

MINUTES OF THE SEPTEMBER 18, 2007 ROY CITY COUNCIL MEETING

1. Approval of September 4, 2007, minutes
2. Recognition of the September 2007 Employee of the Month
3. Public hearing to receive input from the public with respect to the issuance of Sales Tax Revenue Bonds Series 2007
4. Public hearing concerning disposition of Roy City owned real property located at approximately 5700 South 3500 West
 - a. Consideration of Real Property Purchase Agreement for Roy City owned real property located at approximately 5700 South 3500 West
5. Public comments
6. Presentation of speed study on 3100 West Street from Midland Drive to 6000 South Street
7. Presentation of Corridor Agreement with Utah Department of Transportation for SR-97 (5600 South Street)
8. Approval of agreement with George K. Baum as underwriter
9. City Manager's report
10. Mayor and Council reports
11. Adjourn
12. Summary of actions charged

Minutes of the Roy City Council Meeting held September 18, 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 Larry Peterson
Councilman Tommy Smith
Councilman Michael Stokes

City Manager Chris Davis
City Attorney Andy Blackburn
Secretary Michelle Drago

Excused: Councilman Dave Tafoya

Also present were: Greg Whinham; Police Chief; Mike Mansfield, Public Works Director; Cathy Spencer, Management Services Director; Iris Davis; Diana Knight; Dick Dickinson; Earl Downing; Kathy Schriek; Fred Schriek; Ronda Downing; Roger Hartman; Weldon Smith; David Winnie; Bruce Holland; Wayne Holland; Jonathan Martinez; Janet Shipton; Miguel Aparido; Steve Pappa; Brian Rosander; Roy Barker; Barbara Barker; Wendy Gray; Jordan Bryan; Kennedy Looock; Daren Duersch; Emily Probasco; Chad Probasco; Taylor Gilbert; Vic Eschler; Corbin Hunt; Michael Hunt; Breanna Bodle; Glen Bodle; Rachel Foster; Ed Griner; Joe Perrin; and Jan Olsen.

Moment of Silence: Councilman Peterson

Pledge of Allegiance: Councilman Peterson

Councilwoman Becraft introduced students of her Fourth Grade class from Midland Elementary who were in attendance.

1. APPROVAL OF SEPTEMBER 4, 2007, MINUTES

Councilman Peterson moved to approve the minutes of September 4, 2007, as written. Councilman Smith seconded the motion. Council members Becraft, Peterson, Smith, and Stokes voted "aye." The motion carried.

2. RECOGNITION OF SEPTEMBER 2007 EMPLOYEE OF THE MONTH

Police Chief Greg Whinham stated that Ed Griner had been nominated as the September 2007 Employee of the Month. Ed had been a crossing guard for 14 years. During the last four years he had functioned as the crossing guard coordinator. His service was

invaluable. He did the lion share of the workload in coordinating 18 locations, hiring and training new crossing guards, and completing their annual performance evaluations. The school children of Roy made it to school safely each day in large part due to Ed's efforts. He filled all of his supervisory functions at the same paygrade as the other crossing guards and donated much time to the City.

Councilwoman Becraft moved to recognize Ed Griner as the September 2007 Employee of the Month and commended him for the wonderful job he did. Councilman Smith seconded the motion. Council members Becraft, Peterson, Smith, and Stokes voted "aye." The motion carried.

Mayor Ritchie said the City would present Ed Griner with a check and recognition plaque.

3. PUBLIC HEARING TO RECEIVE INPUT FROM THE PUBLIC WITH RESPECT TO THE ISSUANCE OF SALES TAX REVENUE BONDS SERIES 2007

Councilman Smith moved to open the public hearing at 6:09 p.m. Councilwoman Becraft seconded the motion. Council members Becraft, Peterson, Smith, Stokes, and Tafoya voted "aye." The motion carried.

The City Recorder noted that pursuant to the provisions of the Local Government Bonding Act, Title 11, Chapter 14, Utah Code Annotated 1953, as amended (the "Municipal bond Act"), a notice of public hearing with respect to the issuance of the City's proposed Sales Tax Revenue bonds, Series 2007, in the principal amount of not to exceed \$1,000,000 as published twice, the first publication being not less than 14 days prior to this hearing, in the *Standard Examiner*, a newspaper of general circulation in the City. The hearing as then opened to all members of the public desiring to give input with respect to the issuance by the City of its Sales Tax Revenue Bonds.

Cathy Spencer, Management Services Director, stated that on July 17th, the City Council adopted Resolution No. 910 declaring its intent to issue Sales Tax Revenue Bonds, Series 2007. The purpose of the bonds was to finance all or a portion of the costs of the renovation, remodeling, and expansion of the municipal building; fund any required deposit to a debt service reserve fund; and pay issuance costs incurred in connection with the issuance and sale of the bonds. The bonds would not exceed \$1,000,000; bear interest at a rate not to exceed 5%; mature in not more than 11 years from the issuance date; and be sold at a price not less than 99% of the total principal amount. The City proposed to pledge 100% of its local sales and used tax revenues for the bonds. By law the City had to wait 30 days for the public to review the resolution and must also hold a public hearing to receive input. This is the time selected by the Council to receive input on the issuance of the bonds.

Mayor Ritchie opened the floor for public comments. After all members of the public desiring to give input, with respect to the issuance by the City of its Sales Tax Revenue Bonds, had provided such input, the public hearing was closed.

Councilman Larry Peterson moved to close the public hearing at 6:11 p.m. Councilman Smith seconded the motion. Council members Becraft, Peterson, Smith, and Stokes voted “aye.” The motion carried.

4. PUBLIC HEARING CONCERNING DISPOSITION OF ROY CITY OWNED REAL PROPERTY LOCATED AT APPROXIMATELY 5700 SOUTH 3500 WEST

Councilman Smith moved to open the public hearing at 6:12 p.m. Councilman Stokes seconded the motion. Council members Becraft, Peterson, Smith, and Stokes voted “aye.” The motion carried.

Tony Reynolds, Community Services Director, stated that the City had received a request from The Home Depot to make available 1.698 acres of City-owned real property for the development of an 11.17 acre commercial shopping center on the southeast corner of 5600 South and 3500 West. The development included a 130,000 square foot Home Depot store and a one-acre pad site. The Home Depot development would be integrated with the existing Maverik Country Store and the proposed commercial development on the Barlow property (Barlow Square). The City property in question was the old Denver Rio Grande spur. It was 66 feet wide and 1120.81 feet deep. A legal notice of the public hearing for the purpose of receiving public comment regarding the disposition of City-owned real property was placed in the *Standard Examiner* on September 4, 2007, and posted on the City's official website. No comments had been received to date.

Mr. Reynolds said the City staff first visited with The Home Depot representatives on January 17th. on June 19th, the City entered into a site access agreement with The Home Depot. Since then, Home Depot had submitted a purchase agreement. In addition, the City had received Home Depot's application for a conditional use permit for the site and an annexation from Stanger, Welshman. Mr. Reynolds said the City had also received an application for the Barlow property. The City would be able to consider both projects concurrently.

Mr. Reynolds said the Development Review Committee would meet with The Home Depot and K. C. Halls, representing the Barlow's, on September 20th, September 27th, and October 4th to review plans and consider how the parcels could work together. On October 9th, the Planning Commission would hold public hearings to consider requests from The Home Depot and Barlow's. Information from the Planning Commission would be forwarded

to the City Council on October 16th. The Home Depot could then proceed to close on properties, secure final approval of the subdivision, and building permits.

Mr. Reynolds said The Home Depot planned to use the City's 1.698 parcel to create an additional buffer for the homes to the south. The City parcel would allow the buffer to be double what was required by the City's Zoning Ordinance.

Tony Reynolds stated that the staff had made the following findings:

1. Both the location and dimensions of the City's property required that it be developed in connection with surrounding properties. It was not economically viable for the City parcel to develop as a stand alone parcel.
2. Aggregation of the parcel to one development (rather than disaggregation to several smaller parcels) produces the maximum utility and value of the parcel.
3. The City would be able to maintain an easement for existing and future municipal utilities.
4. A more significant buffer can be created between the existing residential development to the south and the proposed commercial development.
5. Results in an increased area for the development of retail sales and service.
6. Allows for increased long-term property and sales tax revenues. Contacts to other cities where Home Depot stores were located indicate projected annual sales tax revenues to Roy City of \$300,000 to \$400,000.
7. The disposition of this property complies with the requirements of Roy City Code Title 1 Chapter 14 - Disposition of Real Parcels of Land.
8. Benefits the City would receive from the development far exceeded the dollar value of the property.

Based on those findings, the staff recommended that the City Council approve the disposition of 1.698 acres, more or less, of Roy City-owned real property located at approximately 5700 South 3500 West to The Home Depot, and that the City Council approve the Real Property Purchase Agreement.

Tony Reynolds introduced representatives of The Home Depot who were present - Dave Winnie, Brian Rosander, and Steve Pappa.

Dave Winnie stated that they were excited about this project and looked forward to becoming part of the community. This would be a typical The Home Depot store. It would employ approximately 160 people: 105 full time and 55 part time on average. All employees were eligible for benefits and most would be local hires. The typical store payroll translated into about \$4.5 million circulating in the local economy; typically paying better than the average wage in the County. The store would be 102,000 square feet with

a 28,000 square foot attached garden center. It would cost around \$8 to \$9 million (half of which was typically construction wages), plus the cost of the land. It would generate property taxes in the range of \$150,000 annually and local sales taxes on \$30,000,000 in retail sales. This would be the 26th The Home Depot store in Utah.

Mayor Ritchie opened the floor for public comments.

Earl Downing, 3490 West 5700 South, stated that he lived directly south of the Barlow property. He was pleased to live in the City of Roy. He had seen a lot of improvement in the City in the seven years he had lived here. His main concern was whether there would be a buffer or fence between all of the businesses and the people living south of the right-of-way. Mayor Ritchie said there would be a buffer. It would be larger than it was required to be and would include a sound barrier. The City was concerned about maintaining the privacy of the residents to the south. Earl Downing stated that when SR 108 (3500 West) was widened he would have to move. The State planned to take too much of his property. When would the fence be put up? Mayor Ritchie said the fence would be part of the construction. Construction would last 10 months. The Home Depot wanted to open the first quarter of 2009.

Councilman Peterson stated that UDOT was collecting information for the environmental impact study on SR 108. That would be submitted to the federal government in May of 2008. If the study was approved, the project would have to go to the federal and state governments for funding. Right now UDOT was looking at 2011 to 2013 before construction began. UDOT was looking to begin purchasing properties next year.

Tony Reynolds stated that in connection with this development, notices would be delivered to all property owners within 300 feet of the development about the public hearings on October 9th.

Kathy Shriek, 3459 West 5700 South, asked if there was a possibility that Earl Downing could keep his home. Councilman Peterson said that neither the City nor The Home Depot was planning to kick him out. The only entity that might take his property was the State of Utah.

Roger Hartman, 3334 West 5700 South, asked how far to the east The Home Depot would extend. Tony Reynolds said the east edge of the subdivision would be the west edge of the Lindquist Subdivision. Nothing would happen east of that line.

Councilwoman Becraft moved to close the public hearing at 6:36 p.m. Councilman Peterson seconded the motion. Council members Becraft, Peterson, Smith, and Stokes voted "aye." The motion carried.

Councilman Smith moved to approve the Real Property Purchase Agreement for Roy City real property located at approximately 5700 South 3500 West based on the staff's eight findings. Councilman Stokes seconded the motion. A roll call vote was taken: Council members Stokes, Becraft, Smith, and Peterson voted "aye." The motion carried.

Councilman Smith stated that the City had been looking at attracting a large retailer. This was a big step. He congratulated the Community Development staff. He commended The Home Depot for making Roy City its choice. This was a good investment in the City.

5. PUBLIC COMMENTS

Earl Downing stated that he had called the City many times to ask that the ditch at 5750 South 3500 West be cleaned up. How many times did he have to ask? Mayor Ritchie said the Community Services Department would contact the State through the Code Enforcement Officer and have them clean it up.

Janet Shipton, 2972 West 4325 South, thanked the City for redoing the handicap ramps. She asked when the recycling would start. Chris Davis did not have a specific date. Representatives from Waste Management wanted to finalize the details as soon as possible.

6. PRESENTATION OF SPEED STUDY ON 3100 WEST STREET FROM MIDLAND DRIVE TO 6000 SOUTH STREET

Mike Mansfield stated that at the request of the Police Department, a speed study was conducted on 3100 West from Midland Drive to 6000 South. Roy City had designated 3100 West as a collector street. The primary function of a collector street was to collect traffic from subdivisions and provide traffic a route to access an arterial street, such as 5600 South or 4800 South. A speed study of 3100 West was completed using the Manual of Uniform Traffic Control Devices. The results of the study showed that the 85th percentile free flow vehicle speed on this street was 32 miles per hour. The warrants used to establish speed limits inferred that under normal road conditions, 85% of drivers would drive at a speed that they feel was safe and prudent. Mr. Mansfield said both he and Police Chief Greg Whinham felt the speed limit on 3100 West should be adjusted to 30 miles per hour.

Councilman Stokes asked if the width of the street affected the traffic speed. Dr. Joe Perrin said widths of streets were usually not taken into account. This street was appropriately classified as a collector street. Speed limits on collector streets were usually

30 to 35 miles per hour. The only way people would drive 25 miles per hour was with enforcement.

Councilman Peterson stated that the speed limit in Washington Terrace was 25 miles per hour, even on the main roads. People usually drove the road at higher speeds. However, because of strict enforcement people drove their streets at lower speeds.

Mayor Ritchie asked how Chief Whinham felt about the proposed change. Chief Whinham said the speed limit on 2700 West was 30 miles per hour. It was functioning well. A speed limit of 30 miles per hour would allow the Police Department to make changes with crossing guards to make the walk to school safer for school children.

Councilman Stokes asked why the staff was recommending 30 miles per hour versus 35 miles per hour. Dr. Perrin said the 85th percentile was 32 miles per hour. If the speed limit was increased to 35 miles per hour, the speed of the 85th percentile would increase too. Councilman Stokes asked if the staff was considering changing the speed limit on other streets as well. Mike Mansfield felt the City should eventually look at 4300 West.

Councilwoman Becraft asked if increasing the speed limit to 30 miles per hour would allow flashing lights at school areas. Chief Whinham said it would.

Councilman Peterson moved to accept the speed study on 3100 West and authorized the staff to make the appropriate signage and crossing changes to increase the speed to 30 mph. Councilwoman Becraft seconded the motion. Council members Becraft, Peterson, Smith, and Stokes voted “aye.” The motion carried.

7. PRESENTATION OF CORRIDOR AGREEMENT WITH UTAH DEPARTMENT OF TRANSPORTATION FOR SR-97 (5600 SOUTH STREET)

Mike Mansfield stated that UDOT had provided the City with a corridor agreement for SR-97 (5600 South). The agreement would facilitate traffic flow along 5600 South and cause the relocation of a signal from 2050 West to 2200 West. The two reduced speed school zones would be eliminated, and the student place redesigned to have students cross at the 2200 West signal. This would improve safety and reduce congestion on 5600 South.

Councilman Peterson was excited that the signal was being moved to 2200 West. He asked how much traffic there had to be to get a signal at 3100 West. Daren Duersch, UDOT, said the 3100 West intersection had not been studied. There were eight different warranting criteria. This agreement with Roy City said UDOT would install a light when the warrants were established.

Mayor Ritchie felt the warrants for 3100 West would be met quickly with The Home Depot and Whispering Meadows developments.

Daren Duersch said UDOT was prepared to remove and relocate the 2050 West and 2200 West signals by the first part of next year.

Chris Davis said the City was concerned that UDOT not remove the signal at 2050 West until the signal at 2200 West was constructed. Daren Duersch said UDOT would make switching the signal as seamless as possible. Construction of the 2200 West signal would be underway before the signal at 2050 West was removed.

Councilman Stokes moved to approve the corridor agreement between Roy City and the Utah Department of Transportation for SR-97 (5600 South Street). Councilwoman Becraft seconded the motion. Council members Becraft, Peterson, Smith, and Stokes voted “aye.” The motion carried.

8. APPROVAL OF AGREEMENT WITH GEORGE K. BAUM AS UNDERWRITER

Andy Blackburn recommended that the City Council approve a professional service agreement with George K. Baum & Company for underwriting services. He had met with the staff of George K. Baum and reviewed their contract.

Councilman Peterson moved to approve a professional service agreement with George K. Baum & Company for underwriting services and to authorize the Mayor and staff to enter into the contract. Councilman Smith seconded the motion. A roll call vote was taken: Council members Smith, Peterson, Becraft, and Stokes voted “aye.” The motion carried.

9. CITY MANAGER’S REPORT

Chris Davis updated the City Council on the 4800 South project. The roadway pavement was scheduled for completion by mid October 2007. Parsons was scheduled to have the job completed by November 5th. The staff was working on a ribbon cutting ceremony for the reopening of 4800 South. Councilman Smith asked that the business owners on 4800 South be notified of the reopening schedule. Chris Davis said he would get it out. Councilman Smith felt the City should recognize the businesses on 4800 South. Having 4800 South closed had been difficult for them. He asked that the City prepare letters of appreciation for the businesses on 4800 South.

Chris Davis updated the City Council on the Municipal Building remodel.

Chris Davis reported on the Multi-Stake Youth Service Project held on September 8th . Approximately 600 youth and their leaders helped clean the old D&RG right-of-way from 6000 South to 5200 South. The City had a pending grant to turn the right-of-way into a walkway.

Chris Davis reported on the Utah League of Cities and Towns conference.

10. MAYOR AND COUNCIL REPORTS

Councilman Stokes also reported on Utah League of Cities and Towns. He enjoyed the water rights meeting. He realized it cost the City money to send council members to the conference, but he felt it was worth it. Mayor Ritchie agreed that the money was well spent. The City made some good contacts.

Councilwoman Becraft commented on how fast the kids worked on the service project. She had put together a presentation for the Council. Mayor Ritchie invited her to bring the presentation to the next meeting as a regular agenda item. Chris Davis felt it would be good to involve those who put the project together.

Councilman Peterson commended Chief Whinham and his department for their excellent handling of the pipe bomb situation. He kept things safe and everyone well informed. Chris Davis said the Fire Department was involved too. Mayor Ritchie said the City was proud of its public safety people.

Councilwoman Becraft asked that the CERT districts be included on the City's website along with information about who to contact in an emergency.

Councilman Smith asked if there had been any recurrences of graffiti at the skate park. Chief Whinham said there had not. Roy City had not been singled out. Several other skate parks throughout the region were hit about the same time. The Police Department was developing information and exploring options for surveillance equipment. Councilman Smith said someone had put graffiti on a fence in Herefordshire. Who could they contact. Chris Davis said they needed to contact juvenile court. Councilman Smith asked that Chris email the contact information to him.

Councilman Smith stated that the gentleman who purchased the trailer park on the northwest corner of 4000 South 1900 West would like to do some beautification. Chris Davis said that was part of the UDOT right-of-way. The City didn't have the right to issue permits on UDOT's right-of-way. Tony Reynolds could advise him on who to contact at UDOT.

11. ADJOURN

Councilman Stokes moved to adjourn at 7:26 p.m.

12. SUMMARY OF ACTIONS CHARGED

1. Code Enforcement Office to contact UDOT about cleaning up woods on his property.
2. Staff to send letter to business owners on 4800 South expressing the City's appreciation for their patience with the project and to let them know when the project would be finished.
3. Staff to include information about CERT in next City newsletter.

Joe H. Ritchie
Mayor

Attest:

Michelle Drago
Secretary