

MINUTES OF THE SEPTEMBER 16, 2008, ROY CITY COUNCIL MEETING

1. Approval of September 2, 2008, minutes
2. Recognition of July, August, and September Employees of the Month
3. Award of contract for the 2008 Concrete Replacement and Construction Project
4. Discussion and approval of the contract for the Emma Russell Park parking lot addition
5. Public comments
6. Consideration of a conditional use permit allowing additional height for an existing cellular communication tower located at approximately 6081 South 2700 West
7. Consideration of an amendment to the preliminary condominium subdivision plat for the Painter Park Place Subdivision located at approximately 5840 South 2000 West
8. Consideration of a conditional use permit for drive through/drive up facilities located at approximately 1853 West 5600 South
9. City Manager's report
10. Mayor and Council reports
11. Motion for a closed meeting to discuss pending litigation
12. Adjourn
13. Summary of actions charged

Minutes of the Roy City Council Meeting held September 16, 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 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; Mark Miller, City Engineer; Travis Flint, Parks and Recreation Director; Jared Hall, Planner; Jon Ritchie, Fire Chief; Greg Whinham, Police Chief; Scott George, Parks Superintendent; Desiree Stokes; Cathy Spencer, Management Services Director; Jack Bell, Police Captain; Rachel Totter; Julie Larson; Brady Gilbert; Doug Hansen; Whitney Roberts; Debbie Larsen; Ryan Dare; Robin Simmons; Amber Simmons; Ashley Arenas; Ruayne Freeman; Ivan Freeman; Greg Parrish; Mike Puzey; Vince Rivera; and Roy High School Student Government.

Moment of Silence: Councilman Cragun

Pledge of Allegiance: Councilman Cragun

1. APPROVAL OF SEPTEMBER 2, 2008, MINUTES

Councilman Tafoya moved to approve the minutes of September 2, 2008, as written. Councilman Cragun seconded the motion. Council members Becraft, Cragun, Peterson, Stokes, and Tafoya voted “aye.” The motion carried.

2. RECOGNITION OF JULY, AUGUST, AND SEPTEMBER EMPLOYEES OF THE MONTH

Desiree Stokes stated that she had nominated Ruayne Freeman as the July 2008 Employee of the Month. She had received several emails complimenting Ruayne for how hard she worked. Sergeant Gibson commented on how hard Ruayne worked to answer calls when they were unavailable. Jill Dean also emailed her about how Ruayne had expedited several incident reports she needed. Ruayne was always willing to step up and go the extra mile when someone was needed to fill in whether it was on her day off, a Saturday, or a holiday. She was very knowledgeable about her job and had trained several records clerks. She was very deserving of the award.

Councilman Peterson moved to recognize Ruayne Freeman as the July 2008 Employee of the Month. Councilwoman Becraft seconded the motion. Council members Becraft, Cragun, Peterson, Stokes, and Tafoya voted “aye.” The motion carried.

Mayor Ritchie presented Ruayne Freeman with a plaque and gift certificate.

Debbie Larson stated that she had been in charge of Roy Days Super Saturday. Doug Hansen and Brady Gilbert were assigned to help her. They were there every day before and after everyone else at her beck and call. They solved every problem within minutes. She felt the Parks Department had represented the City well.

Councilman Stokes moved to recognize Doug Hansen and Brady Gilbert as the August 2008 Employees of the Month. Councilman Cragun seconded the motion. Council members Becraft, Cragun, Peterson, Stokes, and Tafoya voted “aye.” The motion carried.

Mayor Ritchie presented Doug Hansen and Brady Gilbert with recognition plaques and gift certificates.

Councilman Tafoya stated that he had nominated Greg Parrish as the September 2008 Employee of the Month. Greg had trained the staff at the Ogden Drivers License Division in CPR. Greg interacted well with all of the participants, and the employees gained great life knowledge. Greg exemplified what he would want in an employee.

Councilman Tafoya moved to recognize Greg Parrish as the September 2008 Employee of the Month. Councilman Peterson seconded the motion. Council members Becraft, Cragun, Peterson, Stokes, and Tafoya voted “aye.” The motion carried.

Mayor Ritchie presented Greg Parrish with a recognition plaque and a gift certificate.

3. AWARD OF CONTRACT FOR THE 2008 CONCRETE REPLACEMENT AND CONSTRUCTION PROJECT

Mark Miller stated that bids for the 2008 Concrete Replacement and Construction Project were opened on August 12th. The project consisted of replacing concrete curb, gutter, and drive approaches throughout the City. The contractors bid the project based on lineal feet. Eight bids were received. Stark Brothers, Inc. submitted the low bid at \$151,942.00. The Public Works Department recommended that the City Council award the contract for the

2008 Concrete Replacement and Construction Project to Stark Brothers, Inc. for \$151,942.00 and authorize the Mayor to sign the Contract Agreement and Notice of Award.

Councilman Peterson asked how the staff felt about work done by Stark Brothers in the past. Mark Miller stated that Stark Brothers had done a great job over the past ten years. The staff had generally been quite happy with their work.

Councilman Cragun moved to award the 2008 Concrete Replacement and Construction Project to Stark Brothers, Inc. for \$151,942.00 and to authorize the Mayor to sign the Contract Agreement and Notice of Award. Councilwoman Becraft seconded the motion. A roll call vote was taken: Council members Cragun, Tafoya, Peterson, Becraft, and Stokes voted “aye.” The motion carried.

4. DISCUSSION AND APPROVAL OF THE CONTRACT FOR THE EMMA RUSSELL PARK PARKING LOT ADDITION

Mark Miller stated that bids for the Emma Russell Park Parking Lot Addition were opened on August 21st. Eight bids were received. Advanced Paving submitted the low bid of \$228,822. The City had worked with Advanced Paving before and had nothing but positive experiences.

Councilman Stokes asked what the engineer’s estimate was. Mark Miller said it was \$250,000.00.

Councilman Tafoya asked if the City was doing any of the work. Mark Miller said Scott George and his crew were doing the preliminary grading in an effort to save a little money. The Parks Department had both the equipment and expertise. When the subgrade was prepped, Advanced Paving planned to move in.

Councilman Cragun stated that at one time this was a landfill area. Was this area compacted enough? Mark Miller stated that Phase 3 was not as bad as the higher areas. So far the Parks Department had not ran into anything but sand. The project had been designed to bridge the landfill area.

Councilman Tafoya moved to award the contract for the Emma Russell Park Parking Lot Addition to Advanced Paving for \$228,822 and to authorize the Mayor to sign the Contract Agreement and Notice of Award. Councilman Stokes seconded the motion. A roll call vote was taken: Council members Stokes, Becraft, Tafoya, Cragun, and Peterson voted “aye.” The motion carried.

5. PUBLIC COMMENTS

Julie Larson, 3829 South 2275 West, stated that she had been a taxpayer in Roy City for almost 30 years. The Mayor said Roy was not a dying city, but her neighborhood was. She lived in Hal Vern. She encouraged the Council members to drive through her subdivision in order to see the number of homes with weeds, unwatered lawns, cars and trucks parked on front lawns, and just not being kept up. Councilwoman Becraft had told her about a home with rats in the backyard. The front yards in her neighborhood looked as bad as the backyards that had generated all of the Front Runner publicity. Did the City have a watering ordinance? If it did, why wasn't it enforced? If the City didn't have a watering ordinance, what did it have to do to get one? As a single mother of three working swing shift fulltime, she had pulled a hose around her home for 28 years before she got a sprinkling system. She managed to keep a big yard looking good. If yards weren't watered, weeds and other problems occurred. She had compiled a list of problem homes in her neighborhood and sent it to the City's compliance officer. When he failed to respond, she called him. She felt he had given her a lot of excuses. She did receive an email from Jared Hall indicating that the staff had inspected the homes and was in the process of issuing citations. He hoped their response would be swift. Ms. Larson was very concerned about the condition of the roads and gutters in Hal Vern. The gutter in front of her home was crumbling. At her request, the street manager had come to her home. He told her he couldn't do anything about the crumbling gutters in Hal Vern because he only had a \$200,000 budget to replace curb and gutter for the entire City.

Mayor Ritchie stated that money for the annual concrete replacement was approved earlier in the meeting. The City only awarded one contract per year. The Street Superintendent had a list of areas throughout the City that needed to be repaired. Julie Larson said the street manager told her he had been waiting for concrete money for Hal Vern for 15 years.

Julie Larson stated that streets and gutters were the City's responsibility. Nothing had been done in Hal Vern for some time. If money was a problem, then the City needed to budget money to address the older parts of the City. There were areas in Washington Terrace that were as old as Hal Vern, but they were being maintained. The problems in Hal Vern had been ignored for so long that if something wasn't done, it would be known as a slum. As a taxpayer and interested citizen, she wanted some action, not more excuses. She was also concerned about the appearance of businesses in this area of the City - the Sinclair on 4000 South, the convenience store on Midland Drive, and the take out pizza on 4800 South. She also wanted to know what the City's policy was on illegal immigration and what the City was doing about it.

Mayor Ritchie asked if Ms. Larson would be willing to have her taxes increased to fix her neighborhood. Ms. Larson said she would. Mayor Ritchie said Washington Terrace had passed a bond to pay for their improvements. Roy City had tried to avoid increasing taxes.

City revenues were down because of the economy. Ms. Larson said she was not willing to wait another 15 years.

Councilman Cragun stated that at one time Community Development Block Grants were available to cities to fund replacement of curb, gutter, and sidewalk. Those funds had become scarce. The only way for Roy City to repair all of its roads was to raise taxes. Hal Vern was not the only subdivision in Roy that had problems. The City did what it could with the money it had. Ms. Larson asked where the 2008 concrete placement money was being spent. Her taxes had gone up over 30 years, but she had not seen anything done in her neighborhood.

Councilman Stokes stated that her property taxes might have gone up, but Roy City's portion of those taxes had not.

Councilman Peterson stated that the problem areas were prioritized and placed on a list. The areas with the highest priorities were done first. The City had hired a fulltime Code Enforcement Officer to address nuisance problems.

Councilman Stokes stated that in newer subdivisions, developers were required to fix curb, gutter, and sidewalk problems before the City would accept the subdivision improvements.

Julie Larson asked about a watering ordinance. Andy Blackburn stated that City had an ordinance that required maintenance of yards. Vegetation had to be a certain height and color. Those regulations could be enforced without a new ordinance.

Julie Larson asked about the City's policy on illegal immigration and what was being done. Mayor Ritchie stated that illegal immigration was not the City's responsibility. Andy Blackburn said the City had no jurisdiction over illegal immigration.

Councilman Cragun stated that there were State regulations regarding driving without license or insurance. If an illegal alien was arrested for such a violation, the proper authorities were notified. The City didn't have the resources of the state and federal governments.

Julie Larson stated that she was not satisfied with the Council's answer. The problem in this country was that problems were excused or passed along.

Mike Puzey, stated that he and members of Roy High School's student government appreciated all the City did to support the school. They were spoiled by the City's support.

Vince Rivera, Roy High School Student Body President, thanked the City Council. Homecoming was wonderful. They couldn't have done it without the City Council's support. He presented each of the Council members with a Rowdy Roy t-shirt.

6. CONSIDERATION OF A CONDITIONAL USE PERMIT ALLOWING ADDITIONAL HEIGHT FOR AN EXISTING CELLULAR COMMUNICATION TOWER LOCATED AT APPROXIMATELY 6081 SOUTH 2700 WEST

Mayor Ritchie stated that the City had received a request to add an additional 20 feet of height to an existing cellular communication tower located at approximately 6081 South 2700 West. The Planning Commission recommended that the conditional use permit be approved.

Councilman Stokes moved to approve a conditional use permit to allow additional height for an existing cellular communication tower located at approximately 6081 South 2700 West based on the staff's findings and subject to the conditions recommended by the staff and Planning Commission. Councilwoman Becraft seconded the motion. Council members Becraft, Cragun, Peterson, Stokes, and Tafoya voted "aye." The motion carried.

7. CONSIDERATION OF AN AMENDMENT TO THE PRELIMINARY CONDOMINIUM SUBDIVISION PLAT FOR THE PAINTER PARK PLACE SUBDIVISION LOCATED AT APPROXIMATELY 5840 SOUTH 2000 WEST

Mayor Ritchie stated that the City Council approved an amended conditional use permit for this development at the last Council meeting. The amended conditional use permit made it necessary to amend the preliminary condominium subdivision plat.

Councilwoman Becraft asked if the condominiums had access to 1900 West. Tony Reynolds said they did not.

Councilman Cragun moved to approve an amended preliminary condominium subdivision plat for the Painter Park Place Subdivision located at approximately 5840 South 2000 West based on the staff's findings and subject to the conditions recommended by the staff and the Planning Commission. Councilman Peterson seconded the motion. Council members Becraft, Cragun, Peterson, Stokes, and Tafoya voted "aye." The motion carried.

8. CONSIDERATION OF A CONDITIONAL USE PERMIT FOR DRIVE THROUGH/DRIVE UP FACILITIES LOCATED AT APPROXIMATELY 1853 WEST 5600 SOUTH

Mayor Ritchie stated that the Planning Commission had approved a site plan and elevations for the redevelopment of the Denny's and Cache Valley Electric properties during its September 9th meeting. The Planning Commission also recommended approval of a conditional use permit for two separate drive through/and drive up facilities for this development.

Jared Hall stated that drive-through windows were proposed for the restaurant and the east side of the inline retail space. The Planning Commission recommended that the conditional use permit be approved. Mr. Hall showed the City Council the approved elevations of the inline retail space. The City did not have elevations for the restaurant site. The Redevelopment Agency was participating in the redevelopment in the amount of \$215,000.00.

Councilman Tafoya asked if the accesses on 5600 South would be signed for right turns only. Jared Hall said the developer's application with UDOT was still pending. The site plan was subject to their approval. Councilman Tafoya said it was reality that access to this site was awkward.

Councilman Cragun asked if there was enough room along the back of this development and others to the south to extend a road south along the railroad right-of-way that would eventually turn back to 1900 West. Jared Hall said the Planning Commission had asked the same question. There was land along the spur which Union Pacific was willing to allow the City to use. As properties to the south developed, the City would ask them to extend the road.

Councilman Tafoya asked that the staff check on the possibility of a shared access with the restaurant south of the Sinclair station. Tony Reynolds stated that as properties to the south redeveloped, the City would require them to provide reciprocal access.

Councilman Stokes stated that was a great project. He was pleased to see it.

Councilman Stokes moved to approve a conditional use permit for drive through/drive up facilities located at approximately 1853 West 5600 South based on the staff's findings and subject to the staff and Planning Commission recommendations. Councilman Tafoya seconded the motion. Council members Becraft, Cragun, Peterson, Stokes, and Tafoya voted "aye." The motion carried.

9. CITY MANAGER'S REPORT

Chris Davis reported on Utah League of Cities and Towns.

10. MAYOR AND COUNCIL REPORTS

Councilwoman Becraft stated that five to six hundred youth participated in the sixth annual City-wide youth service project by cleaning up the D&RG right-of-way. They worked for about 3½ hours. She showed the City Council pictures taken of the project.

11. MOTION FOR A CLOSED MEETING TO DISCUSS PENDING LITIGATION

This item was canceled.

12. ADJOURN

Councilwoman Becraft moved to adjourn at 7:04 p.m.

13. SUMMARY OF ACTIONS CHARGED

1. Staff to check on the possibility of the Denny's/Cache Valley Electric redevelopment sharing an access with the restaurant to the south.

Joe H. Ritchie
Mayor

Attest:

Michelle Drago
Secretary