

MINUTES OF THE AUGUST 15, 2006, ROY CITY COUNCIL MEETING

1. Approval of Minutes of July 18, 2006
2. Presentation of Carl Stegen Award
3. Request for approval of an alcoholic beverage license for Roy Texaco located at 4395 South 1900 West for a new owner
4. Decision on request from Bruce Crouch & Crouch Family Investments for disconnection
5. Public Comments
6. Discussion of sale of culinary water to Hooper Water Improvement District and acquisition of Hooper Water Improvement District infrastructure
7. Consideration of amending a conditional use permit and site plan for additional wholesale warehousing located at approximately 5135 South 2700 West
8. Consideration of a conditional use permit and a site plan for a multi-family structure located at approximately 1980 West 6000 South and preliminary approval of a condominium plat
9. Consideration of amendment to the Future Land Use Map of the Roy City General Plan
 - a. Consideration of Ordinance No. 971 approving an amendment to the Future Land Use Map of the Roy City General Plan
10. Approval of 4800 South Right-of-Way Acquisition and Reimbursement Cooperative Agreement
 - a. Resolution No. 886 Approving an Interlocal Cooperative Agreement Between Utah Department of Transportation and Roy City for the Purpose of 4800 South Right-of-Way Acquisition and Reimbursement
11. Approval of Interlocal Cooperation Agreement with Hooper City for Crossing Guard Services
12. City Manager's report
13. Mayor and Council reports

Minutes of the Roy City Council Meeting held August 15, 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 Joe H. Ritchie
Councilwoman Marge Becraft
Councilman Tommy Smith
Councilman Dave Tafoya
Councilman Michael Stokes
Councilman Larry Peterson

City Manager Chris Davis
City Attorney Andrew Blackburn
Secretary Char Wolverton

Also present were: Tony Reynolds, Community Development Services Director; Cathy Spencer, Management Services Director; Michael Mansfield, Public Works Director; D. R. Chambers; Missy Powell, D. Tracy; Elizabeth Brown; Katie Ellis; Brent Nielson; D.L. & Jane Thurman; Stephanie Bennion; Troy Wolverton

Moment of Silence: Councilman Smith

Pledge of Allegiance: Councilman Smith

1. APPROVAL OF MINUTES OF JULY 18, 2006

Councilman Smith moved to approve the minutes of July 18, 2006, as written. Councilman Tafoya seconded the motion. Council members Smith, Tafoya, Becraft, Stokes, and Peterson voted “aye.” The motion carried.

2. REQUEST FOR APPROVAL OF AN ALCOHOLIC BEVERAGE LICENSE FOR ROY TEXACO LOCATED AT 4395 SOUTH 1900 WEST FOR A NEW OWNER

Councilman Smith moved to approve the request for an alcoholic beverage license for Roy Texaco located at 4395 South 1900 West for a new owner. Councilman Peterson seconded the motion. Council members Smith, Tafoya, Becraft, Stokes, and Peterson voted “aye.” The motion carried.

3. DECISION ON REQUEST FROM BRUCE CROUCH & CROUCH FAMILY INVESTMENTS FOR DISCONNECTION

Andy Blackburn stated that in the last City Council Meeting a public hearing was held regarding Mr. Crouch's disconnect request. After the public meeting, this time was

scheduled to give a decision. Mr. Blackburn said that state law does not require that the motion include reasons for the findings; however, those would be appropriate things to include.

Councilman Stokes stated that at the last meeting, a request was made that Mr. Crouch's attorney, Dee Chambers, provide a list of reasons Mr. Crouch wanted to deannex from the City. He asked if that was ever received. Mr. Blackburn said it was not.

Mr. Davis stated that a financial assessment was made including the impact on utilities and infrastructure. Councilman Tafoya asked Michael Mansfield if Roy City would still be responsible for the utility infrastructure. Mr. Mansfield said that Mr. Crouch would disconnect from the utilities and no service would be provided to properties outside of the City. A Roy City water main provides water to Mr. Crouch's property and also to surrounding properties in Roy City. That would somewhat need to be connected to Roy City water after Mr. Crouch has disconnected. Mr. Mansfield also expressed concern about the impact on sewer and storm drainage systems.

Councilman Tafoya noted that the property is surrounded by city roads and one state road. Mr. Mansfield stated that Roy City would still maintain those roads. Councilman Peterson asked if an island would be left if the deannexation was granted. Mr. Blackburn said that it would create an island as there is a 60-foot road between the property and West Haven that is in Roy City.

Councilman Smith made a motion to deny the request from Bruce Crouch & Crouch Family Investments for disconnection from Roy City.

Councilman Peterson made an amended motion to deny the request from Bruce Crouch & Crouch Family Investments for disconnection from Roy City based on findings that it would not be viable and that justice and equity would not be served for the following reasons; it would create an island, the utility services, such as sewer, water, and storm sewer cannot be disconnected properly; problems with other services would exist in that Roy City would still be providing fire service to the disconnected property, and Roy City would provide police services to three of the four corners at the intersection which would cause problems for Roy City and West Haven. Councilman Smith seconded the motion. Council Members Becraft, Smith, Tafoya, Peterson and Stokes voted "aye." The motion carried.

Mr. Davis stated that the record should reflect that Mr. D. R. Chambers was present; however, did not give any presentation or comment.

4. PUBLIC COMMENTS

Elizabeth Brown, 4997 S. 195 W., stated that she was concerned that the sprinkling system for the property on the west side of the Municipal Building. She said that the water is on from 10:00 p.m. until 2:30 a.m. and then is on again from 6:00 a.m. to 8:00 a.m. every night/morning. She said that she has seen water going over the streets due to excess watering. She said that it keeps her awake at night and added that she didn't think it was fair that the citizens are asked to preserve water yet the City waters far more than is necessary. Ms. Brown added that she complained to the City about a month ago and no change has been made. She also expressed concern about standing water in the detention pond attracting mosquitos.

Councilman Smith asked if there were currently restrictions on secondary water. Mr. Mansfield said there is not.

Chris Davis said he would talk to Scott George at the Parks and Recreation Department about the problem. Councilman Smith said that the problem would be resolved in the next ten days.

5. DISCUSSION OF SALE OF CULINARY WATER TO HOOPER WATER IMPROVEMENT DISTRICT AND ACQUISITION OF HOOPER WATER IMPROVEMENT DISTRICT INFRASTRUCTURE

Chris Davis stated that this issue has been discussed several times before. Hooper Water is interested in a connection off Midland Drive to improve water pressure and Roy City is interested in serving Aland of Honey which is currently served by Hooper Water. Roy City has agreed to trade that water system. West Haven water pressure is approximately 50 to 55 lbs per square inch and Roy City produces pressures exceeding 75 lbs per square inch. Mr. Davis stated that he is looking for direction from the Council whether or not to go ahead with the drafting of an interlocal agreement.

Councilman Stokes asked what the time line would be in regards to replacing the water lines in Aland of Honey. Mr. Davis said he wasn't sure but wouldn't be surprised if Hooper Water tapped into Roy City's system before the pipes are replaced in Aland of Honey. Councilman Stokes asked if that meant West Haven was trading a connection for a system. Mr. Davis said that was correct and added that Hooper Water will pay for the water they receive. Councilman Stokes asked if the water would be used for the Wal-Mart development. Mr. Davis said that it would. Councilman Stokes asked if it would be possible, when replacing the water lines in Aland of Honey, to also install

secondary water for that development. Mr. Davis said that could be considered.

Councilman Smith asked what would happen if Roy City didn't want to continue the agreement after a period of time. He asked if the agreement could be breached. Mr. Davis stated that the agreement is not drafted yet; however, he anticipated that it would be similar to the West Haven agreement which included a 2-year disconnect agreement. Mr. Davis added that Roy City has plenty of water. Councilman Smith asked what would happen if in ten years, a disconnect request is made. He asked if the infrastructure would be given back. Mr. Davis said that Roy City would still provide water to Aland of Honey which is built out. He said that if that were to happen, it would only affect the commercial development. Mayor Ritchie added that he felt Roy City had a responsibility to better serve Aland of Honey.

Councilman Smith moved to direct staff to move forward with the drafting of an interlocal agreement regarding the sale of culinary water to Hooper Water Improvement District and acquisition of Hooper Water Improvement District infrastructure. Councilman Peterson seconded the motion. Council Members Becraft, Smith, Tafoya, Peterson and Stokes voted "aye." The motion carried.

6. CONSIDERATION OF AMENDING A CONDITIONAL USE PERMIT AND SITE PLAN FOR ADDITIONAL WHOLESALE WAREHOUSING LOCATED AT APPROXIMATELY 5135 SOUTH 2700 WEST

Tony Reynolds stated that David Tracy of U.S. Salvage Company is requesting an amendment to the existing Conditional Use given on July 18, 2000. The amendment includes the 2,516 square foot addition to the west end of the existing warehouse #4 and a 1,800 square foot addition to the west end of the existing warehouse #1. The site is currently zoned light manufacturing. Mr. Reynolds showed the site plan including the addition to the two buildings. He added that the property currently has some problems with drainage which are addressed on the site plan. The warehouse that faces 2700 West will also be getting a new facade. The site will also contain 34% landscaping.

Councilwoman Becraft had some photos that citizens had given her showing some tall weeds and unkempt property. She said that she had received several complaints from the residents of the adjacent neighborhood about rats coming onto their property.

Mr. Tracy said those pictures weren't of his property. He said that was four parcels to the north. Councilwoman Becraft said that she would then report the problem to code enforcement.

Councilman Peterson suggested that on the east side of the property, trees be planted near the street or in front of the building to soften the aesthetics.

Councilman Smith asked about signage. Mr. Reynolds said that there was no plan to change the existing signage.

Mr. Tracy added that he had no walk-in customers. He said that 99% of the time, his products are shipped out either by UPS or Fed Ex.

Mr. Reynolds asked that the Council approve the amended conditional use permit and site plan subject to staff and engineering recommendations regarding mylars being in place and the retention pond specifications being met.

Councilman Peterson moved to approve the amended Conditional Use Permit and Site Plan for additional wholesale warehousing located at approximately 5135 South 2700 West subject to staff and engineering recommendation. Councilwoman Becraft seconded the motion. Council members Becraft, Smith, Tafoya, and Stokes voted “aye.” The motion carried.

7. PRESENTATION OF CARL STEGEN AWARD

Councilwoman Becraft presented Stephanie Bennion with the Carl Stegen Community Service Award. She explained that Ms. Bennion has been the chairperson for the holiday lighting program for many years. She contacted all of the elementary schools and invited them to participate in the program. She spent a lot of time and contributed many great ideas for the program. Councilwoman Becraft added that she was proud to have citizens like Ms. Bennion in Roy City. Ms. Bennion was presented with a plaque and a gift.

Ms. Bennion stated that it was a pleasure being involved with the holiday lighting program and added that she had great fun.

8. CONSIDERATION OF A CONDITIONAL USE PERMIT AND A SITE PLAN FOR A MULTI-FAMILY STRUCTURE LOCATED AT APPROXIMATELY 1980 WEST 6000 SOUTH AND PRELIMINARY APPROVAL OF A CONDOMINIUM PLAT

Tony Reynolds stated that the proponent is requesting a Conditional Use, Site Plan and Preliminary Condominium Plat Approval for the County Meadows Condominiums of five units located at 1980 West 6000 South. The property is zoned R-3 (Multi-family residential) The property to the North is zoned R-3, the property to the east is zoned regional commercial, the property to the west is zoned R-1-8, and the property to the

south is zoned R-3. Multi-family residential is a conditional use in this zone. Mr. Reynolds explained the process; that the Planning Commission gives preliminary approval, then the City Council gives preliminary approval, staff then reviews the project and the Mayor gives final approval.

Mr. Reynolds showed the proposed layout which includes five units, 1,600 square feet each. The parking for this development exceeds the requirements. White vinyl slats will be added to the existing chainlink fence. Mr. Reynolds showed the floor plan and the elevations.

Councilman Peterson asked about including landscaping as part of the Conditional Use. Mr. Reynolds stated that the existing trees will be left in place and will be pruned. The site plan also included a planting schedule for further landscaping.

Councilman Stokes moved to approve a Conditional Use Permit and a Site Plan for a multi-family structure located at approximately 1980 West 6000 South. Councilwoman Becraft seconded the motion. Council Members Becraft, Smith, Tafoya, Peterson and Stokes voted “aye.” The motion carried.

Councilman Stokes moved to grant preliminary approval of a condominium plat subject to staff recommendations. Councilman Peterson seconded the motion. Council Members Becraft, Smith, Tafoya, Peterson and Stokes voted “aye.” The motion carried.

9. CONSIDERATION OF AMENDMENT TO THE FUTURE LAND USE MAP OF THE ROY CITY GENERAL PLAN

Tony Reynolds stated that H&B Development (Howard Kent and Brent Nielson) has submitted a petition to have the Future Land Use Map of the General Plan amended. Their request consists of 6.70 acres located at approximately 6000 South 3500 West. The future land use is currently Low Density Single Family Residential. They are asking that the use be changed to Commercial. Mr. Reynold showed the proposed site plan which includes a mixed use of commercial and residential. Mayor Ritchie stated that he likes the idea of commercial on the corner and felt it created contiguity with the adjacent Davis County property.

Councilman Stokes asked what the reason was for the 500-foot performance zone. Mr. Reynolds said that is what the proponents requested.

Councilman Tafoya expressed concern about a commercial zone being free reign. He used the Mattson property as an example. He stated that it turned out very nice but Dr. Mattson could have put anything he wanted at that site. Mr. Reynolds stated that with

site plan approval comes whatever conditions the Council would like to place according to the zone.

Councilwoman Becraft asked for a time line on the project. Mr. Reynolds said that there is no proposal for development yet. Brent Nielson stated that it takes time to generate commercial business. He said that they would like enough depth for a medium type store. He added that he would like to move forward quickly with the residential development which would be the first priority. He said that if he was able to secure a large tenant for the commercial property, he would have to come back before the Council for approval; however, he had no commercial tenants yet. Councilman Smith stated that he would like to see a large store on that corner and would appreciate something of that magnitude. Mr. Nielson said if he could choose, that would be his desire also. He said that he is open at this point and plans to focus on the residential.

Councilman Stokes encouraged Mr. Nielson to look at the vision of the future and population growth. He stated that he would like to see the residents spend their tax dollars in Roy City so a nice restaurant, movie theater, etc, would achieve that. Mr. Nielson said that whatever the outcome is, he plans to have an architectural theme that will leave an attractive package.

9A. CONSIDERATION OF ORDINANCE NO. 971 APPROVING AN AMENDMENT TO THE FUTURE LAND USE MAP OF THE ROY CITY GENERAL PLAN

There is one amendment to Resolution No. 971. Item 1a should read; Change 6.7 acres located on the southeast corner of 6000 South 3500 West from Low Density Single Family Residential to Commercial.

Councilman Peterson moved to approve Ordinance No. 971 approving an amendment to the Future Land Use Map of the Roy City General Plan with the above amendment. Councilman Stokes seconded the motion. A roll call vote was taken. Council Members Becraft, Smith, Tafoya, Peterson and Stokes voted "aye." The motion carried.

10. APPROVAL OF 4800 SOUTH RIGHT-OF-WAY ACQUISITION AND REIMBURSEMENT COOPERATIVE AGREEMENT

Michael Mansfield stated that this agreement allows Roy City and UDOT to be reimbursed for their time from federal-aid highway funds for the 4800 South project.

Councilman Smith asked where the traffic will be directed to while 4800 South is closed. Mr. Mansfield said that the underground improvements will be 12 to 13 feet

deep and during the construction of those improvements, the road will likely be closed. He said that traffic will be diverted to 4000 South, 5600 South, and 6000 South. He added that the closure will be advertised in the newspaper so that the citizens are informed. Mr. Mansfield added that he is working with the high school on traffic problems they will experience also.

10A. RESOLUTION NO. 886 APPROVING AN INTERLOCAL COOPERATIVE AGREEMENT BETWEEN UTAH DEPARTMENT OF TRANSPORTATION AND ROY CITY FOR THE PURPOSE OF 4800 SOUTH RIGHT-OF-WAY ACQUISITION AND REIMBURSEMENT

Councilman Tafoya moved to approve Resolution No. 886 Approving an Interlocal Cooperative Agreement Between Utah Department of Transportation and Roy City for the Purpose of 4800 South Right-of-Way Acquisition and Reimbursement. Councilwoman Becraft seconded the motion. A roll call vote was taken. Council Members Becraft, Smith, Tafoya, Peterson and Stokes voted “aye.” The motion carried. (Copy filed for record)

11. APPROVAL OF INTERLOCAL COOPERATION AGREEMENT WITH HOOPER CITY FOR CROSSING GUARD SERVICES

Andy Blackburn stated that this is an interlocal cooperative agreement with Hooper City. Roy City would employ three crossing guards to be assigned to Hooper Elementary and Freedom Elementary. Hooper City will reimburse all associated costs. Mr. Blackburn asked for approval of the agreement; however, he asked that the terms of payment times be left open.

Councilman Tafoya asked what the reason is for this agreement. Mr. Blackburn said he was not involved with the negotiations. Chris Davis said that Hooper made an overture to Roy City; hence, it was granted. Councilman Tafoya clarified then that it's a “good neighbor” agreement. Mr. Davis said that is correct. Councilwoman Becraft asked if the agreement was just for this year. Mr. Blackburn said that it is.

11A. RESOLUTION 887, A RESOLUTION APPROVING AN INTERLOCAL COOPERATION AGREEMENT FOR CROSSING GUARD SERVICES

Councilman Stokes moved to approve Resolution 887, a Resolution approving an interlocal cooperation agreement for crossing guard services subject to negotiations regarding the timing of payment. Councilman Smith seconded the motion. A roll call vote was taken. Council Members Becraft, Smith, Tafoya, Peterson and Stokes voted “aye.” The motion carried. (Copy filed for record)

12. CITY MANAGER'S REPORT

Chris Davis stated that Roy Days went very well. He said it was an exceptional occasion and received many positive comments from citizens. He also added that he had several citizens request that the "movie in the park" be given another chance.

Mr. Davis stated that five architectural firms submitted proposals for the Municipal Building remodel. The board will hold a meeting in the near future regarding those proposals.

13. MAYOR AND COUNCIL REPORTS

Councilman Stokes asked what the status is on the citizens committees. Mayor Ritchie stated that a note was included in the previous newsletter. Several applications were received and interviews are being scheduled with the department heads.

14. ADJOURN

Councilman Stokes moved to adjourn City Council Meeting at 7:29 p.m.

Joe H. Ritchie
Mayor

Attest:

Char Wolverton
Secretary