

MINUTES OF THE SEPTEMBER 19, 2006, ROY CITY COUNCIL MEETING

1. Approval of City Council Minutes of August 15, 2006 and September 5, 2006
2. Consideration of a conditional use permit for a restaurant with a drive-through window on Pad G of Kent's Commercial Subdivision located at approximately 5585 South 3500 West
3. 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
4. Preliminary approval of Hidden Cove Subdivision No. 2 located at approximately 5400 South 3200 West
5. Public Comments
6. Approval of contract for 4300 West Redundant Force Main Project
7. City Manager's report
8. Mayor and Council reports

Minutes of the Roy City Council Meeting held September 19, 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; Mark Larson, Planner; Wendy & Kenneth Smith; Kay & Beulah Barker; Lewis Amidan; Lewis Florence; Vic Arnold; Sandy Underwood; Howard Terry; Mike Hansen; Andrew Goodwin; Bernard Goodwin; Corwin Willmor; Michael B. Jenson; Lois Biddle; Wendy Packer; Teresa Hislop; Kim Eschler; Jessica Gilbert; Phillip & Michael Stott; Katie Ellis; Robin & Cristyn Hatley; Troy Wolverton; Joe Adair; Chris Brixey; Arnel Rivera; Aviva Gowe

Moment of Silence: Councilman Tafoya

Pledge of Allegiance: Councilman Tafoya

1. APPROVAL OF CITY COUNCIL MINUTES OF AUGUST 15, 2006 AND SEPTEMBER 5, 2006

Andy Blackburn asked that approval of the minutes of the August 15, 2006 meeting be postponed until the next City Council Meeting.

Councilman Smith moved to approve the minutes of September 5, 2006, as corrected. Councilman Peterson seconded the motion. Council members Smith, Tafoya, Becraft, Stokes, and Peterson voted "aye." The motion carried.

2. CONSIDERATION OF A CONDITIONAL USE PERMIT FOR A RESTAURANT WITH A DRIVE-THROUGH WINDOW ON PAD G OF KENT'S COMMERCIAL SUBDIVISION LOCATED AT APPROXIMATELY 5585 SOUTH 3500 WEST

Mayor Ritchie stated that the conditional use permit pertains only to the drive-through window. He asked if there were any questions. There were none.

Councilman Tafoya moved to approve a conditional use permit for a restaurant with a drive-through window on Pad G of Kent's Commercial Subdivision located at approximately 5585 South 3500 West. Councilman Smith seconded the motion. Council members Smith, Tafoya, Becraft, Stokes, and Peterson voted "aye." The motion carried.

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

Tony Reynolds explained that Vic Arnold of Ivory Homes has proposed changes to the Development Agreement and CC&R's required for the proposed subdivision. This item was tabled at the previous City Council Meeting due to concern regarding the interior lots of the development which don't meet the minimum square footage for an R-1-10 zone. The proposed changes include the minimum building size requirement of 1,300 square feet of finished floor area on the main level for each home in the subdivision. They will also include a 6-foot white vinyl fence along the north and west boundary lines of the subdivision. The developer has also requested a pioneering agreement that would result in 50 percent reimbursement for ten years for the street improvements (5700 South) which they will be responsible for. Roy City agreed to a reimbursement rate of 50% for the first three years followed by 5% reduction each year for nine years thereafter.

Councilman Stokes stated that he felt the 1300 square foot minimum was too generic. He felt that would be adequate for a rambler but not for a multi-level home.

Councilman Peterson stated that the 1300 square feet would apply only to the main level of a multi-level home. Councilman Stokes stated that he would prefer a 1500 square foot minimum for a multi-level home.

Councilman Smith asked how the reimbursement for street improvements would work. Mr. Reynolds stated that the developer would enter into a pioneering agreement. The cost is undetermined at this point. Councilman Peterson clarified that Roy City wouldn't be reimbursing Ivory Homes; that would be the responsibility of whoever developed the property to the South. Councilman Smith stated that he felt it was important to make sure that was clearly documented. Mr. Blackburn said that it is already clearly documented and added that the street improvements have an undefined value at this time. Mr. Davis stated that Ivory Homes would pay up front for the street improvements.

Mayor Ritchie thanked Mr. Arnold for the work he has done to address the concerns of

the City Council Members. Mr. Arnold stated that he appreciates the concern for long-term value. He stated that he wasn't opposed to the minimum home size of 1500 square feet above grade. He added that he would like to make sure that would not exclude some of Ivory Home's favorite plans before he agrees. Councilman Stokes stated that he would like to see approval granted subject to Mr. Arnold working with staff on the square footage issue. Mr. Arnold suggested that he would be willing to build either ramblers or 2-story homes on the lots in question and eliminate the multi-level altogether if that works for Ivory Homes. He stated that he didn't have the sales information with him.

Councilman Peterson asked if the Council could give staff the power to make the decision.

Councilman Stokes suggested that this item be tabled one more time to give Mr. Arnold a chance to look at the Ivory catalog and make sure increasing the square footage requirement wouldn't be a problem.

Mr. Blackburn stated that he would need to know exactly what the Council wanted to give staff the authority to do such as; give staff the authority to negotiate up to 50 square feet, etc.

3A. CONSIDERATION OF RESOLUTION NO. 889 APPROVING A DEVELOPMENT AGREEMENT WITH IVORY HOMES TO ALLOW FOR THE DEVELOPMENT OF THE WHISPERING MEADOWS SUBDIVISION

Councilman Stokes moved to approve Resolution No. 889 approving a Development Agreement with Ivory Homes to allow for the development of the Whispering Meadows Subdivision subject to the minimum building size requirement of 1500 square feet of finished floor area on the main level for each home in the subdivision and subject to the exclusion of multi-level homes. Councilman Smith 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.)

4. PRELIMINARY APPROVAL OF HIDDEN COVE SUBDIVISION NO. 2 LOCATED AT APPROXIMATELY 5400 SOUTH 3200 WEST

Tony Reynolds explained that this is a single-family subdivision adjacent to Hidden Cove 1. It includes 7 parcels and the zone is R-1-8. The subdivision will consist of 28 lots and lot #28 is an existing home. Mr. Reynolds showed the subdivision plat. There are three UP&L corridors running north to south on the property. Mr. Reynolds stated

that in addition to preliminary approval of the subdivision, the proponents are requesting a Residential Infill Overlay (RIO) District. A RIO allows for the development of infill properties and gives some flexibility regarding longer terminal streets. There are some concerns regarding storm water and the Planning Commission recommended an underground storm sewer. There is also a pipe in the NW corner of the property which will be capped. Councilman Tafoya asked where the water in that pipe comes from. Mr. Reynolds said that it is just groundwater. The developer is proposing private retention to mitigate the potential for downstream flooding.

Councilman Smith expressed concern about the cul-de-sac and asked if the fire department had approved this development. Mr. Reynolds said that it has.

Councilman Stokes asked why the knuckle where 3150 West and 5450 South come together isn't cut out wider like the one below it. Mr. Reynolds said it is because it's temporary. Councilman Stokes said that temporary could mean 50 years and felt that it ought to be done right the first time. He also expressed concern about the sidewalk ending short of the north end of the development. Mr. Reynolds stated that those are valid concerns and added that lot Nos. 20 and 21 can't be developed until the property to the north develops. Councilman Stokes asked if anything had changed since the staff report in relation to the storm water concerns. Mr. Reynolds asked Troy Wolverton, Wasatch Civil Engineering, to address the storm water concerns.

Mr. Wolverton stated that the plans propose a retention basin; however, there is concern that existing soils and the depth of the ground water table will not adequately receive the retained storm water runoff. A soils report has been completed but not reviewed. The plans propose excavating the retention basin approximately 3 feet below the existing ground surface; however, there is concern for maintenance problems. Councilman Stokes asked if that was a viable long-term option. Mr. Wolverton said that it is not. Councilman Stokes asked Mr. Wolverton if he could provide a viable option. He said that the installation of a storm sewer would be the best option. Councilman Peterson asked where the storm water will flow. Mr. Wolverton said it would flow south and west. He added that the closest storm drain is at 5300 South. He also stated that the purpose of the detention basin is to reduce the rate of flow in an attempt to get the same results a storm sewer would provide. Mr. Wolverton added that it is his understanding that more proposals will come from the developer.

Councilman Peterson asked if the percolation data had been reviewed. Mr. Wolverton said that it had not. Councilman Peterson stated that a solution has apparently not been provided. He added that it may be an option to have a home owners association that would take care of the detention basin.

Councilman Stokes stated that he felt inclined to either table the preliminary approval or approve with specific conditions. He asked if the Council would see this subdivision again if preliminary approval is granted. Mr. Reynolds said that the Mayor will give final approval. He recommended that the Council list specific requirements if they grant approval.

Councilman Stokes moved to grant preliminary approval of Hidden Cove Subdivision No. 2 located at approximately 5400 South 3200 West subject to; the knuckle at the corner of 3150 W. 5450 S. matching the knuckle at the corner of 3200 W. 5475 S., the turn-around at the north boundary, with elimination of the right angle, matching the turn-around at the south of the property including sidewalk installation to the north boundary, and resolution of the storm water issue. Councilwoman Becraft seconded the motion. Council members Becraft, Smith, Stokes and Peterson voted "aye." Councilman Tafoya voted "nay." The motion carried.

5. PUBLIC COMMENTS

Wendy Smith, 2841 W. 5875 S., stated that she is concerned about the elimination of the left turn lane west bound 4800 South at 2700 West. She stated that she called the City Offices and was referred to a Mr. Foster who then referred her to Chris Davis. She said that it is her understanding that UTA has control over that intersection so she called a Mr. Bott at UTA. She said that Mr. Bott looked at the situation, returned her call and stated that it looked as though with the construction, the left turn lane had been eliminated.

Mayor Ritchie stated that the City doesn't want the left turn lane taken out either. He said that it is not Roy City property but there are meetings going on currently with UTA and the City staff will do everything possible to keep the turn lane. UTA has expressed concern about cars stacking up on the track which presents a safety problem. Mayor Ritchie added that he has received many comments and concerns about the turn lane being eliminated. Councilwoman Becraft stated that because the left turn lane no longer exists, U-turns are becoming a problem at that location.

Councilman Tafoya stated that he is as surprised as anyone else that it was eliminated. He asked how much control Roy City has over that intersection seems how it is a City street. Mr. Davis said he is still doing research to determine if Roy City can make a decision to keep the turn lane. There is some confusion about who has jurisdiction at this time. Councilman Tafoya recommended putting the left turn lane back until the research is complete. Mr. Davis said that he isn't sure if Roy City has the right to do

that. Mayor Ritchie stated that he feels it is important to put the left turn lane back as soon as possible and will see if that can be done while negotiations are ongoing.

Mayor Ritchie asked Mrs. Smith if she would agree to be the contact person for her neighborhood. She said that she would and gave the following phone numbers; 774-6053 (home); 589-9754 (cell); and 476-5200 (work from 8:00 a.m. to 12:00 p.m.).

Councilman Tafoya made a motion to direct staff to paint the left turn lane as it was prior to the construction. Councilman Smith seconded the motion. Council Members Becraft, Smith, Tafoya, Peterson and Stokes voted “aye.” The motion carried.

Buelah Barker, 4863 S. 2700 W., stated that she also lives close to the intersection and is concerned about safety. She suggested constructing a raised island on either side of the tracks which would allow for a left turn lane but only 2 cars to stack up at a time. She said that she spoke with a railroad worker yesterday who said that the railroad only owns 25 feet of property which would leave plenty of room for a turning lane.

Mayor Ritchie added that he has received some feedback from citizens who support the lack of a turn lane if it will contribute to the safety of the community. He did state, however, that is the minority.

Howard Terry, 2509 W. 5175 S., stated that before the tracks were Union Pacific, the tracks were owned by the Oregon Short Line. He said that at that time, the right-of-way went through the intersection but he wasn't sure what the current right-of-way limits are.

Aviva Gowe, 5919 S. 4250 W., stated that she had an unrelated issue to speak of. She and her neighbors are having a problem with flooding in their yards. She said that every time a big rain storm comes or snow melts, there is a problem with standing water. She said that she hired someone to fix the problem, a pump was put in and now it costs her \$40/month to run the pump. She requested the City's help to put in a drainage system. She showed pictures of the flooding and stated that recently two basements in her neighborhood were flooded. She said that she has had a drainage system put into her yard but all of her neighbors yards drain to hers. She said that when she bought the property she wasn't aware of the water problem. She said that all of the properties drain to the back resulting in a pond in their back yards.

Mayor Ritchie asked if the improvements the City has made are helping. She said that a water system was installed to encourage the water to flow to the storm sewer. She said that she would like drains installed so that one neighbor doesn't have to bear the cost for the whole neighborhood. Mayor Ritchie stated that Roy City doesn't have

jurisdiction over that property as it is private property and asked where she would like drains placed if that were an option. She said that she would like drains placed along the back of the properties. She added that the problem existed before the homes were built and felt the City should help fix the problem. Chris Davis stated that the City did put restrictions on basements depths because of the ground water issue. Councilman Peterson added that this is a civil issue. Mrs. Gowe said that she and her neighbors don't know how or where to dump the water. Councilman Stokes suggested that the affected neighbors get together and figure out how to drain the water off their yards. Mrs. Gowe stated that she has done a lot of work to remedy the problem but the problem still exists. She stated that the City shouldn't have approved the subdivision until the water problem was resolved.

Mayor Ritchie stated that Roy City has already spent \$2,000 which he felt was above and beyond their responsibility.

Arnel Rivera, 5903 S. 4250 W., stated that he understands that this is a civil matter but said that a lake forms in their backyards when it rains. He said this is not an issue of one person's yard having inadequate drainage. He said that he feels that it is an engineering issue that existed before the homes were built. Mayor Ritchie asked if this problem has existed for a long time. Mr. Rivera said that he has lived in the neighborhood for six years and it has been a problem as long as he has lived there. He said that nobody is dumping water anywhere, it just collects. He said the problem lies in the way the property was developed; all of the backyards joint together at a low point and that's where the water collects. He said that he doesn't agree that it's the responsibility of the citizens to fix the problem as the City approved the development before the homes were built.

Andy Blackburn stated that the city isn't legally responsible; that the contractor and developer are; however, he said that if Mrs. Gowe would call him, he would help them if he could.

Mayor Ritchie asked who the developer was. Chris Davis said that U. S. Development was the developer. Mrs. Gowe added that her builder was Gary Lucas; however, there were several builders in the neighborhood.

Councilman Smith stated that the neighborhood he lives in had the same problem. He said that the developer was contacted to fix the problem and recommended that she do the same as an initial step. Mrs. Gowe said that she has called the developer and his response was; "the City approved it." Mr. Davis stated that the City approved the development but not the grading plan. He said that when the development was approved, the grading would have been such that the water would be directed to the

street. He added that there is no way to enforce grading plans for each yard.

Mayor Ritchie recommended to Mr. Rivera and Mrs. Gowe that they get with Mr. Blackburn.

Chris Brixey, 2700 W. 4869 S., stated that she was concerned that the "no parking on the tracks" signs were taken down. She requested that they be put back up.

Andrew Goodwin, 4917 S. 2700 S., asked for clarification on the left turn lane issue on 4800 S. He asked if it was the Council's preference to have the left turn lane reinstated. Mayor Ritchie assured him that a motion was made to that affect.

6. APPROVAL OF CONTRACT FOR 4300 WEST REDUNDANT FORCE MAIN PROJECT

Mayor Ritchie stated that this is a simple contract for repairs. The contract has been negotiated with Braegger & Sons, Inc.

Councilman Stokes made a motion to grant approval of contract for 4300 West Redundant Force Main Project. Councilwoman Becraft seconded the motion. A roll call vote was taken. Council Members Becraft, Smith, Tafoya, Peterson and Stokes voted "aye." The motion carried.

7. CITY MANAGER'S REPORT

Chris Davis stated that it is homecoming week at Roy High School. The parade will take place Thursday at 6:00.

In relation to the remodel of the Municipal Building, an architect has been selected; Gould Evans from Salt Lake City. The firm has experience with the remodel of government buildings and is very reasonable cost-wise. He said that he would keep the Council updated on that project.

8. MAYOR AND COUNCIL REPORTS

Councilwoman Becraft reported on a recent service project which took place on September 9th. There were 487 youth and 84 adults who cleaned up along the dead tracks that lead to Hill AFB and worked on the Al Poppel Gardens. She showed pictures of the service project and stated that this has been a yearly event for many years.

Councilman Stokes recommended that a work session be held before each Council Meeting. He expressed concern about spending so much time on agenda items and felt a work session would result in more efficient Council Meetings. Mayor Ritchie stated that it would have to be a public meeting and was concerned that it may decrease the interplay during City Council Meeting. He said that he enjoys the open forum discussions. Councilman Stokes said that he would like to see the work session be a public meeting but felt it would be more informal than Council Meeting.

Councilman Stokes also recommended that in relation to the Council's desire for R-1-10 zoning, the Council direct the Planning Commission and staff to look at the Future

Land Use Map and rezone the undeveloped areas accordingly to avoid problems in the future.

9. ADJOURN

Councilwoman Becraft moved to adjourn City Council Meeting at 7:47 p.m.

Joe H. Ritchie
Mayor

Attest:

Char Wolverton
Secretary