

## MINUTES OF THE JUNE 16, 2009, ROY CITY COUNCIL MEETING

1. Approval of June 2, 2009, minutes
2. Consideration of Ordinance No. 1016, an ordinance of the Roy City Council amending Title 5, Chapter 1, Section 14 of the Roy City Code concerning public nuisance animals
3. Consideration of a request for preliminary subdivision approval for the Midland Square Commercial Subdivision located at approximately 4000 South and Midland Drive
4. Consideration of a request for a conditional use permit for a convenience store in the CC, Community Commercial Zone, on property located at approximately 4000 South Midland Drive
5. Consideration of a request for a conditional use permit allowing 24-hour operations in the CC, Community Commercial Zone, on property located at approximately 4000 South Midland Drive
6. Consideration of a request for a conditional use permit allowing a Class A Beer license for off-premise consumption in the CC, Community Commercial Zone, on property located at approximately 4000 South Midland Drive
7. Consideration of a request for a conditional use permit allowing the relocation of a major facility of a public utility (Chevron Pipeline) adjacent to the commuter rail lines in the area between Hinckley Drive and 3725 South
8. Consideration of Chevron Pipeline easement agreement
9. Public comments
10. City Manager's report
11. Mayor and Council reports
12. Adjourn
13. Summary of actions charged

Minutes of the Roy City Council Meeting held June 2, 2009, 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 Marge Becraft  
Councilman Larry Peterson  
Councilman Michael Stokes  
Councilman Dave Tafoya

City Manager Chris Davis  
City Attorney Andy Blackburn  
Secretary Michelle Drago

Excused: Councilman Willard Cragun

Also present were: George Adams; Robert Sweeney; G. Jay Butler; Dan Pasohal; Eldon Haacke; Tony Allman; Missy Price; Bryce Eddy; Alex Eddy; Jessie Eddy; Jed Harris; Ralph Dalton; and Rachel Trotter.

Moment of Silence: Councilman Tafoya

Pledge of Allegiance: Councilman Tafoya

1. APPROVAL OF JUNE 2, 2009, MINUTES

**Councilman Tafoya moved to approve the minutes of June 2, 2009, as written. Councilwoman Becraft seconded the motion. Council members Becraft, Peterson, Stokes, and Tafoya voted “aye.” The motion carried.**

2. CONSIDERATION OF ORDINANCE NO. 1016, AN ORDINANCE OF THE ROY CITY COUNCIL AMENDING TITLE 5, CHAPTER 1, SECTION 14 OF THE ROY CITY CODE CONCERNING PUBLIC NUISANCE ANIMALS

Andy Blackburn stated that the City had several ordinances that dealt with noise control. However, the chapter regarding public nuisance animals only addressed barking. The staff proposed to expand the coverage by adding the language “crowing or other animal noise” to Section 5-1-14(A) of the Roy City Code. The staff asked that the City Council approve Ordinance No. 1016 which would amend the proposed language.

Mayor Ritchie asked if the amendment would change any procedures or penalties. Mr. Blackburn said it would not.

**Councilwoman Becraft moved to approve Ordinance No. 1016 amending Title 5, Chapter 1, Section 14 of the Roy City Code. Councilman Stokes seconded the motion. A roll call vote was taken: Council members Stokes, Peterson, Tafoya, and Becraft voted “aye.” The motion carried. (Copy filed for record).**

3. CONSIDERATION OF A REQUEST FOR PRELIMINARY SUBDIVISION APPROVAL FOR THE MIDLAND SQUARE COMMERCIAL SUBDIVISION LOCATED AT APPROXIMATELY 4000 SOUTH AND MIDLAND DRIVE

Mayor Ritchie stated that the City had received a request for preliminary approval of the Midland Square Commercial Subdivision located on the southeast corner of 4000 South and Midland Drive. The Council had had an opportunity to read the staff comments and Planning Commission minutes. He asked if they had any questions.

**Councilman Tafoya moved to grant preliminary approval of the Midland Square Commercial Subdivision based on the staff’s findings and recommendations. Councilman Peterson seconded the motion. Council members Becraft, Peterson, Stokes, and Tafoya voted “aye.” The motion carried.**

4. CONSIDERATION OF A REQUEST FOR A CONDITIONAL USE PERMIT FOR A CONVENIENCE STORE IN THE CC, COMMUNITY COMMERCIAL ZONE, ON PROPERTY LOCATED AT APPROXIMATELY 4000 SOUTH MIDLAND DRIVE

Mayor Ritchie stated that Maverik had requested approval of a conditional use permit for a convenience store that would be located on Lot No. 5 of the Midland Square Commercial Subdivision.

Councilman Peterson asked if the Maverik store would face toward 4000 South or the interior of the project. Jared Hall stated that it would be oriented toward 4000 South. A dental clinic was being proposed on Lot No. 6. It would be oriented toward the interior road.

Councilman Peterson asked about the separation between the commercial and residential subdivision to the east. Jared Hall said would be an interior road, landscaping, and a privacy fence between the commercial and residential uses. The buffer would consist of 10 feet of landscaping and a 6-foot wall.

Councilman Peterson asked about the fence behind Maverik. Jared Hall said it would be used to screen the mechanical equipment from the interior road. The Planning Commission had asked that the fence be upgraded from chain link fence to vinyl. Maverik had also added some flowering pear trees to provide additional landscaping.

**Councilman Stokes moved to approve a conditional use permit for a convenience store in the CC, Community Commercial Zone, on property located at approximately 4000 South Midland Drive based on the staff's findings of fact and the staff's recommendations. Councilman Stokes seconded the motion. Council members Becraft, Peterson, Stokes, and Tafoya voted "aye." The motion carried.**

5. CONSIDERATION OF A REQUEST FOR A CONDITIONAL USE PERMIT ALLOWING 24-HOUR OPERATIONS IN THE CC, COMMUNITY COMMERCIAL ZONE, ON PROPERTY LOCATED AT APPROXIMATELY 4000 SOUTH MIDLAND DRIVE

**Councilman Tafoya moved to approve a conditional use permit allowing 24-hour operations in the CC, Community Commercial Zone, on property located at approximately 4000 South and Midland Drive based on the staff's findings and recommendations. Councilman Peterson seconded the motion. Council members Becraft, Peterson, Stokes, and Tafoya voted "aye." The motion carried.**

Councilman Stokes stated that he had spoken with Police Chief Whinham about the burden that businesses operating 24 hours a day placed on the Police Department. Chief Whinham said convenience stores added another set of eyes. If there were problems, they were reported quickly. In many instances, convenience stores actually decreased crime.

6. CONSIDERATION OF A REQUEST FOR A CONDITIONAL USE PERMIT ALLOWING A CLASS A BEER LICENSE FOR OFF-PREMISE CONSUMPTION IN THE CC, COMMUNITY COMMERCIAL ZONE, ON PROPERTY LOCATED AT APPROXIMATELY 4000 SOUTH MIDLAND DRIVE

**Councilman Tafoya moved to approve a conditional use permit for a Class A Beer license for off-premise consumption in the CC, Community Commercial Zone, on property located at approximately 4000 South and Midland Drive based on the staff's findings and recommendations. Councilman Stokes seconded the motion. All voted "aye." The motion carried.**

7. CONSIDERATION OF A REQUEST FOR A CONDITIONAL USE PERMIT ALLOWING THE RELOCATION OF A MAJOR FACILITY OF A PUBLIC UTILITY (CHEVRON PIPELINE) ADJACENT TO THE COMMUTER RAIL LINES IN THE AREA BETWEEN HINCKLEY DRIVE AND 3725 SOUTH

Jared Hall stated that there were two Chevron pipelines that ran through Weber County, Roy City, and Davis County. The pipes currently ran along the commuter rail line until they reached the north end of the Hal Vern Subdivision in Roy where they veered south through some residential lots until they reach 3725 South. Due to the Hinckley Drive extension, UDOT and Chevron had agreed to relocate the pipelines. They would continue to run along the commuter rail until they reached a City right-of-way at approximately 2055 West 3725 South. They would run up through the right-of-way between two homes until they connected with the existing lines on 2100 West. Both the staff and Planning Commission felt it would be good to relocate the lines from the residential lots. Mr. Hall said the City Engineer and City staff needed latitude to review and approve further plans. The relocation of the pipelines meant the City would have to move a sewer line.

Mayor Ritchie asked what would happen to the old pipes. Jared Hall said the old lines would be abandoned and filled with cement slurry. Chevron would leave them in the ground. Mayor Ritchie felt it would be intrusive to try and remove the old pipes.

Councilwoman Becraft asked when work would begin. Jared Hall did not know. The relocation was happening in conjunction with the Hinckley Drive extension, which would begin during the summer. The Planning Commission recommended that the conditional use permit be approved subject to the conditions recommended by the staff and that Chevron notify all affected property owners about when construction would begin and how long their services would be disrupted.

Robert Sweeney, Chevron, stated that UDOT was extending Hinckley Drive. The abutment from the bridge would be on top of the pipelines. That is why they were being relocated.

Councilman Peterson asked if filling the old pipelines would cause sinking. Robert Sweeney said the load from the bridge would cause the whole area to settle about ten inches. When Chevron abandoned the old pipelines, they would make sure they were gas free and filled with concrete slurry. He didn't feel the concrete slurry would cause settling. After the pipelines were abandoned, homeowners would no longer have restrictions on the use of their properties.

Councilman Peterson asked if Chevron would take care of any settling that might occur. Mr. Sweeney said they would.

Andy Blackburn stated in the easement agreement between Chevron and Roy City, there was a provision that allowed the City to determine how the pipelines would be abandoned.

Councilman Peterson stated that the City would take care of moving its own sewer line. Jared Hall said it would. Chevron would reimburse the City for the cost of moving the sewer whether the work was done by City crews or a contractor. Robert Sweeney stated that Roy City Public Works had indicated the City would provide the crew to move the line.

**Councilman Peterson moved to approve a conditional use permit allowing the relocation of a major facility of a public utility (Chevron Pipeline) adjacent to the commuter rail lines in the area between Hinckley Drive and 3725 South based on the staff's finding and subject to the conditions of the staff and Planning Commission. Councilman Stokes seconded the motion. Council members Becraft, Peterson, Stokes, and Tafoya voted "aye." The motion carried.**

#### 8. CONSIDERATION OF CHEVRON PIPELINE EASEMENT AGREEMENT

Andy Blackburn stated that the Chevron Pipeline easement agreement was being considered in conjunction with the conditional use permit. The current easement had expired. The staff and City Engineer had spent quite a bit of time reviewing the new agreement. Mr. Blackburn asked that the Council approve the agreement subject to a provision that would limit the length of the agreement to 25 years and that the Council allow him to check the description location. There might be a slight variation in the description. If any major changes were needed, agreement would be brought back to the Council for further review.

**Councilman Stokes moved to approve the Chevron Pipeline easement agreement between Roy City and Chevron subject to it being limited to 25 years and authorizing the City Attorney to make minor variations in the legal description of the location. Councilwoman Becraft seconded the motion. A roll call vote was taken: Council members Stokes, Tafoya, Becraft, and Peterson seconded the motion. (Copy filed for record).**

#### 9. PUBLIC COMMENTS

Tony Allman, 4644 South 2950 West, asked the City Council to contact Public Works about the signal light on 4800 South at the railroad tracks. It would not recognize him while he was on his motorcycle. Mayor Ritchie said Public Works would check to see if that could be controlled.

Gordon Butler, 5364 South 2100 West, stated that the vehicle he spoke with the Council about recently had been moved. It had been replaced with three other vehicles that were not driveable. Mr. Butler asked if the temporary zoning ordinances approved recently by the City Council had time limits. Chris Davis stated that temporary zoning ordinances could not exceed six months. Mr. Butler wanted to see the City move ahead with the temporary ordinances so that they didn't drive businesses to other cities. Mayor Ritchie said there were provisions that would allow a developer to meet with staff, the Planning Commission, and City Council for preliminary approval. When a final decision was made on the temporary ordinances, those projects could be brought in for final approval. The staff worked hard to remove road blocks.

Jed Harris, 4410 South 2425 West, asked if there was a complete layout of the commercial development proposed on the southeast corner of Midland Drive and 4000 South. Jared Hall said the City had a basic outline, but not specific uses for each lot. A copy was available to the public.

Jed Harris asked if the City had any plans to resurface 4400 South from 1900 West down. Nothing had been done on 4400 South since the sewer line was replaced several years ago. Chris Davis said most of the roads that would be resurfaced this year were those involved in waterline projects. Forty-four Hundred South (4400 South) was not on the schedule this year. Mayor Ritchie said the staff would let Mr. Harris know when the City planned to resurface 4400 South.

#### 10. CITY MANAGER'S REPORT

Chris Davis stated that the City was repaving 2175 West south of 4000 South. Some of the property owners in that area wanted the City to put in speed bumps, or traffic calming devices. He planned to speak with the Public Works Director and City Engineer about the request for speed bumps.

Councilman Stokes asked about repaving 5200 South between 3100 West and 3500 West. Chris Davis said the City would look at resurfacing 5200 South if there were additional funds. Councilman Stokes said that there was a lot of traffic on the road. The amount of potholes was hazardous. The opening of Ogden Clinic would make it worse. He would like to see the road more accessible. Mayor Ritchie asked if Weber County would participate in resurfacing that road. Chris Davis said three of the four property owners along that part of 5200 South were ready to petition for annexation.

Chris Davis stated that Jack Bell's retirement lunch would be Tuesday, June 23<sup>rd</sup>, at 11:00 a.m. at the City shop.

Chris Davis stated that a work session would be held in the Administration Conference Room on Wednesday, June 17<sup>th</sup>, at 6:30 pm.

Chris Davis updated the City Council on the HAFB well. The drilling had been very successful. The drillers were down more than 1,000 feet and were in an 80-foot aquifer. That was better than any other well in the City.

Chris Davis stated that a very old lead connection at 1900 West Riverdale Road had leaked. In that area there was 18 inches of asphalt and 1 foot of concrete. The water from the leak had gotten between the asphalt and concrete and bubbled up in front of Buffalo Brothers. It took awhile to find the leak, but the City crews had repaired it. UDOT had been great to work with.

#### 11. MAYOR AND COUNCIL REPORTS

Councilman Tafoya updated the City Council on Roy Days. The Ogden Raptors had agreed to let Roy City sponsor a Roy Days night on July 27<sup>th</sup>. Free tickets were available for everyone in the community. The grand marshal for the parade would be Keith and Laura Homer. He asked if the Council wanted to have a theme. Chris Davis said the theme was used for designing the floats. Councilman Tafoya said the theme needed to be determined within 24 hours. Councilman Peterson suggested, "Roy City - a great place to live and play." The director of the Miss Roy Pageant had asked if the Council would allow interviews with the contestants after a Council meeting. The Council agreed to do so. Councilman Tafoya said the movie for movie night would be "*Bedtime Stories*."

Councilman Stokes asked that the Weber County Mosquito Abatement District spray Emma Russell Park a few nights before the movie night. Chris Davis said he would contact them.

Councilman Tafoya stated that Tuesday July 28<sup>th</sup> there would be a Soccer Fest and the Police Department's Night Against Crime prior to the movie.

#### 12. ADJOURN

**Councilwoman Becraft moved to adjourn at 6:42 p.m.**

13. SUMMARY OF ACTIONS CHARGED

1. Staff to let Jed Harris know when the City plans to resurface 4400 South.
2. Chris Davis to contact the Mosquito Abatement District about spraying Emma Russell Park a few days before the Roy Days Movie Night on July 28th.

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Joe H. Ritchie  
Mayor

Attest:

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Michelle Drago  
Secretary

dc:cjun1609