

## MINUTES OF THE AUGUST 18, 2009, ROY CITY COUNCIL MEETING

1. Approval of August 4, 2009, minutes
2. Utah Risk Management Mutual Association (URMMA) presentation
3. Consideration of a conditional use permit for multi-family housing on property located in the R-3 Zone at approximately 5595 South 2500 West
4. Public comments
5. Consideration of "Wholesale Wastewater Treating Contract" between Roy City and Central Weber Sewer Improvement District
6. Appointment of poll workers for the 2009 municipal elections
7. City Manager's report
8. Mayor and Council reports
9. Adjourn

Minutes of the Roy City Council Meeting held August 18, 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	City Manager Chris Davis
Councilwoman Marge Becraft	City Attorney Andy Blackburn
Councilman Willard Cragun	Secretary Michelle Drago
Councilman Larry Peterson	
Councilman Michael Stokes	
Councilman Dave Tafoya	

Also present were: Tony Reynolds, Community & Economic Development Director; Jared Hall, Planner; Dean Steele, URMMA; Carl Parker, URMMA; Joann Glantz, URMMA; Lyle Coombs, URMMA; Gordon Jay Butler; Jerry Cronquist; Mark Kohler; Ken Crockett; Rachel Trotter; Dustin Christensen; Boy Scout Troop 470; and Boy Scout Troop 194.

Moment of Silence: Councilman Stokes

Pledge of Allegiance: Councilman Stokes

1. APPROVAL OF AUGUST 4, 2009, MINUTES

**Councilman Cragun moved to approve the minutes of August 4, 2009, as written. Councilwoman Becraft seconded the motion. Council members Becraft, Cragun, Peterson, Stokes, and Tafoya voted "aye." The motion carried.**

2. UTAH RISK MANAGEMENT MUTUAL ASSOCIATION (URMMA) PRESENTATION

Dean Steele stated that the Utah Risk Management Mutual Association (URMMA) was created in 1985. Roy City had been a member since October 1, 1986. URMMA provided liability insurance and group property coverage for facilities owned by cities. They were able to offer very good rates to the 24 member cities. In 1985, there was an insurance crisis. Cities could not purchase insurance. If they could, the rates were tripled. Cities created a municipal insurance pool through interlocal agreements. Each entity that joined the pool became a member. Each member had a representative on the Board of Directors. Roy City had had an active role in establishing in bringing about what URMMA was today. To begin the municipal insurance pool, six cities had to come up with \$1 million required by the State. The pool money belonged to the cities. Each city paid back its own losses. The system had worked very well for the 24 years URMMA had been in existence.

Mr. Steele said that early on the Board of Directors decided they did not want to just sell insurance. They wanted to provide risk management to help cities identify risks, reduce and eliminate risks, how to settle claims in an effective way to save money, and help cities better manage the liability issues they faced. URMMA developed a risk management inspection program to help evaluate the risk each city faced. The evaluation covered things from changing water lids to personnel policy changes. URMMA worked to train supervisors.

Mr. Steele said that URMMA had wrestled with how to pay for its operations. Each entity paid a proportionate share based on its population and length of exposure. When there was excess money, dividends were paid back to the cities based on premiums paid and losses. In 24 years, URMMA had distributed \$3 million back to its members. Roy City had received \$190,000. Since September 11, 2001, premiums had doubled and then doubled again. URMMA used excess dividends to cover the cost of those increases. Pooling worked. He appreciated the efforts of Chris Davis and Andy Blackburn. He felt they had a great working relationship.

Mr. Steele introduced some of URMMA's staff members.

Joann Glantz stated that she was responsible for training. All of their training was free. Some cities used them on a monthly basis, some quarterly, and some semi-quarterly. She enjoyed the interaction with the City personnel. Chris Davis said Ms. Glantz also organized roundtable discussions where she acted as a facilitator.

Lyle Coombs stated that he was a claims adjuster. When someone wanted to make a case against a city, it was his job to investigate the claim and make recommendations on how the claim should be disposed of. Roy City was a good city to work for. It didn't have very many claims. That reflected the employees' attitude about trying to reduce risk. URMMA was different than a regular insurance company. When it came time to settle a claim, they made their recommendations based on what was best for the City. They didn't pay any claims without authorization from the respective city.

Carl Parker, Loss Control Officer, stated that risk management was interesting. Cities put a lot of effort into prevention, and no one ever knew what was saved or prevented. Roy City reflected the employees' desire to do their best. He appreciated the opportunity to work with the City staff. Chris Davis and his employees did a great job, but it started at the top. When employees asked for new playground equipment, it was up to the City Council to see the vision.

Councilman Cragun stated that over the years URMMA had been very effective in helping the City. He complimented them on being very successful.

Mayor Ritchie stated that the URMMA staff was available. When the City needed their assistance, it did not take them long to respond.

Mayor Ritchie recognized Boy Scout Troops 470 and 194 who were in attendance.

3. CONSIDERATION OF A CONDITIONAL USE PERMIT FOR MULTI-FAMILY HOUSING ON PROPERTY LOCATED IN THE R-3 ZONE AT APPROXIMATELY 5595 SOUTH 2500 WEST

Jared Hall stated that the north half of the property under consideration was zoned from R-1-8 to R-3 in February of 2007 based on a City Council initiative. The southern portion had been zoned R-3 since about 1985. A TZRO currently governed multi-family housing in the City. However, the application for this project was received prior to the start of the TZRO.

Mr. Hall said the original application was for a conditional use permit to allow multiple family housing in the form of 28 condominium units and was accompanied by a condominium subdivision application. At a public hearing in February, the Planning Commission unanimously recommended that the City Council approve the conditional use permit subject to several conditions and corrections. After the Planning Commission meeting, the applicant determined that the project could not be built as condominiums due to financing constraints. The vested interest in the conditional use permit was assigned to new applicants - Mark Kohler and Ken Crockett. The corrections and changes recommended by the Planning Commission were made, and the subdivision portion of the application was dropped. In April, the City adopted a TZRO which put a temporary moratorium on multi-family housing applications in order to allow the staff time to research and draft new standards. The moratorium applied only to new applications. This application was already entitled and vested. It was eligible for consideration.

Mr. Hall stated that the Planning Commission recommended that the density of the project be reduced to 27 units, which had been done. The site plan had been changed to stagger the units per the Commission's recommendation. The new site plan did not contain garages. There was on-street parking in front of the units, which actually opened the site up. The landscaping plan complied with the Planning Commission recommendation to include trees along 2500 West to break up the monotony of the long fence and sidewalk. The units were higher end. They would be about 1800 square feet, with three bedrooms upstairs.

Mr. Hall stated that the staff and Planning Commission found that the proposed development was an acceptable use in the R-3 Zone and was in keeping with the Zoning Ordinances and General Plan. The staff also found that the proposed development met the design guidelines of Roy City and the conditions recommended by the Planning Commission in February.

Mr. Hall stated that the Planning Commission and staff recommended that the City Council approve the conditional use permit for multi-family housing located at approximately 5595 South 2500 West subject to the following conditions:

1. The applicant shall provide the recommended 30 feet of access width at the private connection to 2500 West Street as indicated in the City Engineer's memo dated August 6, 2009.
2. The applicant shall further provide and comply with the other corrections and citations of the City Engineer's memo dated August 6, 2009. Approval shall be subject to further review and approval of corrections and additional information provided to the City Engineer as may be deemed necessary.
3. The applicant shall seek approval and/or cooperation from the Utah Department of Transportation in extending the proposed sidewalk along 2500 West from the subject property line southward to connect with the existing sidewalk on 5600 South and shall include the connection in the public improvements of this project.
4. The applicant shall continue to work with planning, engineering, fire and other staff of the Development Review Committee to make any further corrections that may be necessary to ensure compliance with the ordinances and policies of the City.
5. Subject to all items of the staff report and accompanying documents and attachments.

Mayor Ritchie asked about the emergency turn around. Jared Hall stated that UDOT regulations prevented the site from having a second access. The site had been designed with a hammer head turnaround for emergency vehicles.

Councilwoman Becraft asked about fencing. Jared Hall stated that the proposed fencing was 6-foot white vinyl. The only break in the fencing along 2500 West was for pedestrian access to a sidewalk through the playground and the entrance to the development.

Councilman Stokes asked how soon the project would be completed. Jared Hall said there would be no phasing. The developer planned to build the entire project at the same time. The improvements would have to be installed within a year. Councilman Stokes clarified that all of the onsite improvements - roads, landscaping, fencing - would be installed, except for the buildings. Mr. Hall said that was correct.

Councilman Tafoya asked vesting. Jared Hall said the City had received an application for a multi-family housing development called Aspen Lanes Townhomes. The Planning Commission reviewed Aspen Lane's application and site plan and recommended it be approved. The developer then found that he could not make the project work due to financing options. He abandoned the project and sold his interest to other users who felt they could build a rental project. The new developer continued to work with the same engineer that originally designed the project to make the changes recommended by the Planning Commission. During that time the City Council passed the TZRO.

Ken Crockett and Mark Kohler introduced themselves as the new developer. They were excited to build in Roy. They felt this would be a successful project.

Councilwoman Becraft asked if the playground area was fenced. Ken Crockett said the project was fenced; the playground itself was not. Councilwoman Becraft was concerned that a break in the fence left the playground open to the street. Ken Crockett said they could add a gate to the fence. Jared Hall said a gate could be added to the plan.

Councilman Cragun was concerned about additional traffic. Traffic on 2500 West was already horrendous. This development would add additional traffic trying to get onto 5600 South or winding through the residential area to the east. The City needed to deal with the traffic issue. He was also concerned that the project would be served by one main water connection instead of separate connections for each unit.

Councilman Stokes asked if other apartment complexes had water meters. Tony Reynolds said they had a main point of service. The water lines beyond that point were privately owned. If there were separately property lines, such as a duplex, there would be separate meters.

Councilman Peterson asked if the rent would include charges for water. Mark Kohler said it would. They would rather put in separate meters, but that was difficult with 27 units. Most cities required a master meter.

Councilman Cragun asked what the City had done historically. Chris Davis said this would be similar to a mobile home park. All mobile home parks had master meters. Apartment complexes typically had master meters. The City did not own or maintain anything beyond the master meter.

Mark Kohler stated that there would be separate connections for each building so they could be isolated if there was a problem.

Councilman Tafuya asked if the developers planned to build the buildings as there was a market or all at once. Mark Kohler said they would build them all. There was a need for higher end units. This is what they had been doing for 15 years.

Councilman Stokes stated that he had toured another development that Ken Crockett and Mark Kohler had built. He felt they did good work.

Councilman Peterson asked if the development would remain apartments or if it would be changed to condominiums. Mark Kohler said it would remain an apartment complex. The rent would be \$800 to \$950. They required background and credit checks. The higher end tenants stayed longer and had less problems.

Councilman Cragun asked if they planned to keep the project or sell it. Mark Kohler said they planned to keep it. This was their retirement. They had retained ownership of everything they had built for the last four to five years.

Councilman Stokes wanted to make the it a condition of approval that the developers speak with UDOT regarding the connection of the sidewalk on 2500 West prior to the pre-construction meeting. He felt the connection of the sidewalk should be an absolute condition.

Mark Kohler stated that they liked to put in all of the improvements before they began construction of the buildings so they weren't slowed down by the weather.

Councilman Cragun stated that in the past the City had required trees to be installed outside of fences, but they were not maintained. Councilman Peterson said this development was different than a subdivision with a homeowners' association. The maintenance of the trees would be part of the grounds maintenance. Councilman Stokes said that most apartment complexes were maintained better than subdivisions with homeowners' associations. The better the complex looked, the easier it was to rent.

Chairman Peterson stated that traffic access onto 5600 South from the north was difficult in the morning; the south side was difficult in the afternoon. Traffic would be a problem no matter what happened with this development. The Council knew it would face this issue when it approved Seifert Estates. The traffic light had 2200 West had helped to create gaps in the traffic. It might be time to determine if the 2500 West 5600 South intersection met the traffic warrants for a semaphore.

Councilman Cragun stated that the surrounding residents were opposed to a multi-family development. Councilman Peterson didn't think this property would ever be developed for a single family use. The City had determined that a multi-family use was the best use of this property. Councilman Stokes stated that with the conditional use permit, this was one of the best developments that could happen on this property.

**Councilman Peterson moved to approve a conditional use permit for multi-family housing located at approximately 5595 South 2500 West based on the findings of the staff and Planning Commission and subject to the conditions recommended by the staff and Planning Commission; installation of a gate on the east side of the playground area; and that the sidewalk installation be addressed with UDOT prior to the pre-construction meeting. Councilman Stokes seconded the motion. All voted "aye" except for councilman Cragun who voted "nay". The motion carried.**

#### 4. PUBLIC COMMENTS

There were none.

5. CONSIDERATION OF "WHOLESALE WASTEWATER TREATING CONTRACT"  
BETWEEN ROY CITY AND CENTRAL WEBER SEWER IMPROVEMENT DISTRICT

Andy Blackburn stated that this agreement was tabled by the City Council two weeks ago in order to allow the staff time to receive answer regarding a Roy City representative on the Central Weber's board. Mr. Blackburn said he had looked into the matter and found that State law required that the district provide services to more than half of the municipal land area before a city could have a member on the board. A very small portion of Roy was served by the Central Weber School District. The City would have to address its concerns through its representative on the Weber County Commission.

Councilman Stokes understood that State law precluded the City from having a representative on the board. It might be time to lobby the State legislature about changing the law.

**Councilman Tafoya moved to approve the Wholesale Wastewater Treating Contract between Roy City and the Central Weber Sewer Improvement District. Councilman Stokes seconded the motion. A roll call vote was taken: Council members Peterson, Tafoya, Becraft, Cragun, and Stokes.**

6. APPOINTMENT OF POLL WORKERS FOR THE 2009 MUNICIPAL ELECTIONS

Chris Davis stated that the municipal elections were approaching. The staff had prepared a list of poll workers for 2009. Each polling place would have a manger and three judges. Mr. Davis explained that the City would be using paper ballots due to the cost of electronic equipment. The counting judges would begin at 5:00 p.m. The staff felt that having the counting judges begin at 5:00 p.m. would allow them to be done at 8:00 p.m. when the polls closed. The City would also be allowing early voting this year. That would begin September 1<sup>st</sup>. The early voting polls would be open four days a week for four hours a day. The early voting polling area would be in the Municipal Building. The staff asked that the Council appoint Ernest and Myrna Smith as the early election poll judges with Carly Willard as an alternate. Mr. Davis said the turnout for a municipal election was historically about 15% to 20% for a primary and 25% to 30% for the general.

Mayor Ritchie asked who would train the judges. Chris Davis said the training would be done by Weber County and Carr Printing on September 2<sup>nd</sup>. The training for the early voting judges would occur on August 19<sup>th</sup>.

**Councilwoman Becraft moved to appoint the poll workers for the 2009 Municipal Elections as outlined by the staff, including Ernest and Myrna Smith and Carly Willard. Councilman Cragun seconded the motion. Council members Becraft, Cragun, Peterson, Stokes, and Tafoya voted "aye." The motion carried.**

7. CITY MANAGER'S REPORT

Chris Davis stated that the Hope Community Center was on schedule and on budget. Mr. Davis said the residential neighbors had been very patient.

Chris Davis asked those Council members running for re-election to turn in their bio information as soon as possible so that it could be include it in the September newsletter.

Chris Davis stated that the primary election would be held on September 15<sup>th</sup>. There would not be a Council meeting that night, nor would there be one on November 3<sup>rd</sup>, the night of the general election.

Chris Davis reminded the Council about the work session on Wednesday, August 26<sup>th</sup>, at the Recreation office.

8. MAYOR AND COUNCIL REPORTS

Councilman Cragun stated that a woman who lived south of the Municipal Building had expressed concern about the condition of some of the trees. Chris Davis said that unfortunately the secondary water line was broken when the culinary water was installed, and it had not bee repaired. The City might lose a few more trees due to the expansion of the Municipal parking lot. Councilman Cragun said the woman had offered to water the trees. He felt the trees she was concerned about would remain.

Councilwoman Becraft asked how soon the dirt removed from the Hope Community Center site would be moved. Chris Davis said the contractor had started to backfill around the center. The pile of dirt had started to go down.

Councilman Peterson stated that former Councilman Smith had been concerned about letting the public know what was happening. He asked if a sign could be posted in front of the Municipal Building showing a rendering the Hope Community Center. Mr. Davis said that would be happening shortly. It was supposed to have been done by now.

9. ADJOURN

**Councilwoman Becraft moved to adjourn at 7:03 p.m.**

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Joe H. Ritchie  
Mayor

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Attest:

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Michelle Drago  
Secretary

dc:caug1809