

MINUTES OF THE SEPTEMBER 5, 2006, ROY CITY COUNCIL MEETING

1. Approval of Minutes of August 15, 2006
2. Resolution No. 890 authorizing the exercise of two successive, two-year extension options in the contract with Waste Management of Utah for residential solid waste collection services
3. Public Comments
4. City Manager's report
5. Public hearing to consider a petition from JMS Roy, LLC and Stephen P. Smith to annex approximately 2.48 acres located at approximately 4885 South 3500 West with a zone of Community Commercial
 - a. Consideration of Resolution No. 888 approving the annexation of the JMS Roy, LLC and Stephen P. Smith property
 - b. Consideration of Ordinance No. 972 establishing a zone for the JMS Roy, LLC and Stephen P. Smith property which has been annexed into Roy City
6. Consideration of a development agreement and a preliminary subdivision plan for Whispering Meadows Subdivision located at approximately 3100 West 5600 South
 - a. Consideration of Resolution No. 889 approving a Development Agreement with Ivory Homes to allow for the development of the Whispering Meadows Subdivision
7. Presentation by HDR Engineering on S. R. 108 Environmental Impact Statement
8. Presentation by Dr. M. Gary Hadfield on "The Greatest Generation" Museum
9. Mayor and Council report
10. Adjourn

Minutes of the Roy City Council Meeting held September 5, 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; Lance Allen, Waste Management; Marilyn M. Smith; Dave Smith; Heidi Spore, HDR Engineering; Jeff Simmons, HDR Engineering; Steve Brenchly, Nolte Association; Corwin W. , Nolte Engineering; Jack and Carole Stonehocker; Andy Neff, UDOT; Gary Madsen; Kay Swan; Dave Adamson; Glen Jenkins; Charles Mace; Katherine Crosby; Brian Crosby; Vic Arnold

Moment of Silence: Councilman Stokes

Pledge of Allegiance: Councilman Stokes

1. APPROVAL OF AUGUST 15, 2006 MINUTES

Mayor Ritchie stated that the approval of August 15, 2006 minutes would be postponed until the September 19, 2006 City Council Meeting.

2. RESOLUTION NO. 890 AUTHORIZING THE EXERCISE OF TWO SUCCESSIVE, TWO-YEAR EXTENSION OPTIONS IN THE CONTRACT WITH WASTE MANAGEMENT OF UTAH FOR RESIDENTIAL SOLID WASTE COLLECTION SERVICES

Chris Davis stated that the City has been negotiating a contract with Waste Management of Utah. Lance Allen, Market Area General Manager, was present. Mr. Davis said that Roy City has been able to negotiate a contract that is beneficial to all entities involved. Pricing has been rearranged which is fair and reasonable. Mr. Davis recommended approval.

Councilman Stokes noted that the resolution includes an option for extension. He asked if either entity could opt to continue or discontinue service. Mr. Davis stated that

Waste Management could request an extension beyond the two years but Roy City has the ability to choose whether or not the contract will be continued. Councilman Stokes then asked about Section 3 of Resolution 890 which states that the modified service rates are guaranteed for the first two-years of the extended term; however, Waste Management can ask for a rate increase at the beginning of the third year of the extended term. Mr. Davis stated that if a rate increase is requested, Roy City can give or decline the increase.

Councilman Stokes stated that he has been approached by several citizens who have asked about a recycling program. He asked if that could be offered as an optional program. Mr. Davis said that he is aware of other cities where recycling is mandatory but said that he would defer that question to Mr. Allen. Mr. Davis said that the option has been looked into in the past but not enough people were willing to participate to make it worth the cost. Waste Management does have a recycling facility. Lance Allen stated that it's not economical to have an optional recycle program but it is the right thing to do environmentally. He said that it can be done and added that Waste Management is looking into putting a new facility in Weber County in the future. Mr. Allen said that mandatory recycling runs approximately \$2.50/household and tends to get about 50 to 60 percent participation. Optional or prescription recycling costs approximately \$5.00/household with about 30 percent participation. Mr. Davis recommended putting that idea into the newsletter.

Councilman Tafoya asked if the \$2.50/household includes the recycling can. Mr. Allen said that it does.

Councilman Tafoya moved to approve Resolution 890. 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)

3. PUBLIC COMMENTS

There were no public comments.

4. CITY MANAGER'S REPORT

Mr. Davis reported that tomorrow, September 6th will be the annual preparedness fair or "Night Out Against Crime." It will be held at Kent's Marketplace from 5:00 - 7:30 p.m.

5. PUBLIC HEARING TO CONSIDER A PETITION FROM JMS ROY, LLC AND STEPHEN P. SMITH TO ANNEX APPROXIMATELY 2.48 ACRES LOCATED AT

APPROXIMATELY 4885 SOUTH 3500 WEST WITH A ZONE OF COMMUNITY COMMERCIAL

Councilman Smith moved to open a public hearing at 6:15 p.m. Councilman Stokes seconded the motion. Council Members Becraft, Smith, Tafoya, Peterson and Stokes voted “aye.” The motion carried.

Mark Larson stated that JMS Roy, LLC and Stephen P. Smith have requested that 2.48 acres of property at approximately 4885 South 3500 West be annexed into Roy City and be zoned Community Commercial. Two homes on the property have been demolished. The property consists of two separate parcels; there is a home on one of them. When the petition was submitted, notices were sent out and no protests were received. If annexed, Roy City can and will provide services to the property. The zone requested by Mr. Smith is community Commercial. The future land use map of the General Plan was recently amended to show this area with a commercial use. Mr. Larson showed a conceptual site plan. Staff and the Planning Commission recommend approval.

Mayor Ritchie asked if there was any public comment.

Carole Stonehocker, 3467 W. 4950 S., stated that she lives across the street from the property. She said that as is, she has a very difficult time getting out of her driveway. She stated that the traffic is already bad and a light is needed to remedy the problem. She felt that there was no need for additional commercial property as it would only contribute to the traffic problem that already exists. Mayor Ritchie stated that there is a traffic light very close the property already. Mrs. Stonehocker stated that it sometimes takes 10 to 15 minutes to get out of her driveway. She said that the traffic is so bad that it keeps her awake at night.

Chris Davis stated that an environmental impact study is going to be done on that road and will actually be introduced later on the agenda.

Brian Crosby, 4830 S. 3575 W., asked if there were any plans to eliminate the noise. He said he had no idea that area would develop when he bought his home. He said he was surprised to see the homes on the property be demolished. He expressed concern about an economic development that close to a residential subdivision.

Marilyn Smith, Murray Utah, said that she is a member of Mr. Stephen Smith's family. She said that it is her understanding that a wall will be constructed between the commercial and residential property. She said that she is aware of the traffic problem and has been in contact with the State of Utah regarding that problem. She said that it

was also her understanding that the type of development that would occur would be a strip mall.

Tony Reynolds stated that the item on the agenda is for a re-zone only. He said the total parcel is 8 acres and the rezone only applies to 2.48 acres; the rest of the property is already zoned commercial. He asked that the City Council address the annexation request and assignment of a zone. The Planning Commission and City Council will review the entire site before development can occur. A public hearing will be held before approval is granted.

Mr. Crosby asked if the neighbors would be notified of the public hearing. Mayor Ritchie stated that the Planning Commission will send out a notice to all who are within 300 feet of the development. Mr. Crosby asked if any information would be given out prior to the public hearing. Councilman Tafoya said that the information would be given at the public hearing. Mayor Ritchie added that the Planning Commission makes a recommendation to the City Council after the public hearing is held; hence, it's very important to attend that meeting. Councilman Stokes added that the associated information is public information and anyone can get copies from the city office. Councilman Peterson added that most commercial developers want to be good neighbors and it is their responsibility to put up a barrier.

Katherine Crosby, 4830 S. 3575 W., asked if there was some kind of rule about the time of day construction can occur. She said that the demolition of the homes that were on the property started at 5:30 a.m. She was surprised that they were able to make so much noise that early in the morning. Mr. Davis said that at that time, the property was in the County and he wasn't aware of their noise ordinance. Mr. Reynolds said that he would be sure and discuss that issue at the preconstruction meeting.

Councilwoman Becraft moved to close the public hearing at 6:33 p.m. Councilman Peterson seconded the motion. Council Members Becraft, Smith, Tafoya, Peterson and Stokes voted "aye." The motion carried.

5A. CONSIDERATION OF RESOLUTION NO. 888 APPROVING THE ANNEXATION OF THE JMS ROY, LLC AND STEPHEN P. SMITH PROPERTY

Councilman Smith moved to adopt Resolution No. 888 approving the annexation of the JMS Roy, LLC and Stephen P. Smith property. Councilman Peterson 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)

5B. CONSIDERATION OF ORDINANCE NO. 972 ESTABLISHING A ZONE FOR THE JMS ROY, LLC AND STEPHEN P. SMITH PROPERTY WHICH HAS BEEN ANNEXED INTO ROY CITY

Councilman Stokes moved to adopt Ordinance No. 972 establishing a zone of Community Commercial for the JMS Roy, LLC and Stephen P. Smith property which has been annexed into Roy City. Councilwoman Becraft seconded the motion. A roll call vote was taken. Council members Becraft, Smith, Tafoya, Stokes and Peterson voted “aye.” The motion carried. (Copy filed for record)

6. CONSIDERATION OF A DEVELOPMENT AGREEMENT AND A PRELIMINARY SUBDIVISION PLAN FOR WHISPERING MEADOWS SUBDIVISION LOCATED AT APPROXIMATELY 3100 WEST 5600 SOUTH

Tony Reynolds stated that Vic Arnold, Ivory Homes, has requested a Preliminary Subdivision Plan and a Development Agreement to be approved for the Whispering Meadows Subdivision of 36 lots on a 10 acre parcel on the southwest corner of 5600 South 3100 West. The original request was for a zone of R-1-8; however, the City Council approved a zone of R-1-10. There are two power corridors on the site. There were several exceptions made to the center lots as noted in the Staff Report. These exceptions were reviewed. Mr. Reynolds added that the subdivision will include a critical connection to 3260 West and significant improvements will be made along 5600 South. The improvements will be the responsibility of the homeowners association. There will be lawn for the entire length of the development, 800 feet, along 5600 South. There will also be a white vinyl fence along 5600 South.

Councilwoman Becraft asked what the restrictions would be in the lots along the power corridor. Mr. Reynolds said that no construction would be allowed in the easements.

Councilman Smith asked about access for emergency services. Mr. Reynolds said that because 5600 South is a continuous street, there are no problems with emergency access.

Councilman Tafoya asked why the developer wouldn't put in improvements consistent with the streetscape design. Mr. Reynold said that the streetscape design is limited to commercial development. Councilman Tafoya stated that there is less maintenance for streetscape. Mr. Reynolds said that the maintenance will be the responsibility of the homeowners association.

Councilman Stokes stated that the conceptual plans included plans for an R-1-8 zone and plans for an R-1-10 zone. He felt that what was returned was the R-1-8 plan in a

fancy package when an R-1-10 zone was designated. He asked why all of the lots weren't required to meet the 10,000 square foot minimum. Mr. Reynolds stated that after working through the site plan, staff requested an R-1-8 zone to prevent large lots with possible accessory buildings that would not be maintained adequately. He added that the only significant modifications are in the interior block and are related to frontage. Councilman Stokes stated that he likes the design; however, he is concerned that the smaller lots will bring smaller homes that result in a transient neighborhood. He said that he is concerned about the size catalog defined by Ivory Homes. Mr. Reynolds stated that the focus is on the building envelope, not the type of home that is constructed. Councilman Stokes stated that he feels that it's important to build homes that will keep people in the community for a long period of time. Mr. Reynolds stated that it's not the City's business to designate size or types of homes. He felt that the private market would determine those things. Councilman Stokes stated that some cities go so far as to specify size of home, capacity of garages, etc. Mr. Reynolds stated that this development will be similar to Southfork Meadows which is an Ivory Homes Subdivision. Chris Davis said that Southfork Meadows had a developers agreement that specified minimum home size which varied depending on the style of home. Councilman Stokes said he would like to see a similar agreement for Whispering Meadows.

Councilman Tafoya asked what can be built in the power corridors. Mr. Reynolds said that no permanent structure can be built in the corridors. Councilman Tafoya asked if a fence could be put up in those corridors. Mr. Reynolds said that a fence to separate backyards would be allowed.

Councilman Stokes stated that he would like to propose an agreement similar to that of Southfork Meadows. He said that in his opinion a 1032 square foot home, which is the smallest home in the Ivory catalog for this subdivision, is too small.

Councilman Peterson noted that there were originally 10 homes in the center block and now there are 12. He felt that if there were 10 lots rather than 12, the market would push for larger homes. He said that if 12 lots are allowed in the center block, he would like to see square footage minimums placed.

Councilman Tafoya stated that he would like to see the original plan, with 10 lots in the center block, implemented.

Mr. Reynolds stated that it is within the rights of the City Council to recommend changes. If that is the case, staff would work with the developer, the plans would be re-drawn and the subdivision would come before the City Council again for approval.

Councilman Smith added that this issue has been addressed in the past. He expressed concern about citizens leaving Roy to go to other cities where there are larger homes.

Councilman Peterson stated that he would like to see the property develop. He said that he doesn't have a problem with the setbacks and adjustments and recognizes the uniqueness of the property with the power corridors.

Councilman Tafoya added that the plan currently reflects white vinyl fencing connecting with chain-link fencing on the west side. He felt that would look bad and prefers to have vinyl fencing on the west side also.

Mayor Ritchie stated that it was obvious that the City Council desired to table this issue and asked the Council to make their wishes known so that staff and the developer could come up with a plan that works.

Chris Davis said that it is his understanding that the Council is requesting either 10,000 square foot lots with no restrictions or smaller lots with home size restrictions. He asked if that was correct. The Council concurred.

Mr. Reynolds suggested that Vic Arnold of Ivory Homes have an opportunity to state his preference which would help staff come up with a workable plan.

Mr. Arnold said that he would like to point out a few things. He stated that if the center block is made into 10 lots, the subdivision will be out of balance because the lots to the far west side of the subdivision cannot be made smaller or larger. He added that this will not be a low-end subdivision and he would be willing to consider raising the minimum square footage allowance for the homes. He added that more lots help to mitigate the cost of the additional infrastructure Ivory Homes will be constructing. He said that he does not anticipate small homes in this subdivision. Councilman Stokes asked Mr. Arnold what his preference would be. Mr. Arnold said he would prefer the 12 lots with restrictions on home size.

6A. CONSIDERATION OF RESOLUTION NO. 889 APPROVING A DEVELOPMENT AGREEMENT WITH IVORY HOMES TO ALLOW FOR THE DEVELOPMENT OF THE WHISPERING MEADOWS SUBDIVISION

Councilman Tafoya moved to table consideration of Resolution No. 889 approving a Development Agreement with Ivory Homes to allow for the development of the Whispering Meadows Subdivision adding that he would prefer to see 10 lots in the center block rather than 12 and vinyl fencing along the

west side rather than chain-link. Councilman Smith seconded the motion. Council Members Becraft, Smith, Tafoya, Peterson and Stokes voted “aye.” The motion carried.

7. PRESENTATION BY HDR ENGINEERING ON S. R. 108 ENVIRONMENTAL IMPACT STATEMENT

Heidi Spore introduced herself and Jeff Simmons from HDR Engineering and Andy Neff and Charles Mace, UDOT consultants. Ms. Spore said that she and her colleagues have been traveling to the cities affected by the S.R. 108 project to update those cities on the progress. She explained that the S.R. 108 project is a project which was initiated by UDOT in May of 2006. The initial project is an Environmental Impact Statement (EIS) which will detail why the project is needed, the project purpose, alternatives to meet the project purpose, and impacts of the alternatives on the community and natural environment. S.R. 108 is known in Roy as Midland Drive and 3500 West. Improvements are needed to S.R. 108 because of current and projected congestion and roadway deficiencies. Ms. Spore showed a chart of the current and projected levels of service, or lack of mobility, along S.R. 108 if no improvements are made. She also showed a chart which reflected accident data. She explained that the severity of accidents is relatively high but the number of accidents is low.

The purpose of the project is to improve mobility along that segment of road, eliminate roadway deficiencies associated with lack of shoulder and turn lanes, enhance the opportunities for multi-modal use of S.R. 108 by providing improved bicycle, pedestrian, and transit facilities, and to provide a transportation facility that is compatible with local and regional land use and transportation plans and city growth objectives.

Some of the initial alternatives include; no action; use of alternate travel modes, access control and transportation demand management which would include the addition of medians, turn lanes, shoulders, etc.; and widening the road by adding more lanes.

Ms. Spore encouraged the community to get involved. There was a public scoping meeting held on August 3, 2006 and over 200 people attended. Throughout the project there will be flyers, newsletter, and news articles. Community and business impact surveys have been passed out and focus groups are being organized. So far 23 people have signed up for the focus groups. These groups will meet three times during the project. The City Council will be updated again in one year. Ms. Spore stated that the EIS process will take approximately 2 years and reviewed the time line.

Councilwoman Becraft stated that development is occurring along that road currently and asked if the project is moving along fast enough. Ms. Spore state that the new

developments are being set back to allow for widening of the road if that does take place. She added that the project will be supported by federal funding which will also take some time. Once the EIS process is complete and funding is identified, UDOT will develop a final design, purchase right-of-ways, and will coordinate with utilities and businesses after which time construction will begin.

Carole Stonehocker, 3467 W. 4950 S., stated that she is frustrated with all of the roads that are currently under construction. She said that 4800 South is closed, 5600 South is closed and it's difficult to get around the City. She expressed concern about so many projects going on at the same time. Mr. Davis stated that 4800 South should be open by the end of this week.

Councilwoman Becraft asked if the construction on 1900 West is completed. Mr. Davis said that UDOT is still raising manholes but that should be completed within the next three weeks.

Ms. Spore stated again that she is looking for input from the cities. She said that she has met with the planners of the involved cities and hopes to meet the desires of the cities and have a unified corridor. She added that additional people are needed to be involved with the focus groups.

Councilman Tafoya asked how long before construction will begin if the EIS process goes well and funding is obtained. One of the UDOT representatives stated that "this is a very political issue." He encouraged the members of the City Council, staff, and citizens to stay in contact with the legislative members. He said that he has a cost estimate for the project which is 6 or 7 years old and that estimate is \$85 million. He encouraged again the cities involvement in the process.

Councilman Peterson advised that when HDR and UDOT presents figures, that they be realistic. He advised that they take into consideration cross traffic when looking at S. R. 108. He recommended that studies be done during peak times. Ms. Spore stated that she understands those issues and got very similar comments from the public when that meeting was held.

Kay Swan, 4097 S. 2275 W., asked what the plans for 3100 West are. One of the UDOT representatives stated that some of the right-of-way acquisition has been funded; however, there are many projects going on right now. He said he has no time frame for that project.

8. PRESENTATION BY DR. M. GARY HADFIELD ON "THE GREATEST GENERATION" MUSEUM

Dr. Gary Hadfield currently resides in Virginia but is a Clearfield, Utah native. He stated that he hopes to establish a new museum; "The Greatest Generation Museum; A World War II and Great Depression Memorial." He said this will be a small museum that one could go through in one hour or less. The plan is to move a home that is currently in Clearfield to the museum site which will be adjacent to the current Hill AFB museum. He passed out information regarding the activities that would take place in the museum. He also presented the projected budget. He anticipates contributions in the way of private donations, religious sources, government, etc. to provide funding for the project. He anticipates that in the first year the museum will bring in enough money in tourist revenue to cover the cost of the museum; however, there is an emergent need of \$555,000 to move the house to the new location. Dr. Hadfield asked the Council to consider an interest-free loan in order to get the museum established which would be paid back over time. He has made similar requests to Riverdale and Weber County. He said that he would like to get the house moved before winter. He added that there is also a need for leadership for the museum's chairperson and board members.

Mayor Ritchie asked why he didn't choose to establish such a museum in his home state of Virginia. Dr. Hadfield said that the house he plans to use for the museum is in Clearfield.

Mayor Ritchie suggested that the Council take the information under advisement. He added that Roy City has a lot of projects going on right now and it is more important to do the necessary projects than the "frills." He stated that Roy City is not in the business of interest-free loans and a study would have to be done in order to give a donation. He said the Council will discuss the idea further and take it into consideration.

9. MAYOR AND COUNCIL REPORTS

There were no Mayor or Council reports.

10. ADJOURN

Councilwoman Becraft moved to adjourn City Council Meeting at 8:15 p.m.

Joe H. Ritchie
Mayor

Attest:

Char Wolverton
Secretary

dc:sept0506