

MINUTES OF THE SEPTEMBER 16, 2014, ROY CITY COUNCIL MEETING

1. Approval of the September 2, 2014, minutes
2. Public hearing to consider the 2014 Roy City Water Conservation Plan
3. Presentation regarding the Weber County RAMP Program
4. Consideration of Resolution No. 1055 authorizing an employer pick-up of employee retirement contribution
5. Consideration of a Roy City Contract No. 2014-11 a general service contract between PacifiCorp, doing business as Rocky Mountain Power Company, and Roy City Corporation for electric service for customer's recreational ball park operation at or near 2640 West 5600 South
6. Consideration of Ordinance No. 1070 authorizing a request to amend the zoning map from LM (Light Manufacturing) to R-4 (High Density Residential)
7. Public comments
8. Mayor and Council reports
9. City Manager's report
10. Adjourn

Minutes of the Roy City Council Meeting held September 16, 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

Acting City Manager Andy Blackburn
Secretary Michelle Drago

Also present were: Ross Oliver, Public Works Director; Steve Fulton, Water Superintendent; Cathy Spencer, Management Services Director; Travis Flint, Parks & Recreation Director; Steve Parkinson, Planning and Zoning Administrator; Mark Miller, City Engineer; Sandra Crossland; David Holmstrom; Daryn Murphy; Tammy Chyr, Austin Harmsten; Shad Roberts; Tristan Smithey; Joseph Pheto; Brian Fowers; Lisa Powell; Gary Empey; Greg Sagen; Kurtis Keele; Alicia Hall; Allison Oderkirk; Keylee Hunsaker; Esteban Patino; Nickolas Fredricks; Ethan Bracken; Hazen Murphy; Matthew Olsen; Andrews Penman; Dan Penman; Brendan Penman; Raul Martinez; Eric Perry; Myron Perry; Larae Bitton; Christee Kyte; Noah Kyte; Makala Simpson; Bonnie Norris; Colton Patterson; Makade Spendlove; Elizabeth Brown; and Dallan Saviano.

Moment of Silence: Councilman Cordova

Pledge of Allegiance: Councilman Cordova

Mayor Cragun welcomed students from Roy High School.

1. APPROVAL OF THE SEPTEMBER 2, 2014, MINUTES

Councilwoman Yeoman moved to approve the minutes of September 2, 2014, as amended. Councilman Cordova seconded the motion. Council members Becraft, Cordova, Hilton, Tafoya, and Yeoman voted “aye.” The motion carried.

2. PUBLIC HEARING TO CONSIDER THE 2014 ROY CITY WATER CONSERVATION PLAN

Councilwoman Yeoman moved to open the public hearing at 6:02 p.m. Councilman Cordova seconded the motion. Council members Becraft, Cordova, Hilton, Tafoya, and Yeoman voted “aye.” The motion carried.

Mark Miller, City Engineer, stated that the Water Conservation Act was adopted years ago to help the state conserve water. Each community was required to come up with a

conservation plan. The City adopted a conservation plan in 2004, which it was required to update every five years. The 2014 plan included updated the water usage. Fortunately, the City could report that it was accomplishing its goal. It was conserving water. The water use per capita was going down. The goals had also been adjusted to include more public education. Mr. Miller felt the conservation plan was self-explanatory. It contained a great history of the system, information about ways to conserve water, and how the system functioned in general. The administration recommended that the City Council adopt the updated plan.

Councilwoman Yeoman liked the way the plan was written. It was easy to read and understand. She asked why the usage from the wells and Weber Basin Water fluctuated.

Mark Miller stated that when Weber Basin Water developed their system, the federal government required them to enter into contracts with entities, like Roy City, to purchase a certain amount of water every year. The City was obligated to purchase the water whether it used it or not. The City could provide for most of its water needs with the water purchased from Weber Basin Water. At the same time, the City had an independent system with its four wells. When the City was using a well, it cut the Weber Basin Water back. The amount of water varied from year to year depending on what it was doing with the individual wells. The City had to prove that the wells were producing water.

Councilwoman Yeoman stated that there was a wonderful list of ways to conserve water at the end of the report. She felt it should be made available to the citizens. Mark Miller suggested that the conservation report be placed on the City's website, and that portions, such as the conservation tips, be highlighted. Councilwoman Yeoman felt the tips should also be listed in the City's newsletter.

Mayor Cragun felt the City was lucky. Decisions made by City officials years ago had left the City with a tremendous amount of water. Other cities struggled to provide water. Water was a precious commodity. He felt the conservation plan really helped. It let the City know where the water was and what resources were available.

Councilwoman Becraft stated she recently toured the Weber Basin Water facilities. Weber Basin Water officials had commented that Roy City was the best in the area as far as its own water sources were concerned.

Mark Miller stated that the City had good water. The aquifer was deep, but it was good. The City's system had been updated. Roy City was fortunate.

Councilman Cordova asked if all four wells drew from the same aquifer. Mr. Miller said that three wells drew from the delta aquifer. It was clean water without any smells. The aquifer itself was beautiful.

Councilman Tafoya asked if the plan needed to be approved by resolution. Mr. Blackburn said the Council could adopt the plan outright after taking public comment and closing the public hearing.

Mayor Cragun opened the floor for public comments.

Kurtis Keele, 2032 West 5300 South, asked how to get a copy of the report. Councilman Tafoya stated that a copy would be available at the City office and would be placed on the City's website.

Kurtis Keele asked if it would be possible to let the contract with Weber Basin Water lapse. Then the City could use its own wells.

Mark Miller stated that the City had toyed with that idea for years. It came down to a balance of safety. Surface water, from Weber Basin, sometimes had problems, and the City really needed its wells. Sometimes the wells had problems, and the City needed the surface water. The City could not get out of its contract. It wasn't 'pay as you go.' The City paid for a certain amount of water every year. It had to purchase the water per the terms of the contract. The only way the federal government would make money available to Weber Basin Water was if it had long term income to be able to pay back the investment. The City was negotiating with other entities to sublease its contracted water. Weber Basin was open to that idea. The City had actually negotiated with Roy Water Conservancy District (secondary water). It was still working on that.

Kurtis Keele asked about the terms of the contract. Mr. Miller said it was 50 years. Mr. Blackburn said Weber Basin had wanted an indefinite contract, but the City insisted on a renewal date.

Councilman Hilton moved to close the public hearing at 6:15 p.m. Councilman Cordova seconded the motion. Council members Becraft, Cordova, Hilton, Tafoya, and Yeoman voted "aye." The motion carried.

Councilman Tafoya moved to approve the 2014 Roy City Water Conservation Plan. Councilwoman Yeoman seconded the motion. A roll call vote was taken: Council members Tafoya, Yeoman, Hilton, Cordova, and Becraft voted "aye." The motion carried. (Copy filed for record).

3. PRESENTATION REGARDING THE WEBER COUNTY RAMP PROGRAM

Sandra Crosland stated that she and David Holmstrom were representing RAMP Works, which was an individual citizen committee. In 2014 citizens would vote on whether to continue RAMP for another decade. RAMP Works was promoting the renewal of RAMP. They were not using RAMP funds to do the promotion. Ten years ago RAMP was approved by the narrowest of margins. Most citizens in Weber County were totally unaware of what RAMP was and how much it had contributed to their quality of life. Weber County had made the Top Ten list of counties because of its accessibility to the environment and amenities. RAMP stood for Recreation, Art,

Museums, and Parks. It was funded by one-tenth of 1% of the sales tax. The amount to \$12 per citizen per year. Over ten years that amounted to \$25 million. RAMP grants required recipients to provide matching funds or donations. So the impact of \$25 million throughout the County was doubled. RAMP had an economic impact on the community and businesses. Some RAMP projects were the Weber County Sports Complex and ice sheet, the Hope Community Center, trails, etc. RAMP had built a national reputation.

Councilman Cordova stated that RAMP had benefitted Roy City. Ms. Crosland said the City had received grants for the Hope Community Center, the Aquatic Center, walking trails, wood fiber, free Saturdays, Roy Days' movie night, the Roy Historical Museum, the Boys & Girls Club, and a performing platform used during Roy Days and for the City's Christmas pageant. Roy had done well. There were other cities that had struggled to create grant applications that were acceptable to RAMP. Roy City had done a good job by having shovel-ready projects.

Ms. Crosland had hoped that the Council could pass a resolution supporting RAMP Works, but they had learned they could not ask for that type of support. She asked that Roy City place flyers in the City buildings and information about RAMP Works on its website. The City could send out an email blast or include information in its newsletter about what RAMP had done for the City. She asked if small signs could be placed in yards and strategic places throughout the City.

Councilman Tafoya stated that Roy City had benefitted from RAMP extremely well, which was a testament to the department heads and directors. They saw a need and had the forethought to get it done.

4. CONSIDERATION OF RESOLUTION NO. 1055 AUTHORIZING AN EMPLOYER PICK-UP OF EMPLOYEE RETIREMENT CONTRIBUTIONS

Mayor Cragun asked that this item be withdrawn from the agenda.

Cathy Spencer, Management Services Director, stated that the auditors had looked at whether the Council had authorized the option to pick up employee retirement contributions. It appeared that the City needed to renew that authorization every few years. However, she had learned that once the Council authorized the pick up, it did not have to be renewed unless there was a change. The Council could look at the employer pick-up during the budget every year, or it could let it ride. She didn't see a need for a recommendation to change it.

Mayor Cragun suggested that the Council look at it every during the budget process.

Councilwoman Yeoman felt it should be reviewed annually. The budget was a good time to do that.

5. CONSIDERATION OF ROY CITY CONTRACT NO. 2014-11 A GENERAL SERVICE CONTRACT BETWEEN PACIFICORP, DOING BUSINESS AS ROCKY MOUNTAIN POWER COMPANY, AND ROY CITY CORPORATION FOR ELECTRIC SERVICE FOR CUSTOMER'S RECREATIONAL BALL PARK OPERATION AT OR NEAR 2640 WEST 5600 SOUTH

Travis Flint, Parks and Recreation Director, stated that the City was in the process of replacing the lights at Roy Park. They were over 30 years old. URMMA felt they were a safety hazard. Unfortunately, the new lights needed more power. The City needed to change from single phase to three phase power. Contract No. 2014-11 would allow the light installation to begin. Ross Oliver, Public Works Director; Cathy Spencer, Management Services Director; and Andy Blackburn, Acting City Manager, recommended that the City take the payoff amount of \$14,849. The lesser amount of \$12,000 included a monthly fee. Ironically, the lights needed more power, but would be much more energy efficient.

Councilman Hilton asked if the City would maintain the lights itself. Mr. Flint said the contractor installing the lights was providing a 30-year warranty on the bulbs. The lights would be maintained between the City and the contractor.

Councilman Cordova asked if the lights were LED. Mr. Flint said they were not. LED ball park lights weren't available. The lights would be set up so the City could move to LED as technology became available.

Travis Flint stated that the extra power was not part of the budget.

Cathy Spencer stated that there was money available in the Park Development Fund. The budget adjustment would be brought to the Council at midyear.

Councilman Cordova asked if any of the cost could be covered by what was budgeted for the light replacement. Mr. Flint felt the budget for the light replacement might cover about half of the electrical service, but not all of it.

Mayor Cragun stated that the new lights would allow the removal of the guy wires, which were a hazard. Mr. Flint said the lights would be much safer and have a clean look

Councilman Tafoya moved to approve Roy City Contract No. 2014-11 a general service agreement between PacifiCorp, doing business as Rocky Mountain Power, and Roy City Corporation for electric service for customer's recreational ball park operation at or near 2640 West 5600 South. Councilwoman Yeoman seconded the motion. A roll call vote was taken: Council members Hilton, Tafoya, Yeoman, Becraft, and Cordova voted "aye." The motion carried. (Copy filed for record).

6. CONSIDERATION OF ORDINANCE NO. 1070 APPROVING A REQUEST TO AMEND THE ZONING MAP FROM LM (LIGHT MANUFACTURING) TO R-4 (HIGH DENSITY RESIDENTIAL)

Steve Parkinson stated that during the last meeting, the Council considered and approved a requested to amend the Future Land Use map by changing the land use designation of 2.6 acres located at 2350 West 4000 South from manufacturing to very high density, multi-family residential. The applicant was now asking that the zone be changed from Light Manufacturing to R-4.

Mr. Parkinson said the applicant was proposing to building 31 elderly rental units. They were also proposing to access the site via the UTA right-of-way that ran along the east side of the property. The right-of-way was used by adjoining property owners to access the back of their properties.

Mr. Parkinson stated that the Planning Commission was concerned about accessing the site from UTA's right-of-way. They didn't want adjoining property owners to lose the ability to get to the back of their properties. The right-of-way was owned and would continue to be owned by UTA. The applicant would not be able to close the right-of-way. The Planning Commission was also concerned about traffic on 4000 South. Wasatch Front Regional County was also concerned about east/west traffic. They were working on ways to help move traffic. No matter what developed on this property, traffic on 4000 South would be impacted. Rental units for elderly would generate less traffic than family apartments. The site was close to the Front Runner Station. The applicant hoped residents would use it. Mr. Parkinson felt the City needed to look at ways to widen and upgrade 4000 South. The Planning Commission recommended that the rezone request be approved.

Councilwoman Becraft asked if UTA had approved use of the right-of-way. Mr. Parkinson said the applicant was still in the approval process. The initial response from UTA was that the access would be approved.

Councilwoman Becraft asked if the right-of-way would be upgraded. Steve Parkinson felt the applicant's agreement with UTA would cover upgrading and maintenance.

Councilwoman Becraft asked about the proposed materials. Mr. Parkinson stated that this was a rezone request. The applicant had only submitted conceptual drawings.

Councilman Tafoya stated that the property had been zoned for a manufacturing use for years, but there hadn't been any interest in it. The residential lots in the adjoining neighborhoods ranged from 6,000 to 10,000 square feet. How well did the rental units fit with the adjoining uses?

Mayor Cragun stated that the City had zoned this property Light Manufacturing hoping that the manufacturing area at the intersection of Midland Drive and 1900 West would extend to the south. There was some manufacturing on Midland Drive, but there hadn't

been any interest in this property. This was a difficult site due to its proximity to the railroad tracks and its slope. He realized the proposed use would increase traffic on 4000 South, but the City was short of senior housing.

Councilman Hilton didn't feel a manufacturing use would develop on this property. The site had natural barriers. There were houses to the east and railroad tracks to the west. There was a big separation between the property and the surrounding homes. He felt this was a good use for the property.

Councilwoman Becraft stated that she had spoken with the property owners east of this site. No one was really concerned or opposed to the proposed use. They felt it would be an upgrade over a weedy property. Their only concern was the traffic.

Steve Parkinson felt this would be a nice project. It would buffer the noise from the tracks. Development anywhere on 4000 South would generate traffic. If the property remained manufacturing, the traffic could consist of large trucks.

Councilman Tafoya stated that if the proposed project fell through, the City would have opened the door for a high density residential use on this property.

Mayor Cragun asked if a traffic count had been done on 4000 South. Mr. Parkinson was not aware of one.

Steve Parkinson stated that the right-of-way lined up with the Sandridge Drive on the south side of 4000 South. There weren't any turn restrictions on Sandridge Drive.

Councilman Cordova asked to hear from the developer.

Daryn Murphy, Commonwealth Development, stated that the Planning Commission was concerned about the right-of-way. They wanted to make sure their development did not interfere with property owners to the east accessing their property. He did meet with UTA. They were interested in an agreement. It was in their interest to keep the right-of-way open. He felt they would have to improve the right-of-way to some level. Maintenance would be on their watch, not the City's. Maintenance and improvement would be part of their agreement with UTA. Mr. Murphy said the Planning Commission was also concerned about traffic. He felt seniors had the lowest traffic impact of any residential development. An industrial could bring additional traffic. They picked this site because of its proximity to the Front Runner Station. They hoped residents would use Front Runner and have less dependability on their vehicles. Hopefully that would lessen the traffic impact. Mr. Murphy stated that a market study had shown there was a need for senior housing in Roy. The proposed site plan situated the building on the site as far from the tracks as possible. They felt they could create a nice community.

Councilwoman Becraft asked if there would be sidewalk along 4000 South. Mr. Murphy said there would. Councilwoman Becraft said citizens had asked for sidewalk along the north side of 4000 South to access the walking trail. Mr. Murphy said they wanted their

residents to use the walking trail as well. They had talked to UTA about using additional property to put in a sidewalk to the trail.

Councilman Cordova moved to approve Ordinance No. 1070 approving a request to amend the Zoning Map by changing property located at approximately 2350 West 4000 South from LM (Light Manufacturing) to R-4 (High Density Residential). Council members Yeoman, Becraft, Cordova, and Hilton voted “aye.” Councilman Tafoya voted “nay.” The motion carried. (Copy filed for record).

7. PUBLIC COMMENTS

Christee Kyte, 6058 South 2050 West, stated that the City Council did a lot of big things for the City, but it also did a lot of small things. She had rights, and she felt those rights had been challenged by the City. She was told by the City that she was compliant, and then she was challenged again. Ms. Kyte said she began a dialogue with the current City Planner. She had done exactly as the City asked her to do to show that she had a non-conforming animal use by submitting notarized statements from her neighbors who were well known residents. She felt the response from the City Planner was offensive and called into question the integrity of the community. She was asking for a fair shake for the City's clerical error.

Councilman Tafoya stated that the City Council was the governing body. The Council passed the laws, but it did not enforce them. Ms. Kyte's next step was the judicial process. A judge would determine if the City made an error. If the City wasn't in error, Ms. Kyte would have to pay the fine.

Ms. Kyte felt the Council was the place to air her concerns. She had hired legal counsel, but she felt coming before the City officers was the place to start. She didn't feel she should have been cited again when she was waiting for an opinion from the City on the first citation.

Andy Blackburn stated that the City Council was the legislative branch. Ms. Kyte needed to go through the judicial process. If she had been cited, the proper place to resolve the concern was in court.

Christee Kyte stated that the former City Planner, Jared Hall, told her she had a non-conforming use, but he did not put that finding in a written report. As far as she knew she was in compliance with the Zoning Ordinance. Then in 2014 she received another citation. While she was trying to resolve that citation, she received a second one.

Andy Blackburn stated that Ms. Kyte's questions were good, but they needed to be brought before the judge, not the Council. The City Council was legislative, not judiciary. The judge could determine if Ms. Kyte had a non-conforming right or not. The City had researched Ms. Kyte's claim and did not feel she had a non-conforming use. The City Council could not act as a judiciary branch.

Christee Kyte wanted to let the City Council know how she felt. The City had called into question the integrity of six of the finest people she knew.

Brian Fowers, 2040 West 4350 South, stated that there was still debris on a strip of land just south of the new North Park Elementary School. He was concerned that it could be hazardous to school children. Councilman Tafoya asked that Ross Oliver and Travis Flint look into the matter.

LaRae Bitton, 6043 South 2050 West, stated that she had lived in Roy since she was 11, and she was now 84. Ms. Bitton was concerned that Christee Kyte had received a letter from the City. She grew up on the property where Christee's home now stood. Before her father subdivided the property, they had cows, horses, and chickens. Christee had a few chickens and rabbits that were her loved ones. They were never out. Why couldn't someone who kept their property clean have animals when other properties were a mess? Why was the City harassing Christee instead of getting other properties cleaned up? She felt Christee should be given some consideration.

Erin Perry, 1975 West 6000 South, stated that she had lived in her home since 1952. Their property was still classified as farm land. Her daughter remembered the home where Christee lived having cows, chickens, and rabbits. Christee's home was in excellent condition. She hoped the City would look into the matter and give Christee the benefit of the doubt.

Myron Perry, 1975 West 6000 South, felt the City was on a witch hunt. Steve Parkinson, the City Planner, had essentially called his wife a liar in his written response to Christee Kyte. Why couldn't the City show some genuine friendliness?

Mayor Cragun stated that the City did not try to embarrass anyone in its written response to Christee Kyte. The letter simply listed facts. Some people in the City had had chickens for years, but there was only one zone that legally allowed residents to have chickens. That zone was established by the City in 1973. When the ordinance was passed, he got rid of his rabbits and chickens; so did his neighbors. It behooved the citizens to comply with the ordinance, or try to change it. Christee Kyte might have had chickens for a while. All the City was asking the citizens to do was comply with the law. It wasn't any different than obeying a traffic sign. In 2013, residents asked that the ordinance be changed. The Planning Commission studied the request intensively, but there weren't enough votes on the Council to change the law. Chickens were not allowed in the zone Christee lived in. The City meant no offense to anyone. The next step for Christee was the judicial system.

8. MAYOR AND COUNCIL REPORTS

Mayor Cragun reported that last week he and Councilman Hilton attended the Utah League of Cities and Towns meeting. He felt they received valuable information which they wanted to pass onto the rest of the Council.

Councilwoman Becraft stated that the Fire Department would be holding its annual Fire Prevention open house at Station 31 on October 8th from 6:00 to 8:30 p.m. The entire community was invited.

Councilwoman Becraft reported that she and the Mayor met with the student government class at Roy High School to set up a formal youth council. The youth council would shadow the City Council to learn about the political process. Applications for the youth council were due by October 1st. The youth council would consist of six to eight members.

Councilman Hilton reminded the Council that they would be feeding the Roy High School football team on Wednesday, September 17th. The Council needed to begin cooking by 5:30 in order to be ready to serve the team at 6:30 p.m.

9. CITY MANAGER'S REPORT

Andy Blackburn reported that he met with Brandon Richards to discuss the process of annexing the unincorporated islands in Roy City. The estimated cost was \$4,000. The cost could increase if protests were involved. The purpose behind the annexation was to eliminate the confusion about who was supposed to provide services.

Councilman Cordova asked about utilities provided by other entities. Mr. Blackburn said that needed to be figured out. The City didn't have to take all of the unincorporated islands if it didn't want to.

Councilman Hilton felt the City should move forward with the annexation. Mayor Cragun stated that these areas had been unincorporated for years. Things had just lingered. The City was providing services to some of the areas due to interlocal agreements. If the City could come up with the funding, it needed to move forward.

Andy Blackburn stated that the City had received appraisals for the properties needed to construct the roundabouts on 4000 South and 4800 South. The administration planned to move forward with purchasing those properties. The purchase agreements would be brought back to the Council for approval. Weber School District would be sharing one-third of the cost of the 4000 South roundabout. The roundabout on 4000 South would be funded through the Redevelopment Agency.

Andy Blackburn said he had tried to reach Jason Burningham, but had not been successful. His secretary said he did not have an appointment for a site visit. Mr. Blackburn said he would continue to try to reach him. The earliest that anything could happen was 2016. Councilman Hilton said he and the Mayor ran into Jason Burningham at the League meeting. Mr. Burningham had spoken with the director of real estate for a grocery store. The store was waiting to see what pull another jurisdiction had. He said he would be doing a site visit in Logan and planned to stop by Roy for a site visit on the way up or on the way back.

Andy Blackburn stated that there was a lot of information at the Utah League of Cities and Towns meeting about ways a city could make itself attractive to box developers. There was a lot of helpful information that would give the City Council a better understanding of what the possibilities were and where to invest its time. He felt the best place to pass on that information was in a work session.

The Council agreed to hold a work session on Tuesday, September 23rd, at 5:30 p.m.

Andy Blackburn stated beautification was a concern. There was an island at the intersection of 1900 West and Riverdale Road. UDOT planned to put in stamped concrete. However, they would put in piping, which would allow the City to provide water to the island, if he contacted them by the end of the week. The City would then have the option of planting the island during the summer. The Council felt that was a great idea.

10. ADJOURN

Councilman Cordova moved to adjourn at 7:30 p.m. Councilman Hilton seconded the motion. Council members Becraft, Cordova, Hilton, Tafoya, and Yeoman voted “aye.” The motion carried.

Attest:

Willard Cragun
Mayor

Amy Mortenson
Recorder