

## MINUTES OF THE JANUARY 5, 2010, ROY CITY COUNCIL MINUTES

1. Swearing in of Mayor and City Council
2. Approval of December 15, 2009, minutes
3. Appointment of Mayor Pro-Tem
4. Council Committee Appointments
5. Public comments
6. Request for approval of alcoholic beverage license for 7-Eleven Store #34361 located at approximately 5605 South 3500 West
7. Consideration of a request for preliminary subdivision approval for property located at approximately 5273 South 4300 West in an RE-20 (Residential Estate) Zone (Hailee Acres Subdivision)
8. City Manager's report
9. Mayor and Council reports
10. Adjourn
11. Summary of actions charged

Minutes of the Roy City Council Meeting held January 5, 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  
Councilwoman Willard Cragun  
Councilman Brad Hilton  
Councilman Larry Peterson  
Councilman Michael Stokes

City Manager Chris Davis  
City Attorney Andy Blackburn  
Secretary Michelle Drago

Excused: Councilman Dave Tafoya

Also present were: Cathy Spencer, Management Services Director; Tony Reynolds, Community Services Director; Ross Oliver, Public Works Director; Jon Ritchie, Fire Chief; Travis Flint, Parks and Recreation Director; Ryan Lewis; Jean Ritchie; Sandi Christensen; Bunny Griffey; Nicki Ellingsen; and Rachel Totter.

Moment of Silence: Councilman Cragun

Pledge of Allegiance: Councilman Cragun

1. SWEARING IN OF MAYOR AND CITY COUNCIL

Mayor Ritchie welcomed Brad Hilton as the newest member of the City Council.

Chris Davis, City Manager and City Recorder, administered the Oath of Office to Joe H. Ritchie, Mayor; Michael L. Stokes, Council member; and Bradley R. Hilton, Council member.

Mayor Ritchie invited members of the audience to a reception following the Council meeting.

2. APPROVAL OF DECEMBER 15, 2009, MINUTES

**Councilman Cragun moved to approve the minutes of December 15, 2009, as written. Councilman Peterson seconded the motion. Council members Cragun, Hilton, Peterson, and Stokes. The motion carried.**

3. APPOINTMENT OF MAYOR PRO-TEM

Mayor Ritchie recommended that Larry Peterson be appointed to serve as Mayor Pro-Tem for the remainder of his term.

**Councilman Cragun moved to appoint Larry Peterson as Mayor Pro-Tem for the remaining two years of his term. Councilman Stokes seconded the motion. Council members Cragun, Hilton, Peterson, and Stokes. The motion carried.**

4. COUNCIL COMMITTEE APPOINTMENTS

Mayor Ritchie recommended that the Council approve the following Council committee appointments:

1. North Davis Sewer District Board - Dave Tafoya
2. UDOT Committee to study feasibility of Davis West Corridor (extension of Legacy Highway) - Willard Cragun
3. Mosquito Abatement District - Brad Hilton
4. Chamber of Commerce Legislative Committee - Mayor Ritchie, Chris Davis, and Michael Stokes
5. Utah League of Cities and Towns Legislative and Policy Committee - Mayor Ritchie and Chris Davis
6. ICSC Planning Conference in Las Vegas - Brad Hilton
7. Audit Committee - Mayor Ritchie, Michael Stokes, and Larry Peterson
8. Employee Appeals Board - Michael Stokes and Larry Peterson

**Councilman Stokes moved to approve the Council Committee appointments as recommended by Mayor Ritchie. Councilman Hilton seconded the motion. Council members Cragun, Hilton, Peterson, and Stokes. The motion carried.**

Mayor Ritchie stated that he would continue to serve on the Weber Economic Development Corporation Executive Board, Chamber of Commerce Executive Board, and Weber Area Council of Governments (WACOG).

5. PUBLIC COMMENTS

Sandi Christensen, 4841 South 3575 West, RASA President, reminded the City Council that it was time to renew their RASA memberships. She asked who would replace Councilwoman Becraft as the RASA/Council liaison. Mayor Ritchie stated Councilwoman Becraft had not been officially appointed as a Council liaison. She had acted on her own. She could continue to serve as a liaison if RASA wished. Councilman Cragun was also on

the RASA board and would keep the Council updated. He indicated that the Council members would renew their memberships.

6. REQUEST FOR APPROVAL OF ALCOHOLIC BEVERAGE LICENSE FOR 7-ELEVEN STORE #34361 LOCATED AT APPROXIMATELY 5605 SOUTH 3500 WEST

Mayor Ritchie stated that 7-Eleven had negotiated to purchase the Old Farm Market Convenience Store located at 5605 South 3500 West. They had requested approval of a Class A beverage license for off-premise consumption.

Councilman Cragun asked if Old Farm Market had a current beverage license. Mayor Ritchie said it did.

Councilman Cragun asked when the ownership change would take place. Tony Reynolds stated that 7-Eleven's acquisition was subject to approval of the necessary licenses and permits. They planned some remodeling, including closing the drive-up window. Approval of the remodeling would be handled by the staff and Planning Commission. He estimated that it would be about two to four weeks to before the transition took place.

**Councilman Hilton moved to approve a Class A alcoholic beverage license for 7-Eleven Store #34361 located at approximately 5605 South 3500 West. Councilman Cragun seconded the motion. Council members Cragun, Hilton, Peterson, and Stokes. The motion carried.**

7. CONSIDERATION OF A REQUEST FOR PRELIMINARY SUBDIVISION APPROVAL FOR PROPERTY LOCATED AT APPROXIMATELY 5273 SOUTH 4300 WEST IN AN RE-20 (RESIDENTIAL ESTATE) ZONE (HAILEE ACRES SUBDIVISION)

Tony Reynolds stated that the City had received a request for preliminary approval of a two-lot subdivision known as Hailee Acres, a subdivision of Lot No. 21 of County Acres Subdivision, located at approximately 5273 South 4300 West. The subdivision was being considered under Section 1102 of the Zoning Ordinance which regulated shared driveways as Lot No. 2 did not have frontage on a public right-of-way. Lot No. 1 contained about 22,000 square feet; Lot No. 2 contained about 40,000 square feet. Both lots met the minimum lot size requirement for the RE-20 Zone. The Planning Commission recommended that the shared driveway be moved to the southern edge of Lot No. 1 rather than the middle. The Planning Commission also recommended that a maintenance agreement regarding the shared driveway be recorded. A maintenance agreement was part of the requirements for final approval. Mr. Reynolds said the petitioner planned for

both lots to be owned by family members. The Planning Commission was concerned about what would happen in the future if the lots were not owned by family members. The Development Review Committee and Planning Commission recommended approval of the preliminary subdivision plat subject to:

1. The satisfaction of the questions and comments attached in the engineer's memo dated November 30, 2009, and subject to review and approval of any further corrections or other materials as may be required by the City Engineer.
2. The recordation of an easement granting permanent right-of-way access to proposed Lot No. 2 over the 25-foot driveway.
3. The recordation of a maintenance agreement for the 25-foot driveway between the owners, successors, and assigns of proposed Lot Nos. 1 and 2. The agreement should specify snow removal, asphalt maintenance and repair, and parking along the access issues.
4. The relocation of the proposed shared driveway as far to the south of the existing property (proposed Lot No. 1) as is practicable.
5. All items of the staff report and attachments and further review and approval by the members of the Development Review Committee as may be necessary.

Councilman Cragun was concerned about the joint driveway. Right now both lots would be owned by family members. If one of the family members decided to sell, would the driveway become a problem to the City? In the Planning Commission minutes, Commissioner Holt also expressed concern about the shared driveway. Tony Reynolds stated that if the provisions of Section 1102 in the Zoning Ordinance were followed, the driveway shouldn't become a problem. Section 1102 required a certain number of things - a recorded easement; and a recorded maintenance agreement, which had been reviewed by the City Attorney. Section 1102 prohibited parking in the shared driveway.

Councilman Cragun asked if the Zoning Ordinance would indemnify the City. Andy Blackburn stated that the easement and the maintenance agreement would be recorded and run with the land. They would be brought to light in any subsequent sale of the properties.

Councilman Stokes stated that one of the City Engineer's concerns was whether the subdivision met the physical barrier requirements for a shared driveway. Tony Reynolds stated that the majority of Roy City's west boundary ran along the west boundary of 4300 West, except for the Country Acres Subdivision. The Hailee Acres Subdivision was surrounded by existing lots in Roy City on the north and west. He showed the Council an aerial view of Hailee Acres and surrounding property located in Hooper City. There was an existing home immediately to the south. If property further south developed and a road ran

along the southern edge of the Country Acres Subdivision, lots with double frontage would be created, which the City would be very uncomfortable with.

**Councilman Stokes moved to approve a preliminary subdivision plat for the Hailee Acres Subdivision located at approximately 5273 South 4300 West based on the facts and findings of the staff and Planning Commission and subject to the conditions recommended by the City Engineer, the staff, and the Planning Commission. Councilman Hilton seconded the motion.**

Councilman Hilton stated that the Planning Commission was very uncomfortable about the shared driveway running through the middle of Lot No. 1. The driveway had been moved to the south side of Lot No. 1, which was a much better solution.

**Council members Cragun, Hilton, Peterson, and Stokes. The motion carried.**

#### 8. CITY MANAGER'S REPORT

Chris Davis reminded the City Council about the retirement luncheon for Mark Becraft on Monday, January 11<sup>th</sup>, from 11:30 a.m. to 2:00 p.m. in the main fire station. Mark would be retiring from Roy City and going to work for North Davis Consolidated.

Chris Davis reminded the City Council about the work session scheduled for January 12<sup>th</sup> at 6:00 p.m. in the Recreation Building. The staff planned to discuss the City's current financial status, the D&RG trail, the Justice Court, Communities that Care, recycling, and Council direction for the FY2011 budget. He asked that the Council members let him know if they wanted to discuss anything else.

Chris Davis asked if any Council members besides Mayor Ritchie and Dave Tafoya were interested in attending the Local Officials Day at the State Legislature on Monday, January 23<sup>rd</sup>.

#### 9. MAYOR AND COUNCIL REPORTS

Councilman Hilton stated that when Roy High School helped deliver flyers for Waste Management's recycling program, they were supposed to have received \$1 for every citizen that signed up. They had not received that money. Did the staff know where that money was? Chris Davis said he would check on the actual agreement between Waste Management and Roy High School and whether the funds had been paid. Councilman Hilton asked that Mr. Davis let him know within a week so he could pass the information on.

#### 10. ADJOURN

**Councilman Hilton moved to adjourn at 6:29 p.m.**

11. SUMMARY OF ACTIONS CHARGED

1. City Manager to determine the status of the agreement between Waste Management and Roy High School.

---

Joe H. Ritchie  
Mayor

Attest:

---

Michelle Drago  
Secretary

dc:cjan510