

## MINUTES OF THE DECEMBER 19, 2006, ROY CITY COUNCIL MEETING

1. Approval of December 5, 2006 minutes
2. Singing of carol by Joel Frederickson's young men's group, age 14-18
3. Presentation of awards to winners of house lighting contest
4. Selection of financial advisor for sales tax bonds for building remodel
5. Consideration of Resolution No. 897 accepting a petition from Gary D. and Linda A. Toupin and Joe F. and Rosalie C. Trujillo to consider annexation of approximately 6.82 acres of certain real properties into Roy City and directing that a public hearing be set for February 6, 2007, at 6:30 p.m.
6. Public Comments
7. Consideration of a Residential Infill Overlay District located at approximately 5800 South 4300 West and preliminary approval of Park Ridge Subdivision located at approximately 5800 South 43000 West
8. Consideration of a conditional use permit and site plan for a commercial kindergarten located at 5369 South 1950 West
9. Discussion regarding appropriate densities for undeveloped properties zoned single-family residential
10. City Manager's report
11. Mayor and Council Reports
12. Adjourn City Council Meeting

Minutes of the Roy City Council Meeting held December 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; Cathy Spencer, Management Services Director; Mark Larson, Planner; Greg Whinham, Chief of Police; Brad Hilton; Noretta Huddleston; Galen & Tracy Wiedmeier; Mike Hoth; Eugene Larkin; Ethan Stump; Bill Merx; Cameron Shaw; George Ray; Jan Starkey; Katie Ellis; Gennie Kirch; Brad Christiansen; Michelle Starkey

Moment of Silence: Councilman Tafoya

Pledge of Allegiance: Councilman Tafoya

1. APPROVAL OF DECEMBER 15, 2006 MINUTES

**Councilman Peterson moved to approve the minutes of December 15, 2006, as amended. Councilman Smith seconded the motion. Council members Smith, Tafoya, Becraft, Stokes, and Peterson voted “aye.” The motion carried.**

2. SINGING OF CAROL BY JOEL FREDERICKSON’S YOUNG MEN’S GROUP, AGE 14-18

This item was removed from the agenda.

3. PRESENTATION OF AWARDS TO WINNERS OF HOUSE LIGHTING CONTEST

Councilwoman Becraft announced the winners of the house lighting contest. All awards were donated by local businesses. The winners were as follows; 7<sup>th</sup> place - Marnae Bowden; 6<sup>th</sup> place - Dan & Tracy Temple; 5<sup>th</sup> place - Brad & Carla Christiansen and Don Woolsey; 4<sup>th</sup> place - Tammy & Barry Moser; 3<sup>rd</sup> place - Doug Friedli; 2<sup>nd</sup> place - Galen & Tracy Wiedmeier; and 1<sup>st</sup> place - Noretta Huddleston. Councilwoman Becraft thanked everyone who participated in the lighting contest. Mayor Ritchie stated that he saw many homes that didn’t get nominated and encouraged

more nominations next year.

4. SELECTION OF FINANCIAL ADVISOR FOR SALES TAX BONDS FOR BUILDING REMODEL

Cathy Spencer stated that she sent out requests for proposals for a financial advisor on the sales tax revenue bond for the Municipal Building remodel. Three institutions submitted proposals; Zion's Bank, George K. Baum, and Municipal Bond Consulting. She stated that all three proposals were comparative. Ms. Spencer stated that the last time Roy City issued bonds was in 1996 for the refinancing of the Redevelopment Agency Bonds. Municipal Bond Consulting was the company used for that purpose and no problems were encountered. Ms. Spencer recommended Municipal Bond Consulting Inc. as the financial advisor on the bond issue for the remodel of the Municipal Building.

**Councilman Smith moved to approve the recommendation of Municipal Bond Consulting Inc. as the financial advisor for sales tax bonds for building remodel. Councilwoman Becraft seconded the motion. Council members Becraft, Smith, Tafoya, Stokes and Peterson voted "aye." The motion carried.**

5. CONSIDERATION OF RESOLUTION NO. 897 ACCEPTING A PETITION FROM GARY D. AND LINDA A. TOUPIN AND JOE F. AND ROSALIE C. TRUJILLO TO CONSIDER ANNEXATION OF APPROXIMATELY 6.82 ACRES OF CERTAIN REAL PROPERTIES INTO ROY CITY AND DIRECTING THAT A PUBLIC HEARING BE SET FOR FEBRUARY 6, 2007, AT 6:30 P.M.

Tony Reynolds stated that if approved, this Resolution will start the process of annexation of the above-mentioned property. The zone that would be assigned is R-1-10. Mr. Reynolds added that the proponents request that this annexation petition be subject to the sale of the property by April 1, 2007. A public hearing would also be set for February 6, 2007.

**Councilman Peterson moved to approve Resolution No. 897 accepting a petition from Gary D. and Linda A. Toupin and Joe F. and Rosalie C. Trujillo to consider annexation of approximately 6.82 acres of certain real properties into Roy City and directing that a public hearing be set for February 6, 2007, at 6:30 p.m. 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)**

6. PUBLIC COMMENTS

There were no public comments.

7. CONSIDERATION OF A RESIDENTIAL INFILL OVERLAY DISTRICT LOCATED AT APPROXIMATELY 5800 SOUTH 4300 WEST AND PRELIMINARY APPROVAL OF PARK RIDGE SUBDIVISION LOCATED AT APPROXIMATELY 5800 SOUTH 43000 WEST

Tony Reynolds stated that there are two items for approval; preliminary approval of the subdivision and a Residential Infill Overlay (RIO) District. Mr. Reynolds explained that the RIO would allow for reduced frontage on the cul-de-sac lots and a cul-de-sac street that is longer than the 500 feet normally required. There is a remnant parcel on the south side of 5825 South street at the entrance to the development and it is proposed that this parcel be added to the adjoining lot at 5826 South 4300 West. There are some wetlands on the property which have been mitigated with the Corps of Engineers. Plans propose a conceptual lot drainage plan consisting of drainage swales and a dry river bed of cobble rock. Maintenance of the swale will be the responsibility of the individuals lot owners.

Councilman Stokes expressed concern about grading requirements as that has been a problem with other developments in the past. He stated that once grading is approved, the builder and/or homeowner doesn't necessarily comply with the grading requirements. He also asked if the cobble swales will provide a long-term solution to the water problem. Mr. Reynolds stated that a building permit would not be issued until the required improvements are complete. The swales will be part of the improvements. Mr. Reynolds added that he couldn't speak for Wasatch Civil but felt assured that the City Engineer wouldn't recommend an improvement that wouldn't work.

Councilman Tafoya asked what would happen if one of the homeowners took out the swale. Mr. Reynolds stated that the swale will be in an easement that will be recorded in the CC&R's and the homeowner would be responsible for such an act. He said it would be a private matter or an enforcement issue. Councilman Tafoya asked if Mr. Reynolds felt this was the best solution for the property. Mr. Reynolds stated that the City Engineer seems confident that it will work and added that later in the process basement depth restrictions will be applied also to help avoid water problems in the future. Councilman Tafoya stated that he knows the property is near a detention pond but the homeowners may not. He requested that a notation be made of the potential water problems on the plat itself.

Councilman Peterson expressed concern about the final inspection. He stated that he is aware that a 2% grade is required; however, was concerned that no one would make sure that was the case. He stated that even if the grade is correct, there is nothing to keep the homeowner from changing the grade. Mr. Reynolds stated that each homeowner would be responsible to maintain his property and it would be a private matter. Councilman Peterson noted that there was no swale on lot Nos. 5 and 6 and asked if those lots could be raised up to prevent standing water. Mr. Reynolds stated that Troy Wolverton, Wasatch Civil, expressed concern about adjacent properties draining correctly; hence, it wouldn't be reasonable to build up lot Nos. 5 and 6. Mr. Reynolds

added that there isn't generally a large volume of water, more a need to keep the water moving from one location to another.

Councilman Smith asked if there are any drainage pipes on the property. Mr. Reynolds said that there are at the entrance to the subdivision. He stated that the concern about underground pipes is the potential of silt build-up and no way to clean them out. Councilman Smith stated that in his neighborhood, the underground pipes that were installed were too small and expressed concern that the pipes installed are the right size and constructed at the appropriate elevation.

Councilwoman Becraft asked how fast silt builds up in such pipes. Mr. Reynolds stated that in land drains, silt builds up very quickly because of the perforation of the pipe. She asked if the swale would have the same problem. Mr. Reynolds said that he felt the swale would eventually experience silt build-up also.

Councilman Stokes stated that he was very concerned about the water problems associated with this development. He stated that he didn't want to approve a project that would be associated with future problems. Mr. Reynolds stated that he would have liked Troy Wolverton to be at the meeting to answer such questions; however, he was ill and unable to attend. Mr. Reynolds stated that if the Council would like to table the issue until Mr. Wolverton could answer their questions, that would be appropriate. Councilman Stokes stated that civil matters often end up coming to the Council and then the City ends up paying to resolve civil issues. Mr. Reynolds explained that when a property develops, a design is submitted. The City has certain design standards and requirements and if the design meets those standards, it's hard to deny approval. Councilman Stokes asked if those standards have been met. Mr. Reynolds stated that to this point, only a preliminary review has been completed. He added that Mr. Wolverton has been working with the developer and has required changes more than once.

Councilman Stokes recommended that the grade of the property be looked at carefully and the grading plan enforced.

Councilman Peterson stated that he's reasonably comfortable that this is the best solution for the property but expressed concern about water problems in the future. He added that homeowners don't always understand CC&R's and asked that it be specified on the plat that it's the homeowners responsibility to maintain the swale. Andy Blackburn stated that a notification could be put on the plat; however, that wouldn't include an agreement.

**Councilman Smith moved to grant approval of a Residential Infill Overlay District located at approximately 5800 South 4300 West and preliminary approval of Park Ridge Subdivision located at approximately 5800 South 43000 West subject to engineering recommendations, placement of concrete in the cobble swales, and notation of potential water problems recorded on the plat. Councilman Smith seconded the motion. Council**

**members Becraft, Smith, Tafoya, Peterson and Stokes voted “aye.” The motion carried.**

8. CONSIDERATION OF A CONDITIONAL USE PERMIT AND SITE PLAN FOR A COMMERCIAL KINDERGARTEN LOCATED AT 5369 SOUTH 1950 WEST

Mayor Ritchie stated that this item was removed from the agenda as it was determined that it is a permitted use.

Councilman Smith expressed concern about parking and drop-off areas in relation to safety. Mr. Reynolds stated that there are safety regulations required by the state that go beyond City requirements.

9. DISCUSSION REGARDING APPROPRIATE DENSITIES FOR UNDEVELOPED PROPERTIES ZONED SINGLE-FAMILY RESIDENTIAL

Tony Reynolds stated that in October of this year, the City Council asked the Planning Commission to review the undeveloped properties within the City that are zoned single-family and recommend appropriate densities. The Planning Commission considered the effect of the R-1-10 zoning requirements for all undeveloped properties currently zoned R-1-6, R-1-7, and R-1-8. The Planning Commission reviewed the current City Zoning Map and listed the undeveloped properties that could be developed. They made a conceptual lot layout of a minimum of 10,000 square foot lots for each of the proposed undeveloped properties. They considered the possible effect of the proposed R-1-10 zone requirements and the possibility of roads not lining up correctly, traffic flow, net yield, the creation of odd shaped lots or subdivisions and the effect on surrounding properties.

The Planning Commission came up with the following recommendations:

ID	Approximate Address	Acreage	Current Zone	Adjacent Zones	Recommended Zone	Rationale
1	4200 W 4700 S	8	R-1-7	R-1-7, RE-20	R-1-10	Large area to work with
2	4975 S 3925 W	4.7	R-1-7	R-1-8, R-1-7	R-1-10	Can fit 80' frontage x 125' deep lots
13	5450 S 3925 W	4.68	R-1-8	R-1-8	R-1-10	Can fit 80' frontage x 125' deep lots
4	5450 S 3925 W	1.96	R-1-8	R-1-8	no change	Already has a home and animals
5	5575 S 3850 W	0.97	R-1-8	R-1-8	no change	Small area to work with

6	5325 S 3275 W	4	R-1-8	R-1-8, RE-20	R-1-10	Large area if including unincorporated area
7	4950 S 3200 W	2.68	R-1-8	R-1-8, RE-20	no change	165' frontage
8	4700 S 3950 W	---	R-1-8	R-1-6	no change	Miya Estates has been given prelim approval
9	3500 W 4625 S	7.6	R-1-8	R-1-6	CC zone	General Plan has designated as CC Zone
10	4950 S 3050 W	7.85	R-1-8	R-1-8, RE-20	R-1-10	Can fit 80' frontage x 125' deep lots
11	2940 W 5600 S	---	R-1-8	R-1-6, R-1-8	no change	Already developed
12	2750 W 6000 S	---	R-1-6	R-1-6, R-1-8	no change	City owned detention basin
13	5750 S 2450 W	5.96	R-1-8	R-1-8, R-3	R-1-10	Can be developed with 80' x 125' lots
14	2500 W 5550 S	---	R-1-8	R-1-8, R-3	R-3	Half of parcel is R-3 and Gen Plan is VHD
15	5175 S 2700 W	2.16	R-1-8	R-1-8, LM	R-1-10	Can be developed with 80' x 125' lots
16	4300 W 2675 S	8.55	R-1-8	R-1-8, RE-20	R-1-10	Large area to work with

Chairman Merx stated that he appreciated the assignment. He stated that the information presented is not necessarily a recommendation. He added that the Planning Commission looked at the possibilities with no judgement whether it was the right thing to do. He stated that the goal is to make Roy City a more desirable place to live and many factors contribute. He suggested that it may be worthwhile to have the City Council and Planning Commission get together to discuss the issue further. Chairman Merx stated that the Planning Commission gave their best advice; however, it was difficult for them to know the intent of the Council

Commissioner Gennie Kirch stated that her focus was on the people and the impact zone changes would have on the citizens. She stated that she could see a lot yield in addressing items 1, 2, 3, 9, and 14; however, the rest may not be worth the change. She added that she is aware that the Council would like to see larger homes; however, she felt that larger homes with manageable lots are important also. She said that the market is also a factor and sometimes more affordable lots yield larger homes.

Commissioner Brad Hilton thanked the Council for the opportunity to discuss the undeveloped properties left within the City. He said that he would like to see a work session held with the

Council regarding the issue also. He stated that he agreed that larger lots are desirable; however, large homes can be built on smaller lots.

Mayor Ritchie thanked the Planning Commission for their contribution.

Councilman Stokes commended the Planning Commission on the work they put into the assignment. He added that he liked their approach of “potential” rather than “recommended” zones.

Tony Reynolds stated that staff recommended four parcel changes; property Nos. 1, 2, 9, and 14 as above.

**Councilman Peterson made a motion to schedule a work session and direct staff to initiate the rezone process for property Nos. 1, 2, 9, and 14. Councilman Tafoya seconded the motion. Council Members Becraft, Smith, Tafoya, Peterson and Stokes voted “aye.” The motion carried.**

Councilman Stokes recommended looking at properties, such as No. 16, with a zone of R-1-8 and assigning minimum standards to achieve an end result of higher property values.

#### 10. CITY MANAGER’S REPORT

Chris Davis stated that in relation to the discussion in Item No. 7, the inspections are now being completed by the engineering staff.

Mr. Davis stated that a public hearing needs to be set to approve the mid-year budget adjustments. That was set for the first meeting in January.

The Fire Department will be holding an emergency drill the 27<sup>th</sup> through the 29<sup>th</sup> at Roy High School from 10:00 to 1:00. This will be a multi-jurisdictional drill. School will be out that week for the Christmas holiday.

#### 11. MAYOR AND COUNCIL REPORTS

Mayor Ritchie wished everyone good tidings for the holiday. He also stated that he had been made aware that Antone Clark will be leaving the Standard Examiner and will no longer be reporting on the Roy City Council Meetings. He commended Mr. Clark on his professionalism and honesty wished him well in his future endeavors.

#### 10. ADJOURN

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**Councilwoman Becraft moved to adjourn City Council Meeting at 7:21 p.m.**

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Joe H. Ritchie  
Mayor

Attest:

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Char Wolverton  
Secretary

dc:dec1906