

## MINUTES OF THE JANUARY 19, 2010, ROY CITY COUNCIL MEETING

1. Approval of January 5, 2010, minutes
2. Consideration of Interlocal Agreement regarding the development and operation of a Rail to Trails Project on the UTA-owned Denver & Rio Grande Western Railroad corridor
3. Recognition of September 2009 Employees of the Month
4. Consideration of settlement agreement with Hooper Water Improvement District
5. Consideration of Hinckley Drive Extension Project Noise Permit
6. Public comments
7. Consideration of a request for conditional use approval for a new McDonald's Restaurant, including a drive-thru, on property located at approximately 4070 South Midland Drive
8. Consideration of Ordinance No. 1024 amending Section 1029 of the Roy City Zoning Ordinance regarding accessory structures in residential zones
9. Consideration of Ordinance No. 1025 amending assigned street coordinates in the Stoneybrook Cottages Condominium Subdivision
10. Appointment of 2010 Chair and Vice-Chair of the Planning Commission
11. City Manager's report
12. Mayor and Council reports
13. Adjourn

Minutes of the Roy City Council Meeting held January 19, 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  
Councilman Dave Tafoya

City Manager Chris Davis  
City Attorney Andy Blackburn  
Secretary Michelle Drago

Also present were: Tony Reynolds, Community Services Director; Ross Oliver, Public Works Director; Jon Ritchie, Fire Chief; Lee Watts; Mrs. Lee Watts; Tyler Watts; Farley Eskelson; Dave Asay; Steve Sanchez; Margaret Sanchez; Marcell Westergard; Rachel Trotter; Tim Vega; Pat Vega; Keith Vega; Crystal Vega; Christian Vega; Kendra Vega; and Boy Scout Troops 336, 474, 219, and 560.

Moment of Silence: Councilman Stokes

Pledge of Allegiance: Councilman Stokes

1. APPROVAL OF JANUARY 5, 2010, MINUTES

**Councilman Cragun moved to approve the minutes of January 5, 2010, as written. Councilman Hilton seconded the motion. Council members Cragun, Hilton, Peterson, Stokes, and Tafoya voted “aye”. The motion carried.**

2. CONSIDERATION OF INTERLOCAL AGREEMENT REGARDING THE DEVELOPMENT AND OPERATION OF A RAIL TO TRAILS PROJECT ON THE UTA-OWNED DENVER & RIO GRANDE WESTERN RAILROAD CORRIDOR

Chris Davis stated that the City Council briefly discussed the Rail to Trails Project at its January 12<sup>th</sup> work session. The City anticipated entering into an agreement with UTA (Utah Transit Authority) for the use of the Denver & Rio Grande Railroad corridor for a 10-foot asphalt trail along the three miles of rail bed that ran through Roy City. The staff asked that the City Council approve the interlocal agreement with UTA subject to funding. The staff did not plan to use money from the General Fund for the project. It was looking at options outside normal City funding.

Councilman Cragun stated that the City was being asked to put up funding along with the grant money; put in all of the improvements; and maintain the corridor. How long was the agreement? Was there a chance that in five to ten years, UTA would come back and want to use the railroad corridor for something else. He felt like the length of time the City would

be allowed to use the corridor should be specified in the agreement. If the City was going to invest time and money, the City should have some assurance.

Chris Davis stated that 93.77% of the funding for the project would come from the federal government through CMCC (Congestion Mitigation) funds. The City would be responsible for the remaining 6.23% balance of the funding, the environmental update, and pre-engineering. The City was looking at other sources for the additional funding. UTA would continue to own the corridor. The City would maintain the asphalt trail. When looking at the long term, the City had to look at the potential for the corridor to be used for something else. UTA would have to acquire a terminus at either end in order to make it a viable transportation corridor for anything other than an asphalt trail. UTA, along with UDOT, was pushing to have the project completed. The City anticipated that the agreement would be good for a couple of decades.

Councilman Stokes stated that the agreement specified a 25-year term. He recognized that Sections 16 and 17 allowed UTA to terminate the agreement at their discretion. He wasn't terribly worried that the City would not get a return on its investment. He felt comfortable with the agreement.

Councilman Hilton stated that at the end of 25 years, the agreement automatically renewed for another 25 years.

Councilman Cragun was concerned about the sections that allowed UTA to terminate the agreement.

Councilman Stokes stated that if the City told UTA it wanted some assurance in the agreement, it would simply go ahead and approve it.

Andy Blackburn stated that the interlocal agreement was a standard agreement. It was good for 25 years with an option to renew. He felt comfortable with it.

Chris Davis asked that approval of the interlocal agreement be subject to the City finding a funding source.

**Councilman Stokes moved to approve the interlocal agreement regarding the development and operation of a Rail to Trails Project on the UTA-owned Denver & Rio Grande Western Railroad Corridor subject to a funding source being secured. Councilman Tafoya seconded the motion. Council members Cragun, Hilton, Peterson, Stokes, and Tafoya voted "aye". The motion carried.**

Mayor Ritchie welcomed all of the Boy Scout Troops in attendance.

### 3. RECOGNITION OF SEPTEMBER 2009 EMPLOYEES OF THE MONTH

Mayor Ritchie stated that Fire Chief Jon Ritchie had nominated Lee Watts and Tim Vega of the Fire Department as the September 2009 Employees of the Month. Both were acting as the back-up ambulance drivers at the 2009 Hooper Tomato Days when an ultra light air craft crashed into the crowd. They responded immediately, took over the scene, completed triage, and had all the injured ready to transport by the time the emergency helicopter arrived. They did an amazing job. The City was very fortunate and grateful both men were part of the Fire Department personnel. Both were dedicated to maintaining their training and professionalism were exemplified on a daily basis.

**Councilman Peterson moved to approve the nomination of Lee Watts and Tim Vega as the September 2009 Employees of the Month. Councilman Stokes seconded the motion. Council members Cragun, Hilton, Peterson, Stokes, and Tafoya voted “aye”. The motion carried.**

Mayor Ritchie presented Lee Watts and Tim Vega with recognition plaques and asked them to introduce their families.

#### 4. CONSIDERATION OF SETTLEMENT AGREEMENT WITH HOOPER WATER IMPROVEMENT DISTRICT

Andy Blackburn asked that the City Council approve the settlement agreement with the Hooper Water Improvement District. This was a lawsuit that started over extra water. Hooper Water filed an application for extra water, which was granted. Hooper Water then filed a lawsuit to make the use of the extra water permanent. Roy City was concerned that the aquifer was over allocated and filed a lawsuit to intervene. In the settlement agreement, Hooper Water agreed to drop their request for additional water but would request that their rights be redefined. Mark Miller, the City Engineer, had been heavily involved in reaching an agreement. If the settlement agreement was approved, the lawsuit would be at an end. If it wasn't approved, it would continue until another solution could be found.

**Councilman Tafoya moved to approve a settlement agreement with Hooper Water Improvement District. Councilman Cragun seconded the motion. Council members Cragun, Hilton, Peterson, Stokes, and Tafoya voted “aye”. The motion carried.**

#### 5. CONSIDERATION OF HINCKLEY DRIVE EXTENSION PROJECT NOISE PERMIT

Mayor Ritchie stated Wadsworth Construction, the contractor for the Hinckley Drive Extension Project, had requested approval of a noise permit. There were two areas that would have to be closed overnight to put in bridges. The closure would affect both the rail line and public transportation traffic. The work would be completed in April and May. Wadsworth was asking for a noise permit to allow them to work throughout the night. Approval of the permit would allow them to contact adjacent residents and property owners. Mayor Ritchie said a study of the request still needed to be completed. He asked that the

Council grant himself, the City Manager, and City Attorney permission to prepare an agreement approving a noise permit for Wadsworth Construction.

Councilman Stokes asked about specific dates. Mayor Ritchie the closest dates were April and May.

Dave Asay, Frontline Public Involvement (representing Wadsworth), stated that they planned to complete the work on two consecutive Sunday nights between 12:00 and 6:00 a.m. The dates would be scheduled when the girders were ready to be placed over the tracks. The tracks would be completely closed. Union Pacific would not allow them to be active while they were working over them.

Councilman Peterson asked what kind of notification and indemnification the residents would receive. Mr. Asay said the closure dates would be scheduled when the girders were ready. Calls would be made to the residents who would be impacted. Wadsworth did not anticipate any collateral damage. They were trying to be sensitive to the residents in the area. He felt they had been relatively successful. Mr. Asay said they had not been able to find a Roy City Noise Ordinance. However, they decided to do the right thing and approach the City rather than just moving ahead with the work.

Dave Asay updated the Council on the status of the Hinckley Drive Extension Project. The bridges would be completed in April and May. The intersection would be realigned in late summer or early fall.

Councilman Cragun stated that he had worked with Dave Asay and his team on the Riverdale Road Project. He had not heard a lot of complaints regarding Riverdale Road. Mr. Asay smoothed the way before construction began and while construction was under way. He was used to working with residents. Councilman Cragun felt there would be a smooth transition and City residents would be taken care of as long as Mr. Asay's team was involved.

**Councilman Cragun moved to allow the Mayor, City Manager, and City Attorney to work with the contractor of the Hinckley Drive Extension Project regarding a noise permit until the staff was satisfied the contractor could move forward to do the work requested. Councilman Hilton seconded the motion. Council members Cragun, Hilton, Peterson, Stokes, and Tafoya voted "aye". The motion carried.**

Councilman Stokes stated that the City did have a Noise Ordinance. He appreciated Mr. Asay coming in and working through the process.

## 6. PUBLIC COMMENTS

There were none.

7. CONSIDERATION OF A REQUEST FOR CONDITIONAL USE APPROVAL FOR A NEW MCDONALD'S RESTAURANT, INCLUDING A DRIVE-THRU, ON PROPERTY LOCATED AT APPROXIMATELY 4070 SOUTH MIDLAND DRIVE

Mayor Ritchie stated that the City Council approved the Midland Square Commercial project. Based on that action, McDonald's was requesting approval of a conditional use permit for a restaurant with a drive-thru window at 4070 South Midland Drive. The staff and Planning Commission recommended that the conditional use be approved.

**Councilman Tafoya moved to approve a conditional use permit for a McDonald's Restaurant with a drive-thru window located at approximately 4070 South Midland Drive based on the staff's findings and subject to the conditions recommended by the staff and Planning Commission. Councilman Peterson seconded the motion. Council members Cragun, Hilton, Peterson, Stokes, and Tafoya voted "aye". The motion carried.**

8. CONSIDERATION OF ORDINANCE NO. 1024 AMENDING SECTION 1029 OF THE ROY CITY ZONING ORDINANCE REGARDING ACCESSORY STRUCTURES IN RESIDENTIAL ZONES

Mayor Ritchie stated that the Sanchez's had petitioned the City for a Future Land Use Map amendment. The City Council denied the petition based on recommendations from the staff and Planning Commission. The City Council then directed the staff to prepare a text amendment to the Zoning Ordinance. A text amendment had been prepared and reviewed by the Planning Commission. The staff and Planning Commission recommended that the Council approve Ordinance No. 1024 which would amend Section 1029 of the Zoning Ordinance. The amendment would raise the square feet allowed for accessory buildings from 1,250 square feet to 2,500 square feet for properties with lot areas at least 2/3 of an acre greater than the requirement of the zone. The text amendment would allow the Sanchez's to proceed. Mr. Sanchez had agreed that a 2,500 square foot building would work for him.

**Councilman Stokes moved to approve Ordinance No. 1024 amending Title 10, Chapter 10 of the Roy City Zoning Ordinance regarding accessory buildings in residential zoning districts. Councilman Cragun seconded the motion. A roll call vote was taken: Council members Peterson, Tafoya, Hilton, Cragun, and Stokes voted "aye." The motion passed.** (Copy filed for record).

9. CONSIDERATION OF ORDINANCE NO. 1025 AMENDING ASSIGNED STREET COORDINATES IN THE STONEYBROOK COTTAGES CONDOMINIUM SUBDIVISION

Tony Reynolds stated that the staff was asking the City Council to approve Ordinance No. 1025 which would amend and correct numerical street values and lot addresses in the

Stoney Brook Cottages Subdivision Nos. 1 and 2. Stoney Brook Cottages was developed in two phases. The developer had not proposed street names rather than numerical street numbers. When the subdivisions were recorded, the Weber County Recorder's office asked for street coordinates for life safety purposes. It recently became apparent that the recorded values were not consistent with the actual grid coordinates in the City and that the value "5075 South" had been inadvertently assigned to multiple streets in the same area. It was necessary to correct the problem for the health, safety, and welfare of the public. It was proposed that Stoneybrook Road would be changed from 5075 South to 5050 South and that Eastview Drive would be changed from 5050 South to 5025 South. One house number had been changed as well.

Mayor Ritchie asked if the street names would be changed. Tony Reynolds said they would not.

Tony Reynolds stated that the staff recommended that the Council approve Ordinance No. 1025 to prevent life safety and general service problems. Because the street numbers and addresses were recorded, an ordinance was required to make the changes. The staff realized there would be some inconvenience to the homeowners. The home in Phase No. 2 were not occupied.

Councilman Stokes stated that most people probably used the street names rather than the coordinates.

**Councilman Tafoya moved to approve Ordinance No. 1025 amending and correcting the numerical coordinate values assigned to rights-of-way and addresses assigned to lots within the Stoney Brook Cottages Subdivision. Councilman Hilton seconded the motion. A roll call vote was taken: Council members Stokes, Cragun, Peterson, Tafoya, and Hilton voted "aye." The motion carried. (Copy filed for record).**

#### 10. APPOINTMENT OF 2010 CHAIR AND VICE-CHAIR OF THE PLANNING COMMISSION

Mayor Ritchie stated that due to the election of Councilman Hilton to the City Council, it was necessary to appoint a new Planning Commission Chair and Vice-Chair for 2010. The Planning Commission recommended that Tom Stonehocker be appointed as Chair, and that Lee Holt be appointed as Vice- Chair.

**Councilman Hilton moved to appoint Tom Stonehocker as the Planning Commission Chair and Lee Holt as the Planning Commission Vice Chair for 2010. Councilman Peterson seconded the motion. Council members Cragun, Hilton, Peterson, Stokes, and Tafoya voted "aye". The motion carried.**

#### 11. CITY MANAGER'S REPORT

Chris Davis had nothing to report.

12. MAYOR AND COUNCIL REPORTS

Councilman Cragun commended the Street Department for the manner in which the City streets had been maintained since winter began. They had moved a lot of snow and done a very good job.

Councilman Stokes agreed. He had listened to a lot of complaints from friends and coworkers about other municipalities. Roy City even plowed cul-de-sacs, which many cities never touched.

13. ADJOURN

**Councilman Cragun moved to adjourn at 6:39 p.m.**

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Joe H. Ritchie  
Mayor

Attest:

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Michelle Drago  
Secretary

dc:cjan1910