

MINUTES OF THE MAY 19, 2009, ROY CITY COUNCIL MEETING

1. Approval of May 5, 2009, minutes
2. Award of contract for the 2009 Street Maintenance Project
3. Public comments
4. Water bond project update
5. Consideration of conditional use permit for self-service storage units in an LM (Light Manufacturing) Zone on property located at approximately 5193 South 2700 West
6. Consideration of Ordinance No. 1012 establishing Temporary Zoning Regulations for Pawnshops, Payday Lenders, and Other Like Ventures
7. Consideration of Ordinance No. 1013 establishing Temporary Zoning Regulations for Minor Wholesale Automobile Brokers
8. Consideration of Ordinance No. 1014 establishing Temporary Zoning Regulations pertaining to Electronic Message Center Signs
9. Consideration of Ordinance No. 1015 establishing Temporary Zoning Regulations pertaining to Free-Standing and Monument Business Signs
10. City Manager's report
11. Mayor and Council reports
12. Adjourn
13. Summary of actions charged

Minutes of the Roy City Council Meeting held May 19, 2009, 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 members were in attendance:

Mayor Joe H. Ritchie
Councilwoman Marge Becraft
Councilman Willard Cragun
Councilman Larry Peterson
Councilman Dave Tafoya

City Manager Chris Davis
City Attorney Andy Blackburn
Secretary Michelle Drago

Excused: Councilman Michael Stokes

Also present were: Jared Hall, Planner; Mark Miller, Wasatch Civil Engineering; Bert Visser; Gordon Butler; Josh Richards; and Lois Biddle.

Moment of Silence: Councilman Cragun

Pledge of Allegiance: Councilman Cragun

1. APPROVAL OF MAY 5, 2009, MINUTES

Councilwoman Becraft moved to approve the minutes of May 5, 2009, as written. Councilman Peterson seconded the motion. Council members Becraft, Cragun, Peterson, and Tafoya voted “aye.” The motion carried.

2. AWARD OF CONTRACT FOR THE 2009 STREET MAINTENANCE PROJECT

Mark Miller stated bids for the 2009 Street Maintenance Project were opened on April 23rd. Four bids were received. Staker & Parson Companies was the low bidder at \$449,230.00. This year the project consisted of some resurfacing and reconstruction of roads affected by the waterline projects, such as 2000 West and roads in the Foxglen Subdivision north of 4800 South. About \$300,000 of the project would be funded from Class C Road Funds. The remaining funds would come from the water bond. The City had worked with Staker & Parson before and been pleased with their work. The staff recommended that the City Council award the contract for the 2009 Street Maintenance Project to Staker & Parson Companies for \$449,230.00.

Councilman Cragun was concerned about resurfacing leaving a seam in the middle of the street like on 5200 South. Mark Miller stated that asphalt had to be laid in 12-foot widths. Staker & Parson had agreed to come back and put down slurry seal on 5200 South.

Councilman Peterson stated that the roads being reconstructed would be rotomilled. Mark Miller stated that reconstructing roads was better because three inches of asphalt was put down. Overlays were more finicky particularly about weather. July was a good month to do them. Public Works and Wasatch Civil would make sure to watch the overlays closely.

Councilman Tafoya moved to award the 2009 Street Maintenance Project to Staker & Parson Companies for \$449,230.00 and to authorize the Mayor to sign the Notice of Award and Contract Agreement. Councilman Cragun seconded the motion. A roll call vote was taken: Council members Cragun, Peterson, Becraft, and Tafoya voted “aye.” The motion carried.

3. PUBLIC COMMENTS

Bert Visser, 2500 West, understood why new flowers on the ground were removed every time the cemetery was mowed. However, he didn't understand why flowers were removed from vases on the headstones themselves. He had spent nearly \$400 making sure he had room for flowers on his wife's headstone. Years ago City officials had said that headstones with flowers in vases on the headstones would not be disturbed.

Mayor Ritchie asked how often the flowers were removed. Mr. Visser said they were removed every time the cemetery was mowed. The flowers on his wife's grave meant a lot to his daughters.

Mayor Ritchie asked if the City had an ordinance prohibiting artificial flowers in the cemetery. Chris Davis said it did not. Travis Flint was looking at policies from other cemeteries. He would be able to report back to the Council at the next meeting.

Mayor Ritchie stated that flowers on the concrete at the Logan Cemetery were never removed. Mr. Visser said he would be happy with regulations like that.

Councilman Cragun suggested that the City Manager ask the Parks Department to leave the flowers on the concrete alone until the Council had time to determine a policy. The Council agreed as long as that didn't interfere with maintenance of the cemetery.

Gordon Butler, 5364 South 2100 West, asked about code enforcement and if the City had regulations about abandoned vehicles. If it did, how much teeth did the ordinance have, and how could citizens help with the problem? His neighbor had had a vehicle sitting in

his driveway since 2007. Parts of it had been salvaged. The vehicle was close to his home. Mr. Butler felt it could be a potential fire hazard. He spoke with the code enforcement officer, who told him the problem would be taken care of.

Mayor Ritchie asked when Mr. Butler spoke with the code enforcement officer. Mr. Butler said it was about a month ago. Mayor Ritchie said that after a citation was issued, a property owner had a few weeks to correct the problem. If the problem was not corrected, the property owner received a \$100 fine. The amount of the fine escalated if the problem wasn't fixed. He asked the City Manager to determine the status of the complaint and contact Mr. Butler.

Gordon Butler didn't feel the Development Services Department was inundated with building permits right now. He was trying to develop an alternative energy source for his home. He had been working with Jared Hall and Tracy Halladay. He had asked them to look at his property to determine what he needed to do to proceed. On April 27th, he was told someone would stop by. He had made several phone calls since, but no one had come by. He was disappointed that the staff's follow up was so dismal. Mayor Ritchie apologized for the fact that the staff had not contacted Mr. Butler and assured him the staff would contact him.

4. WATER BOND PROJECT UPDATE

Mark Miller provided the following update on the water bond:

Total Budget	\$7,840,846.00
6000 S Waterline Replacement Project Bid Amount (Engineer's Estimate - \$730,000.00)	439,358.00
4075 W, 4050 W & 3950 W Streets Bid Amount (Engineer's Estimate - \$350,000.00)	261,768.00
2008 Culinary Waterline Replacement Phase 1 Bid Amount (Engineer's Estimate - \$790,300.00)	579,994.00
2008 Culinary Waterline Replacement Phase 2 Bid Amount (Engineer's Estimate - \$450,000.00)	317,888.70
2008 Culinary Waterline Replacement Phase 3 Bid Amount (Engineer's Estimate - \$513,000.00)	384,390.50
5175 South Wellhouse Replacement Project Bid Amount (Engineer's Estimate - \$463,215.00)	332,609.20
HAFB Well Replacement Project Bid Amount (Engineer's Estimate - \$712,000.00)	574,980.00
2009 Culinary Waterline Replacement Phase 4 Projected Estimate	895,775.00

2009 Culinary Waterline Replacement Phase 5	
Projected Estimate	495,000.00
Change Order Amount	448,994.00
Other Amount	
4000 S Well Property Purchase - \$100,000.00	
Street Repair- \$300,000.00	<u>400,000.00</u>
Grand Total	5,060,757.40
 Budget Amount Remaining	 \$2,780,090.60

Mr. Miller stated that Phase No. 4 was ready to bid, and Phase No. 5 was nearly complete. The engineer's estimates for the projects that had been bid so far had been high in every case. Other governmental entities were also experiencing a 30% decrease in prices. The City had made the decision to issue change orders on some of the projects to do more work that needed to be done while the contractor was in the area. Money had been encumbered for the 4000 South Well site. The City had set aside \$300,000 to repair the streets affected by the waterline projects. The total of the projects bid thus far was \$4.2 million; with change orders the total was \$5 million. The remaining \$2.78 million would be spent on the reservoir at 4000 South, as well as the reservoir and pump house on Hill AFB. The City had not moved forward with the 4000 South reservoir because the property had not been purchased. The contractor was in the process of drilling the Hill AFB well. The City wanted to make sure it had water there before proceeding with building facilities. Mr. Miller didn't feel the City would continue to experience a 30% decrease in prices. He felt it might see a 10% to 15% savings. There might still be the potential to do a few more roads. Due to the economy, the City had been able to do much more with the \$7.8 million bond than it had anticipated.

Councilman Peterson asked that the information about the water bonds be included in the next newsletter and on the City's website. It would be helpful for the citizens to know that the City was saving them money.

Councilwoman Becraft asked about 4000 South. Chris Davis stated that UTA had finally completed their appraisal of the property. The City was going to have a separate appraisal done. The City anticipated using part of the water bond to purchase the property.

5. CONSIDERATION OF CONDITIONAL USE PERMIT FOR SELF-SERVICE STORAGE UNITS IN AN LM (LIGHT MANUFACTURING) ZONE ON PROPERTY LOCATED AT APPROXIMATELY 5193 SOUTH 2700 WEST

Jared Hall stated that the Planning Commission had reviewed a request for a conditional use permit for self-service storage units at 5193 South 2700 West on February 10th. Due to significant residential development around the site, the staff had worked with the

developer to make sure the site was well buffered. The proposed site plan proposed an entrance on 5200 South. There was also an entrance on the east side that would be shared with the existing storage units at 5183 South 2700 West. The developer had gone to great lengths to secure the agreements necessary to integrate both sites. The project would include cross access and repaving of the existing site. Most of the storage units were 9'x10' or 10'x10'. There were some larger units along the D&RG grade. The landscaping plan contained a buffer wall along 5200 South and 2700 West inside the 20 feet of landscaping required by the zone. A detention area would be included in the 20-foot landscaped area. Curb, gutter, and sidewalk improvements would also be installed on 5200 South. The wall would be constructed of split face CMU.

Councilwoman Becraft asked if there would be a fence along the west side. Jared Hall said there was an existing fence along the west side. The developer was not proposing a new one. The Planning Commission had been concerned about people jumping from the fence onto the roofs of the storage units. There would be landscaping between the fence and the units to prevent that from occurring.

Jared Hall stated that the staff and Planning Commission had found that:

1. The proposed development is an acceptance use in the Light Manufacturing Zone.
2. The development plans buffered the use from the adjacent areas, which included large residential components.
3. The proposed development met the standards for granting conditional use permits contained in the Zoning Ordinance.

Mr. Hall said the staff and Planning Commission recommended approval of the conditional use permit subject to the following conditions:

1. Review and approval of any further corrections, revisions, or other materials as may be required by the City Engineer, Fire Marshal, City Planner, and other DRC staff.
2. All items of current and previous staff reports, engineering memos, and accompanying attachments.

Mr. Hall said the Planning Commission's recommendations had required changes to the site plan that had taken the developer some time to work through. The site plan had been changed. The changes had been reviewed by the City Engineer who felt it worked.

Councilman Peterson moved to approve the conditional use permit for self-service storage units in an Light Manufacturing Zone located at approximately 5193 South 2700 West based on the findings of the staff and Planning Commission and subject

to the recommendations of the staff and Planning Commission. Councilwoman Becraft seconded the motion. Council members Becraft, Cragun, Peterson, and Tafoya voted “aye.” The motion carried.

6. CONSIDERATION OF ORDINANCE NO. 1012 ESTABLISHING TEMPORARY ZONING REGULATIONS FOR PAWNSHOPS, PAYDAY LENDERS, AND OTHER LIKE VENTURES

Jared Hall stated that the Community Development Department had recently received inquiries and conceptual proposals that had brought some previous concerns back into focus. The staff felt the most inappropriate way to address some of the issues surrounding pawn brokers, payday lenders, and their related businesses was to establish a TZRO (temporary regulations) in order to allow the staff time to conduct research and propose new regulations.

Mayor Ritchie stated that a work session would be held to allow the Council to discuss all of the temporary zoning regulations.

Councilman Cragun felt the staff needed time to research these issues. It was good to stop the forward movement until the City determined where it wanted these businesses and put regulations in place.

Councilman Tafoya moved to approve Ordinance No. 1012 establishing temporary land use regulations pertaining to pawnshops, payday lending, and other like ventures in the RC Regional Commercial Zoning District based on the compelling, countervailing interests of the public listed in the ordinance. Councilman Cragun seconded the motion. A roll call vote was taken: Council members Cragun, Becraft, Tafoya, and Peterson voted “aye.” The motion carried. (Copy filed for record).

7. CONSIDERATION OF ORDINANCE NO. 1013 ESTABLISHING TEMPORARY ZONING REGULATIONS FOR MINOR WHOLESALER AUTOMOBILE BROKERS

Jared Hall stated that currently major automobile wholesalers were addressed as a category where smaller brokers were not. He felt a text amendment to clarify the issue would be fairly simple. The proposed TZRO established temporary regulations that would allow the staff time to propose regulations to fill the gap.

Councilman Tafoya moved to approve Ordinance No. 1013 establishing temporary land use regulations pertaining to the categorization of minor wholesaler automobile brokers based on the compelling, countervailing interests of the public listed in the ordinance itself. Councilman Cragun seconded the motion. A roll call vote was

taken: Council members Cragun, Becraft, Tafoya, and Peterson voted “aye.” The motion carried. (Copy filed for record).

8. CONSIDERATION OF ORDINANCE NO. 1014 ESTABLISHING TEMPORARY ZONING REGULATIONS PERTAINING TO ELECTRONIC MESSAGE CENTER SIGNS

Jared Hall stated that recent interest in LED and other lighted, electronic signs brought to the staff’s attention the City’s inadequate or out-of-sync regulations with the City’s current development plans. The current Sign Ordinance lacked clarity. Ordinance No. 1014 would establish temporary zoning regulations that would disallow these signs and give the staff time to research and recommend standards that made sense for the City’s current plans.

Councilman Peterson moved to approve Ordinance No. 1014 establishing temporary land use regulations pertaining to electronic message center signs based on the compelling, countervailing public interests listed in the ordinance itself. Councilwoman Becraft seconded the motion. A roll call vote was taken: Council members Becraft, Tafoya, Peterson, and Cragun voted “aye.” The motion carried. (Copy filed for record).

9. CONSIDERATION OF ORDINANCE NO. 1015 ESTABLISHING TEMPORARY ZONING REGULATIONS PERTAINING TO FREE-STANDING AND MONUMENT BUSINESS SIGNS

Jared Hall stated that several recent inquiries and trends encouraged the planning staff to propose Ordinance No. 1015 establishing some very basic parameters for the two common types of business signs (pole signs and monuments signs). The proposed temporary regulations would effectively limit free-standing signs to the Regional Commercial Zone and cap the height of monument signs at six feet in all zoning districts. The staff liked to encourage monument signs in the business district, but there were virtually no regulations in the Sign Ordinance.

Councilman Peterson moved to approve Ordinance No. 1015 establishing temporary land use regulations pertaining to freestanding and monument business signs based on the compelling, countervailing public interests listed in the ordinance itself. Councilman Cragun seconded the motion. A roll call vote was taken: Council members Peterson, Tafoya, Cragun, and Becraft voted “aye.” The motion carried. (Copy filed for record).

10. CITY MANAGER’S REPORT

Chris Davis stated that the flyers for Roy Days had gone out. The staff would keep the Council apprised about the response.

Chris Davis stated that during the Council's budget work session they expressed a desire to hold a work session to discuss the personnel policy. He asked that the Council members email him the dates they would be available so that the work session could be scheduled.

11. MAYOR AND COUNCIL REPORTS

Mayor Ritchie stated that the filing deadline for the fall election was 30 days away. He officially announced his candidacy for mayor.

Councilwoman Becraft announced that she planned to run for reelection as well.

Councilwoman Becraft stated that the Good Sam's volunteer project on 1900 West looked wonderful, but there were still weeds in the rocks on the actual corner of 4400 South 1900 West.

Councilwoman Becraft stated that she had had three people who lived on 3100 West between 4800 South and 6000 South ask that the City increase patrols due to speeding.

12. ADJOURN

Councilman Cragun moved to adjourn at 6:57 p.m.

13. SUMMARY OF ACTIONS CHARGED

1. City Manager to report back to the Council about cemetery policies from other entities at the next Council meeting. City Manager to direct the Parks Department to leave flowers on the concrete alone until the Council had had time to determine a policy.
2. City Manager to determine the status of Mr. Butler's complaint, and then contact Mr. Butler.
3. Information about water bond to be included in the next newsletter and on the City's website.

Attest

Joe H. Ritchie
Mayor

Michelle Drago
Secretary