

MINUTES OF THE MAY 15, 2007, ROY CITY COUNCIL MEETING

1. Approval of May 1, 2007, minutes
2. Donation request from Halee Call for her Australia trip with People-to-People Ambassadors
3. Public hearing to consider a petition to annex approximately 7.68 acres located at approximately 4000 South Midland Drive
  - a. Consideration of Resolution No. 904 approving the annexation of the Charma L. Richardson, Robert and Roma Leggett, Keith and Jessica Moulding, Joy E. Mower, Casey D. And Kimberlee Marker, James H. Kitchen, and Robert and Arlene Beck properties
  - b. Consideration of Ordinance No. 984 establishing a Community Commercial Zone for the Charma L. Richardson, Robert and Roma Leggett, Keith and Jessica Moulding, Joy E. Mower, Casey D. And Kimberlee Marker, James H. Kitchen, and Robert and Arlene Beck properties which have been annexed into Roy City
4. Consideration of Ordinance No. 985 approving an amendment to the Future Land Use Map of the Roy City General Plan
5. Consideration of Ordinance No. 986 approving a petition to rezone approximately 2.40 acres located at approximately 3964 and 3910 South Midland Drive from an R-3 Zone to a Community Commercial Zone
6. Award of bid for the Roy City Municipal building remodel and addition
7. Funding request from the Roy Historical Foundation for the Town Reunion
8. Public comments
9. Public hearing to consider a request for a donation of \$500 cash and single admission tickets to the Roy Aquatic Center for the Roy High School graduation night activities
10. Consideration of acquisition of property located at approximately 5300 South 4275 West, east of 4300 West Street and designated as part of the Howard Slough drainage area, by eminent domain
11. City Manager's report
12. Mayor and Council reports
13. Adjourn
14. Summary of actions charged

Minutes of the Roy City Council Meeting held May 15, 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	City Manager Chris Davis
Councilman Larry Peterson	City Attorney Andrew Blackburn
Councilman Tommy Smith	Secretary Michelle Drago
Councilman Michael Stokes	
Councilman Dave Tafoya	

Excused: Councilwoman Becraft

Also present were: Mark Larson, Planner; Mike Mansfield, Public Works Director; Lon Hansen, Street Superintendent; Bert Visser; Cloy Child; Shirley Dickinson; Jeanne Peterson; Robert Nicholas; Kirk Call; Halee Call; Kimberlee Marker; David Freston; Zan Bird; Alan Tupin; Glen Remy; Adam Hunsaker; Jaggger Sanders; and Preston Miller.

Moment of Silence: Councilman Tafoya

Pledge of Allegiance: Councilman Tafoya

1. APPROVAL OF MAY 1, 2007, MINUTES

**Councilman Smith moved to approve the minutes of May 1, 2007, as written. Councilman Peterson seconded the motion. Council members Peterson, Smith, Stokes, and Tafoya voted "aye." The motion carried.**

2. DONATION REQUEST FROM HALEE CALL FOR HER AUSTRALIA TRIP WITH PEOPLE-TO-PEOPLE AMBASSADORS

Kirk Call, 3784 West 5800 South, stated that his daughter Halee was the only applicant from Weber County to be selected as part of People-to-People Ambassadors. She would be spending three weeks in Australia. She had been working very hard to raise the money to go. When she approached the Weber County Commission they asked if Roy City had made a contribution. Mr. Call understood that Roy City did not make donations to individuals. However, the Weber County Commission made a \$200 donation. Halee would leave on June 13th and return July 1<sup>st</sup>. She would receive both high school and college credit for the trip.

Councilman Tafoya asked what Halee would do while in Australia. Halee Call said she would stay with a host family in order to get to know their culture. She would represent the U.S.A. and help the Australian's better understand American's. Councilman Tafoya asked what grade Halee was in and what process she went through to be selected. Halee said she was in the 10<sup>th</sup> grade. She had been nominated by someone in the school, then she submitted an application, and was interviewed.

Councilman Smith asked if she was the only student chosen from Roy. Halee said several others were chosen, but none of them were able to go.

Councilman Tafoya asked about the cost of the trip. Halee said the trip would cost about \$6,000. She still needed to raise about \$1,500.

**Councilman Smith moved to refer Halee Call's donation request for the appropriate amount to the City's legal counsel to review the benefit study prepared by Halee Call.**

Andy Blackburn stated that the study needed to address a dollar amount. He felt the Council needed to establish a procedure for processing donation requests.

Councilman Stokes felt this was a noble cause. However, he was nervous about the path the City would be starting down if it began making individual donations. The Council had turned down many individuals in the past. It needed to be consistent. The study had to show there was a benefit to all of the citizens of Roy. When the Council made a donation, it was on behalf of all of the taxpayers.

Councilman Tafoya stated that individuals who had been turned down in the past had not bothered to complete the study process.

Councilman Smith felt the study should be completed. Then Council could make a decision based on the findings. He felt the Council should invest in the youth of the community.

Andy Blackburn stated that the study had to show that the benefit to the community exceeded the donation amount. The study had to be completed and available for public perusal 14 days prior to the public hearing. In order to approve the donation before Halee Call left on June 13<sup>th</sup>, the study had to be completed by next Tuesday.

Kirk Call felt the City would benefit by the growth Halee would experience. It would make her a better citizen. She would also be able to share her experience with her classmates. Councilman Smith called for the motion.

Chris Davis asked how much Councilman Smith was proposing the donation be. Councilman Smith felt the study would help determine the appropriate dollar amount.

**Councilman Smith moved to amend his motion to include a donation amount not to exceed \$1,000.**

Councilman Stokes felt the City Council did need to establish a policy for handling donations. If word about the Council's donation to Ms. Call got out, those who had previously been turned down would be upset. There needed to be an application that would provide enough information to complete the majority of the study. The application could also act as a screening process.

**Councilman Peterson made a substitute motion to direct the City's legal counsel to review a study completed by Halee Kirk for a donation amount not to exceed \$300. Councilman Tafoya seconded the substitute motion.**

Councilman Smith felt contributing to the youth in the community was a worthy cause. He concurred that the Council should look at a policy regarding donations to take some of the burden off of the City Attorney.

**Council members Peterson, Smith, and Tafoya voted "aye." Councilman Stokes voted "nay." The motion carried.**

Councilman Tafoya stated that the City Council had always helped the community youth. He cautioned that a set policy could eliminate things the City had always done, such as the outdoor swim parties for the schools.

Councilman Stokes felt that the City Council making donations was a bad policy. If the Council made a donation, it should be on a scale to benefit the City as a whole. The Roy High School graduation party and the town reunion were both examples of events that benefitted the City as whole. Both had potential to provide enormous benefit to the City. He asked that a work session be scheduled to begin drafting a policy.

3. PUBLIC HEARING TO CONSIDER A PETITION TO ANNEX APPROXIMATELY 7.68 ACRES LOCATED AT APPROXIMATELY 4000 SOUTH MIDLAND DRIVE

**Councilman Smith moved to open the public hearing at 6:24 p.m. Councilman Peterson seconded the motion. Council members Peterson, Smith, Stokes, and Tafoya voted "aye." The motion carried.**

Mark Larson stated that the City had received a request to annex 7.68 acres located on the northeast corner of the 4000 South Midland Drive intersection. Property to the south had been approved for annexation and would be recorded shortly. Mr. Larson said there were seven parcels involved in the annexation. There was a home on each one. A copy of the annexation petition was forwarded to the Weber County Boundary Commission, and a protest period was held. No protests were filed. The requested annexation area was located in the City's Annexation Declaration Policy and was shown on the Future Land Use map with a commercial use. The petitioners' requested zone of Community Commercial followed the General Plan.

Mr. Larson said there were a couple of issues the Council needed to be aware of. Robert and Arlene Beck had not signed the annexation petition. They weren't opposed to the annexation, they just didn't want to sign the petition and had not protested the annexation. Casey and Kimberlee Marker had voiced concerns about the annexation and submitted a letter asking that their property be excluded from the annexation. They were concerned about the cost to deannex from the Hooper Water District and connect to Roy City water and sewer if the developer did not purchase their property. Mr. Larson said he had spoken with the Marker's again, and they did not want to be removed from the annexation. They wanted to speak with the Council about a deferral agreement.

Councilman Smith asked why Beck's had not signed the petition. Mark Larson did not know.

Councilman Stokes asked if properties had been annexed in the past where the actual recording took place toward the end of the development process rather than the beginning. Chris Davis said that had happened in the past, usually with larger parcels. If six of the seven property owners annexed without the Marker's, an unincorporated island would be created. The State law said the City couldn't leave islands. Hooper Water charged the de-annexation fee, not Roy City. Roy City had an interlocal agreement with Hooper Water that was 20 years old. There were provisions in the agreement for residents to pay a lesser amount.

Councilman Stokes felt the property owners should bear some of the risk.

Chris Davis stated that there were two potential developers for this corner. One developer was purchasing five of the seven lots and had an option on the Hall property at 3964 South Midland Drive. Another developer was looking at the Kitchen and Marker properties. No one knew what would ultimately happen.

Mayor Ritchie opened the floor for public comments.

Bert Visser, 4833 South 2500 West, stated that the Planning Commission asked someone from the City to speak with the Beck's. He wanted to make sure that had been done.

Kimberlee Marker, 2706 West 4000 South, stated that she was not opposed to the annexation, but she and her husband were concerned about being stuck with the financial burden of deannexing from Hooper Water, connecting to Roy City water and sewer, and filling in their septic tank. They didn't want to live in a commercial area. The developer gained, Roy City gained, and they were left holding the purse.

Mayor Ritchie asked if the Marker property was listed for sale. Mrs. Marker said it was not. They had not come to any agreement with the developer. They didn't want to wait on the developer, they wanted to make sure their family was taken care of.

Zan Bird, 2678 West 3900 South, was opposed to the construction of a strip mall on this corner. He didn't want to see this area zoned commercial. It would be in his backyard. He would rather deal with horses than people.

Mark Larson stated that the Future Land Use Map, which was approved several years ago, showed this area with a commercial use. If this area was developed, there would be further consideration of uses and site plans that would be of interest to the adjoining property owners.

Zan Bird understood that the detention basin was going to be a park. Chris Davis said the City had never had plans to turn the detention basin into a park. The detention basin might go away, depending upon what the City could work out with the developer. Mr. Bird felt doing away with the detention basin would be taking away from the adjoining residents because that was where the children played.

Councilman Peterson felt Mr. Bird's comments might be premature. The Council was only considering annexation and zoning. No development plans for the property had been submitted to the City. When and if plans came before the Planning Commission and City Council, the impact to adjoining property owners could be discussed.

Councilman Stokes asked who was driving the annexation and why. Two of the property owners involved had reservations. Maybe the annexation needed to go back to the drawing board so the property owners had some guarantees. Once the area was annexed and zoned, it would almost inevitably have a commercial use.

Mayor Ritchie said the area was being considered for annexation at the request of the property owners.

Mark Larson stated that the developer's name was listed on the annexation application. Preston Miller had plans to develop five of the seven parcels. He also had an option on the Vickie Hall property. Another developer was looking at the Kitchen and Marker properties.

Mayor Ritchie stated that if the property was annexed, Mr. Bird would receive notices about anything being considered on the property.

Councilman Tafoya asked what it cost to connect to Roy City water and sewer. Lon Hansen said the work had to be completed by a licensed contractor. Mike Mansfield said the connection fees included impact fees. Mark Larson said the fees were:

Hooper Water disconnect	\$1000.00	
Roy City Water connection fee	680.00	
Roy City 5/8" water meter	125.00	
East Sanitary Sewer impact fee	20.00	
North Davis Sewer impact fee	1500.00	(\$3000.00 after July 1 <sup>st</sup> )
Street cut fee to patch road	?	

Councilman Smith asked the staff to let the property owners know what the connection fees would be and what they would have to do to connect to Roy City water and sewer.

Councilman Stokes stated that he was not opposed to the annexation or a commercial use. If the annexation was approved and a Community Commercial use established, the majority of the work was done. There would be a commercial use. The City could only tweak the design. Any property owners without offers would be responsible for disconnection and connection fees.

**Councilman Smith moved to close the hearing at 6:46 p.m. Councilman Peterson seconded the motion. Council members Peterson, Smith, Stokes, and Tafoya voted "aye." The motion carried.**

Councilman Peterson stated that this was all or nothing. State code said the City couldn't create an unincorporated island. If the Marker's were left out, there would be an unincorporated island. The Beck's and Marker's were in the minority of property owners and property values. Andy Blackburn said that was correct.

**Councilman Tafoya moved to approve Resolution No. 904 approving the annexation of the Charma L. Richardson; Robert and Roma Leggett; Keith and Jessica Moulding, Joy E. Mower, Casey D. And Kimberlee Marker, James H. Kitchen, and Robert and Arlene Beck properties. Councilman Smith seconded the motion. A roll call vote was taken: Council members Tafoya, Peterson, Stokes, and Smith voted "aye." The motion carried. (Copy filed for record).**

**Councilman Peterson moved to approve Ordinance No. 985 establishing a Community Commercial for the Charma L. Richardson; Robert and Roma Leggett; Keith and Jessica Moulding, Joy E. Mower, Casey D. And Kimberlee Marker, James H. Kitchen, and Robert and Arlene Beck. properties. Councilman Smith seconded the motion. A roll call vote was taken: Council members Smith, Tafoya, Peterson, and Stokes voted "aye." The motion carried. (Copy filed for record).**

4. CONSIDERATION OF ORDINANCE NO. 985 APPROVING AN AMENDMENT TO THE FUTURE LAND USE MAP OF THE ROY CITY GENERAL PLAN

Chris Davis stated that the City had filed a request to change the use of the Hall and City detention properties at 3964 and 3910 South Midland Drive from Very High Density Multi-Family Residential to Commercial. The Planning Commission recommended that the amendment include the R. B. Willey fourplex at 3880 South Midland Drive. The total acreage for the three parcels was 3.08 acres.

**Councilman Tafoya moved to approved Ordinance No. 985 approving an amendment to the Future Land Use Map to change three parcels at 3880, 3910, and 3964 South Midland Drive from Very High Density Multi-Family Residential to Commercial. Councilman Smith seconded the motion. A roll call vote was taken: Council members Stokes, Smith, Tafoya, and Peterson voted "aye." The motion carried.**

5. CONSIDERATION OF ORDINANCE NO. 986 APPROVING A PETITION TO REZONE APPROXIMATELY 2.40 ACRES LOCATED AT APPROXIMATELY 3964

AND 3910 SOUTH MIDLAND DRIVE FROM AN R-3 ZONE TO A COMMUNITY  
COMMERCIAL ZONE

Mark Larson stated that the Vickie Hall, Preston Miller, and Roy City had requested that the Hall property and City detention basin be rezoned from R-3 to Community Commercial. At the Planning Commission meeting, R. B. Willey asked that his fourplex be included in the rezone. The Planning Commission recommended that the Willey property be included in the Future Land Use Map amendment, but it could not include the Willey property in the rezone because it was not part of the legal notice. The actual acreage of the rezone was 2.

**Councilman Peterson moved to approve Ordinance No. 986 approving a petition to rezone approximately 2 acres located at approximately 3964 and 3910 South Midland Drive from R-3 to Community Commercial. Councilman Smith seconded the motion. Council members Peterson, Tafoya, Smith, and Stokes voted "aye."**

6. AWARD OF BID FOR THE ROY CITY MUNICIPAL BUILDING REMODEL AND  
ADDITION

Chris Davis stated that bids for the Municipal Building remodel and addition were opened on May 7. The low bidder was R & O Construction at \$1,651,167.00. The staff recommended that the Council award the bid to R & O Construction and authorize the Mayor to sign the Notice to Proceed.

David Freston, R & O Construction, stated that they were delighted to be able to work with Roy once again.

**Councilman Tafoya moved to award the bid for the Municipal Building remodel and addition to R & O Construction for \$1,651,167.00 and \$18,003 for ADA doors and to authorize the Mayor to execute the Notice to Proceed. Councilman Peterson seconded the motion. A roll call vote was taken: Council members Smith, Stokes, Tafoya, and Peterson voted "aye." The motion carried.**

Chris Davis stated that he would bring a more specified budget for the project back to the Council. Then the Council could determine how much to borrow on the sales tax bond.

7. FUNDING REQUEST FROM THE ROY HISTORICAL FOUNDATION FOR THE TOWN REUNION

Shirley Dickinson, 2682 West 4450 South, stated that the Historical Foundation was requesting \$300 to help cover the food cost for the Town Reunion. She also asked the Council members to come and serve. The reunion would be held on June 22<sup>nd</sup> at 6:00 p.m. at Sandridge Park.

Mayor Ritchie stated that the Historical Foundation was facilitating the reunion for the City.

Chris Davis stated that there was money in the Council Contingency Fund.

Councilman Stokes asked that future budgets spell out the donation to the Historical Foundation for the Town Reunion as a line item.

Andy Blackburn stated that the Town Reunion was a City function which the Historical Foundation was facilitating. The funding request was to help cover costs. There was not a need to do a study and hold a public hearing.

**Councilman Smith moved to approve the \$300 funding request for the Historical Foundation for the Town Reunion, and directed the staff to include the donation as a line item in future budgets. Councilman Stokes seconded the motion. Council members Peterson, Smith, Stokes, and Tafoya voted "aye." The motion carried.**

8. PUBLIC COMMENTS

Bert Visser, 4833 South 2500 West, hoped the Council was keeping track of what was happening with UTA at the Planning Commission. About 30 to 35 people attended the hearing held by UTA last week. Most of them were concerned about traffic. UTA didn't always do what it said it would. The commuter rail would be wonderful if UTA could do the project right.

Jeanne Peterson, 3860 South Midland Drive B97, stated that as a taxpayer she would like the City Council to support academic programs. She was concerned that the UTA parking lot would be behind her home. The Council explained that the parking lot was east of the tracks on the south side of 4000 South. Mayor Ritchie said the old railroad spur behind her home would become a walking track.

Robert Nicholas, 2045 West 4800 South, was concerned about the speed of vehicles traveling on 4800 South while it was under construction. He thought the road was supposed to be closed. He had called the police out three times already. Cars were traveling at 50 mph and throwing rocks and dirt. His neighbor's windshield was broken by a rock. The road needed to be kept watered down to minimize the dust.

Mike Mansfield stated that the Public Works Department would put more pressure on the contractor to keep the road watered down. There were barricades up to block the road. Traffic speeds would have to be monitored by the Police Department.

Robert Nicholas asked that someone sweep up the rocks. Mr. Mansfield said the City had a sweeper as did the contractor. The City would encourage the contractor to sweep the street.

Councilman Tafoya asked that vehicles were slipping around the jersey barricades the City had on 4800 South and the tracks. He asked that the Public Works add more barricades. Mike Mansfield said he would check to make sure that wouldn't cause a problem for emergency services.

Cloy Child, 3883 South 2275 West, felt the Council should let Weber County Abatement resubmit their funding request. The City's detention basin was full of dyer's woad. He felt it was senseless to make emergency services go all the way around to access UTA's parking lot when there were roads stubbing into UTA's property. He thanked Mike Mansfield for putting up a traffic counter on 4000 South. He felt UTA was trying to cover up the traffic problem.

Mayor Ritchie said the Council was concerned about emergency services as well.

9. PUBLIC HEARING TO CONSIDER A REQUEST FOR A DONATION OF \$500 CASH AND SINGLE ADMISSION TICKETS TO THE ROY AQUATIC CENTER FOR THE ROY HIGH SCHOOL GRADUATION NIGHT ACTIVITIES

**Councilman Peterson moved to open the public hearing at 7:28 p.m. Councilman Smith seconded the motion. Council members Peterson, Smith, Stokes, and Tafoya voted "aye." The motion carried.**

Chris Davis stated that the City had received a request for \$500 and single admission tickets to the Aquatic Center for Roy High School graduation activities. The study had been completed and made available for the public's perusal.

Mayor Ritchie opened the floor for public comments. There were none.

**Councilman Peterson moved to close the public hearing at 7:29 p.m. Councilman Smith seconded the motion. Council members Peterson, Smith, Stokes, and Tafoya voted "aye." The motion carried.**

**Councilman Smith moved to donate \$500 and up to 550 single admission tickets to the Aquatic Center for Roy High School graduation activities based on the findings of the study. Councilman Stokes seconded the motion. Council members Peterson, Smith, Stokes, and Tafoya voted "aye." The motion carried.**

10. CONSIDERATION OF ACQUISITION OF PROPERTY LOCATED AT APPROXIMATELY 5300 SOUTH 4275 WEST, EAST OF 4300 WEST STREET AND DESIGNATED AS PART OF THE HOWARD SLOUGH DRAINAGE AREA, BY EMINENT DOMAIN

Andy Blackburn stated that the City Council needed to decide whether to use the power of eminent domain to purchase property at approximately 5300 South 4275 West. This property was part of the Howard Slough drainage area. The City was currently involved in litigation over this property. Several years ago, the City Council directed the Public Works Department to proceed with the Howard Slough parkway plan. The plan involved drainage and retainage to solve flooding problems. In addition, the City planned to put in exercise paths and a fishery. During construction, the staff discovered that this parcel was not owned by the City. In order to complete the parkway, the City needed to acquire this parcel. The City had attempted to acquire the property from the property owners voluntarily, but without success. In order to acquire the property, the City would have to use the power of eminent domain. The State allowed cities to use eminent domain for this type of project. Prior to making the decision to use eminent domain, the City had to provide an opportunity for the property owner to be heard. Mr. Blackburn said the property owner was given written notice that this item would be on the Council agenda. The property owner was not in attendance.

Councilman Peterson asked what steps were involved. Mr. Blackburn said the City had to provide notice, and the Council had to make a decision. The City had to try and purchase the property voluntarily without success. The property owner was also given notice that this problem could be solved through the State's ombudsman. If both parties could not agree on the value of the property, a judge would have to make the decision.

Mike Mansfield stated that before the Howard Slough parkway was started, homes along the slough flooded every time it stormed. The property had been under construction by the City for some time.

Councilman Tafoya asked if there was any other way for the land to develop. Andy Blackburn said the slough ran through the property. It did not have street access, and there were double frontage issues, which would violate the Zoning Ordinance. The property also had flooding problems.

**Councilman Smith moved to direct the City to use eminent domain to acquire property at approximately 5300 South 4275 West based on the findings that the property was needed for storm drainage and voluntary purchase negotiations had failed. Councilman Tafoya seconded the motion. Council members Peterson, Smith, Stokes, and Tafoya voted "aye." The motion carried.**

#### 11. CITY MANAGER'S REPORT

Chris Davis stated that bids for the 4800 South project were opened. The tentative low bidder was Staker Paving for \$2.6 million, which was under budget. Councilman Smith said it would be nice to see a rendering for what 4800 South would look like.

Chris Davis stated that the City would be ready to open a dog park in the detention basin at 5700 South 3260 West within 60 days.

Mike Mansfield stated that Ogden City was interested in continuing the landscaping plan along the east side of Airport Road north of 4400 South.

Councilman Smith was concerned about visibility around the round-about planned on 4400 South.

#### 12. MAYOR AND COUNCIL REPORTS

Councilman Smith stated that he had received complaints about a hole on 4400 South. He asked that it be filled.

#### 13. ADJOURN

**Councilman Peterson moved to adjourn at 7:51 p.m.**

#### 14. SUMMARY OF ACTIONS CHARGED

1. Staff to schedule a Council work session for the purpose of drafting a donation policy.

2. Staff to notify property owners in Richardson Annexation what the water and sewer connection costs would be.
3. Staff to include a contribution to the Town Reunion as a line item in the Council Contingency Fund in future budgets.
4. Public Works to fill in a hole on 4400 South.

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Joe H. Ritchie  
Mayor

Attest:

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Michelle Drago  
Secretary

dc:cmay1507