

MINUTES OF THE JUNE 17, 2008, ROY CITY COUNCIL MEETING

1. Public hearing to consider a petition from Ogden Clinic Investment Company, LLC to annex approximately 5.28 acres located at approximately 5220 South 3100 West with a zone of Community Commercial
 - a. Consideration of Resolution No. 927 approving the annexation of the Ogden Clinic Investment Company, LLC property
 - b. Consideration of Ordinance No. 1000 establishing a Community Commercial Zone for the Ogden Clinic Investment Company, LLC property which has been annexed into Roy City
2. Public hearing to consider \$1,000 cash donations for 2008 and 2009 to the Roy High School graduation night activities
3. Approval of June 3, 2008, minutes
4. Consideration of Resolution No. 931 honoring Junius and Minnie Rae Brown and their family
5. Consideration of Resolution No. 932 honoring Skyler Fleming for his award-winning water cycle poster
6. Consideration of Ordinance No. 1001 approving an annual cost-of-living adjustment for public safety retirees
7. Hill Air Force Base environmental update on the ground water plume
8. Public comments
9. Discussion on changes to the FY2008 Budget
 - a. Consideration of Resolution No. 932 approving changes to the FY2008 Budget
10. Award of contract for 2008 Culinary Waterline Replacement Project, Phase 1
11. Consideration of a preliminary subdivision plan for Midland Commercial Subdivision located at approximately 4800 South 3500 West
12. City Manager's report
13. Mayor and Council reports
14. Motion to adjourn City Council Meeting and convene a Redevelopment Agency Meeting

Minutes of the Roy City Council Meeting held June 17, 2008, 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 Willard Cragun
Councilman Michael Stokes
Councilman Dave Tafoya

City Manager Chris Davis
City Attorney Andy Blackburn
Secretary Michelle Drago

Excused: Councilman Larry Peterson

Also present were: Cathy Spencer, Management Services Director; Greg Whinham, Police Chief; Danny Stokes, Water Superintendent; Ross Oliver, Deputy Public Works Director; Jared Hall, Planner; Mark Miller, City Engineer; George Cummings; Laura Cummings; Joe Liu; Pat Liu; Kay Hargis; Dean Harris; Sherry Harris; Mark Roginske; Grant S. Cooper, Jr.; Kimberly Abshire; Jessie Fleming; Stephanie Fleming; Heather Fleming; Skyler Fleming; William C. Merx; Lamar M. Holt; Molly Johnson; Jacob Johnson; Diana Mikesell; Nicole Cypers; Glenda Burnsill; Barbara Fisher; Kay Brown; Larry Brown; Liz Brown; Jerry Brown; Mark Sage; Tamara Flint; Ray Brock; Charles Richards; and Rachel Foster.

Moment of Silence: Councilman Michael Stokes

Pledge of Allegiance: Councilman Michael Stokes

1. PUBLIC HEARING TO CONSIDER A PETITION FROM OGDEN CLINIC INVESTMENT COMPANY, LLC TO ANNEX APPROXIMATELY 5.28 ACRES LOCATED AT APPROXIMATELY 5220 SOUTH 3100 WEST WITH A ZONE OF COMMUNITY COMMERCIAL

Councilman Stokes recused himself from this item due to a business relationship with Ogden Clinic.

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

Jared Hall, City Planner, stated that Ogden Clinic had requested that 5.28 acres located at approximately 5220 South 3500 West be annexed into Roy City and zoned Community

Commercial. Resolution No. 927 would approve the annexation. Ordinance No. 1000 would establish a zone of Community Commercial. The land in question was surrounded by residential zones. Some of the adjacent residential was located in unincorporated Weber County. The property was previously used by a veterinary clinic in Weber County. The staff felt this was a good use for the property. Ogden Clinic planned to subdivide the property after the property was annexed.

Mayor Ritchie stated that the City could not consider annexing property until it had received a petition from the property owner.

Jared Hall stated that the protest period ended on June 6th. No protests had been filed. The Planning Commission held a public hearing on June 10th. It recommended that the annexation be approved with a Community Commercial Zone subject to the Commission reviewing and approving a site plan.

Mayor Ritchie opened the floor for public comments.

Lamar Holt, 3452 West 5300 South, stated that this property had been vacant since the vet moved out. He was excited to see something happening there. Ogden Clinic sounded like an upgrade and a good use for this property. The property needed to be productive. He asked about the proposed subdivision of the property.

Jared Hall stated that a residential use was allowed in a commercial zone, but it was more likely that all of the property would have a commercial use.

Councilwoman Becraft asked if Ogden Clinic planned to close its office in the Marketplace Plaza. Ray Brock, representing Ogden Clinic, said they would close the Marketplace Plaza office when the new building was ready. The new building would be patterned after the one in Pleasant View. All of their buildings had a similar look so that people could recognize them.

Councilwoman Becraft moved to close the public hearing at 6:11 p.m. Councilman Cragun seconded the motion. Council members Becraft, Cragun, Stokes, and Tafoya voted "aye." The motion carried.

Councilman Tafoya moved to approve Resolution No. 927 approving the annexation of the Ogden Clinic Investment Company, LLC property. Councilwoman Becraft seconded the motion. A roll call vote was taken: Council members Cragun, Tafoya, and Becraft voted "aye." Councilman Stokes abstained. The motion carried. (Copy filed for record).

Councilman Cragun moved to table consideration of Ordinance No. 1000 establishing a Community Commercial Zone for the Ogden Clinic Investment Company, LLC property until the Planning Commission had reviewed a site plan. Councilwoman Becraft seconded the motion. Council members Becraft, Cragun, Stokes, and Tafoya voted “aye.” The motion carried.

2. PUBLIC HEARING TO CONSIDER \$1,000 CASH DONATIONS FOR 2008 AND 2009 TO THE ROY HIGH SCHOOL GRADUATION NIGHT ACTIVITIES

Councilwoman Becraft moved to open the public hearing at 6:13 p.m. Councilman Cragun seconded the motion. Council members Becraft, Cragun, Stokes, and Tafoya voted “aye.” The motion carried.

Chris Davis stated that the Roy High School Graduation Committee sponsored and coordinated the Roy High School graduation celebration. The committee had requested that Roy City contribute \$1,000 a year for the 2008 and 2009 celebrations. Notice of the public hearing to consider their request had been given according to State law. The study had been available for the public to review. As requested by the City Council a contribution for the 2009 graduation celebration had been included in the FY2009 budget. The request was ready for Council approval.

Mayor Ritchie opened the floor for public comments. There were none.

Councilman Stokes moved to close the public hearing at 6:14 p.m. Councilman Tafoya seconded the motion. Council members Becraft, Cragun, Stokes, and Tafoya voted “aye.” The motion carried.

Councilman Stokes moved to approve \$1,000 cash donations for the 2008 and 2009 Roy High School graduation night activities. Councilman Becraft seconded the motion. Council members Becraft, Cragun, Stokes, and Tafoya voted “aye.” The motion carried.

Councilman Stokes stated that he generally opposed donations. However, he felt this was a great thing for the young people. He was supportive of keeping kids off the streets on graduation night.

Mayor Ritchie echoed Councilman Stokes' comments.

3. AWARD OF CONTRACT FOR 2008 CULINARY WATERLINE REPLACEMENT PROJECT, PHASE 1

Mark Miller, Wasatch Civil/City Engineer, stated that Phase 1 of the 2008 Culinary Waterline Replacement Project was bid on May 29, 2008. Fifteen bids were submitted. The low bid was received from E. H. Knudson Construction Co. for \$579,994.60. The Public Works Department felt very comfortable with E. H. Knudson. The Public Works staff recommended that the City Council award the contract for Phase 1 of the 2008 Culinary Waterline Replacement Project to E. H. Knudson Construction Co. For \$579,994.60 and authorize the Mayor to sign the Notice of Award and Contract Agreement. Mr. Miller said this project would upgrade four and five inch water lines in areas where there was inadequate fire flow to the State requirement of eight inches.

Mayor Ritchie asked if a contract number was needed. Chris Davis said the Council could approve the contract without a number.

Councilman Tafoya stated that the low bid would save about \$210,000. Would the savings be applied to another project? Mark Miller stated that the bond only covered a small percentage of the corroded lines throughout the City. They had reviewed the City to determine where the savings could be applied. His office was in the process of designing those additions.

Councilman Cragun stated that these upgrades were critical. Without larger lines, the City did not have the needed fire flow.

Mark Miller stated that right now it would be difficult to get the needed fire flows if there was a fire in the area with the undersize lines. It was a significant safety issue.

Councilman Stokes moved to award the contract for Phase 1 of the 2008 Culinary Waterline Replacement Project to E. H. Knudson Construction Co. for \$579,994.60 and to authorize the Mayor to sign the Notice of Award of the Contract Agreement. Councilman Cragun seconded the motion. A roll call vote was taken: Council members Cragun, Stokes, Becraft, and Tafoya voted "aye." The motion carried.

4. CONSIDERATION OF A PRELIMINARY SUBDIVISION PLAN FOR MIDLAND COMMERCIAL SUBDIVISION LOCATED AT APPROXIMATELY 4800 SOUTH 3500 WEST

Jared Hall stated that the Midland Commercial Subdivision, located at approximately, 4800 South 3500 West, was a reconfiguration of an existing subdivision. The new subdivision would create twelve lots. The proponent was requesting preliminary approval. The

subdivision had been reviewed by the Development Review Committee and the Planning Commission. The Planning Commission recommended that the City Council grant preliminary approval subject to the preliminary and final subdivision plan complying with the comments submitted by the City Engineer, Roy City Water Superintendent, and Rocky Mountain Power; an acceptable improvement guarantee agreement for the required off-site improvements being established with Roy City before the final subdivision plat was recorded; an acceptable declaration of easements, covenants and restrictions being recorded with the subdivision plat; and the final subdivision plat complying with the requirements of Weber County. The subdivision was located in a Community Commercial Zone. The west side of the subdivision was the only side not surrounded by commercial.

Councilman Stokes moved to grant preliminary approval of the Midland Commercial Subdivision based on the staff's Findings for Recommendation and subject to the conditions recommended by the Planning Commission. Councilwoman Becraft seconded the motion. Council members Becraft, Cragun, Stokes, and Tafoya voted "aye." The motion carried.

5. APPROVAL OF JUNE 3, 2008, MINUTES

Councilman Tafoya moved to approve the minutes of June 3, 2008, as written. Councilman Cragun seconded the motion. Council members Becraft, Cragun, Stokes, and Tafoya voted "aye." The motion carried.

6. CONSIDERATION OF RESOLUTION NO. 931 HONORING JUNIUS AND MINNIE RAE BROWN AND THEIR FAMILY

Councilman Cragun read Resolution No. 931 honoring Junius and Minnie Rae Brown and their family. He said the Brown family had been a benefit to Roy City.

Councilman Cragun moved to approve Resolution No. 931 honoring Junius and Minnie Rae Brown and their family. Councilman Tafoya seconded the motion. A roll call vote was taken: Council members Cragun, Tafoya, Becraft, and Stokes voted "aye." The motion carried. (Copy filed for record).

Councilman Cragun presented a resolution plaque to the Brown family.

7. CONSIDERATION OF RESOLUTION NO. 932 HONORING SKYLER FLEMING FOR HIS AWARD-WINNING WATER CYCLE POSTER

Councilwoman Becraft read Resolution No. 932 honoring Skyler Fleming for his award-winning Water Cycle Poster.

Councilwoman Becraft moved to approve Resolution No. 932 honoring Skyler Fleming for his award-winning Water Cycle Poster. Councilman Stokes seconded the motion. A roll call vote was taken: Council members Stokes, Becraft, Tafoya, and Cragun voted “aye.” The motion carried. (Copy filed for record).

Councilwoman Becraft presented a resolution plaque to Skyler Fleming.

8. CONSIDERATION OF ORDINANCE NO. 1001 APPROVING AN ANNUAL COST-OF-LIVING ADJUSTMENT FOR PUBLIC SAFETY RETIREES

Chris Davis stated that approval of Ordinance No. 1001 was needed to formalize the annual cost-of-living adjustment for public safety retirees.

Councilman Stokes stated that it was a pleasure to do this. He was disappointed that the State was not willing to do it.

Councilman Cragun felt this had been a long time coming. It had been years since the last cost-of-living adjustment for public safety retirees.

Mayor Ritchie asked public safety retirees George Cummings, Kay Hargis, Deon Harris, and Joe Liu, who were in attendance, to stand.

Councilman Tafoya moved to approve Ordinance No. 1001 approving an annual cost-of-living adjustment for public safety retirees. Councilman Stokes seconded the motion. A roll call vote was taken: Council members Tafoya, Cragun, Stokes, and Becraft voted “aye.” The motion carried. (Copy filed for record).

9. HILL AIR FORCE BASE ENVIRONMENTAL UPDATE ON THE GROUND WATER PLUME

Mark Roginske, Operations Manager for the Hill AFB Plume 12, provided an environmental restoration update. Plume 12 was contaminated with TCE (trichloroethene). There were currently two systems being used to treat the plume. The first was a boundary groundwater containment system with three extraction wells; the second was a permeable reactive barrier. Four additional wells would be added to the boundary groundwater

containment system in the fall. This fall they also planned to remove known source locations and surface asbestos. Land use of the contaminated area would be restricted with fencing.

Mr. Roginske stated that the permeable reactive barrier was designed to intercept and treat a contaminate plume. The barrier was a barrier to contaminants not groundwater. The reactive material they were using was granular iron. Over time, the PRB (permeable reactive barrier) had lost some of its ability to treat TCE due to a mineral that was coating the iron particles. However, the PRB had reduced the amount of TCE by half in three years. The next step as to evaluate ways to remove the mineral coating.

Mayor Ritchie asked why Mr. Roginske hadn't waited to update the City Council when they had found a way to remove the mineral coating. Mr. Roginske said Hill AFB wanted the City Council to be aware of issues that were affecting the clean up as soon as Hill AFB knew about them.

Mark Roginske updated the Council on the indoor air sampling program. TCE was a volatile chemical. In places where the groundwater was close to the surface, TCE became a vapor and worked its way into indoor air. Action levels were established for each chemical with EPA and UDEQ approval. If levels of TCE were above the action level, a vapor mitigation system was installed. As of May 22, 2008, 338 homes in Roy had been sampled. Thirty-two homes were found with detection above the action level; 25 homes were found with detection levels below the action level; 281 homes were found with no detections. Nineteen vapor mitigation systems had been installed; three were pending. Mr. Roginske said they were in the process of 2008 air sampling. They had contacted 505 homes. Eighty-nine homeowners had agreed to allow air sampling.

Councilman Cragun asked if homes were rechecked. Mr. Roginske said homes with detection levels above the action level were rechecked every three months. The time between checks was lengthened if no detections levels were found.

10. PUBLIC COMMENTS

Charles Richards, 2052 West 3725 South, stated that Roy City was recently the brunt of a newspaper article regarding the appearance of properties adjacent to the Front Runner line. The comments were not positive. He appreciated the Council's plans to do something. The Front Runner track was the 'back door' of Roy. The City Council also needed to do something about 1900 West, the City's 'front door.' Mr. Richards mentioned properties north of the Municipal Building, Pizza Hut, and others on 1900 West that needed to be cleaned up. Mayor Ritchie stated that these properties would be referred to the Code Enforcement Officer. He wished there were more citizens like Mr. Richards who took pride in their properties. Councilman Cragun agreed that the problem was not limited to the

properties along the tracks. The City had upgraded the Code Enforcement Officer from part time to full time. The City needed to come up with ordinances to address commercial properties and residential properties that had been foreclosed.

Tamara Flint, 3052 West 4425 South, stated that she had written a letter to the City Council. As a citizen she had not been very impressed by the recent newspaper article referring to Roy as the armpit of Weber County. It was embarrassing. Roy could and should do better. She realized that the City did not have the manpower to address Code Enforcement like larger cities, such as Layton. She asked for a copy of the City's Nuisance Ordinance. Mayor Ritchie said the ordinance was online. Councilman Stokes stated that this had been a lingering concern of his for many years. It was time the City stepped up Code Enforcement and became more pro-active. Mrs. Flint felt another issue was homes for sale. Who was responsible - the property owner or the real estate agent? Mayor Ritchie said the property owner was the responsible party. Councilman Stokes felt there needed to be an effort to create a sense of community so that people wanted to live and stay in Roy. Councilman Becraft asked about the Development Services' Citizens Committee. Mayor Ritchie said that Tony Reynolds had changed the focus of the committee toward beautification.

Councilman Cragun proposed that the staff take 45 days to prepare an ordinance outlining the responsible party and setting a maintenance standard. Then the City needed to uphold that standard. If the City was going to hire a Code Enforcement Officer, it had to give him the tools to do the job. Councilman Stokes felt the standard was already in place. The City didn't need to take time to write an ordinance. It just needed to be more pro-active.

Councilman Cragun asked if there were standards in place. Andy Blackburn said there were. Councilman Stokes said the City had hired a Code Enforcement Officer. It was on the right track. He felt there would be an improvement with the full time position.

11. DISCUSSION ON CHANGES TO THE FY2008 BUDGET

Cathy Spencer stated that in addition to adjustments to the budget to payout unused vacation and sick leave for Virge Howe, a few other line items needed additional funding. They were:

Fire - collection fees for First Professional Billing Service	\$30,000
Streets - fuel	7,000
Fleet Services - promote journey mechanic to foreman	2,459
fuel	500
Public Works Administrator - engineering services related to public works projects	5,000

Ms. Spencer said the monies for funding the items could be taken from "Transfers to Capital Projects Fund." That line item included \$1,000,000 which was expected to be bonded for the Hope Community Center and transferred for the actual construction. Because that was not expected to take place in the current fiscal year, the budget line item could be reallocated to other line items. The transfer between departments could be approved by the City Council without a public hearing because there wasn't an increase or decrease in the overall General Fund budget.

Councilman Cragun moved to approve Resolution No. 930 approving budget transfers between departments for the Fiscal year 2008 General Fund Budget. Councilman Stokes seconded the motion. A roll call vote was taken: Council members Becraft, Cragun, Tafoya, and Stokes voted "aye." The motion carried. (Copy filed for record).

12. CITY MANAGER'S REPORT

Chris Davis stated that a farewell luncheon would be held for Virge Howe at 11:30 a.m. on June 30th at the Emma Russell Park bowery.

Chris Davis stated that the annual employee party would be held on Thursday, July 17th at the Aquatic Center. The Council would begin serving food at 5:00 p.m.

Chris Davis stated that the Police Department would begin enforcing a new Cross Walk Enforcement Program on July 11th. A grant would allow additional shifts for the program.

13. MAYOR AND COUNCIL REPORTS

Mayor Ritchie stated that the City Council had been invited to attend the Roy Historical Society picnic at Sandridge park on July 20th.

Mayor Ritchie stated that he had received a letter from Mike Mansfield announcing his retirement on August 29th.

Mayor Ritchie stated that busts of three local servicemen killed in action would be unveiled at Weber State University on July 21st. One of the busts was of Spc. Tim Dolan from Roy. Councilwoman Becraft would be speaking. He encouraged the City Council to attend.

Councilwoman Becraft stated that as Mayor Pro-Tem she had attended the Cancer Relay for Life held at Roy High School and a flag ceremony at the Roy City Offices sponsored by the Elks Lodge.

14. MOTION TO ADJOURN CITY COUNCIL MEETING AND CONVENE A REDEVELOPMENT AGENCY MEETING

Councilman Stokes moved to adjourn the City Council Meeting at 7:18 p.m. and convene a Redevelopment Agency Meeting. Councilwoman Becraft seconded the motion. Council members Becraft, Cragun, Stokes, and Tafoya voted “aye.” The motion carried.

Joe H. Ritchie
Mayor

Attest:

Michelle Drago
Secretary