

MINUTES OF THE NOVEMBER 21, 2006, ROY CITY COUNCIL MEETING

1. Approval of October 17, 2006 minutes
2. Announcement of winner of Roy High School's Christmas Banner contest
3. Resolution No. 893 amending the Personnel Policy relating to the Police Department and its Master Officer Qualifications
4. Animal Control Ordinance amendment
 - a. Ordinance No. 975 repealing and re-enacting Title 5, Chapter 1, entitled "Animal Control"
5. Approval of the bid and contract for the building of the bowery at Emma Russell Park
6. Public Comments
7. Consideration of preliminary approval of Maverik Subdivision located at approximately 3500 West 5600 South
8. Consideration of preliminary approval of Tigard Subdivision located at approximately 2950 West 4600 South
9. Consideration of an amendment to the Future Land Use Map of the Roy City General Plan
 - a. Consideration of Ordinance No. 974 amending the Future Land Use Map of the City of Roy General Plan 2002
10. City Manager's report
11. Mayor and Council Reports
12. Motion to hold a closed meeting to discuss pending litigation
13. Adjourn City Council Meeting

Minutes of the Roy City Council Meeting held November 21, 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 Michael Stokes
Councilman Larry Peterson

City Manager Chris Davis
City Attorney Andrew Blackburn
Secretary Char Wolverton

Excused: Councilman Dave Tafoya

Also present were: Tony Reynolds, Community Development Services Director; Greg Whinham, Police Chief; Nicholas, Aaron and Davin Atkin; David Kay; Brayden Martinez; G Duffin; Cason Burnett; Tanner Burnett; Ben Jenkins; Daniel Jenkins; Brian Jenkins; Doug Painter.

Moment of Silence: Councilman Smith

Pledge of Allegiance: Boy Scout Troop 500

1. APPROVAL OF OCTOBER 17, 2006 MINUTES

Councilwoman Becraft moved to approve the minutes of October 17, 2006, as written. Councilman Peterson seconded the motion. Council members Smith, Becraft, Stokes, and Peterson voted “aye.” The motion carried.

2. ANNOUNCEMENT OF WINNER OF ROY HIGH SCHOOL’S CHRISTMAS BANNER CONTEST

Mayor Ritchie stated that this item would be removed from the agenda.

3. RESOLUTION NO. 893 AMENDING THE PERSONNEL POLICY RELATING TO THE POLICE DEPARTMENT AND ITS MASTER OFFICER QUALIFICATIONS

Chief Greg Whinam stated that he would like to propose one change to the Master Officer Program. He explained that through education and job assignment, an officer can qualify for the Master Officer Level. He proposed that proficiency in Spanish, both written and oral, be recognized as one of the criteria for Master Officer status; that it be equal to a two-year or associate degree.

Councilman Stokes moved to approve Resolution No. 893 amending the Personnel Policy relating to the Police Department and its Master Officer Qualifications. Councilman Peterson seconded the motion. A roll call vote was taken. Council members Becraft, Smith, Stokes, and Peterson voted “aye.” The motion carried. (Copy filed for record.).

4. ANIMAL CONTROL ORDINANCE AMENDMENT

Chief Greg Whinham stated that the process of modernizing the current ordinance has been in the process for some time. Officer Reeves, Animal Control Officer, has been compiling information in order to update the current ordinance. Andy Blackburn has reviewed and approved of the proposed amendments. Chief Whinham added that he would like to see this approved before Officer Reeves retires.

Councilwoman Becraft asked how the public would be made aware of the changes. Chief Whinham stated that most of the changes relate to wording but the key points could be outlined in the upcoming newsletter.

Councilman Peterson noted that the phrase “working days” was used and asked if there was a difference between working days and business days. Chief Whinham stated that for the purpose of sheltering, working days would be Monday through Friday.

4A. ORDINANCE NO. 975 REPEALING AND RE-ENACTING TITLE 5, CHAPTER 1, ENTITLED “ANIMAL CONTROL”

Councilman Smith moved to approve Ordinance No. 975 repealing and re-enacting Title 5, Chapter 1, entitled “Animal Control.” Councilwoman Becraft seconded the motion. A roll call vote was taken. Council members Becraft, Smith, Stokes and Peterson voted “aye.” The motion carried.

5. APPROVAL OF THE BID AND CONTRACT FOR THE BUILDING OF THE BOWERY AT EMMA RUSSELL PARK

Virgil Howe stated that in finishing up Emma Russell Park, the bowery project had been put out to bid. Originally city employees were going to construct the bowery; however, due to liability and safety issues it was decided that the project would be put out to bid. Stark Construction was the low bidder at \$28,000 which would include the concrete work and construction of the bowery.

Councilwoman Becraft asked if Stark Construction had done work in Roy City before. Mr. Howe said that they have.

Councilman Stokes asked what the liability would be if city employees constructed the bowery as he thought it would be more cost-effective to do that work in-house. He also added that he would like to see the contract.

Andy Blackburn stated that it's not possible to have Parks and Recreation employees constructing a bowery as it's not in their job description. He added that they are not qualified to do that type of work. Mr. Howe stated that the bowery will have a two-level roof system which will be 40-foot high and the City doesn't have the equipment necessary to construct such a project. He added that the difference in cost is only a few thousand dollars. Councilman Stokes asked about the budget for this project. Mr. Howe stated that the bid for the project is well within the budget.

Councilman Smith stated that he felt it was a good idea to get the bowery constructed. He stated that he would like to see a copy of the design. He asked if a warranty would accompany the bowery. Mr. Blackburn said he was sure that the parts and materials would be warrantied and added that at this time, Mr. Howe is asking for the Council to give permission for Starks Construction to begin the project. He added that everything has been done correctly and according to City standards. Mr. Howe stated that the high bidder for the project submitted a bid of \$80,000.

Councilman Smith moved to grant approval of the bid and contract for the building of the bowery at Emma Russell Park. Councilman Peterson seconded the motion. Council Members Becraft, Smith, Peterson and Stokes voted "aye." The motion carried.

6. PUBLIC COMMENTS

Bert Visser, 4833 South 2500 West, stated that he has lived in Roy City for over 50 years and has built several subdivisions in Roy. He expressed concern about 2675 West in relationship to Trax. Mayor Ritchie stated that there is an orchard in the way that the City doesn't own so there's not much that can be done. Mr. Visser suggested that the City make an offer to buy the orchard so the road can go through. He stated that 4800 South and 4000 South are too busy already and more traffic is expected in the future with the commercial development in that area and Trax. Mr. Visser stated that if the owners won't sell, the property be condemned if necessary. Mayor Ritchie stated that he would pass the recommendation along to staff and see what can be done. He thanked Mr. Visser for his comments.

7. CONSIDERATION OF PRELIMINARY APPROVAL OF MAVERIK SUBDIVISION LOCATED AT APPROXIMATELY 3500 WEST 5600 SOUTH

Mayor Ritchie asked if there were any questions or comments regarding this item. Councilwoman Becraft asked if there was any information on the businesses that would be going in. Tony Reynolds stated that he wasn't aware of any potential tenants. He showed the site plan and added

that the subdivision itself was the only matter before the Council at this time. Councilman Smith asked why a shell of a building would be constructed and asked how big it will be. Mr. Reynolds stated that the size is 4500 square feet and stated that the shell exists in an attempt to attract potential tenants.

Councilman Peterson moved to grant preliminary approval of Maverik Subdivision located at approximately 3500 West 5600 South. Councilman Stokes seconded the motion. Council members Becraft, Smith, Peterson and Stokes voted “aye.” The motion carried.

8. CONSIDERATION OF PRELIMINARY APPROVAL OF TIGARD SUBDIVISION
LOCATED AT APPROXIMATELY 2950 WEST 4600 SOUTH

Councilwoman Becraft asked how many times the Council has seen this subdivision in the past. Chris Davis stated that at least a dozen proposals regarding this subdivision have been before the Council. Councilwoman Becraft expressed concern that nothing ever comes of these proposals.

Tony Reynolds stated that Mr. Fuller was unable to attend the meeting and sent a fax requesting the Council’s approval.

Councilman Peterson stated that the biggest problem he can see with the property is the power lines. He stated that accommodations were made for Whispering Meadows due to a similar challenge regarding power lines and stated that he feels the proposal is as good as can be given the property. He stated that he felt the only options were to leave the property as is or make accommodations so it can be developed.

Councilman Stokes made a motion to grant preliminary approval of Tigard Subdivision located at approximately 2950 West 4600 South. Councilman Peterson seconded the motion. Council Members Stokes and Peterson voted “aye.” Council Members Smith and Becraft voted “nay.” Mayor Ritchie voted “nay.” Motion denied.

Mayor Ritchie added that he voted against approval because of concerns regarding the power lines. He said that he thought something better could potentially be done with that property.

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

Tony Reynolds stated that Kim Dunn and Doug Painter have submitted a petition to have the Future Land Use Map of the General Plan amended. Their request includes 1.28 acres located at approximately 5840 South 2000 West. The future land use is currently Commercial. They are asking that the use be changed to Very High Density, Multi-Family Residential. Mr. Reynolds showed an aerial photo and showed that the property is land-locked. The property owners want

to purchase the current fourplexes and turn them into owner-occupied condos. They would also like to add 20 more units. Mr. Reynolds showed a possible site plan.

Planning Commission and staff have reviewed the request and recommend approval.

Councilman Peterson asked if approved, how soon they would request a rezone so that construction could begin. Mr. Reynolds stated that he felt they were very ambitious about the project and would expect action very soon.

Councilman Smith stated that the set-backs along 1900 West are not well managed and said he wasn't sure that was the best use of the property.

Councilman Stokes stated that it's unlikely that in the future that property will be used commercially; hence, if this proposal is not approved, the property will likely stay as is. He felt that the development of this property would be an improvement compared to the current condition.

Councilman Peterson added that he felt this piece of property is unlikely to attract a large development in the future.

9A. CONSIDERATION OF ORDINANCE NO. 974 AMENDING THE FUTURE LAND USE MAP OF THE CITY OF ROY GENERAL PLAN 2002

Councilman Stokes moved to approve Ordinance No. 974 amending the Future Land Use Map of the City of Roy General Plan 2002. Councilwoman Becraft seconded the motion. A roll call vote was taken. Council Members Becraft, Smith, Peterson and Stokes voted "aye." The motion carried.

Mayor Ritchie stated that he had a few questions about the Tigard subdivision. He asked about public safety regarding the turn-arounds. Mr. Reynolds stated that technically, the lots are not flag lots and the frontage does meet the requirement for the zone. The hammerhead turn-arounds have been approved by the Fire Marshall for public safety. Mayor Ritchie asked if the utility easements are substandard. Mr. Reynolds stated that they currently are; however, that would have to be fixed before final approval would be granted as stated on page 2 of the staff report.

Mayor Ritchie made a motion to reconsider the vote for item #8 regarding the Tigard Subdivision. Councilman Stokes seconded the motion. Council Members Peterson and Stokes voted "aye." Council Members Becraft and Smith voted "nay." Mayor Ritchie voted "aye." The motion carried.

Mayor Ritchie made a motion to grant preliminary approval of Tigard Subdivision located

at approximately 2950 West 4600 South. Councilman Stokes seconded the motion.

Councilman Peterson asked why Council Members Becraft and Smith were opposed. Councilwoman Becraft stated that she was concerned about the safety issues related to the power lines. Councilman Smith stated that he was aware of people who have expressed concern in the past who weren't present at the meeting to voice their opinion. Councilwoman Becraft stated that the Scout Troop that was present asked about it but didn't comment because it was not approved.

Councilman Peterson stated that FHA regulations have changed regarding construction around power lines and explained what those were. Mr. Blackburn stated that the subdivision complies with municipal ordinance and state law.

Councilman Stokes stated that he felt a need to be consistent as a Council. He stated that the Council has approved the exact thing in the past and expressed concern about possible litigation if denied. Mr. Blackburn stated that the Council can't deny the subdivision if it meets the requirements.

Council Members Peterson and Stokes voted "aye." Council Members Becraft and Smith voted "nay." Mayor Ritchie voted "aye." The motion carried.

10. CITY MANAGER'S REPORT

Chris Davis stated that the planning of another ZOSO meeting is in the works.

The Christmas lighting ceremony will take place on Monday, November 27, 2006 from 4:30 to 7:00 p.m.

11. MAYOR AND COUNCIL REPORTS

Mayor Ritchie wished the Council Members and staff a Happy Thanksgiving.

Councilman Peterson reported on a program that was held at Northridge High School honoring Mr. Dan Dolan, a Roy City citizen who was killed in Iraq.

12. MOTION TO HOLD A CLOSED MEETING TO DISCUSS PENDING LITIGATION

Mayor Ritchie stated that this item was to be removed from the agenda.

13. ADJOURN CITY COUNCIL MEETING

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Councilman Smith moved to adjourn City Council Meeting at 7:14 p.m.

Joe H. Ritchie
Mayor

Attest:

Char Wolverton
Secretary