

MINUTES OF THE FEBRUARY 20, 2007, ROY CITY COUNCIL MEETING

1. Approval of February 6, 2007 minutes
2. Recognition of Employee of the Month
3. Consideration of renewal of graffiti removal contract with Second District Juvenile Court
4. Public Comments
5. Consideration of a conditional use permit and site plan for a fourplex located at approximately 5654 South 2550 West
6. Consideration of a conditional use permit and site plan for a manufacturing use located at approximately 1815 West 4000 South, Golden Spike Technology Park Building 4
7. Conditional acceptance of improvements for Apple Blossom Estates Subdivision located at approximately 4800 South 3200 West
8. Reconsideration of a petition to rezone approximately 10.50 acres located at approximately 4712 South 4300 West from an R-1-7 designation to an R-1-10 designation
 - a. Reconsideration of Ordinance No. 978 approving a rezone of property located at approximately 4712 South 4300 West from an R-1-7 designation to an R-1-10 designation
9. Approval of Contract to replace water main line and services on 4800 South from 1900 West to 2675 West
10. Approval of Contract to replace the sanitary sewer main line from 1900 West to 2645 West
11. City Manager's report
12. Mayor and Council Reports
13. Adjourn City Council Meeting

Minutes of the Roy City Council Meeting held February 20, 2007, 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; Lon Hansen, Public Works; Denise Fife, Public Works; Jennifer Johnson; Ron & Bonnie Amidan; Danny ; Omar R. Borrassa; Andre Portillo; Todd Strong; Sam Hess; Devon Johnson; J. Larsen

Moment of Silence: Councilman Stokes

Pledge of Allegiance: Councilman Stokes

1. APPROVAL OF FEBRUARY 6, 2007 MINUTES

Councilman Smith moved to approve the minutes of February 6, 2007, as written. Councilman Stokes seconded the motion. Council members Smith, Tafoya, Becraft, Stokes, and Peterson voted “aye.” The motion carried.

2. RECOGNITION OF EMPLOYEE OF THE MONTH

Mayor Ritchie invited Lon Hansen to make the presentation. Mr. Hansen stated that he nominated Denise Fife as Employee of the Month for February 2007. He stated that Mrs. Fife has put in many hours in order to obtain the grant for the UTA project. He stated that she put in many hours over and above what was expected of her while keeping up with her regular duties.

Mrs. Fife introduced her husband, Doug, and stated that she gets a lot of support from the Public Works crew.

Councilman Tafoya moved to approve of the nomination of Denise Fife as Employee of the Month for February 2007. Councilwoman Becraft seconded the motion. Council members Smith, Tafoya, Becraft, Stokes, and Peterson voted “aye.” The motion carried.

3. CONSIDERATION OF RENEWAL OF GRAFFITI REMOVAL CONTRACT WITH

SECOND DISTRICT JUVENILE COURT

Andy Blackburn stated that this contract has existed for the last five years. It is the same contract except for the contract amount has increased from \$1000 to \$1500. Mayor Ritchie stated that he feels the value of the work far exceeds the cost associated with the contract. Mr. Blackburn recommended approval.

Councilwoman Becraft moved to approve the renewal of the graffiti removal contract with Second District Juvenile Court. Councilman Smith seconded the motion. A roll call vote was taken. Council members Becraft, Smith, Tafoya, Stokes, and Peterson voted “aye.” The motion carried.

4. PUBLIC COMMENTS

There were no public comments

5. CONSIDERATION OF A CONDITIONAL USE PERMIT AND SITE PLAN FOR A FOURPLEX LOCATED AT APPROXIMATELY 5654 SOUTH 2550 WEST

Mayor Ritchie stated that the Planning Commission and staff have recommended approval and asked if there were any further questions or comments.

Councilman Stokes expressed concern about item #1F in the staff report which reads; It is important to note that even with the aforementioned provisions, drainage problems associated with slow nature in which the existing site soils accept runoff water may be an ongoing maintenance burden to the Developer or future Owner. Retention basins are only considered at this site because the distance to the nearest storm drain outfall exceeds 500 feet.

Tony Reynolds showed where the retention basins are on the site plan and stated that the only other option is to use pumps which would be a problem if the pumps stopped working.

Councilman Peterson asked what the retention basins were designed for in terms of capacity. Mr. Reynolds said he wasn't sure but thought they were designed for a ten year storm.

Councilman Peterson moved to grant approval of a conditional use permit and site plan for a fourplex located at approximately 5654 South 2550 West based on the findings of the staff report and subject to staff and Planning Commission recommendations. Councilwoman Becraft seconded the motion. Council Members Becraft, Smith, Tafoya, Peterson and Stokes voted “aye.” The motion carried.

6. CONSIDERATION OF A CONDITIONAL USE PERMIT AND SITE PLAN FOR A

MANUFACTURING USE LOCATED AT APPROXIMATELY 1815 WEST 4000
SOUTH, GOLDEN SPIKE TECHNOLOGY PARK BUILDING 4

Mayor Ritchie stated that the proponent has requested a conditional use permit to operate a light manufacturing business which will employ approximately 20 employees in an existing building. Councilman Smith stated that it's good to see small businesses coming to Roy.

Councilman Smith moved to approve a conditional use permit and site plan for a manufacturing use located at approximately 1815 West 4000 South, Golden Spike Technology Park Building 4. Councilwoman Becraft seconded the motion. Council Members Becraft, Smith, Tafoya, Peterson and Stokes voted "aye." The motion carried.

7. CONDITIONAL ACCEPTANCE OF IMPROVEMENTS FOR APPLE BLOSSOM
ESTATES SUBDIVISION LOCATED AT APPROXIMATELY 4800 SOUTH 3200
WEST

Councilman Stokes asked if the subdivision would be inspected for damage. Chris Davis stated that Troy and Scott from Wasatch Civil Engineering are now doing subdivision inspections. Councilman Stokes stated that he is concerned about the damage that construction equipment causes and wanted to make sure any damage is repaired before final approval.

Councilman Stokes moved to approve conditional acceptance of improvements for Apple Blossom Estates Subdivision located at approximately 4800 South 3200 West subject to a subdivision inspection prior to final approval. Councilman Smith seconded the motion. Council members Becraft, Smith, Tafoya, Peterson and Stokes voted "aye." The motion carried.

8. RECONSIDERATION OF A PETITION TO REZONE APPROXIMATELY 10.50
ACRES LOCATED AT APPROXIMATELY 4712 SOUTH 4300 WEST FROM AN R-
1-7 DESIGNATION TO AN R-1-10 DESIGNATION

Mayor Ritchie stated that the Council discussed this item at the last City Council Meeting. It was originally denied and then later voted for reconsideration. Mr. Larsen, one of the property owners, had left the meeting; hence, the item was put on this council agenda so he could be present. Mayor Ritchie invited him to present his comments.

Gail Larsen stated that he knows the City has the legal right to rezone his property; however, stated that he feels it is not morally or ethically right. He stated that he thought the system worked when the rezone was denied but wasn't so sure when he heard the item was reconsidered. He added that he believes the rezone is politically related as the original vote was to leave the property as is but then when someone wasn't happy, the vote was changed. He stated that he felt

a citizen such as himself would not have the opportunity to change his mind like that. He stated that he didn't feel it was leadership to "get into someone's pockets." He added that he was referred to as a "squeaky wheel" and was very offended at such a comment. He stated that he has lived in Roy City and raised his family in Roy City for many years. He pays taxes to the City and he and his family are still contributing to the community. He stated that he is standing up for what is right, not being a squeaky wheel. He said if the rezone was to happen, it should have happened 15 years ago, not now that the City is built out. Mr. Larsen stated that he spoke to a surveying company who told him that if the zone was R-1-10 he could get 14 lots. Fourteen lots at \$60,000/lot would amount to \$840,000. If the zone was R-1-8, he could get 16 lots. Sixteen lots at \$60,000 amounts to \$960,000. If the zone is left R-1-7, he could get 18 lots which at \$60,000/lot amounts to \$1,080,000 which results in a difference of \$240,000 from an R-1-10 to an R-1-7. Mr. Larsen stated that he has been counting on this land as part of his retirement program. He stated that it was his understanding that the reason for bigger lots is to allow for bigger homes which results in families staying in those homes longer. He stated that there is no proof of that. Mayor Ritchie added that the real reason is to comply with the Master Plan. Mr. Larsen stated that he felt as long as he met the requirements of the City, it should be his decision to rezone his property or leave it as is.

Mayor Ritchie asked Mr. Larsen how he would feel about an R-1-10 zone with a development agreement. Mr. Larsen said he wasn't familiar with the ramifications of a developers agreement and would have to be more educated on the subject in order to agree to that.

Councilman Stokes stated that the intent is to create larger homes with the goal of obtaining a variety of housing choices so citizens would want to stay in the City. Mr. Larsen stated that such an explanation doesn't justify taking someone's retirement. He added that with just a handful of properties left in the City, there is no way to accomplish such a goal. Councilman Stokes stated that the Council didn't just recently decided to enforce an R-1-10 zone where possible, the process started a long time ago.

Mr. Larsen stated that in his opinion, larger lots mean more room for junk. He challenged the Council Members to look throughout the community. He felt that an effort to clean up the City would do more for Roy than bigger lots. He added that as a citizen, he has tried to help clean up the City. He stated that there is a huge demand for patio homes and doesn't believe that bigger lots mean people stay forever. He said that changing the zone will not make a difference to the community as a whole; no one will notice. He concluded by saying that the Planning Commission voted to leave his property as is, originally three Council Members voted to leave it as is and if they have any respect for him, they will vote to leave it as is.

Bonnie Amidan, 4712 S. 4300 W., who is also a property owner, stated that she and her husband purchased their property a long time ago. The property was annexed into Roy City which resulted in an increase in property taxes. She stated that they saw an opportunity to subdivide so

she quit a good job to help take care of her grandson who is ill. She stated that she had the City Planner make a site plan which she felt was approved. Then recently she got a letter stating that the zoning would change. She stated that only a developer would benefit from such a change.

Mayor Ritchie asked when she planned to develop the property. Mrs. Amidan indicated that she had plans to develop the property within the next year. She stated that she and her husband own five acres and a rezone to R-1-10 would make significantly decrease their retirement. She asked the Council Members how they would like to receive a letter stating that their retirement would be cut in half. She stated that she has paid taxes all of her life on the property and asked the Council to make a decision as if the land was representative of their retirement.

Ronald Amidan, 4712 S. 4300 W, asked when the Master Plan came into effect. Tony Reynolds stated that it came into effect in 2002. He stated that his neighbors don't want bigger lots and the Planning Commission could understand that. He stated that his neighbors have been asking him why he would desire such a change. He stated that he felt the Planning Commission recommendation would be honored and that no change would occur. He also stated that the Planning Commission Chairman told him that going to the City Council meeting wouldn't be profitable as he wouldn't have an opportunity to speak anyway. Mr. Amidan stated that he didn't see why anyone would want bigger better homes than those that exist in the neighborhood. He felt that if people want bigger homes, they should go to another city. He added that he bought the property in 1967 and his neighbors prefer to keep the property zoned R-1-7.

Councilman Smith stated that he is very touched by what has been said. He stated that 18 years ago a lot of subdivisions were being developed. He stated that families are moving out of these homes as they grow. He agreed that it is difficult to make changes and noted that at the last meeting, it was recommended that an R-1-8 zone was an option. He stated that he felt that would be a good compromise and stated that he certainly didn't want to hurt anyone financially. He stated that Roy City has a lot of starter homes and would like to see some larger homes also.

Councilman Stokes stated that he felt pressing forward with an R-1-10 with a developers agreement is the way to go. He added that there is a need to protect the vision that has been set forth. He stated that he is willing to negotiate in the form of a developers agreement which has been done many times before.

Councilman Tafoya recommended that everyone realize this is just a plan. The ability to request a rezone does exist. He compared the property to the Ivory Homes subdivision which is zoned R-1-10; however many of the lots are more consistent with an R-1-8 zone. He added that it's not necessarily about the size of the home but open space.

Mr. Larsen stated that he realized he could request a rezone; however, felt that there was no way an R-1-7 zone would be granted after an R-1-10 was approved.

Mayor Ritchie recommended that Mr. Larsen sit down with staff to learn more about developers agreements.

Councilman Peterson stated that he felt this was a very difficult decision to make. He noted that the best decision the future of Roy City and the future and the best decision for the land owners may conflict. He did point out that a 7,000 square foot lot and a 10,000 square foot lot would not sale for the same price; hence, the complete picture has not been presented. Mrs. Amidan stated that she asked a developer what he would prefer and he said he would make more money on eighteen 7,000 square foot lots than fourteen 10,000 square foot lots.

8A. RECONSIDERATION OF ORDINANCE NO. 978 APPROVING A REZONE OF PROPERTY LOCATED AT APPROXIMATELY 4712 SOUTH 4300 WEST FROM AN R-1-7 DESIGNATION TO AN R-1-10 DESIGNATION

Councilman Stokes moved to approve Ordinance No. 978 approving a rezone of property located at approximately 4712 South 4300 West from an R-1-7 designation to an R-1-10 designation based on the fact that it is consistent with the General Plan and with the notion that the City Council would entertain a rezone request with a developers agreement. Councilman Tafoya seconded the motion.

Councilman Smith stated that he would like to ensure that the land owners understand the nature of a developers agreement. Andy Blackburn stated that a developers agreement would depend on the terms set forth that both parties could agree with. Chris Davis stated that a developers agreement is generally an agreement between the developer and the City that allows for greater density if houses are a certain size and are constructed with certain materials. Mr. Larsen stated that it sounds like a lot more rules imposed on the property owner to him.

Tony Reynolds stated that the proponents could pursue a developers agreement without a rezone but that would have to take place at the time of development.

A roll call vote was taken. Council Members Becraft, Smith, Tafoya, Peterson and Stokes voted "aye." The motion carried.

9. APPROVAL OF CONTRACT TO REPLACE WATER MAIN LINE AND SERVICES ON 4800 SOUTH FROM 1900 WEST TO 2675 WEST

Chris Davis stated that the engineer's estimate for this project was \$1,021,745.70, the budgeted amount is \$935,000.00 and the only bidder, Allied Construction, submitted a bid of \$2,378,362.57. Mr. Davis stated that the project is necessary and needs to be done soon. Allied Construction was contacted and asked if they were interested in bifurcation. They expressed interest in the sewer portion of the project and submitted a bid for that in the amount of

\$649,506.14.

E.H. Knudson Construction, Poulsen Construction and Braegger & Son's Construction all submitted bids for the water and fiber optic conduit portion of the project. Braegger & Son's submitted the low bid of \$638,380.00.

Mr. Davis stated that because of the cost of the two above projects, other small projects from this years schedule may have to be cut. He recommended that two separate contracts be approved with the understanding that a surety regarding Braegger & Son's would have to be approved by Andy Blackburn. Mr. Davis stated that because of Braegger & Son's inability to bond, Roy City may buy the materials for the project. He added that it won't cost the City any more or Bragger's any less.

Councilman Peterson moved to award the contract for the water main line replacement project on 4800 South from 1900 West to 2675 West to Braegger & Son's Construction in the amount of \$639,380.00 and authorize Mayor Ritchie to sign the Notice of Award and Contract Agreement subject to a surety being approved by Andy Blackburn. Councilman Becraft 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 CONTRACT TO REPLACE THE SANITARY SEWER MAIN LINE FROM 1900 WEST TO 2645 WEST

Councilman Peterson moved to award the contract to replace the sanitary sewer main line from 1900 West to 2645 West to Allied Construction in the amount of \$649,506.14 and authorize Mayor Ritchie to sign the Notice of Award and Contract Agreement. Councilman Smith seconded the motion. Council Members Becraft, Smith, Tafoya, Peterson and Stokes voted "aye." The motion carried.

11. CITY MANAGER'S REPORT

Chris Davis stated that the budget process has started and work session will need to be scheduled to discuss the budget.

The RFQ for the Municipal Building remodel has been advertised. Mr. Davis stated that he hoped the project would be out to bid by mid-March.

Mr. Davis also stated that Lori Nakayu will be in charge of Roy Days this year.

12. MAYOR AND COUNCIL REPORTS

Mayor Ritchie stated that Councilman Tafoya attended a conference in Los Angeles for the National Association of Latino Elected and Appointed Officials and asked him to report. Councilman Tafoya stated that he felt the conference was very informative and worthwhile. He stated that some great ideas were presented regarding traffic control and cities being involved with rebuilding dilapidated communities. Mayor Ritchie added that the association paid for the majority of the cost to send Councilman Tafoya to the conference.

Councilman Smith asked about the status of the round-about on 4400 South. Mr. Davis stated that he needs to talk with Ogden City to get an update but the project is still moving ahead.

10. ADJOURN

Councilwoman Becraft moved to adjourn to City Council Meeting at 7:32 p.m.

Joe H. Ritchie
Mayor

Attest:

Char Wolverton
Secretary

dc:feb2007