

MINUTES OF THE JULY 21, 2009, ROY CITY COUNCIL MEETING

1. Approval of July 7, 2009, minutes
2. Consideration of Resolution No. 957 honoring Kent's Market
3. Consideration of conditional use permits for a Class B Beer license and Class B Liquor license on property located at approximately 5698 South 1900 West
4. Request for approval of alcoholic beverage licenses for Midori Sushi Restaurant located at 5698 South 1900 West
5. Presentation by Weber County Assessor's office
6. Hill Air Force Base environmental restoration update
7. Public comments
8. City Manager's report
9. Mayor and Council reports
10. Adjourn
11. Summary of actions charged

Minutes of the Roy City Council Meeting held July 21, 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 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: Tony Reynolds, Community and Economic Development Director; Gordon Butler; Lindsay Mabry; Catlin Wall; Mark Roginske; Barbara Fisher; Mark Loucks; Lynn Smith; Rachel Trotter; John Ulibarri; Kent Beckstrom; and Jeff Johansen.

Moment of Silence: Councilman Becraft

Pledge of Allegiance: Councilman Becraft

1. APPROVAL OF JULY 7, 2009, MINUTES

Councilman Tafoya moved to approve the minutes of July 7, 2009, as written. Councilwoman Becraft seconded the motion. Council members Becraft, Cragun, and Tafoya voted “aye.” The motion carried.

2. CONSIDERATION OF RESOLUTION NO. 957 HONORING KENT’S MARKET

Chris Davis stated that the Roy City, the City Council, and the community felt it had a great relationship with Kent’s. The staff felt it would be appropriate to do what it could to say thank you. Resolution No. 957 was a small token of thanks to Kent Beckstrom and Jeff Johansen.

Mayor Ritchie read Resolution No. 957.

Councilwoman Becraft moved to approve Resolution No. 957 honoring Kent’s Market, Kent Beckstrom, and Jeff Johansen for their contribution to Roy City Corporation. Councilman Tafoya seconded the motion. A roll call vote was taken: Council members Cragun, Becraft, and Tafoya voted “aye.” The motion carried.
(Copy filed for record).

Mayor Ritchie presented resolution plaques to Kent Beckstrom and Jeff Johansen.

3. PRESENTATION BY WEBER COUNTY ASSESSOR'S OFFICE

John Ulibarri, Weber County Assessor, was present to discuss the reappraisal of commercial property in Roy City along 1900 West from approximately 4850 South to the southern end of Roy. The reappraisal had resulted in a \$12 million increase in property values, which would result in increased property taxes. The County tried to reappraise all properties in the county every five years. Mr. Ulibarri said the Council members might receive calls from excited property owners. Council members could suggest that property owners appeal their property values if they felt they were too high. Property owners would be appealing the market value of their property, not their property taxes. Property taxes could not be appealed. Property owners who were successful in appealing the market values of their properties usually saved \$7 for every \$1,000 in reduction of market value. Property owners had until September 17th to file an appeal and submit evidence. Mr. Ulibarri explained the appeal process.

Councilman Stokes arrived at 6:11 p.m.

Councilwoman Becraft asked if the economy would be taken into consideration in the appeal process. Mr. Ulibarri said it could. Studies indicated that there was a slight reduction in values for 2009.

Councilman Tafoya asked if the commercial values had gone up along 1900 West. John Ulibarri said values did not go up in one year. Increased market value was an accumulation of increases over five to ten years. Councilman Tafoya asked if reappraisals could be done more frequently. John Ulibarri said their goal was to reassess every property every year. Commercial appraisals were more complicated than residential. However, if they were done yearly, it would promote stability in tax rates.

4. CONSIDERATION OF CONDITIONAL USE PERMITS FOR A CLASS B BEER LICENSE AND CLASS B LIQUOR LICENSE ON PROPERTY LOCATED AT APPROXIMATELY 5698 SOUTH 1900 WEST

Mayor Ritchie stated that the City had received a request for conditional use permits for Class B Beer and Class B Liquor licenses for a restaurant located at 5698 South 1900 West. This was a zoning action. The Council had had an opportunity to review the information from the staff and Planning Commission.

Councilman Stokes moved to approve conditional use permits for Class B Beer and Class B Liquor licenses for a restaurant located at approximately 5698 South 1900 West according to the findings of fact and the recommendations of the staff and

Planning Commission. Councilman Tafoya seconded the motion. Council members Cragun, Stokes, and Tafoya voted “aye.” Councilwoman Becraft voted “nay.” The motion carried.

Councilwoman Becraft stated that she was concerned about the safety of children being driven home by parents who had consumed alcohol during their meal.

5. REQUEST FOR APPROVAL OF ALCOHOLIC BEVERAGE LICENSES FOR MIDORI SUSHI RESTAURANT LOCATED AT 5698 SOUTH 1900 WEST

Mayor Ritchie stated that this action was related to the licensing portion of the last agenda item.

Councilman Tafoya moved to approve alcoholic beverage licenses for Midori Sushi Restaurant located at 5698 South 1900 West. Councilman Cragun seconded the motion. Council members Cragun, Stokes, and Tafoya voted “aye.” Councilwoman Becraft voted “nay.” The motion carried.

6. HILL AIR FORCE BASE ENVIRONMENTAL RESTORATION UPDATE

Mark Roginske, Hill AFB, was present to provide the City Council with an annual environmental restoration update regarding Operable Unit 12, the contaminated area in Roy City, which was the result of a chemical known as trichloroethene (TCE) leaching into the ground water from the Aspen Avenue Disposal Area. Hill AFB had two treatment systems - the base boundary hydraulic containment system and a permeable reactive barrier in the area near 6000 South 2700 West. The containment system consisted of seven wells designed to prevent ground water from leaving the base. The permeable reactive barrier brought TCE into contact with iron particles, which made TCE non-toxic.

Mayor Ritchie asked if the barrier was still working. Mark Roginske said it was, but not at the level they had hoped.

Councilwoman Becraft asked if the Falcon Hill development would be near the contaminated area. Mr. Roginske said the north gate would be moved on top of the source area. In 2010, they would be doing additional removal in preparation for that move. He didn't know if any of the proposed buildings would be located near the source area. They had removed the known areas contaminated with TCE. They had also removed areas contaminated with asbestos.

Mayor Ritchie asked if TCE was still leaching into Roy. Mr. Roginske said the potential was still there. The base containment system was capturing water at the base boundary and pumping it off to be treated.

Mayor Ritchie felt the source area would be a good place for the north gate. It would be covered by concrete, which would prevent surface water from seeping down to the ground water and carrying TCE with it.

Mark Roginske stated that they had added four ground water extraction wells along the base boundary. They now felt they could capture all of the ground water before it entered Roy.

Mr. Roginske stated that the permeable reactive barrier was designed to interact with the ground water. The barrier contained iron which attached itself to the TCE and made it non-toxic. Over time the barrier had lost some of its ability to treat the TCE. It was currently at 60% efficiency. They wanted it to be at 95%. They had determined that the iron particles were being coated with nitrate, which came from lawn fertilizers. Once the iron was coated, it lost its ability to interact with TCE. A possible solution was to place an electronic probe in the ground. The low current would prevent nitrate from sticking to the iron, which would allow it to interact with the TCE. This solution was currently being tested in the lab. If it was successful, they would begin installing the probes in September.

Councilman Cragun asked if the contaminated dirt was being removed and replaced. Mr. Roginske said the contaminated dirt close to the surface was dug out and replaced with non-contaminated backfill. Other methods were used to treat the deep soil. In some areas, the contaminated soil was intermixed with pieces of concrete which made it difficult to remove.

Councilman Stokes asked what was done with the captured groundwater. Mark Roginske said it was sent to North Davis Sewer District for treatment and cleaning.

Councilman Tafoya asked why the permeable reactive barrier was not switched out every four years. Mark Roginske said the iron was very expensive. It would be cost prohibitive to replace it every four years. Sixty percent (60%) of the groundwater was still being treated.

3. PUBLIC COMMENTS

Gordon Butler, 5364 South 2100 West, asked if there was a protocol in place for City employees to follow when there were problems with terminated water. His neighbor, Mr. Padget, was arrested on June 23rd. On June 24th, Mr. Butler and another neighbor went into Mr. Padget's yard, after informing a police officer, to clean it up. They found two hoses from the secondary water connection running into Mr. Padget's home. When he checked with the City, he found that Mr. Padget's culinary water was disconnected a year ago. Yet none of the employees in the Water Department seemed very concerned. What guarantee was there to prevent cross contamination of City water when water was shut off? If the City was shutting down the water to collect money and jeopardizing public health, the policy might need to be changed.

Chris Davis stated that the Mr. Butler was indicting the Water Department without knowing all the facts. The City was very concerned about cross connections and collecting money owed for water bills. Mr. Butler had been able to do something the City could not do - trespass onto private property. The City, as a government entity, could not go onto someone's property without probable cause. To imply that the City was not concerned about cross connections was very erroneous. When the City became aware of cross connections, it took care of them.

Gordon Butler stated that while cleaning up Mr. Padget's yard, he identified fire hazards. Did the City have an obligation to protect him from a fire hazard? Councilwoman Becraft stated that when citizens expressed concern to her about fire hazards, she had them call the Code Enforcement Officer. Mr. Butler said he had asked the Council this question before. The answer was not satisfactory. Mr. Padget was already in jail. What recourse did he have?

Councilman Tafoya felt Mr. Butler was trying to bring the City Council into a dispute with his neighbor. Gordon Butler felt Councilman Tafoya was out of line. Mr. Butler left the meeting.

Chris Davis stated that Jerry Becraft, the Fire Marshall, would be assisting Sherry May, the Code Enforcement Officer, with weed complaints for the rest of the summer. Weeds became a problem at this time of year. There was a process that allowed the City to hire a crew to do emergency abatement. However, the City had to follow procedure before that could happen. It had been done before.

Councilwoman Becraft asked what would happen if a property owner was in jail. Mr. Davis said there were still things a property owner could do. If a property owner did nothing, the City could go do an emergency abatement to take care of weeds that were a fire hazard. The cost of the abatement was added to the property taxes.

Tony Reynolds stated that in this case, the property owner had been cited. The matter had been referred to court as the property owner had not responded.

Councilman Cragun stated that since he had been on the City Council he had been asking for additional enforcement. He didn't feel one person could cover 11,000 homes. It was time to bring in other resources on this issue. At one time, Roy City was an outstanding place to live. Today the City was filled with vacant homes and rentals. The City needed to deal with these issues. Even if a property owner was in jail, he could still be charged.

Councilman Stokes stated that this problem was not a reflection on the staff. It was something the City Council needed to tackle. If there were excess resources, he was in favor of throwing them at the problem. The Council needed to quantify what resources were available.

Councilman Cragun felt the City had the resources. The Council needed to give the staff some direction.

Councilman Stokes moved to direct the staff to schedule a work session in the next few weeks to discuss code enforcement and available resources and other zoning issues, such as signs. Councilman Cragun seconded the motion. Council members Becraft, Cragun, Stokes, and Tafoya voted "aye." The motion carried.

4. CITY MANAGER'S REPORT

Chris Davis stated that the Roy Day's schedule had been published in the *Standard Examiner*. Additional copies were available at the receptionist desk.

Chris Davis stated that the Council members needed to turn in whatever information they wanted read by the public announcer during the parade. He anticipated that Council members would use vehicles from Ray Citte Auto as they had in the past.

Chris Davis said he had received several thank you's from employees who attended the employee party.

5. MAYOR AND COUNCIL REPORTS

Mayor Ritchie asked that the Council members support Roy Days as much as possible.

Mayor Ritchie stated that the roundabout on 4400 South had been landscaped. The landscaping followed the xeriscape theme Riverdale had used.

Councilman Stokes thanked Councilman Tafoya for his work on Roy Days.

Councilman Tafoya stated that he had the Council tickets for the Miss Roy Pageant. The City planned to hang a large banner across 1900 West advertising Roy Days. Smaller banners would be hung each day listing the daily events.

6. ADJOURN

Councilwoman Becraft moved to adjourn at 7:02 p.m.

7. SUMMARY OF ACTIONS CHARGED

1. Chris Davis to schedule a Council work session to discuss code enforcement and zoning issues.

Joe H. Ritchie
Mayor

Attest:

Michelle Drago
Secretary