH TO CONSIDER ANNEXATION OF APPROXIMATELY 2.48 ACRES OF CERTAIN REAL PROPERTIES INTO ROY CITY AND DIRECTING THAT A PUBLIC HEARING BE SET FOR SEPTEMBER 5, 2006, AT 6:15 P.M.

Tony Reynolds stated that the information has been presented and Resolution No. 883 accepts the petition and sets a public hearing.

Councilman Tafoya, in relation to Parcel B, stated that he feels its would be more profitable to have one business rather than four homes on that parcel of property as homes cost the City money and businesses bring revenue to the City. Mr. Reynolds asked that the Council look at compatible uses in terms of land use. He felt that extending a commercial designation into that small "tail" of property is not a good idea as it is surrounded by residential properties. Mr. Reynolds stated that the developer

would prefer to have Parcel B designated as residential. He understands that as residential property, the Council is likely to approve only an R-1-10 zone. Mr. Reynolds added that staff would prefer a medium density residential with a buffer from the commercial designation.

Councilman Stokes added that a business may be hard to access at that location and felt it was fair to approve the request of the proponent.

Councilman Tafoya asked if a zone could be designated at this time. Mr. Reynolds said that would come later.

**Councilman Smith moved to approve Resolution No. 883 accepting a petition from JMS Roy, LLC, and Stephen P. Smith to consider annexation of approximately 2.48 acres of certain real properties into Roy City and directing that a public hearing be set for September 5, 2006, at 6:15 p.m. Councilman Stokes seconded the motion. A roll call vote was taken. Council Members Becraft, Smith, Tafoya, and Stokes voted "aye." The motion carried.**

15. PUBLIC COMMENTS

There were no public comments.

16. CONSIDERATION OF AMENDMENTS TO ROY CITY TITLE 10 - ZONING REGULATIONS

Tony Reynolds stated that staff initiated some amendments to the Zoning Regulations regarding accessory buildings and fence regulations for corner lots. Prior to June 7, 2005 the Zoning Regulations stated that any accessory building on a residential lot was limited to 25% of the rear yard, from the back of the building to the back property line. The new regulation states that an accessory building is limited to 25% of the rear yard not to exceed 800 square feet. The Planning Commission has recommended reverting to the regulation prior to June 7, 2005.

Councilman Tafoya asked if there is a height restriction. Mr. Reynolds said that the height restriction is 18-feet to the ceiling and 25-feet to the pitch of the roof, single-story only.

16A. CONSIDERATION OF ORDINANCE NO. 970 AMENDING TITLE 10 OF THE ROY CITY CODE REGARDING ACCESSORY BUILDINGS

**Councilman Stokes moved to adopt Ordinance No. 970 amending Title 10 of the**

**Roy City Code regarding accessory buildings. Councilman Smith seconded the motion. A roll call vote was taken. Council Members Becraft, Smith, Tafoya, and Stokes voted “aye.” The motion carried.**

16B. CONSIDERATION OF ORDINANCE NO. 971 AMENDING TITLE 10 OF THE ROY CITY CODE REGARDING FENCE REGULATIONS

Mr. Reynolds stated that after the new zoning ordinance was adopted, some complaints were received regarding fencing regulations. Mark Larson presented the issue to the Planning Commission for discussion. Mr. Reynolds reviewed the history of fence regulations for a corner lot as the regulations have changed several times. In the mid-90's the regulation for front and street side yard fences was limited to 48-inches. In 1997 that was amended allowing a 6-foot street side yard fence. In June of '05 the regulation was set back to 48-inches. Although there was a split vote, the Planning Commission recommendation is to leave the ordinance as is, with a 48-inch height restriction.

Councilman Stokes asked Mr. Reynolds what he would prefer. Mr. Reynolds said that he would prefer leaving the ordinance as is, with the 48-inch height restriction. Mr. Stokes stated that it's a hard balance because a 4-foot fence isn't sufficient to keep children in a yard and a 6-foot fence creates bad aesthetics. Mr. Reynolds clarified that the City has received more concerns than complaints.

**Councilman Tafoya moved to deny Ordinance No. 971 amending Title 10 of the Roy City Code regarding fence regulations. Councilman Smith seconded the motion. A roll call vote was taken. Council Members Becraft, Smith, Tafoya, and Stokes voted “aye.” The motion carried.**

17. RECREATION FIELDS RENTAL POLICY

Virge Howe, Director of Parks and Recreation, stated that he has been working on a Recreation Fields Rental Policy. The parks in Roy City are very popular and as a result, several people outside of the community like to use the facilities, particularly the ball fields. Recently several organizations requested use of one of the parks which was allowed. They came, used the facility, and left. Mr. Howe stated that he would like to have a more efficient system for scheduling the facilities. Mr. Howe stated that he recently met with AYSO and a couple of other major players and will start scheduling use with these groups. Roy City programs will remain the priority and the public schools will be the second priority. Private groups have requested the use of facilities which have created problems and resulted in conflicts requiring police officers to resolve the problem. Mr. Howe expressed a need to take better control of the facilities.

Soccer is the biggest issue. Roy City does not offer a soccer program. AYSO provides a recreational soccer program and Mr. Howe stated that he feels good in supporting such a program. The competitive leagues will have to reserve the fields for use. Mr. Howe stated that the public is also welcome to use the fields as desired.

Last weekend 90 teams were on Roy City fields from 8:00 a.m. until 8:00 p.m. for five days. Mr. Howe used this as an example of the type of organizations who will be charged a fee in the future for use of the fields to help with maintenance costs. Mr. Howe explained the fees that would apply. He added that Roy City has top-notch facilities and the fees will help to ensure that they stay that way.

**Councilman Stokes moved to approve the Recreation Fields Rental Policy. Councilman Tafoya seconded the motion. A roll call vote was taken. Council Members Becraft, Smith, Tafoya, and Stokes voted “aye.” The motion carried.**

#### 18. CITY MANAGER'S REPORT

Chris Davis stated that the Roy City employee party will be held at the Aquatic Center on Thursday, July 20<sup>th</sup> at 6:00 p.m. It was recommended that the pool be closed to the public at 5:00 p.m. in order to make preparations for the party.

An RFP went out for remodel of the Municipal Building recently. Councilman Smith is on the committee associated with that project.

Colonel Chambers has accepted the invitation to be the Grand Marshall for the Roy Days parade.

#### 19. MAYOR AND COUNCIL REPORTS

Councilman Stokes asked when the Council Members would start seeing electronic documents rather than council packets. Mr. Davis said he wasn't sure of a time frame but it is in the works.

Councilwoman Becraft stated that she received an e-mail from a citizen who felt there should be a left turn arrow at 4000 South and 1900 West when commuter rail starts to function. Mr. Davis said that is a UDOT issue.

#### 20. ADJOURN

**Councilman Tafoya moved to adjourn City Council Meeting at 7:53 p.m.**

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Joe H. Ritchie  
Mayor

Attest:

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Char Wolverton  
Secretary