

## MINUTES OF THE JULY 15, 2008, ROY CITY COUNCIL MEETING

1. Approval of July 1, 2008, minutes
2. Consideration of Resolution No. 936 expressing continued support for the construction of the Hope Community Center
3. Public comments
4. Consideration of a preliminary subdivision plan for the Wagstaff's Pheasant Run Subdivision located at approximately 3540 West 5500 South
5. Consideration of a conditional use permit to operate a preschool and child care center located at 5420 South 1900 West, Suite F
6. Consideration of a conditional use permit to operate a preschool and child care center located at 3523 West 5600 South
7. Consideration of a conditional use permit to allow a Class A Beer license and consideration of an alcoholic beverage license for HETVI, LLC both located at 5434 South 1900 West, Suite 7
8. City Manager's report
9. Mayor and Council reports
9. Motion to adjourn the City Council Meeting and convene a Redevelopment Agency Meeting
10. Summary of actions charged

Minutes of the Roy City Council Meeting held July 15, 2008, 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 Willard Cragun  
Councilman Larry Peterson  
Councilman Michael Stokes  
Councilman Dave Tafoya

City Manager Chris Davis  
City Attorney Andy Blackburn  
Secretary Michelle Drago

Also present were: Tony Reynolds, Community Services Director; Jared Hall, Planner; Mark Sage; Mark Wagstaff; Beverly Anderson; Scott Elliott; Corey Jenkins; Brian Pinder; Rakesh A. Patel; Kim Allen; and Rachel Foster.

Moment of Silence: Councilwoman Marge Becraft

Pledge of Allegiance: Councilwoman Marge Becraft

1. APPROVAL OF JULY 1, 2008, MINUTES

**Councilwoman Tafoya moved to approve the minutes of July 1, 2008, as written. Councilman Peterson seconded the motion. Council members Becraft, Cragun, Peterson, Stokes, and Tafoya voted “aye.” The motion carried.**

2. CONSIDERATION OF RESOLUTION NO. 936 EXPRESSING CONTINUED SUPPORT FOR THE CONSTRUCTION OF THE HOPE COMMUNITY CENTER

Mayor Ritchie stated that there was a lot of discussion throughout the community about the City Council's commitment to construct the Hope Community Center. He wanted the seniors and Boys & Girls Club to see a physical document outlining the City's commitment.

Councilman Cragun stated that after the City Council made its decision to delay construction of the Hope Community Center, the seniors felt it was going to go away. He let them know that was not the City's intention. The City had made a commitment to the seniors and the Boys & Girls Club. He felt the resolution was a good idea.

**Councilman Cragun moved to approve Resolution No. 936 expressing continued support for the construction of the Hope Community Center. Councilwoman Becraft seconded the motion. A roll call vote was taken: Council members Stokes, Becraft, Cragun, Peterson, and Tafoya voted “aye.” The motion carried. (Copy filed for record).**

Mayor Ritchie asked that the seniors and Boys & Girls Club receive copies of the resolution.

### 3. PUBLIC COMMENTS

Corey Jenkins, South Weber, and Scott Elliott, Plain City, stated that they were the new administration at Roy Junior High School. They looked forward to getting established and becoming part of the community.

Brian Pinder, 4210 West 4800 South, thanked the City for helping him with the private retention pond on his property. He offered his assistance to the City if it was ever needed.

### 4. CONSIDERATION OF A PRELIMINARY SUBDIVISION PLAN FOR THE WAGSTAFF'S PHEASANT RUN SUBDIVISION LOCATED AT APPROXIMATELY 3540 WEST 5500 SOUTH

Mayor Ritchie stated that the City Council had received the Planning Commission and staff comments regarding this item.

**Councilman Tafoya moved to approve a preliminary subdivision plan for Wagstaff's Pheasant Run Subdivision based on the staff's finding and subject to the conditions recommended by the Planning Commission. Councilman Cragun seconded the motion. Council members Becraft, Cragun, Peterson, Stokes, and Tafoya voted “aye.” The motion carried.**

### 5. CONSIDERATION OF A CONDITIONAL USE PERMIT TO OPERATE A PRESCHOOL AND CHILD CARE CENTER LOCATED AT 5420 SOUTH 1900 WEST, SUITE F

Mayor Ritchie stated that the City Council had received the Planning Commission and staff comments regarding this item.

Councilwoman Becraft asked about the fencing around the playground area. Jared Hall stated that the type of fencing had not been determined. Beverly Anderson was proposing

chain link fencing. The Planning Commission recommended that plans to fence the playground area be remanded back to the City Engineer for his review and approval.

Mayor Ritchie asked how high the fence would be. Jared Hall said it would be six feet in height.

Councilwoman Becraft was concerned about the proximity of the fenced playground to the new road. Jared Hall said the City Engineer shared those concerns and had asked for a more definitive site plan. The plans submitted by Beverly Anderson indicated the fenced area would be quite some distance from either road.

Councilman Tafoya stated that the grass area was a pad site at one time. Was it still being marketed? Jared Hall said the owner might still be marketing it. However, the property owner had approved Beverly Anderson's proposal to use the grass area.

Councilman Cragun felt that Beverly Anderson had put a lot of thought and study into this business. He was glad to see the developer working with her. The grass area had been there since the shopping center was developed in the early 1980's. He felt the preschool and child care center would fit well in the area.

**Councilman Cragun moved to approve a conditional use permit for a preschool and child care center located at approximately 5420 South 1900 West, Suite F based on the staff's findings and subject to the conditions recommended by the Planning Commission, including review and approval of the fence by the City Engineer. Councilman Stokes seconded the motion. Council members Becraft, Cragun, Peterson, Stokes, and Tafoya voted "aye." The motion carried.**

6. CONSIDERATION OF A CONDITIONAL USE PERMIT TO OPERATE A PRESCHOOL AND CHILD CARE CENTER LOCATED AT 3523 WEST 5600 SOUTH

Mayor Ritchie stated that the City Council had received the Planning Commission and staff comments regarding this item.

**Councilman Tafoya moved to approve a conditional use permit to operate a preschool and child care center located at 3523 West 5600 South based on the staff's findings and subject to the conditions recommended by the Planning Commission. Councilman Peterson seconded the motion. Council members Becraft, Cragun, Peterson, Stokes, and Tafoya voted "aye." The motion carried.**

7. CONSIDERATION OF A CONDITIONAL USE PERMIT TO ALLOW A CLASS A BEER LICENSE AND CONSIDERATION OF AN ALCOHOLIC BEVERAGE LICENSE FOR HETVI, LLC BOTH LOCATED AT 5434 SOUTH 1900 WEST, SUITE 7

Mayor Ritchie stated that this was the first time the City Council had reviewed a conditional use permit for a beer license.

Jared Hall stated that Rakesh A. Patel operated an existing business at 5434 South 1900 West, Suite 7, in the Marketplace Plaza known as Puff & Stuff. He was requesting approval of a conditional use permit for a Class A Beer license. A Class A license was for off-premise consumption. The beer would be sold in the original container and transported off the premises. The Zoning Ordinance indicated that the beer must be transported home, but Mr. Patel had no control over that.

Councilwoman Becraft was concerned about customers drinking in the parking lot and whether that would be a problem with a child care center in the same vicinity. Jared Hall said Mr. Patel's premises was just the unit he occupied. If the beer sold by Mr. Patel was a concern, the amount of beer sold at Harmon's would be a concern as well. A lot more beer was sold at Harmon's than would be sold by Mr. Patel. A Class A Beer license was the least regulated liquor license. He did not anticipate that this license would be a concern.

Councilman Tafoya asked what products Mr. Patel sold. Jared Hall said he had sold strictly tobacco products. He wanted to expand his inventory and offer candy and convenience items. Councilman Tafoya said an age restriction sign would not be necessary if items other than beer and tobacco were sold.

Tony Reynolds stated that anyone could apply for a conditional use permit. When the application came before the City Council, the Council could approve it, deny it, or approve it with conditions.

Councilman Stokes stated that this wasn't any different than a convenience store. Tony Reynolds agreed. This was the first conditional use permit for a new beer license since the Zoning Ordinance was updated.

Councilman Cragun asked about Mr. Patel's hours of operation. Hetvi Patel stated that they were open from 9:00 a.m. to 7:00 p.m.

Councilman Cragun wanted to know how many arrests had been made in the last month or two at Harmon's for drinking on the premises. Harmon's did not patrol the parking lot any longer. Jared Hall stated that he did not have any general statistics about problems

caused by off-premise licenses. Chris Davis asked if Councilman Cragun would like that information. Councilman Cragun said he would. He wanted to know if there was a current problem that would be made worse by approval of this license.

Mayor Ritchie stated that the Police Department had submitted a background check. He had wondered about doing a broader interstate check. Councilman Stokes felt that could be applied to future applicants.

Councilman Stokes felt the City Council was making more of this than it needed to. This was pretty cut and dried. If the Council wanted to change the review process, it should be done for future applicants.

Councilman Peterson felt this was a concern because of the proximity to the child care center. He felt the Council should direct the Police Department to review the vicinity to make sure there weren't any problems.

**Councilman Peterson moved to approve a conditional use permit for a Class A Beer license at 5434 South 1900 West, Suite 7, based on the staff's findings and subject to the conditions recommended by the Planning Commission. Councilman Stokes seconded the motion. Council members Becraft, Cragun, Peterson, Stokes, and Tafoya voted "aye." The motion carried.**

**Councilman Peterson moved to approve an alcoholic beverage license for HETVI, LLC located at 5434 South 1900 West, Suite 7. Councilman Stokes seconded the motion. Council members Cragun, Peterson, Stokes, and Tafoya voted "aye." Councilwoman Becraft voted "nay." The motion carried.**

Councilman Stokes stated that if the City Council felt the review process was deficient, it should direct the staff to report back with proposed changes, such as proximity regulations. Councilman Cragun felt this license would open the door. He felt further background checks were critical. Councilman Stokes suggested that the Police Department determine if there was a problem the City Council needed to address. He felt the cost of a more extensive background check could be paid by the applicant. Chris Davis stated that he would speak with the Police Chief about past issues. The staff would report back to the Council at the next meeting.

## 8. CITY MANAGER'S REPORT

Chris Davis stated that annual employee party would be held on July 17<sup>th</sup> at 6:00 p.m. at the Aquatic Center. They planned to begin cooking at 4:30. He asked the Council members to arrive as early as possible to help with the cooking.

## 9. MAYOR AND COUNCIL REPORTS

Mayor Ritchie stated that he had given each of the Council members a copy of the letter resulting from the workshop.

Councilman Cragun stated that he had read a letter to the editor from Jessie Woodpack in a recent issue of the *Standard Examiner*. Ms. Woodpack felt the criticism of Roy was unfair. This problem was not unique to Roy City. The problem in Roy had been ongoing for several years. It would take awhile to work out of it. He had thanked Ms. Woodpack.

Councilman Cragun asked if the Council would support approaching WACOG and the WFRC about changing plans for the Hinckley Drive extension. The planned extension would drop down over the hill to a "T" intersection with Midland Drive. At that point traffic would be forced to go either north or south. He proposed that 31<sup>st</sup> Street be redesigned to bring the interstate traffic down 4000 South. Four Thousand South went west to the lake. Traffic on 4000 South would benefit businesses on the north end of the City as well as commercial areas planned in West Haven. The City would eventually have to build another overpass over the tracks. If the interstate traffic was on 4000 South, the City might be able to get help with the cost of the overpass.

Councilman Tafoya felt the current plans were a done deal. UDOT had already started to purchase land. The airport would be affected in order to get traffic to 4000 South, which meant UDOT would have to work with Ogden City. He wasn't even sure the FAA would allow it.

Mayor Ritchie said the Hinckley extension had been on the funding list for 10 years. It was scheduled to begin in the fall. Councilman Peterson said UDOT would have to do another Environmental Impact Study, which would take another two years. He also felt it would be difficult to turn 4000 South into a five lane road given the residential areas on both sides and the UTA rail station.

Councilman Stokes felt it was a great idea, but it was late in the ball game.

Councilman Cragun pointed out that UDOT was continually redoing projects. Councilman Stokes said UDOT could be responding to growth.

Councilwoman Becraft felt widening 4000 South would isolate a subdivision.

Mayor Ritchie said that he would find out what the schedule for the Hinckley Drive extension was.

9. MOTION TO ADJOURN THE CITY COUNCIL MEETING AND CONVENE A REDEVELOPMENT AGENCY MEETING

**Councilman Peterson moved to adjourn the City Council Meeting at 6:43 p.m. and to convene a Redevelopment Agency Meeting. Councilman Tafoya seconded the motion. Council members Becraft, Cragun, Peterson, Stokes, and Tafoya voted "aye." The motion carried.**

10. SUMMARY OF ACTIONS CHARGED

1. Staff to forward copies of Resolution No. 936 to the seniors and Boys & Girls Club.
2. Staff to review approval process for alcoholic beverage licenses and report back to the City Council at the next meeting.

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Joe H. Ritchie  
Mayor

Attest:

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Michelle Drago  
Secretary