

MINUTES OF THE FEBRUARY 19, 2013, ROY CITY COUNCIL MEETING

1. Approval of the February 5, 2013, minutes
2. Consideration of an Interlocal Agreement for Graffiti Removal Services with Second District Juvenile Court – Roy City Contract No. 2013-1
3. Public comments
4. Consideration of a request for conditional use approval allowing an electronic message center sign on property located at approximately 4702 South 1900 West
5. Approval of Ordinance No. 1050 vacating a portion of the 5200 South right-of-way east of 1900 West
6. Consideration of Ordinance No. 1052 amending Chapter 11 of the Roy City Zoning Ordinance by establishing Section 1111, additional regulations for the keeping of limited domestic livestock and fowl in single family residential zoning districts
7. Consideration of Ordinance No. 1053 amending Chapter 11 of the Roy City Zoning Ordinance by establishing Section 1112, additional regulations for limited apiary uses in single family residential zoning districts
8. City Manager's report
9. Mayor and Council reports
10. Adjourn

Minutes of the Roy City Council Meeting held February 19, 2013, 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
Councilman John Cordova
Councilman Willard Cragun
Councilman Brad Hilton
Councilman Dave Tafoya

City Manager Christ Davis
City Attorney Andy Blackburn
Secretary Michelle Drago

Excused: Councilman Michael Stokes

Also present were: Jared Hall, Planner; Sheri May, Code Enforcement Officer; Drew Wilson; Rachel Trotter; Elizabeth Brown; Julia Satterthwaite; Brad Christiansen; Adam Call; Melissa Gellman; Nathan Johnson; John Jett; Dominique Mifflin; Cherane Latson; Allison Barker; Rylee Hill; Dawn Nguyen; Sydney Delacruz; Bruce Smith; Scott Johnson; Chayden VanWagoner; Christopher Chadbourne; Roger Park; Sara Schlagel; Brian Williams; Hayden Holt; Ryan Taylor; Angelica Mitchell; Phillip Anderson; and Boy Scout Troop 370.

Moment of Silence: Councilman Tafoya

Pledge of Allegiance: Boy Scout Troop 370

1. APPROVAL OF FEBRUARY 5, 2013, MINUTES

Councilman Cragun moved to approve the minutes of February 5, 2013, as written. Councilman Cordova seconded the motion. Council members Cordova, Cragun, Hilton, and Tafoya voted “aye.” The motion carried

2. CONSIDERATION OF AN INTERLOCAL AGREEMENT FOR GRAFFITI REMOVAL SERVICES WITH SECOND DISTRICT JUVENILE COURT- ROY CITY CONTRACT NO. 2013-1

Andy Blackburn, City Attorney, asked that the Council approve an Interlocal agreement with the Second District Juvenile Court for graffiti removal. This was an agreement the City had had for some time. It needed to be renewed periodically. The staff felt the juvenile court had been very responsive for the cost.

Mayor Ritchie asked if the City had any complaints about the graffiti removal services. Mr. Blackburn said it didn't.

Councilman Tafoya moved to approve Roy City Contract No. 2013-1 an Interlocal Agreement with Second District Juvenile Court for graffiti removal services. Councilman Cordova seconded the motion. A roll call vote was taken: Council members Cordova, Tafoya, Hilton, and Cragun voted “aye.” The motion carried. (Copy filed for record).

3. PUBLIC COMMENTS

There were none.

4. CONSIDERATION OF A REQUEST FOR CONDITIONAL USE APPROVAL ALLOWING AN ELECTRONIC MESSAGE CENTER SIGN ON PROPERTY LOCATED AT APPROXIMATELY 4702 SOUTH 1900 WEST

Jared Hall stated that the City had received a request from Kapp Auto for a conditional use permit to allow an electronic message center sign at 4702 South 1900 West. Kapp Auto was proposing to replace the reader board on their existing sign with an electronic message center. The staff and the Planning Commission recommend that the Council approve the conditional use subject to it meeting the regulations of Ordinance No. 1020 and other items listed in the staff report.

Councilman Cordova asked if Ordinance No. 1020 discussed strobing. Mr. Hall said there were specific regulations that discussed the length of individual messages.

Councilman Tafoya asked if an electronic message center sign was on 24 hours a day. Mr. Hall said it typically was. The sign was usually dimmed at night to save electricity.

Councilman Hilton moved to approve a conditional use allowing an electronic message center sign on property located at approximately 4702 South 1900 West based findings and recommendations of the staff and Planning Commission. Councilman Cordova seconded the motion. Council members Cordova, Cragun, Hilton, and Tafoya voted “aye.” The motion carried.

5. APPROVAL OF ORDINANCE NO. 1050 VACATING A PORTION OF THE 5200 SOUTH RIGHT-OF-WAY EAST OF 1900 WEST

Chris Davis stated that the City Council asked the staff to work with the adjoining property owners. The staff looked at the State statute. It was clear about how land was to be divided when a public right-of-way was vacated. The staff had spoken with Jay Averrett and Lee Holt from the Elks Lodge. Both agreed the City had done all it could. The Elks would receive half of the right-of-way adjacent to land they owned. Mr. Averrett said Mr. Vorwaller had been a great neighbor, and they didn't want to harm his development. The staff asked that the Council approve Ordinance No. 1050 vacating a portion of the 5200 South right-of-way.

Councilman Cordova asked that Mr. Davis explain the proposed vacation for the benefit of those in the audience.

Chris Davis stated that the 5200 South right-of-way east of 1900 West dead-ended before reaching Airport Road. It was a publicly owned right-of-way. The State law said that when a City vacated a right-of-way, the land was to be divided in half between the adjacent property owners. The City Council was concerned about the proposed vacation of 5200 South because one of the adjacent property owners, Mr. Lee, already owned a number of properties next to the right-of-way. Mr. Lee owned a 20-foot strip of land between the right-of-way and land owned by the Elks Lodge. According to State law, half of the right-of-way would go to Mr. Lee rather than the Elks Lodge. The Elks were concerned about having access to their property. They had purchased some land from Mr. Lee in order to have access to their buildings.

Councilman Cordova stated that the east portion of the 5200 South right-of-way had become redundant because there was other access to Airport Road in the area.

Councilman Cordova moved to approve Ordinance No. 1050 vacating a portion of the 5200 South right-of-way east of 1900 West. Councilman Cragun seconded the motion. A roll call vote was taken: Council members Hilton, Cragun, Tafoya, and Cordova voted “aye.” The motion carried. (Copy filed for record).

6. CONSIDERATION OF ORDINANCE NO. 1052 AMENDING CHAPTER 11 OF THE ROY CITY ZONING ORDINANCE BY ESTABLISHING SECTION 1111 – ADDITIONAL REGULATIONS FOR THE KEEPING OF LIMITED DOMESTIC LIVESTOCK AND FOWL IN SINGLE FAMILY RESIDENTIAL ZONING DISTRICTS

Jared Hall stated that Ordinances No. 1052 and No. 1053 were related. The language in both was very similar. Ordinance No. 1052 dealt with chickens and rabbits; Ordinance No. 1053 dealt with apiaries, or bees. Mr. Hall said the Council was familiar with the proposal filed last summer requesting that the Zoning Ordinance be amended to allow domestic livestock in residential zones. The Council asked that the ordinance be split to handle bees separately from chickens and rabbits and that the Planning Commission and staff look at code compliance.

Mr. Hall said the typical procedure for code compliance was to make an inspection based on a complaint and issue a warning followed by citations if the problem was not resolved. Subsequent citations could be issued until a nuisance violation ended up in court. The City ordinances were already written to allow the City to do either emergency or alternative abatement. Emergency abatement was only used when an inspection revealed there was a life safety issue. Alternative abatement meant the City would clean up a nuisance and then seek to recoup its cost. The staff felt alternative abatement was the only option the City could use to resolve a nuisance problem quicker.

Mr. Hall stated that a special permit would be issued for any domestic livestock. If an inspection revealed a violation, a warning would be issued to allow a property owner time to come into compliance. If a reinspection showed nothing had been done, the

permit would be revoked, the City would seek alternative abatement, and the property owner would immediately be remanded to court to have the animals removed.

Mayor Ritchie stated that this issue had been before the Planning Commission and the City Council for almost a year. Did the Planning Commission make any changes to the proposed draft? Mr. Hall said the only changed was to separate the regulations for chickens and rabbits from bees and to recommend that the City use the alternative abatement method.

Commissioner Hilton asked if the current compliance pattern was generic. Mr. Hall said it was. The City could use alternative abatement for all violations, but the City had not been willing to spend money to do that.

Councilman Hilton asked how much time the City allowed a property owner to correct a violation. Mr. Hall said the City's ordinance did not contain a specific amount of time. Property owners were typically given 10 to 14 days to comply.

Councilman Hilton asked if the proposed draft required a property owner to receive approval from his neighbors. Mr. Hall said the Planning Commission recommended that an applicant be made aware that the City would notify all adjacent property owners about the domestic livestock. The City couldn't give up the responsibility of approval. The Planning Commission felt that some problems could be alleviated by notifying neighbors up front.

Councilman Hilton asked about enforcement by the Zoning Administrator. Mr. Hall said that the Zoning Administrator would assume the burden of enforcing domestic livestock and fowl regulations so the Code Enforcement Officer would not be overburdened. The Zoning Administrator would also oversee permits and violations.

Councilman Tafoya stated that the Planning Commission had forwarded the proposed draft to the City Council without giving a recommendation for approval or denial. Mr. Hall said the Planning Commission did not feel that domestic livestock in residential zones was the best idea. The proposed draft contained the best regulations they could come up with to make domestic livestock viable.

Councilman Cordova asked how the staff planned to enforce the City code if the proposed amendment was not approved. Mr. Hall said those property owners who had domestic livestock citations last summer had been in limbo. They would have to comply with the City's ordinance.

Councilman Tafoya asked how many complaints there had been regarding bees and chickens. Mr. Hall said there weren't any outstanding complaints regarding bees. There were about half a dozen actual complaints regarding chickens. The majority of them had been on hold since last August. The others had not been written up because the ordinance was in limbo.

Commissioner Hilton asked if the violations were contained in one area. Mr. Hall said they were spread throughout the City.

Councilman Cragun stated that since the rooster problem in the north end of the City had been resolved, he had not received any complaints about chickens.

Councilman Cordova stated that he had spoken with a lot of people about domestic livestock since last summer. A lot of people were neutral; a lot were very positive; and a handful were very negative. However, when they realized that domestic livestock consisted of hens and rabbits, they became neutral.

Councilman Tafoya stated that he had received only negative comments, except for those who attend the north town meeting. The City could not enforce the ordinances on the books now. At the last meeting, the Council discussed enforcing snow removal. During the summer the Council heard about weeds. Now the City was talking about adding rabbits and chickens. The problems never ended. The City currently allowed domestic livestock in certain zones in the City. He didn't feel it made sense to change the ordinances for a handful of citizens who wanted to have a hobby.

Councilman Cragun stated that he learned responsibility when he was growing up by taking care of animals. He grew up in Ogden. He received more complaints about cats than any other animal. The City had spent a considerable amount of money trying to enforce cats. The text amendment had come about because a new neighbor had the desire to have chickens; another neighbor wanted bees. He wasn't sure if domestic livestock was a hobby for some, or if this was something people felt the government didn't have the right to regulate. How far did the government go to legislate the people who lived in a community?

Councilman Tafoya asked if government should let people do whatever they wanted. He felt adding enforcement of domestic livestock would just add to the pile.

Councilman Hilton understood both sides of this issue. He had received both positive and negative comments. He was concerned that the Planning Commission did not feel it could do better. He felt the ordinance the City had prior to 2005 allowed animals within the community. He understood all of the time the Planning Commission had put into reviewing the proposed amendment. The proposed draft was restrictive.

Jared Hall stated that the Planning Commission had discussed limiting domestic livestock to certain lot sizes. They decided that limiting domestic livestock to lots larger than 10,000 square feet would not really allow very many property owners to have domestic livestock because the vast majority of the lots in Roy were smaller than that.

Councilman Cordova felt the fact that the Planning Commission had not given a solid yes or no should cause the Council to pause. It might be better to send Ordinance No. 1052 back to the Planning Commission.

Councilman Tafoya felt the Planning Commission had done its part. The City Council needed to make a decision to either change the Zoning Ordinance or leave it 'as is.'

Councilman Tafoya moved to deny Ordinance No. 1052. Councilman Cordova seconded the motion. A roll call vote was taken: Council member Cragun voted "nay." Council members Cordova, Tafoya, and Hilton voted "aye." The motion carried.

7. CONSIDERATION OF ORDINANCE NO. 1053 AMENDING CHAPTER 11 OF THE ROY CITY ZONING ORDINANCE BY ESTABLISHING SECTION 1112 – ADDITIONAL REGULATIONS FOR LIMITED APIARY USES IN SINGLE FAMILY RESIDENTIAL ZONING DISTRICTS

Councilman Tafoya moved to deny Ordinance No. 1053. The motion died for lack of a second.

Councilman Cordova moved to approve Ordinance No. 1053 amending Chapter 11 of the Roy City Zoning Ordinance by establishing Section 1112 – additional regulations for limited apiary uses in single-family residential zoning districts. Councilman Cragun seconded the motion. A roll call vote was taken: Council man Tafoya voted "nay." Council members Cordova, Cragun, and Hilton voted "aye." The motion carried. (Copy filed for record).

Mayor Ritchie asked that Jared Hall let the Planning Commission know that the Council appreciated their hard work.

8. CITY MANAGER'S REPORT

Chris Davis updated the Council about the State Legislature.

9. MAYOR AND COUNCIL REPORTS

Councilman Cordova stated that he had been approached by a young woman who witnessed the pedestrian accident in front the fire station a few weeks ago. The woman who was hit was carrying a flag. The young woman asked if the City could install a flashing light that would allow pedestrians time to cross 1900 West. Mr. Davis said he would pass on the request to the Police Department and UDOT.

10. ADJOURN

At 6:42 p.m., Councilman Cordova moved to adjourn the City Council Meeting and convene a Redevelopment Agency Meeting. Councilman Tafoya seconded the motion. Council members Cordova, Cragun, Hilton, and Tafoya voted “aye.” The motion carried.

Attest:

Joe H. Ritchie
Mayor

Amy Mortenson
Recorder

dc:cfeb1913