

MINUTES OF THE JULY 2, 2002, ROY CITY COUNCIL MEETING

1. Approval of June 18, 2002, minutes
2. Recognition of employee of the Month
3. Consideration of the Mayor's recommendation to appoint Doug Allred to serve on the Planning Commission
4. Consent Agenda:
 - a. Final acceptance of subdivision improvements for Meadow Creek Village Subdivision Nos. 2, 3 and 4 located at approximately 5060 South 4200 West
 - b. Set a public hearing to consider a petition from UDOT and Merlin G. Calver to rezone approximately 0.29 acres located at approximately 5635 South 2700 West from RE-20 to R-3 (Suggested date: August 6, 2002, at 6:15 p.m.)
5. Award of contract for 2002 road maintenance projects
6. Award of contract for 2002 slurry seal project
7. Public hearing to consider a petition from June H. Day to rezone approximately 2.56 acres located at approximately 3200 West 6000 South from RE-20 to R-1-8
 - a. Consideration of Ordinance No. 897 approving a rezone of property located at approximately 3200 West 6000 South, Roy, Utah from an RE-20 designation to an R-1-8 designation
8. Preliminary approval of Day Spring Subdivision located at approximately 3200 West 6000 South
9. Report from Hill Air Force Base on the plume by Steve Hicken
10. Approval of class B beer license for Royal Dragon Restaurant located at 5410 South 1900 West (formerly J.B's Restaurant)
11. Consideration to amend setbacks for Heritage Cove (The Crest) Subdivision from 5 feet to 4 feet
12. Hearing to determine action to be taken on Rudie's Class C beer license as a result of the incidents that occurred on or about May 5, 2002, at Rudie's
13. Approval of Resolution No. 773 establishing Council meeting schedule
14. Approval of Resolution No.774 approving an Interlocal Agreement between Roy City and Weber County for Animal Shelter Services

15. Approval of Resolution No.775 amending Personnel Policy
16. City Manager's report
17. Mayor and Council Reports
18. Motion to hold a closed meeting at the conclusion of City Council Meeting to discuss the character and competence of personnel

Minutes of the Roy City Council Meeting held July 2, 2002, 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 were in attendance:

Mayor Roger Burnett
Councilwoman Marge Becraft
Councilman Tommy Smith
Councilman Dave Tafoya
Councilman John Cordova
Councilman Dan Tanner

City Manager Chris Davis
City Attorney Andrew Blackburn
Secretary Char Wolverton

Also present were: Greg Whinham, Police Chief; Mike Mansfield, Public Works Director; Chris Zimmerman, Development Services Director; Mark Larson, Planner; Charles Freeman, Steve Hicken, Mark Loucks, David Harris, Bob Elliott, and Barbara Fisher all from HAFB; Dale Searcy; Rita Painter; Kim H?; Dave Allison, UDEQ - SLC; Jeni Lynn Corless; Jason Christensen; Helen Trappett; Robert Trappett; Glen Combe; Larry Sturdevant; Noel T. Ballstaedt; Edward Smith; Jeanne Smith; Rudy Roybal; Shauna Judkins; Rena Stotts; Shawn Hsu and Doug Allred.

Prayer: Councilwoman Becraft

Pledge of Allegiance: Councilwoman Becraft

1. APPROVAL OF JUNE 18, 2002, MINUTES

Councilman Tafoya moved to approve the minutes of June 18, 2002, as written. Councilman Tanner seconded the motion. Council members Becraft, Smith, Tafoya, Cordova and Tanner voted “aye.” The motion carried.

2. RECOGNITION OF EMPLOYEE OF THE MONTH

Mayor Burnett reported that Cathy Spencer wished to nominate Glen Combe as June 2002 Employee of the Month. Glen has been in charge of updating the City computer systems including E-mail and Internet access. He contributed many hours to achieve his work. He has also provided the Police Department with laptop computers and has set up the Roy City website.

Councilwoman Becraft moved to accept Glen Combe for Employee of the Month for June 2002. Councilman Cordova seconded the motion. Council members Becraft, Smith, Tafoya, Cordova and Tanner voted “aye.” The motion carried.

3. CONSIDERATION OF THE MAYOR'S RECOMMENDATION TO APPOINT DOUG ALLRED TO SERVE ON THE PLANNING COMMISSION.

Mayor Burnett stated that Doug Allred will take a place on the Planning Commission to fill a current vacancy.

Councilman Cordova moved to accept the Mayor's recommendation to appoint Doug Allred to the Planning Commission. Councilman Smith seconded the motion. Council members Becraft, Smith, Tafoya, Cordova and Tanner voted "aye." The motion carried.

4. APPROVAL OF THE CONSENT AGENDA

Mayor Burnett asked for clarification that Meadow Creek Village is not in a flood zone. Chris Davis stated this area is not included in the flood zone.

Councilwoman Becraft asked if the street lights were in place for that subdivision. Mayor Burnett stated that they were.

Councilman Cordova moved to approve the consent agenda consisting of: Final acceptance of subdivision improvements for Meadow Creek Village Subdivision Nos. 2, 3 and 4 located at approximately 5060 South 4200 West; and Set a public hearing to consider a petition from UDOT and Merlin G. Calver to rezone approximately 0.29 acres located at approximately 5635 South 2700 West from RE-20 to R-3 for August 6, 2002, at 6:15 p.m. Councilman Smith seconded the motion. Council members Becraft, Smith, Tafoya, Cordova and Tanner voted "aye." The motion carried.

5. AWARD OF CONTRACT FOR 2002 ROAD MAINTENANCE PROJECTS

In 2001, Roy City bid out its Street Maintenance Project with the option to renew the contract without rebidding the project for a period of three years. A new price was negotiated with Jack B. Parson Companies which includes an increase of approximately 2% or \$3,000.00 due to increase in labor costs. Mr. Mansfield felt that re-bidding the project would not bring a better price.

Councilman Cordova asked who would be responsible for patching the roads. Mr. Mansfield stated that the City employees do the patching and rotomilling. He stated that the asphalt adheres better after rotomilling which results in less cracking and a better finished product.

Mayor Burnett asked Andy Blackburn if there would be a legal problem by not putting this project out to bid. Mr. Blackburn stated that the original bid could stand for three years and that the contract would be negotiated each year during that time period.

The staff recommended that the Council award the contract to Jack B. Parsons Companies in the amount of \$220,601.87.

Councilman Smith moved to approve the 2002 Road Maintenance Project and award the contract to Jack B. Parsons in the amount of \$220,601.87. Councilman Tanner seconded the motion. Council members Becraft, Smith, Tafoya, Cordova and Tanner voted “aye.” The motion carried.

6. AWARD OF CONTRACT FOR 2002 SLURRY SEAL PROJECT

In 2001 Roy City bid out its Slurry Seal Project with the option to renew the contract without rebidding the project for a period not to exceed 3 years. The engineers negotiated a new price with Intermountain Slurry Seal, Inc., for a price per square yard which is less than last year's bid price. This year's bid price is \$0.68 per square yard compared to last year's \$0.71 per square yard. The decrease is due to reduced cost in raw materials.

Mike Mansfield explained that the slurry seal consists of special oils and rocks that seal cracks in the road and rejuvenate the road surface providing a hard-wearing surface. Last year was the first time a slurry seal of this type had been done and it has held up extremely well. The purpose of the slurry seal is to extend the life of the existing asphalt rather than replace it.

Councilman Cordova asked how the schedule for road maintenance is determined. Mr. Mansfield explained that the roads are classified each year according to their condition and resurfaced as needed. He also explained that slurry seal provides a practically new surface that lasts much longer than an overlay which is much more costly.

Councilman Smith asked if Intermountain Slurry Seal, Inc. would be available to slurry seal driveway approaches in residential areas if requested. Mr. Mansfield stated that Roy City could authorize the contractor to negotiate with the homeowners on the driveway approaches as they are part of the home.

Councilman Tafoya moved to approve the 2002 Slurry Seal Project and award the contract to Intermountain Slurry Seal, Inc. in the amount of \$88,719.60. Councilman Smith seconded the motion. Council members Becraft, Smith, Tafoya, Cordova and Tanner voted “aye.” The motion carried.

7. PUBLIC HEARING TO CONSIDER A PETITION FROM JUNE H. DAY TO REZONE APPROXIMATELY 2.56 ACRES LOCATED AT APPROXIMATELY 3200 WEST 6000 SOUTH FROM RE-20 TO R-1-8

Councilman Cordova moved to open the public hearing at 6:25 p.m. Councilman Tanner seconded the motion. Council members Becraft, Smith, Tafoya, Cordova and Tanner

voted “aye.” The motion carried.

Chris Zimmerman stated that June H. Day recently requested that 2.56 acres of property at approximately 3200 West 6000 South be rezoned from RE-20 to R-1-8. All of the developed property surrounding the area, directly west and north of this area, was rezoned R-1-7. He stated that originally it was requested that the said property be rezoned R-1-7, however, after looking at the drawings and the future land use map, the City requested that it be rezoned R-1-8. R-1-10 was not requested by the City due to conflict with the future land use map. R-1-10 would also make for extremely wide lots and excess wasted space. R-1-8 rezone is consistent with the future land use map.

Councilman Tafoya asked for clarification that no animal rights would be involved.

Mark Larson explained that the land to the west under the power lines could have animal rights as a conditional use but that was not part of the property considered for rezoning.

Councilman Cordova asked what the existing structure on lot 7 was and asked where the entrances would be. Mr. Zimmerman stated that it was a large garage and all entrances would be from the south.

Councilman Cordova asked if the property had been laid out using R-1-10 zoning. Mr. Zimmerman stated that had been done, however, an R-1-10 would only allow for three square lots with excess space on each side which often allows for junk to pile up. R-1-10 zoning would also conflict with roadways currently laid out on the future land use map.

There was a question from the audience asking whether this area would involve the plume. Mayor Burnett stated that the area in question was not involved with the plume at the current time, however, this could be a consideration. Chris Zimmerman stated that this issue could be handled in several ways. He stated that the subdivision plan could be labeled so that each time a building permit was taken out, notification would be given that the property could be in the path of the plume in the future. Steve Hicken stated that HAFB has a Public Advisory Board that is in the process of putting together a package regarding how to deal with such a potential problem. He thought this package would be available in August. He stated that there are resources available to the City to deal with such an issue which include avenues other cities have taken who have a similar problem.

Mr. Zimmerman stated that he spoke to the City Attorney who stated that if the Council chose to approve the re-zone, there would be a preliminary subdivision as the next item on the agenda. The direction that could be given to the staff is that if the preliminary is approved, a final would not be brought back until the research was done and the resources would be available to make sure landowners would be notified of a possible plume.

Councilman Smith felt that this issue could be a potential problem in the future if the City doesn't work with the developers. He felt that reassurance was needed that this wouldn't present problems in the future as the plume will continue to spread.

Mr. Zimmerman stated that it was possible to approve the rezone and then table the preliminary. He would then go back with the developer and the resources from HAFB and come up with some good recommendations.

Mr. Zimmerman stated that the developer is not going to spend time or energy researching the plume if the rezone is not approved. If the council would approve a rezone, development could be addressed as a separate issue. He stated that if the rezone was tabled, the developer would be hesitant to move forward.

Councilman Smith moved to close the public hearing. Councilman Tanner seconded the motion. Council members Becraft, Smith, Tafoya, Cordova and Tanner voted "aye." The motion carried.

Councilman Cordova asked the staff from HAFB if there would be a solution to this problem in the near future. Bob Elliot stated that within a few days, information could be put together and made available to the City. He also stated that the HAFB staff would be willing to meet with the City and talk about specifications.

Councilman Smith moved to table the rezone of the Day Spring Subdivision until further research and evaluation is complete. Councilman Cordova seconded the motion. Council members Becraft, Smith, Tafoya, Cordova and Tanner voted "aye." The motion carried.

Councilman Smith clarified that the goal is not to discourage developers but to protect the City.

8. PRELIMINARY APPROVAL OF DAY SPRING SUBDIVISION LOCATED AT APPROXIMATELY 3200 WEST 6000 SOUTH

Preliminary approval of the Day Spring Subdivision was not addressed due to the tabling of the rezone of the involved property.

9. REPORT FROM HILL AIR FORCE BASE ON THE PLUME BY STEVE HICKEN

Steve Hicken explained that in the 1950's and 60's there were no environmental laws and HAFB disposed of Trichloroethene (TCE), a degreasing solvent, which has created a plume. The area of most concern is the west tail of the plume which runs from 6000 South to 5825 South and from 2575 West to 2950 West.

Councilwoman Becraft asked how far west the plume has progressed since the presentation the

Council received a year ago. Mr. Hicken stated that monitoring wells have recently been placed inside and outside of the plume so that progression may be tracked. He stated that modeling predictions suggested that the plume may progress as much as 300 ft/year, however, the monitoring wells will be able to more accurately monitor progression. Mr. Hicken stated that higher and lesser concentrations of TCE are subject to geologic factors such as ground water flow.

Councilman Smith asked about progression and concentration between 2700 West and the Union Pacific Railroad. Mr. Hicken suggested that the plume has potential to expand to the west due to finer sediments and slope to the west.

Councilman Smith asked how one can get ahead of a plume. Mr. Hicken stated that sampling to find the boundary of the plume and monitoring wells are the way to define and control the plume.

Councilman Cordova asked about the depth of the plume. Mr. Hicken stated that it is 20 to 30 feet deep. The clay layer at the west end of the plume is at 30 feet where there are 100 to 200 parts per billion (ppb) of TCE right at the water table surface. Further to the east there is shallow ground water with lower concentrations of TCE in the groundwater and higher concentrations exist deeper. He stated that one of the main causes of this anomaly is the shallow ground water which allows for the TCE to evaporate easily off the surface. The evaporating TCE from the ground is entering the basements of homes at the west end of the plume which is currently the main focus.

So far, air has been sampled in 56 homes at the west end of the plume and 5 of them contained TCE. Detections ranged from 13 to 1.5 ppb.

Councilman Cordova asked what causes the higher concentrations of TCE. Mr. Hicken stated that it could be due to the time of year the air was sampled. He stated that in the winter months, higher concentrations are generally found because the home is closed up and the furnace draws air from the outside through the subsurface soil. The plan is to re-sample all homes in the area this coming winter. Flyers were placed on most of the doors in the area of the plume and they plan to continue to attempt to contact the homeowners and obtain consent to test the air in the involved homes.

Mr. Hicken discussed the risks of TCE. He stated that the EPA has not classified TCE as a carcinogen until they can do further studies. He stated that it has been listed in the past as a carcinogen by the EPA, however, their information was based on studies done on laboratory animals. Over 30 years of exposure, if the risk is determined to be 1 in 1 million, the EPA classifies that as insignificant risk. If the risk is 1 in 10,000, it is considered to be a significant risk. All samples taken so far are classified as possible significant risk. Action will be taken on all of those homes. Approximately 90 homes will be contacted by door-to-door, flyers, or telephone in an attempt to sample the air in all of the homes in the area. All homes will be

contacted a second time in December-January.

Councilman Smith asked if it's possible for the concentrations to increase due to action of the plume. Mr. Hicken stated that modeling suggests that movement in the interior of the plume is possible and concentrations could increase as it moves west. He states that monitoring wells are new so there is not enough data to make that determination.

Mr. Hicken stated that future actions include installing ventilation systems in affected homes to prevent entry of TCE vapors. Installation is predicted to begin within the next few months. Contractors are being screened currently to provide the ventilation systems.

Councilman Smith asked if TCE dissipates rapidly after coming in contact with air. Mr. Hicken stated that the dilution factor once TCE comes in contact with the air is very high and it also degrades very rapidly after coming in contact with sunlight.

Councilman Smith asked for clarification that the ventilation systems would be of no cost to the homeowner. Mr. Hicken stated that the ventilation systems would be installed at no cost to the homeowner and part of the homeowner's utility cost would also be included to assure zero cost to the homeowner.

Councilman Smith asked if the government would be maintaining the ventilation systems. Mr. Hicken stated that as long as they are necessary they will be maintained by the government.

Mr. Hicken stated that they are interested in having another information fair later this summer and expressed the need for a location. A panel of experts in ground water remediation from around the country have been brought in to address clean-up of the plume. The panel recommended extraction wells at the boundary of HAFB which should slow down and decrease flow of the plume.

Councilman Smith asked for a time frame on the extraction well. Mr. Hicken stated that it will be operational by the end of the year but clean-up of the plume will take decades regardless of action taken. The main focus currently is to eliminate TCE in the air of homes.

Councilman Cordova asked if there is a system to force positive air into a furnace to prevent draw of outside air. Mr. Hicken stated that the ventilation systems they are proposing are 90+% successful. He stated that air would continue to be sampled to assure success.

Mayor Burnett asked if sealing the floors of the affected homes would be worthwhile. Mr. Hicken stated that it could be for a certain time but that the seal would eventually wear. He stated that the ventilation system was the most effective method.

Dale Searcy asked what the cost of each sample was. Mark Loucks stated that the cost of each

sample is approximately \$1,000.00 including contract and labor.

Councilman Cordova asked if Municipal Park would be looked at as a possible place to vent the plume. Mr. Hicken stated that the plume did not cover most of the park. He stated that detections were not being found at the park and this would not help. Mr. Hicken stated that stopping the problem at the homes was the best approach. Councilman Cordova asked if the main goal was not to get the TCE out of the ground. Mr. Hicken said that ultimately that is the goal, however, the groundwater extraction systems or treatment systems will do. He felt there may be a possibility in the future for another extraction system being placed at Municipal Park.

Councilman Smith asked for clarification that Roy City would be absolved of any financial burden. Mr. Hicken stated that was correct.

Rita Painter, Roy Community Representative, said that she has worked on a real estate committee and owns real estate in Roy City. She warned the City of labeling any property that might come up for sale as being a disadvantage piece due to the plume because the City may then hold liability.

The council took a break from 7:25 p.m. until 7:33 p.m.

10. APPROVAL OF CLASS B BEER LICENSE FOR ROYAL DRAGON RESTAURANT
LOCATED AT 5410 SOUTH 1900 WEST (FORMERLY JB'S RESTAURANT)

Mark Larson reported that Shawn Hsu, of Royal Dragon Restaurant, has requested a Class B beer license. The license was previously tabled due to unanswered questions the Council had. Mayor Burnett asked why a Chinese restaurant would want a beer license. Mr. Hsu stated that the license is being requested to provide a service to the customers. Mayor Burnett asked if there was a high demand for beer in other restaurants he is involved with. Mr. Hsu said there is not a great demand but they would like to have it available if requested. He felt also that this would be an "upper end" Chinese restaurant and the patrons that would be attracted would be tourists and HAFB employees.

Councilman Smith asked what the hours of the restaurant will be. Mr. Hsu thought the restaurant would be open Monday-Saturday from 11:00 a.m. to 10:00 p.m. and he was unsure of Sunday hours.

Councilman Cordova asked about other locations for this restaurant. Mr. Hsu explained that he is a partner of a gentleman who has had four other restaurants. Councilman Cordova asked if the partner has had other restaurants with beer licenses. Mr. Hsu said that he did but it was in another state.

Councilman Cordova moved to grant a Class B beer license to Royal Dragon Restaurant

located at 5410 South 1900 West. Councilman Smith seconded the motion. Council members Smith, Tafoya, Cordova and Tanner voted “aye.” Councilwoman Becraft voted “nay.” The motion carried.

11. CONSIDERATION TO AMEND SETBACKS FOR HERITAGE COVE (THE CREST) SUBDIVISION FROM 5 FEET TO 4 FEET

Chris Zimmerman stated that Heritage Cove is a PRUD located at 4650 South between Airport Dr. and 1900 West. There are approximately 45 lots in the first two phases. The contractor that was building the homes originally had some financial problems and moved on. Zane Morris, President of the HOA, stepped back in and took care of some obligations to the City and is looking for someone to continue the building process. Noel Ballsteadt is working with Mr. Morris in possibly developing the remainder of the lots in the Cove. The problem that Mr. Ballsteadt has is the side yard setback. He would like to put in homes that require a 4 foot rather than 5 foot setback.

Mr. Ballsteadt asked for any questions that the Council might have.

Mayor Burnett asked how many lots are currently developed in this area. Mr. Ballsteadt stated that 34 are currently occupied, there are 76 total. Mr. Ballsteadt is asking for 8 foot sideyards from lot 46 to 76. He stated that the rest of the lots do not require a change. Mr. Ballsteadt explained that the lots are small and he presented a floor plan that he would like to put on as many lots as possible.

Councilman Smith asked what Mr. Ballsteadt’s intentions were in terms of potential buyers; retired, young families, etc. Mr. Ballsteadt stated that the home sells for about \$159,000.00. He explained that they are also offering the same home with fewer amenities that would sell for \$12,000.00 at entry level without a basement. He felt that entry level home buyers and retired persons are the intended target market.

Councilman Cordova stated that the original plan was to target retired people, not entry level homebuyers and asked what feedback the current owners have contributed. Mr. Ballsteadt suggested that the current homeowners answer Councilman Cordova’s question. Mr. Ballsteadt stated that he has had conversation with them but not regarding that item. Councilman Smith suggested that the current homeowners have expressed desire to keep Heritage Cove a “retirement community.” He felt that getting feedback from the homeowners is essential. He was concerned that a less expensive home would open the area to entry level families. Mr. Ballsteadt stated that first time homebuyers without children are most aggressive in the current marketplace. Mayor Burnett asked if there was a written agreement to target retired persons. Chris Davis stated that the types of homes, although not age specific, were marketed to target the retired but that was not written in the PRUD agreement.

Larry Sturdevant, who lives in Heritage Cove, felt it would be a good idea to find out the plans of Mr. Ballsteadt. Mr. Sturdevant was concerned that there are no sidewalks and accommodations for families with young children. He stated that he and the other homeowners would like the facts; the type of homes being planned, the price range, etc. The average price of the currently occupied homes is \$200,000.00.

Councilman Tafoya stated that the homeowners just want to be informed and suggested that the amendment to the setbacks for Heritage Cove be tabled until Mr. Ballsteadt and the current homeowners establish better communication.

Councilman Smith recommended that a good understanding with the homeowners be established as they are concerned about depreciation of their homes by the building of less expensive homes in the area.

Mr. Ballsteadt stated that he was anxious to proceed and would like to get started as soon as possible. He would like the four foot sideyard setbacks approved so he can proceed. He felt the details could be worked out later.

Councilman Cordova asked how he could proceed if the particulars were not worked out with the existing homeowners. Mr. Ballsteadt stated that he could proceed if he knew what to proceed toward.

Larry Sturdevant stated that his desire was to see homes built that are of value consistent with the existing homes. He also felt that Heritage Cove was originally designed as a retirement community which includes narrow streets, not much parking, and no place for children. He felt that the existing homeowners have been excluded in the plans to develop the remaining lots of Heritage Cove.

Councilman Tanner moved to table the consideration to amend setbacks for Heritage Cove (the Crest) subdivision from 5 feet to 4 feet until an agreement was reached with the current residents. Councilman Smith seconded the motion. Council members Becraft, Smith, Tafoya, Cordova and Tanner voted “aye.” The motion carried.

12. PUBLIC HEARING TO DETERMINE ACTION TO BE TAKEN ON RUDIE’S CLASS C BEER LICENSE AS A RESULT OF THE INCIDENTS THAT OCCURRED ON OR ABOUT MAY 5, 2002, AT RUDIE’S

Councilman Smith moved to open a public hearing. Councilman Tanner seconded the motion. Council members Becraft, Smith, Tafoya, Cordova and Tanner voted “aye.” The motion carried.

City Attorney Andy Blackburn reported that he sent a notice to Rudy Roybal, owner of Rudie’s,

regarding the concerns that Roy City has over Ordinances that were violated on 5/5/02. Mr. Blackburn explained that a decision regarding action against Rudie's beer licence needed to be made by the Council within the next 30 days. Mr. Blackburn stated that two police officers who were present at Rudie's on May 5 were present in the Council room if the Council had any questions for them. Mr. Blackburn reported that on May 5, 2002 just past midnight, officer Garcia noticed an individual in a vehicle in the parking lot of Rudie's smoking marijuana. He stopped at the vehicle to investigate when he heard a commotion inside Rudie's. The officers looked through the window and saw a fight involving approximately 20 people. The officers went inside and estimated that about 30 people were involved in four separate fights going on simultaneously. They saw punches thrown, billiard balls being thrown, and que sticks being waved and thrown. As the officers attempted to control the situation, they were also attacked by some of the patrons of Rudie's. They believe there were approximately 200 people in the establishment. Because of the difficulty controlling the crowd, Riverdale, South Ogden, Weber County, and Utah Highway Patrol were called for back-up. Approximately 20 to 24 officers showed up to help control the situation. Four people were arrested; 3 adults, 1 juvenile.

Mr. Blackburn stated that there were four areas of concern. There was a large fight involving approximately 30 people. The estimated number of persons in the premises exceeded capacity, there should not have been more than 125 persons, at the time there were only three employees. There was marijuana possession in the parking lot and at least one minor on the premises consuming alcohol which violates approximately 5 Roy City Ordinances. In addition, there is a Roy City Ordinance which states that the establishment can't furnish alcohol to a minor, they can't allow someone else to either. Mr. Blackburn stated that the Ordinance says that a license may be revoked if the licensee fails to conduct his business in a quiet, orderly, peaceable manner. He suggested that the Council, after hearing Mr. Roybal's rebuttal, make a decision to either let Mr. Roybal continue his business or have his license suspended or revoked. The Council could also make recommendations.

Mr. Roybal addressed the Council and first clarified that the information given so far is allegation and not fact. Mr. Roybal apologized for the incident. He stated that he was out of town at a Cinco de Mayo celebration when the incident happened. Two of the three employees that were present on 5/5/02 were at the meeting. Shawna Judkins was the manager that evening and Rena Stotts was also working that evening. There were also two other employees working that evening. Mr. Roybal stated that he interviewed his employees and some of the patrons who were present at Rudie's on 5/5/02. There were three birthday parties going on and a lot of conflicting information. Mr. Roybal asked Chief Greg Whinham to clarify that nothing of this magnitude has happened for several years. Chief Whinham stated that was true. Mr. Roybal stated that as a result of the incident, he "kicked out" 400 patrons which may force the establishment to leave Roy City.

Councilman Smith asked Mr. Roybal to state his cause, be civil, stop threatening the Council, recognize there is a problem and work out a solution. Councilman Smith stated that he would

like to hear what Mr. Roybal has put in place to ensure that another incident of this magnitude does not happen again.

Mr. Roybal stated that after he learned of the incident he called Chris Davis to apologize and asked that he extend that apology to the Council. He also stated that he has taken steps to prevent a recurrence. 1) He kicked out all persons involved. 2) He told the DJ's they could no longer play hip-hop or techno music which attracts a younger crowd. 3) He asked his employees about the 17 y/o girl who was present on 5/5/02. Ms. Stotts stated that all persons were carded that evening. She stated that the juvenile had a valid Utah identification card which showed her birthday to be in the 1980's. She stated that the ID disappeared some time during the evening. 4) He also called Chris Zimmerman, previous police chief, and requested ID training and extended his ID check to everyone regardless of their age. 5) He changed the arrangement in the bar and placed a station at the front door to check all person's ID. 6) He hired bouncers. 7) He put up a new sign in the foyer stating that no one under 21 would be allowed. 8) Anyone causing trouble will be required to leave immediately. He stated that a taxi is offered to anyone who is intoxicated and unable to drive. Mr. Roybal apologized again and asked if there were any further questions.

Councilwoman Becraft asked if it was typical to have only four employees on a busy night as Cinco de Mayo when a large crowd is expected. Mr. Roybal stated that it is typical to have four employees on a Saturday night and explained that it's difficult to keep track of patrons as they wander and socialize rather than stay in a chair. He stated that there is usually no trouble when there are four employees and this is the format that has been used prior in the club.

Councilman Cordova asked if the club is typically that busy on a Saturday night. Rena Stotts stated that when the entertainment is good, a larger crowd is attracted and in the case on 5/5/02 there were three birthday parties contributing to the number of patrons.

Councilman Tafoya asked why it took such an incident for him to change his format. Mr. Roybal stated that he couldn't see fixing what wasn't broken. Councilman Tafoya asked if Mr. Roybal planned to stay in Roy City. He stated that if he's making money he will stay. He also stated that he made those adjustments because the incident created bad publicity, cost him money, and created hard feelings.

Councilman Smith reminded Mr. Roybal that when he addressed the Council several months ago, he indicated that he wanted to run an uptight business and that the council members were then concerned about the history behind that particular location. He reminded Mr. Roybal that someone could have been killed and it could have even been a carry-over from the parking lot which Mr. Roybal claimed was not his responsibility. Councilman Smith stated that Mr. Roybal is responsible for what goes on at his bar because the effects carry into the community. Councilman Smith asked how many people were offered taxis on the night of 5/5/02. Shawna Judkins stated that many people were "cut off" from receiving alcohol.

Councilman Tanner stated that the fights could have accelerated if the police officers were not there and reminded Mr. Roybal that the police have every right to be there. Shawna Judkins stated that she's never seen anything like the incident on 5/5/02 in 16 years of similar employment. She stated that the younger people were to blame for most of the problems, hence, they changed the entertainment to keep the young people out. Mr. Roybal stated that he would still like to get a private club license so he can keep out patrons he does not want there. He has had some problems obtaining the license. He currently has a conditional use for a private club.

Councilman Tafoya asked to hear from the officers who were present at Rudie's on 5/5/02. Officers Adam Madson and Rick Morgan were present. Officer Dennis Garcia, senior canine officer, was not present at the meeting.

Mayor Burnett asked if Officer Garcia had Max with him that evening. Officer Madson stated that the dog was present, however, Officer Garcia was not able to deploy him that evening due to the chaos. Officer Madson stated that he'd been watching the bar all night because it was very busy. When the officers were in the parking lot investigating the marijuana use, they heard the chaos, entered the bar and had to force their way to the fights that were ongoing. The officers called dispatch and stated that there was a fight. Officer Madson stated that all three officers had to deploy their batons to get through the crowd. The officers observed people leaving the premises bleeding from the face. The main fight was accelerating and more people were getting involved. The officers got separated and called for back-up. While the officers were waiting for assistance, they were primarily attempting to protect themselves, not make arrests. It was necessary for officer Garcia to use his pepper spray to keep the patrons away from him. Pool balls and beer bottles were being thrown at the officers. Officer Morgan told a similar story. Officer Madson stated that he handcuffed a young woman who he later found out was 17 y/o and in an attempt to keep her under control, he placed her between him and a cinder block wall. He stated that beer bottles were breaking against the wall and he later found glass particles in his pant legs which were saturated with beer. He stated that until the back-up officers arrived, they had no control over the crowd.

Councilman Tanner asked how cooperative the employees of the bar were. Officer Madson stated they were very cooperative.

Andy Blackburn asked Officer Madson if he had addressed the issue of identification with the employees that evening. Officer Madson stated that he spoke with Shawna Judkins and informed her that a minor had been arrested. Ms. Judkins stated that she had an ID at one time and that she must have thrown it away. Officer Madson stated that the minor was his main focus and she was the first person who caught his attention. She was in his custody the remainder of the incident. Officer Madson asked her how old she was and she stated she was 17. Officer Madson asked her how she got in the bar and asked her if she ever had an ID. She told him that she walked in behind her husband and never had an ID.

Mayor Burnett asked the officers if they think the steps that have been taken by Rudy would prevent a problem like this in the future. Officer Madson stated somewhat, yes. Officer Madson told Ms. Judkins that someone needs to watch the door constantly and offered to give her some information regarding identification.

Councilman Tafoya moved to suspend Rudie's Class C beer license for two weeks beginning July 9, 2002. He also recommended to the staff that all reports be forwarded to the alcohol commission. Councilman Smith seconded the motion. Council members Becraft, Smith, Tafoya, Cordova and Tanner voted "aye." The motion carried.

Mayor Burnett clarified that there was no fine other than loss of revenue.

Councilman Smith stated that the Council does not want this type of incident to occur in Roy City. He also stated that Rudy needs a cooperative spirit with the police department who can help prevent such an incident.

Councilman Tafoya clarified that one incident such as this is one too many.

Mr. Roybal stated that he expected all other bars to be treated as his; that any other bar that had a fight needed to be brought before the Council. Councilman Cordova reminded Mr. Roybal that the fight was not the issue. It was the attack on the officers that was so alarming. Police Chief Greg Whinham stated that Ms. Judkins said it best when she stated that in 16 years of similar employment, she's never seen anything so serious.

The Council took a break from 9:10 p.m. to 9:20 p.m.

13) APPROVAL OF RESOLUTION NO. 773 ESTABLISHING COUNCIL MEETING SCHEDULE

It was determined that November 5, 2002 is election day, hence, no City Council Meeting will be held that day.

Councilman Tanner moved to approve Resolution No. 773 excluding November 5, 2002. Councilwoman Becraft seconded the motion. A roll call vote was taken. Council members Becraft, Smith, Tafoya, Cordova and Tanner voted "aye." The motion carried. (Copy filed for records.)

14) APPROVAL OF RESOLUTION NO. 774 APPROVING AN INTERLOCAL AGREEMENT BETWEEN ROY CITY AND WEBER COUNTY FOR ANIMAL SHELTER SERVICES

Andy Blackburn stated that Roy City, along with other cities, are involved in the Interlocal

Agreement with Weber County for animal shelter services. The other cities include; Washington Terrace, Riverdale, South Ogden, Roy, North Ogden and maybe one more northern community. The agreement provides for the county to take on additional cities. The county will have \$65,700 of additional cost. Each city will pay a portion of that amount. One change that needs to be added to the resolution deals with dead animal disposal. There will be a \$3 charge for dead animal disposal and \$40 any time an animal is impounded. Mr. Blackburn stated that the Council could approve the contract subject to final negotiation.

Councilman Tafoya asked how this price compares to what the City has done in the past. Police Chief Greg Whinham stated that the City was charging \$20 per impounded animal and \$12 per day after that. Ogden City originally stated that there would be no increase in fees. They then came up with increases which were \$60/dog based on a formula that limited the number of dogs. They then said they would charge \$75/dog for anything over that number but if the City brings anything less, the fee is the same.

The county charges \$40/animal and goes to great effort to get unclaimed dogs adopted. Chief Whinham felt that this is a great alternative as the dogs are taken better care of.

Councilman Tanner asked if a Roy citizen whose dog is impounded pays a fee to the pound and to the City in the way of a citation. Chief Whinham states that the citizen pays one fee to the pound.

Councilwoman Becraft asked if the fee that the citizen pays covers the City's cost. Chief Whinham stated that it does unless the dogs aren't claimed.

Councilman Cordova asked if the City benefits from the \$40 fee. Mr. Blackburn stated that the City impact fee goes to the county but there is a fee if a citation is issued. Chris Davis stated that the City generally breaks even.

Councilman Tafoya moved to approve Resolution no.774 approving an interlocal agreement between Roy City and Weber County for animal shelter services subject to the Council's final negotiations. Councilman Smith seconded the motion. A roll call vote was taken. Council members Becraft, Smith, Tafoya, Cordova and Tanner voted "aye." The motion carried. (Copy filed for record.)

15) APPROVAL OF RESOLUTION NO.775 AMENDING PERSONNEL POLICY

Cathy Spencer stated that there were two changes to the Personnel Policy. Employees promoted less than three months after receiving a merit increase are not eligible for the pro-rated merit. Ms. Spencer stated that this was actually clarification rather than change.

Councilman Smith asked if the Personnel Policy applied to part-time employees. Chris Davis

stated that it does not.

The second change is in relation to the fireman work period. Personnel work schedules are to be adjusted to decrease the firefighters work schedule by the number of hours obtained in training so that total hours for the work period do not exceed 96 when possible.

Councilman Tafoya moved to approve Resolution No. 775 amending the Personnel Policy. Councilman Tanner seconded the motion. A roll call vote was taken. Council members Becraft, Smith, Tafoya, Cordova and Tanner voted “aye.” The motion carried. (Copy filed for records.)

Andy Blackburn asked the Council if each time there was a change made to the Personnel Policy, they wanted to review that change or if they would like to allow the Mayor to authorize the change. Councilman Cordova stated that there weren't many changes that have been brought before the Council in the past. Ms. Spencer stated that most of the changes are clarification of what already exists. Mr. Blackburn stated that he would look into the legality of the Mayor authorizing any necessary changes.

16) CITY MANAGER'S REPORT

Chris Davis stated that the RDA Meeting would be postponed due to time restraints. Attorney Randy Keil was present but indicated he would need about 45 minutes for his presentation.

Mr. Davis stated that the City would be re-signing a graffiti contract with the juvenile court. In years past, the budget has been \$5,500 to \$6,000. In the past year, only about \$1,000 had been spent. This year, February through next February, the budget will be \$2,000.

Mr. Davis stated that the Park Committee recommended that the City get a name for Southwest Park. That will be put in the September newsletter to allow for community input.

Mr. Davis also stated that the pool parking lot is coming along well. There were three bidders and the contract will be awarded 7/3/02. The miniature golf course will also be opening the weekend of July 4. A complaint was received by an adjacent homeowner regarding a fence that the golf course plans to put in.

Bids will open for the pool on July 23 and the City would like to award the contract that day. A special meeting will be held that day with the Council at 6:30.

The lunch at the Public Works building will be held on July 16. The Council suggested serving hamburgers, hot dogs and hot links.

The Roy City employee party will be held August 23 at George Wahlen North Park at 5:30 p.m.

Mr. Davis asked if the Council had any input on location for the Roy Days Fireworks. The Council voted to have the fireworks at West Park.

Mr. Davis reported that UTOPIA is moving forward. He suggested that it would be worth while for the council members to take a trip to Lindon where there is a Network Operations Center and suggested that if the council members are interested, a trip could be planned.

He reported that the Airport Road detention basin work will begin next week.

Mel Kemp has offered his corporate airplane that can carry 10 people to Scottsdale, Arizona to see the airport there. The Council decided that they would make their own arrangements and fly down using the Council travel and training funds on August 2, 3, and 4th.

Andy Blackburn reported that the City has received a signed licence agreement for the Village Inn property (Sky Properties). He suggested that changes may need to be added to protect the City.

Councilman Smith asked if the beautification changes along Airport Road were in progress. Chris Davis stated that they should be finished by August. Councilman Smith asked if the Welcome to Roy City sign would be in place by August 16. Chris Davis stated that he would push to have it completed by then.

Mike Mansfield has spoken with UDOT regarding a traffic study on 2900 West intersection. A traffic study has to be done in accordance with MUTCD (Manual on Uniform Traffic Control Devices), a federal organization. The best time determined to do the study is in the fall when there is higher use of the park and the children are back in school. Mr. Mansfield talked with Ms. Corless who has coordinated the neighbors in the area and she was comfortable with that plan. Mr. Davis felt that a private traffic study would be preferable to UDOT conducting the study. He reported that bids would be taken for that project.

17) MAYOR AND COUNCIL REPORTS

The mayor reported that a Boy Scout troop had volunteered to do the flag ceremony for the Council Meeting on July 16.

Councilman Cordova commented on the impressive size of the swimming pool parking lot. He also stated that Ms. Corless was impressed with Chris Davis and the staff in her dealings with them regarding the traffic study.

The Mayor reported that the RDA Meeting will be postponed.

18) ADJOURN TO A CLOSED MEETING TO DISCUSS THE CHARACTER AND

COMPETENCE OF PERSONNEL

Councilman Tafoya moved to adjourn to a closed meeting to discuss the character and competence of personnel at 10:20 p.m. Councilman Tanner seconded the motion. A roll call vote was taken. Council members Becraft, Smith, Tafoya, Cordova and Tanner voted “aye.” The motion carried.

19) SUMMARY OF ACTIONS CHARGED

- 1) Staff to forward all reports related to the incident at Rudie’s on 5/5/02 to The Alcohol Commission.

Roger Phil Burnett
Mayor

Attest:

Char Wolverton
Secretary

dc:jul202