

MINUTES OF THE NOVEMBER 16, 2010, ROY CITY COUNCIL MEETING

1. Approval of October 19, 2010 and November 3, 2010, minutes
2. Consideration of Agreement for Mutual Aid in Force Protection and Police Incident Response
3. Consideration of a request to amend Section 1701 of the Zoning Ordinance extending allowance for beekeeping from the Residential Estate District to Single-Family Residential Districts
4. Public comments
5. Consideration of a proposal to amend Section 1020 of the Zoning Ordinance regarding landscaping installation and maintenance requirements on residential properties
6. Consideration of a request to amend Section 2003 of the Zoning Ordinance pertaining to Electronic Message Center Signs
7. Mayor and Council reports
8. Adjourn
9. Summary of actions charged

Minutes of the Roy City Council Meeting held November 16, 2010, 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	City Manager Chris Davis
Councilman Willard Cragun	City Attorney Andy Blackburn
Councilman Brad Hilton	Secretary Michelle Drago
Councilman Larry Peterson	
Councilman Michael Stokes	
Councilman Dave Tafoya	

Also present were: Tony Reynolds, Community and Economic Development Director; Jared Hall, Planner; Marge Becraft; Joel Fredrickson; Kevin Mastache; Ismael Mata; Rogelio Navarro; Christian Chavez; Thomas Carstens; Kim Childress; Kevin Kidd; Trenton Winters; Cole Bennett; Jeremy Alas; Kyle Murphy; Bryan Gutierrez; Paige Wood; Claudia Opheikens; Abram Hill; Josh Hall; Tosh Farr; Crystal Hatch; Jared Smith; Dayton Wilkinson; Ashley Hodges; Meagan Parker; Jade Furlong; Rachel Trotter; Elisha Quintana; Nikk Jachim; Eric T., Jason Willmere; Teesha Brown; Julia Nunez; Riker Nagel; Martin Reveles; and Laura Phillipson.

Moment of Silence: Councilman Cragun

Pledge of Allegiance: Councilman Cragun

1. APPROVAL OF OCTOBER 19 AND NOVEMBER 3, 2010, MINUTES

Mayor Ritchie welcomed all students from the Roy High School government class and the Roy High School student body officers.

Councilman Tafoya moved to approve the minutes of October 19, 2010, as written. Councilman Hilton seconded the motion. Council members Cragun, Hilton, Peterson, Stokes, and Tafoya voted "aye." The motion carried.

Councilman Stokes moved to approve the minutes of November 3, 2010, as written. Councilman Cragun seconded the motion. Council members Cragun, Hilton, Peterson, Stokes, and Tafoya voted "aye." The motion carried.

2. CONSIDERATION OF AGREEMENT FOR MUTUAL AID IN FORCE PROTECTION AND POLICE INCIDENT RESPONSE

Mayor Ritchie stated that this was an interlocal agreement that had been in place for a long time but had lapsed. The City administration and Hill AFB were seeking to have the new agreement approved. It was an agreement for mutual aid at the west gate of Hill AFB.

Councilman Tafoya moved to approve the Agreement for Mutual Aid in Force Protection and Police Incident Response. Councilman Peterson seconded the motion. A roll call vote was taken: Council members Hilton; Stokes; Cragun; Tafoya; and Peterson voted "aye." The motion carried. (Copy filed for record).

3. CONSIDERATION OF A REQUEST TO AMEND SECTION 1701 OF THE ZONING ORDINANCE EXTENDING ALLOWANCE FOR BEEKEEPING FROM THE RESIDENTIAL ESTATE DISTRICT TO SINGLE-FAMILY RESIDENTIAL DISTRICTS

Jared Hall stated that at the City Council's direction, the staff had looked at expanding beekeeping from the RE-20 Zone into the single-family residential zones. Hearings were held by the Planning Commission. The second hearing on October 26th included a healthy discussion. At that hearing, the Planning Commission voted four to two to recommend that the request to amend Section 1701 of the Zoning Ordinance be denied. Ultimately, the decision to amend the Zoning Ordinance to allow bees in single-family residential zones was up to the City Council. The staff's recommendations for controls were included in the staff report.

Councilman Cragun stated that he attended the first Planning Commission hearing. He had suggested that the staff contact Weber County who had people who were familiar with bees. He did not see anywhere in the staff report or minutes that someone from the County was present to testify at the second hearing. There wasn't information about Salt Lake's ordinance either. At the second hearing, one of the Planning Commission members moved to table the discussion.

Jared Hall said there was a motion to table in order to receive further information. It died for lack of a second. It was immediately followed by a motion to deny the request. Four of the Planning Commission members didn't feel further information would persuade them that there was a need for the amendment.

Councilman Stokes stated that Commissioner Hamilton didn't feel he had enough facts. Yet he voted to deny the amendment. Councilman Stokes said he had struggled with this request. He liked the letter from Ms. Martineau asking the City to err on the side of freedom. He was concerned the City didn't have enough information. People used to have small livestock in residential areas. The trend had moved away from that practice. It appeared to be swinging back again. New York was allowing beekeeping. He was interested in Salt Lake's ordinance and how it had turned out. He

didn't feel the City was in command of all the facts. The Christiansen's also made the point that they did not move to Roy to see what one would expect to see in the country.

Councilman Tafoya stated that bees were allowed in Roy City in the RE-20 Zone. Ms. Martineau wanted to have bees in a smaller zone. He agreed with the Planning Commission. The City had neighbors fighting over weeds and yard care let alone bees. He felt allowing bees on smaller lots would be opening Pandora's Box. The current ordinance allowing bees on larger lots met the City's needs.

Councilman Cragun stated that Pandora's Box was already open. How many cats could a resident have?

Councilman Peterson stated that he knew beekeeper with 50 years of experience. This beekeeper would not put bees on a residential lot. He never put bees within a block of a house. Bees always found the sweetest thing around; whether it was watermelon on a patio or flowers. Sometimes they were gentle; sometimes they were not. The City already allowed bees in the RE -20 Zone. He agreed with Councilman Tafoya and the Planning Commission.

Councilman Stokes stated that he spoke with Commissioner Hamilton. The City Council should not give the Planning Commission a quest to study an issue and then arbitrarily take its own course. Unless there was a compelling reason, the Council should take the recommendation of the Planning Commission.

Councilman Hilton felt the Planning Commission held a great discussion. Healthy bees needed a gallon of water a day. If they didn't have it, they would find it, which might be the swimming pool next door. Every ordinance he had been able to find, with the exceptions of New York and Salt Lake, allowed bees only in agricultural areas. Bees in agricultural areas were consistent throughout the nation. He knew bees were needed, but he was not willing to venture out and allow bees in residential zones. He agreed with Councilmen Peterson and Tafoya on this issue.

Councilman Peterson moved to accept the Planning Commission's recommendation to deny the request to amend Chapter 17 of the Zoning Ordinance to allow bees in single-family residential zones. Councilman Tafoya seconded the motion. Council members Hilton, Peterson, Stokes, and Tafoya voted "aye." Councilman Cragun voted "nay." The motion carried.

Tosh Farr, 5065 South 3100 West, stated the information the Planning Commission had was incomplete. Bees were misunderstood. They had a two-mile radius and never bothered anyone unless someone was bothering the hive. Bees did consume a lot of water. They gathered water from flower petals or wherever else they needed to. His corn had not produced this year due to a lack of bees. A lot of people grew gardens. If there weren't any bees, the gardens would not grow. He had waited for a public comment time prior to the Council's vote.

Mayor Ritchie said the appropriate place for public comments was at the Planning Commission's hearings. Mr. Farr had not heard about those hearings. Roy City did allow bees in the proper zone.

Councilman Hilton stated that the Council had liability to the citizens. When there was liability, the Council had to take extra caution.

4. PUBLIC COMMENTS

There were none.

5. CONSIDERATION OF A PROPOSAL TO AMEND SECTION 1020 OF THE ZONING ORDINANCE REGARDING LANDSCAPING INSTALLATION AND MAINTENANCE REQUIREMENTS ON RESIDENTIAL PROPERTIES

Tony Reynolds stated that the Planning Commission had been considering text amendments to the Zoning Ordinance and City Code regarding installation and maintenance requirements for landscaping on residential properties. The staff was asking the City Council to look at the Planning Commission's recommendations before an adoption ordinance was drafted. The first of three steps needed to amend the City Code was to require landscaping in side and rear yards; the second was to declare lack of appropriate vegetation to be a nuisance; and the third was to standardize the time homeowners had to install landscaping. The text amendment proposed that homeowners be given 18 months to landscape in the front, side, and rear yards. That time frame was compatible with requirements of surrounding cities. Eighteen months would give homeowners two growing seasons. The time frame was for new construction. Owners of existing homes would be given 18 months from the passage of the proposed amendment to bring their properties into compliance. The proposed text amendments included adding a lack of landscaping as a declared nuisance in Section 4-3-3- of the City Code, which was the public health and welfare title. The staff felt these changes reflected the Council's direction a few months ago.

Councilman Cragun felt the City needed to look at outside storage as well. Including outside storage in the list of declared nuisances could help the Code Enforcement Officer. Mr. Reynolds said outside storage was already in the code. He would speak with the Code Enforcement Officer about whether the code needed more teeth. Councilman Cragun suggested looking at a time frame for outside storage.

Councilman Peterson asked how the staff would determine what was landscaping and what was natural material. Mr. Reynolds said the landscaping had to be appropriate turf, plant material, or ground cover.

Councilman Stokes stated that lots in the RE-20 Zone had large yards. Most owners left that acreage in a 'field' look. How would the staff handle the same look on an R-1-6 lot? Mr. Reynolds said the Code Enforcement Officer only had access to backyards when neighbors could not reach an agreement. There was a difference between pure agricultural yards and residential yards. The Code Enforcement Officer would be looking to see if a declared nuisance was occurring.

Councilman Peterson stated that pasture was different than weeds.

Councilman Stokes stated that the number one complaint from citizens was that the City was not doing enough about maintaining cleanliness and noxious weeds. At the same time the City also received complaints that it was being heavy handed.

Councilman Peterson stated that the City always gave a property owner time to speak with the Code Enforcement Officer and to fix the problem.

Councilman Hilton asked about the reason for changing the time frame for landscape installation from one year to 18 months. He didn't feel it would be difficult to landscape an entire R-1-7 lot in one year. Mr. Reynolds wished it was easy to get homeowners to put in their yards within 18 months. The surrounding cities all required 18 months. Eighteen months allowed for two growing seasons.

Councilman Stokes was comfortable with 18 months.

6. CONSIDERATION OF A REQUEST TO AMEND SECTION 2003 OF THE ZONING ORDINANCE PERTAINING TO ELECTRONIC MESSAGE CENTER SIGNS

Jared Hall stated that in November 2009 the Planning Commission and City Council adopted regulations for signs that were included in Chapter 20 of the Zoning Ordinance. Some of those regulations pertained to Electronic Message Center (EMC) signs. The City was approached by owners of individual properties in the Community Commercial Zone along the 3500 West/Midland Drive corridor. They were not eligible for EMC signs because they were not located in shopping centers. The property owners filed an application for a text amendment that would allow any property in the Community Commercial Zone along 3500 West/Midland Drive to have an EMC sign, just like 1900 West or the Regional Commercial Zone. The staff presented that request to the Planning Commission who felt the request had merit but was too broad. They asked the staff to look at further controls. The staff and Planning Commission proposed that EMC signs be allowed on individual properties in the Community Commercial Zones along 3500 West/Midland Drive as a conditional use. The properties had to be located within 600 feet of the main intersections of 4000 South, 4800 South, 5600 South, and 6000 South. The EMC signs would have to be dimmed between certain hours. Mr. Hall asked for direction from the Council before an adoption ordinance was prepared.

Councilman Stokes felt that as the 3500 West/Midland Drive corridor developed, the restrictions on EMC signs would change. Right now the controls proposed by the Planning Commission and staff were appropriate. There was still a lot of residential area along this corridor. As those homes were converted to businesses there would be a need to change the sign regulations. It might take a decade or more.

Councilman Tafoya asked if the EMC signs would be monument signs. Mr. Hall said only monument signs would be eligible for an EMC component, with the exception of shopping centers. The restriction to monument signs was in keeping with the adjacent residential uses.

Councilman Peterson agreed that there would be a need for more EMC signs over time.

Mayor Ritchie stated that the sign regulations were only a year old. He felt the City needed to consider how often it would modify the ordinances.

Councilman Stokes was comfortable with the proposed amendment. He didn't feel the regulations would have to be tweaked for some time.

7. CITY MANAGER'S REPORT

Chris Davis stated that the City had received a copy of the delinquent taxpayers from Weber County. Did any of the Council members want to see the list? There was about 170 people on the list. Councilman Stokes was interested in a summary of the value amounts.

Chris Davis stated that on Thursday Mayor Ritchie, Travis Flint, and himself would meet with Wasatch Front Regional Council Advisory Committee to discuss the need for additional funds for the D&RG Trail. WFRC's Transportation Committee was the final step needed for action to be taken on additional money. After their consideration, UDOT would prepare a contract which would be approved by them and the City. UDOT would design the additional portion to connect the trail to Hinckley Drive. It was a lengthy process. How Christmas light display at Willard Bay ever, Roy City wasn't too far behind Farmington and Layton. The City hoped to have the trail paved by late February so that it could be used in the spring.

Chris Davis stated that the City Council was serving lunch to the seniors on Wednesday, November 24th at 11:00 a.m. in the Hope Community Center.

Chris Davis stated that the Christmas lighting program would be held on Monday, November 22nd. Part of the program would be in the Hope Center. Mayor Ritchie said at the request of citizens, this was the third year the City had turned on the lights before Thanksgiving. The comments from the citizens had been very positive.

8. MAYOR AND COUNCIL REPORTS

Councilman Cragun stated that the dedication at the Hope Center on Veterans Day had gone very well and was well attended. Former Council member Marge Becraft did an outstanding job at accepting the bust of Officer Dolan on behalf of the City. The American Legion and Dolan family also wanted to present a packet to the City. They expressed their appreciation to the Council and Mayor.

Mayor Ritchie stated that a monument commemorating Officer Dolan, who was killed in Iraq, was in the entrance of the Hope Center.

9. ADJOURN

Councilman Cragun moved to adjourn at 6:45 p.m.

Joe H. Ritchie
Mayor

Attest:

Michelle Drago
Secretary

dc:cnov1610