

MINUTES OF THE FEBRUARY 4, 2014, ROY CITY COUNCIL MEETING

1. Approval of the January 21, 2014, minutes
2. Swearing in of City Councilwoman Karlene Yeoman
3. Ratification of Mayor's appointments to the Planning Commission
4. Recognition of Lori Ann Pierce for her generous offerings to a local family in need
5. City Manager's report
6. Consideration of Roy City Contract No. 2014-3 an Interlocal Agreement by and between Roy City Corporation and the Utah State Second District Court for graffiti removal services
7. Consideration of Ordinance No. 1061 amending portions of Title 9 of the Roy City Code to update Roy City Building and Construction Codes in accordance with the Utah Uniform Building Standard Act and the rules promulgated thereunder
8. Request for approval of an alcoholic beverage license for Roy Sinclair Holdings, LLC located at 5608 South 1900 West
9. Consideration of a request to amend the Zoning Map from Light Manufacturing to Residential Estates on property located at approximately 5085 South 2700 West
10. Consideration of a request for conditional use approval to allow a tattoo and body art business on property located at approximately 5523 South 1900 West
11. Consideration of a request for conditional use approval allowing a multi-family residential development on property located at approximately 4600 South 3500 West
12. Consideration of a request to amend the Future Land Use Designation of property located at approximately 4600 South 3500 West
13. Consideration of a request to amend the zoning designation of property located at approximately 4600 South 3500 West
14. Public comments
15. Mayor and Council reports
16. Adjourn

Minutes of the Roy City Council Meeting held February 4, 2014, 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 Willard Cragun
Councilwoman Marge Becraft
Councilman John Cordova
Councilman Brad Hilton
Councilman Dave Tafoya
Councilwoman Karlene Yeoman

City Manager Chris Davis
City Attorney Andy Blackburn
Secretary Michelle Drago

Also present were: Ross Oliver, Public Works Director; Jason Poulsen, Fire Chief; Jared Hall, Planner; Amy Mortensen, City Recorder; Bob Dandoy; Leland Karras; Niven Turner; Megan Turner; Sean George; Ted McGrear; Jared Frazer; Jacob Peterson; Lance Merrill Gregory Fisher; River Dauber; Dawn Dauber; Joshua Oaks; Caitlin Holt; Michelle Holt; Hunter Smith; Dean Russell; Jamie Toledo; Breann Christopherson; Jared Flanders; Mitchell Cordova; Joni Jones; Nick Stevensen; Kimberlee Flanders; Kel Lyn Flanders; Vicki Stevensen; Mark Blakley; Doug Nandell; Gardner Crane; Howard Kent; Tania Hunter; Rachel Trotter; Julia Blanch; Carrie Clegg; Jon Clegg; Glen Buses; Lora Buess; Lydia Benavides; Donna Bolton; Kirk Smith; Brandon Peterson; and Boy Scout Troop 193.

Moment of Silence: Councilman Hilton

Pledge of Allegiance: Boy Scout Troop 193 under the direction of Brandon Peterson

1. APPROVAL OF THE JANUARY 21, 2014, MINUTES

Councilman Cordova moved to approve the minutes of January 21, 2014, as written. Councilwoman Becraft seconded the motion. Council members Becraft, Cordova, Hilton, Tafoya, and Yeoman voted “aye.” The motion carried.

2. SWEARING IN OF CITY COUNCILWOMAN KARLENE YEOMAN

City Recorder Amy Mortensen administered the Oath of Office for Councilwoman Karlene Yeoman.

Mayor Cragun welcomed Councilwoman Yeoman to the City Council. She had represented the City well in many past endeavors.

3. RATIFICATION OF MAYOR'S APPOINTMENTS TO THE PLANNING COMMISSION

Mayor Cragun stated that there were currently vacancies on the Planning Commission. One of the benefits of conducting interviews for the vacant Council position was the opportunity to meet some outstanding citizens. He asked that the Council ratify his appointments of Bob Dandoy and Leland Karras to the Planning Commission. Both men interviewed well and had worked hard to serve the community in the past. He felt their commitment to the community would continue on the Planning Commission.

Councilman Tafoya moved to ratify the Mayor's appointment of Bob Dandoy and Leland Karras to the Planning Commission. Councilman Cordova seconded the motion. Council members Becraft, Cordova, Hilton, Tafoya, and Yeoman voted "aye." The motion carried.

Mayor Cragun asked Leland Karras and Bob Dandoy to introduce themselves.

Councilwoman Yeoman stated that she had served on the Planning Commission for over nine years. She felt it was a good place to learn. Councilwoman Becraft said she worked with Bob Dandoy on the 75th Anniversary Committee and was very impressed with his organization and commitment. Councilman Hilton said he had known Leland Karras and Bob Dandoy for over 20 years and felt he would do a good job. Councilmen Cordova and Tafoya welcomed both men.

4. RECOGNITION OF LORI ANN PIERCE FOR HER GENEROUS OFFERINGS TO A LOCAL FAMILY IN NEED

Fire Chief Jason Poulsen stated that the Fire Department wanted to publicly thank Lori Ann Pierce. Lori Ann Pierce came into the Fire Department before Christmas with bags of gifts for a local family. When she learned the number and ages of the children in the family she left and returned with even more bags of gifts. He had written her the following letter:

"On behalf of the Roy City Fire Department, City Council and City Administration we would like to give you a heartfelt thank you for your kind and generous offerings for a local family in need of some Christmas cheer.

The family was very appreciative, grateful and happy for the wonderful gifts given to them. It's great to see the Christmas spirit alive and well. This act of kindness is commendable and shows a great example of what a citizen of Roy City has to offer.

Again we thank you for your generosity and wish you and your family a safe and Happy New Year."

Mayor Cragun appreciated Chief Poulsen's desire to recognize good work in the community. Throughout the coming year the City Council was looking forward to recognizing people for what they did for Roy City.

Councilman Becraft stated that she knew the family who was the recipient of Ms. Pierce's generosity. They were really struggling and didn't know how they would provide Christmas for their children. The gifts came in time for the parents to wrap them and put them under the tree. It was overwhelming to see the look on their faces.

5. CITY MANAGER'S REPORT

Chris Davis stated that Iasis had a conflict with the work session scheduled for February 5th. They could reschedule on February 12th, 19th, 25th, or 26th. The Council members chose to reschedule the work session on February 19th at 6:00 p.m.

Chris Davis stated that Alan Hall was recently appointed as chairman of Prosperity 2020. Alan came up with a novel and exciting concept with the Roy Cone, which consisted of eight elementary schools, two junior highs, and one high school. Alan met with the administrations and teachers of the Roy Cone about ways they could help increase the academic performance and graduation rates. He challenged them to think outside the box. They worked together for quite some time. Alan then went to the Legislature and asked for \$500,000 for five years to implement the program they came up with. The Legislature was reluctant. Alan then offered to split the difference. If the Legislature would put of \$250,000 a year for five years, the Hall Foundation would provide a match of \$250,000 a year for five years. The Legislature approved the \$250,000. A pilot program would be starting in the Roy Cone that would hopefully extend to the whole state. The program would good for the community economically and good for families.

Councilman Cordova asked what Prosperity 2020 was. Mr. Davis was it was committee under Education First whose goal was to get 66% of the populace some kind of degree by 2020 to help get people above the poverty level. There were many jobs in the state that couldn't be filled because there wasn't anyone with the technical skills to fill them. Prosperity 2020 was working to help people fill those niches and to make sure students graduated with the proper education.

Councilman Hilton stated that he was a member of the Roy High Community Council. The plan was presented to them last month. The Council was excited about the possibilities it would bring to the community. Alan Hall was doing a great thing for the community. The community was really fortunate to have him in the City.

Mayor Cragun stated that Alan Hall and his family had done a tremendous amount of good in the area. They liked working with kids. The City was very, very fortunate to have people of that caliber living in the community. He asked that the City extend its appreciation to Alan Hall.

Councilman Cordova said Alan Hall could live anywhere he wanted but chose to stay in Roy.

Chris Davis stated that the Mayor asked him to schedule a work session with Roy Water Conservancy District to discuss possible water restrictions and water issues. Roy Water needed water shares. The administration had data ready to share with the Council.

6. CONSIDERATION OF ROY CITY CONTRACT NO. 2014-3 AN INTERLOCAL AGREEMENT BY AND BETWEEN ROY CITY CORPORATION AND THE UTAH STATE SECOND DISTRICT JUVENILE COURT OF GRAFFITI REMOVAL SERVICES

Mayor Cragun stated that Roy City had shared this contract with Juvenile Services for years. They did an excellent job of graffiti removal.

Councilman Hilton stated that the agreement said it was only effective from February through June. Andy Blackburn said the agreement was usually for a year. He asked the Council to approve the agreement subject to the effective dates being corrected.

Councilman Hilton moved to approve Roy City Contract No. 2014-3 an Interlocal Agreement by and between Roy City Corporation and the Utah State Second District Juvenile Court for graffiti removal services subject to the effective dates being corrected to make the agreement for a full year. Councilman Tafoya seconded the motion. A roll call vote was taken: Council members Tafoya, Cordova, Yeoman, Becraft, and Hilton voted "aye." The motion carried. (Copy filed for record).

7. CONSIDERATION OF ORDINANCE NO. 1061 AMENDING PORTIONS OF TITLE 9 OF THE ROY CITY CODE TO UPDATE ROY CITY BUILDING AND CONSTRUCTION CODES IN ACCORDANCE WITH THE UTAH UNIFORM BUILDING STANDARD ACT AND THE RULES PROMULGATED THEREUNDER

Mayor Cragun stated that it was necessary for the City to adopt the most recent Uniform Building Codes used by the State.

Councilman Tafoya moved to approve Ordinance No. 1061 amending portions of Title 9 of the Roy City Code to update Roy City Building and Construction Codes in accordance with the Utah Uniform Building Standard Act and the rules promulgated thereunder. Councilwoman Becraft seconded the motion. Council members Becraft, Yeoman, Hilton, Tafoya, and Cordova voted "aye." The motion carried. (Copy filed for record).

8. REQUEST FOR APPROVAL OF AN ALCOHOLIC BEVERAGE LICENSE FOR ROY SINCLAIR HOLDINGS, LLC LOCATED AT 5608 SOUTH 1900 WEST

Jared Hall stated that the convenience store located at 5608 South 1900 West had been sold. The new owner was applying for an off-premise alcoholic beverage license.

Councilman Cordova moved to approve an alcoholic beverage license for off-premise consumption for Roy Sinclair Holdings, LLC located at 5608 South 1900 West. Councilman Hilton seconded the motion. Council members Becraft, Cordova, Hilton, Tafoya, and Yeoman voted “aye.” The motion carried.

9. CONSIDERATION OF A REQUEST TO AMEND THE ZONING DESIGNATION OF PROPERTY LOCATED AT APPROXIMATELY 5085 SOUTH 2700 WEST FROM LIGHT MANUFACTURING TO RESIDENTIAL ESTATES (RE-20)

Jared Hall stated that the City had received a request to change the zoning designation of property located at 5085 South 2700 West from Light Manufacturing to Residential Estates (RE-20). The property was 1.72 acres in size and was located on the west side of 2700 West between 4800 South and 5200 South. The property was used residentially even though it was zoned Light Manufacturing. The underlying future land use designation for this area was low density residential. There were some manufacturing businesses in this area, but there were a lot of properties that were used residentially. The property in question had lost its non-conforming animal rights because the use was discontinued. Other properties in the area had animals because their non-conforming uses had been maintained. The property owner also wanted to upgrade the home, which could not be done unless it was rezoned. The staff and Planning Commission recommended that the rezone request be approved.

Councilman Cordova asked about the zoning to the east. Mr. Hall said the zone east of the property in question was R-1-8. There was also an R-1-8 Zone to the west. Councilman Cordova asked if putting an RE-20 Zone in the middle of a Light Manufacturing area with R-1-8 on either side was spot zoning. Mr. Hall said it would not be spot zoning because the underlying future land use designation was low density residential. The residential use of this property was a legal non-conforming use. He felt the Council's desire was to have as few non-conforming uses as possible. There were several other properties in this area that were non-conforming because they were residentially used in a Light Manufacturing Zone. The petitioner wanted to use the property in question for low density residential, which complied with the underlying future land use designation.

Councilman Hilton stated that when the General Plan was updated twelve years ago, this area was a hot topic. When the General Plan was updated, the City considered changing the zone from Light Manufacturing to Residential Estates, but the residents strongly objected. The residents objected again a few years later when storage units were proposed in the area, but storage units were a conditional use in the Light Manufacturing Zone. He felt the RE-20 Zone was a buffer to the high density area. The

property in question backed up the trail. There was a natural space between the property and the medium density residential use to the west. He asked why Commissioners Hamilton and Kirch were concerned about the rezone.

Jared Hall said Commissioners Hamilton and Kirch were concerned about creating an island of RE-20 in the Light Manufacturing area.

Councilman Tafoya stated that the majority of the properties in this area were used residentially.

Mr. Hall said 60% of the properties were used residentially; 40% were used industrially. All of the uses in the area were very well established; none had changed in quite some time. However, if a non-conforming, residential use was abandoned it could not be re-established. He felt the rezone would help to stabilize the area.

Councilman Hilton agreed.

Councilman Hilton moved to approve a request to change the zoning designation of property located at 5085 South 2700 West from Light Manufacturing to Residential Estates based on the findings of the staff and Planning Commission. Councilwoman Yeoman seconded the motion. Commission members Becraft, Cordova, Hilton, Tafoya, and Yeoman voted "aye." The motion carried.

Jared Hall said he would prepare a formal ordinance for the Council to consider at its next meeting.

10. CONSIDERATION OF A REQUEST FOR CONDITIONAL USE APPROVAL TO ALLOW A TATTOO AND BODY ART BUSINESS ON PROPERTY LOCATED AT APPROXIMATELY 5523 SOUTH 1900 WEST

Jared Hall stated that Jason Savaiinaea recently requested that the Zoning Ordinance be amended to create a use category for tattoo and body art businesses. After consideration and recommendation from the Planning Commission, the City Council approved the requested amendment. Mr. Savaiinaea had applied for a conditional use to operate a tattoo and body art business at 5523 South 1900 West, Painter's Professional Plaza. His business would be the first of four tattoo and body art businesses allowed by the recent amendment. The location complied with all of the conditions of the Zoning Ordinance. The staff and Planning Commission recommended that the conditional use be approved subject to compliance with the Zoning Ordinance.

Councilman Tafoya stated that Mr. Savaiinaea had followed the necessary steps to be able to open a business that the City had asked him to take. He was to be commended.

Councilman Tafoya moved to approve a conditional use for a tattoo and body art business on property located at approximately 5523 South 1900 West based on the staff's findings and subject to the conditions recommended by the staff and Planning Commission. Councilman Hilton seconded the motion.

Councilwoman Becraft asked for a clarification regarding the restrictions for minors. Mr. Hall said minors would not be allowed on the premises unless they were accompanied by a guardian or had permission from a guardian.

**Commission members Becraft, Cordova, Hilton, Tafoya, and Yeoman voted “aye.”
The motion carried.**

11. CONSIDERATION OF A REQUEST FOR CONDITIONAL USE APPROVAL ALLOWING A MULTI-FAMILY RESIDENTIAL DEVELOPMENT ON PROPERTY LOCATED AT APPROXIMATELY 4600 SOUTH 3500 WEST

12. CONSIDERATION OF A REQUEST TO AMEND THE FUTURE LAND USE DESIGNATION OF PROPERTY LOCATED AT APPROXIMATELY 4600 SOUTH 3500 WEST

13. CONSIDERATION OF A REQUEST TO AMEND THE FUTURE LAND USE DESIGNATION OF PROPERTY LOCATED AT APPROXIMATELY 4600 SOUTH 3500 WEST

Jared Hall the City had received a proposal for a 114-unit multi-family development on 7.6 acres located at approximately 4600 South 3500 West. The proposal consisted of a request to amend the future land use designation from Community Commercial to High Density Residential; a request to amend the zoning designation from Community Commercial to R-3; and a request for approval of a site plan and conditional use.

Mr. Hall said the proposed development would contain one, two, and three bedroom units. The development consisted of four 28-unit buildings and one building with 16 units. The buildings were oriented toward 3500 West and each other. There would be two entrances on 3500 West, covered parking along the Layton Canal, a club house, swimming pool, and basketball court. Because of the amenities proposed by the developer, the staff and Planning Commission approved the density bonus of 15 units per acre, an increase from the maximum 12-units per acre allowed by the Zoning Ordinance. The proposed elevations met the City's standards for architectural relief. The site plan met the City's parking standards.

Mr. Hall said that since the applications were submitted by the developer, UDOT had received funding to close 3500 West where it intersected with Midland Drive. A cul-de-sac would be constructed at the southern end of 3500 West. Traffic wanting to access Midland Drive in this area would be directed up 4600 South. The closure of 3500 West did not affect the applicants

Mr. Hall said the staff and Planning Commission recommended that the City Council approve the applicant's requests to amend the future land use designation, the amend the zoning designation, and to approve the site plan and conditional use subject to the conditions listed in the staff report.

Councilman Tafoya asked why the staff recommended that the zoning designation be changed from a commercial use to residential. Jared Hall said that usually a city wanted to retain as much commercial property as possible. In this particular case, the property in question was on the back side of a difficult intersection. The land to the north located in West Haven had a low density use. Access to the property was limited as was visibility from Midland Drive. The entire time the property had been listed for sale, which was ten years, there hadn't been any interest from commercial developers. The only interest had been this proposal. With UDOT blocking the access of 3500 West at Midland Drive, it was the staff's opinion that this property was better situated for a high density residential development than a commercial use. This high density development would support commercial development in the area. The staff felt a residential use would be better than having the property wait for a commercial development it did not see coming.

Councilman Cordova stated that he was not in favor of changing any commercially zoned property to residential. The City had a limited revenue stream. The City didn't have enough commercial land to begin with. Rezoning this property would limit it further. He felt it would be a mistake to change any commercial property to residential.

Mayor Cragun was concerned about rezoning this property to residential at this time, especially high density residential. He felt there were some possibilities in the immediate future for the City to do something. The City spent a considerable amount of money on a leakage survey. He echoed Councilman Cordova's comments.

Gardner Crane and Howard Kent from Uintah Land Company asked that they be allowed to address the Council. There was a discussion about the legal procedure for public input outside of a public hearing. Mayor Cragun agreed to allow them to speak.

Gardner Crane, Uintah Land Company, stated that the property in question had been for sale as commercial property for years. He felt there had not been offers from commercial developers because the property had poor access and visibility. Both of those problems would be compounded by the closure of the 3500 West Midland Drive intersection. He felt this property had one of the poorest accesses in the City. They recognized that the City needed sales tax revenue and the commercially zoned property was an important component of commercial development. Multi-family projects like the one they were proposing could contribute to the City with the addition of over 100 residential units. Statistics showed that 100 units would create 80 jobs, 42 support jobs, and 32 permanent jobs. The units would generate \$2 million annually to local businesses. He felt they had the expertise to render an accurate opinion as their company did both commercial and residential developments. This project would attract commercial development as it would contribute to drive by traffic on 3500 West and Midland Drive.

Howard Kent, Uintah Land Company, reviewed the proposed project with the Council. The project would consist of 114 units with covered parking, a club house, a heated

swimming pool, day care facilities, and on-site management and maintenance. The units would be luxury apartments with 9-foot ceilings, granite countertops, washer and dryers, and covered patios. Each unit would be a home. The exterior of the buildings would be almost identical to a multi-family project they developed in Layton.

Councilman Cordova agreed that their Layton site was beautiful. He just was not in favor of a residential development at this location.

Mayor Cragun said it might take a long time for this area to develop. He was on the Council when the Triple Stop Convenience Store was built. It had been a tough go for commercial at that time. If the Council allowed this commercial to change to residential, he wasn't sure how long it would take the City to recoup its losses. The study commissioned by the City showed there was potential for this property.

Howard Kent stated that the property owner needed to sell the property for economic reasons but had been unable to do so. If there was a potential commercial buyer he felt it would be a good use of the property.

Gardner Crane pointed out that with UDOT's closure of the 3500 West Midland Drive intersection the only access to this property would be from a residential street. If the property had not attracted a commercial development with the limited access and visibility with the intersection open, it would be even more difficult to do so with no drive by traffic. In his opinion this property would never develop commercially. A multi-family project like the one they were proposing would attract commercial growth. There had been zero commercial interest in this property for ten years. From a planning perspective, he felt rezoning the property would be a good decision. If the property wasn't rezoned, it would sit vacant for another 10 years. If the Council wanted to do the right thing economically for the City, it would approve this project.

Mr. Gardner said they had worked with the City's staff to resolve site and utility concerns. They had been to the Planning Commission five times. They had spent a lot of money to make this a good project. Since they built their multi-family project in Layton, two new commercial developments had been constructed nearby. This project would attract people that would be an asset to Roy.

Councilman Tafoya stated that the City just completed a Leakage Study to see where the City's commercial dollars were going and what needed to be done to attract businesses to the City. There were three major commercial areas in the City where commercial growth could go in. The property in question was one of them. Roy City had the highest density in Weber County and was the fourth highest in the state.

Councilman Tafoya moved to deny the request to amend the zoning designation of property located at approximately 4600 South 3500 West from Community Commercial to R-3 based on the Leakage Study. Councilman Cordova seconded the motion. Councilmembers Becraft, Cordova, Hilton, Tafoya, and Yeoman voted "aye." The motion carried.

Councilman Hilton stated that the City Council was elected by the citizens of Roy. The Council had been inundated with citizens' concerns about this rezone. The Council had listened to the citizens. He appreciated the citizens' involvement.

Councilman Cordova stated that the Leakage Study showed Roy was receiving \$.30 on the dollar while Riverdale was receiving \$6 per resident. This property might sit for a while, but he didn't feel the Council would be doing its job if it gave away commercial property.

14. PUBLIC COMMENTS

Mitch Cordova, 4582 South 3500 West, applauded the City Council for standing by its commitment to the City.

Kirch Smith, 3922 West 4750 South, said the developer had raised a concern about the property owner's need to sell the property. His church had looked at this site in 2007. The asking price was exorbitant at \$250,000 per acre. He felt that was the reason why there hadn't been any interest in commercial development. He appreciated the Council members for listening to the residents. Mr. Smith said he was also representing Jason Peal, owner of Midland Car Care who was out of town. Mr. Peal didn't care whether the property was rezoned, but he didn't want apartments next to him. He had apartments next to his business in Clearfield and had had problems with vandalism. He didn't want to have the same problems in Roy.

15. MAYOR AND COUNCIL REPORTS

Mayor Cragun said the work session in the Council Room at the conclusion of the regular meeting.

Councilman Hilton thanked Councilman Cordova for his invitation to join the Boys and Girls Club hygiene service project. It was a wonderful opportunity to meet the kids. He encouraged other Council members to meet with the Boys and Girls Club.

16. ADJOURN

Councilman Tafoya moved to adjourn at 7:11 p.m. Councilwoman Becraft seconded the motion.

Attest:

Willard Cragun
Mayor

Amy Mortenson
Recorder