

MINUTES OF THE JULY 20, 2010, ROY CITY COUNCIL MEETING

1. Approval of July 6, 2010, minutes
2. Recognition of June 2010 Employee of the Month
3. Consideration of Resolution No. 977 adopting fees for delinquent civil citations
4. Consideration of Ordinance No. 1028 establishing temporary land use regulations for churches in Community Commercial, Regional Commercial, and Business Park Zones
5. Update and discussion of Justice Court operations
6. Public comments
7. Consideration of a request to amend the Future Land Use Map designation from low density residential to medium density residential for property located at approximately 3199 West 4800 South and consideration of a request to rezone properties located at approximately 3127 and 3199 West 4800 South from RE-20 to R-1-10
 - a. Consideration of Ordinance No. 1029 amending the Future Land Use Map designation from low density residential to medium density residential for property located at approximately 3199 West 4800 South
 - b. Consideration of Ordinance No. 1030 establishing a zoning designation of R-1-10 for properties located at approximately 3127 West and 3199 West 4800 South
8. Consideration of a request to amend the recorded plat for the Russell Farm Estates Subdivision located at approximately 4910 South 3050 West
9. City Manager's report
10. Mayor and Council reports
11. Adjourn

Minutes of the Roy City Council Meeting held July 20, 2010, 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
Councilman Willard Cragun
Councilman Brad Hilton
Councilman Michael Stokes

City Manager Chris Davis
City Attorney Andy Blackburn
Secretary Michelle Drago

Excused: Councilmen Larry Peterson and Dave Tafoya

Also present were: Tony Reynolds, Community and Economic Development Director; Cathy Spencer, Management Services Director; Jon Ritchie, Fire Chief; Judge Scott Waterfall; Marge Becraft; Trent Bills; Sam Bills; Rachel Trotter; Rick Ackley; Lil Ackley; Bruce Peterson; Julie Peterson; Jim Robinson; Kaylene Robinson; Braden Robinson; Max Robinson; Connor Robinson; and Kenny Russell.

Moment of Silence: Councilman Hilton

Pledge of Allegiance: Councilman Hilton

1. APPROVAL OF JULY 6, 2010, MINUTES

Councilman Cragun moved to approve the July 6, 2010, minutes as written. Councilman Hilton seconded the motion. Council members Cragun, Hilton, and Stokes voted "aye." The motion carried.

2. RECOGNITION OF JUNE 2010 EMPLOYEE OF THE MONTH

Mayor Ritchie stated that Fire Chief Jon Ritchie had nominated Jim Robinson as the June 2010 Employee of the Month. In the past few weeks, Jim had been instrumental in developing and implementing, with the help of his physical fitness committee, a firefighter based physical fitness regiment that followed NFPA 1582 recommendations. He had been very active in gathering supplies (old semi truck tires, old fire hose bundles, form buckets, etc.) and laying out a course of several different workout stations. He had accomplished this with minimal cost to the department. The workout was to be done at least two out of the four shifts of a go-around. The new workout had been introduced to the troops and was going very well. Jim was also the motivation and wheels that started the Weber County Fire Honor Guard several years ago. The honor guard was very professional, well trained, and highly sought after in the State. One of Jim's areas of expertise was training and instruction for new honor guard recruits. Jim would deploy sometime in July to serve a six-

month support role in Afghanistan. This would be Jim's second deployment. The first was in 2007 to Iraq. Jim demonstrated on a daily basis his professionalism and dedication to the Fire Department and his country.

Councilman Stokes moved to accept Jim Robinson as the June 2010 Employee of the Month. Councilman Cragun seconded the motion. Council members Cragun, Hilton, and Stokes voted "aye." The motion carried.

Mayor Ritchie presented Jim Robinson with a check and recognition plaque.

Jim Robinson introduced his wife, Kaylene, and children - Braden, Max, Connor, and his baby daughter.

3. CONSIDERATION OF RESOLUTION NO. 977 ADOPTING FEES FOR DELINQUENT CIVIL CITATIONS

Cathy Spencer stated that because the parking fines were raised a few months ago, it was necessary to set up parameters for late fees and how to turn unpaid fines over to collections. Resolution No. 977 listed the fees under the old policy and suggested new fees. Ten dollars (\$10.00) had been added to the first reminder for mailing costs. Fees were added to each subsequent mailing. When a ticket was sent to collections, a 50% fee was attached. When the collection agency collected the fine, it would give the City what the fine should have been and kept the rest.

Councilman Hilton felt the staff had done what the Council asked them to do.

Councilman Hilton moved to approve Resolution No. 977 adopting fees for delinquent civil citations. Councilman Stokes seconded the motion. A roll call vote was taken: Council members Stokes, Hilton, and Cragun voted "aye." The motion carried. (Copy filed for record).

4. CONSIDERATION OF ORDINANCE NO. 1028 ESTABLISHING TEMPORARY LAND USE REGULATIONS FOR CHURCHES IN COMMUNITY COMMERCIAL, REGIONAL COMMERCIAL, AND BUSINESS PARK ZONES

Mayor Ritchie stated that there had been a temporary zoning regulation in place prohibiting churches in Community Commercial, Regional Commercial, and Business Park Zones. The temporary regulation allowed the staff time to review the City's current regulations. The staff had indicated that the temporary regulation had done what it was intended to do and was no longer needed. He asked that the Council terminate the TZRO.

Councilman Stokes moved to terminate the temporary land use regulations for churches in Community Commercial, Regional Commercial, and Business Park Zones established by Ordinance No. 1028. Councilman Cragun seconded the motion. Council members Cragun, Hilton, and Stokes voted "aye." The motion carried.

5. UPDATE AND DISCUSSION OF JUSTICE COURT OPERATIONS

Chris Davis stated that the City Council wanted to review the number of cases handled by the new Justice Court 90 days after its April 1st start. The Weber County Sheriff and Civil Deputy were amazed at how smoothly the court was running. Mr. Davis attributed that the Judge Waterfall and the clerks. He indicated that the number of cases was not where the administration had anticipated they would be. Some of that was due to the way Weber County counted cases versus Roy City. The administration anticipated that the number of cases would continue to increase. In September, the special district court would no longer handle small claims cases. The administration was not sure what impact that would have on the Justice Court. Mr. Davis said the clerks were inundated. The amount of calls had more than doubled. The City had tried to bring in temporary help. At some point, the administration would probably recommend that the Council fund another part time clerk, or possibly a full time.

Mr. Davis stated that a question had come up about retirement benefits for Judge Waterfall. Both Judge Waterfall and himself had had listened to the recording of the meeting negotiating his salary. They were asking for a clarification from the Council. There was not a special retirement plan for judges. There was a retirement plan for judicial judges, but it specifically excluded justice court judges. A Roy City rank-and-file employee received 15.45% in retirement benefits. In addition to that, an employee could add 2.45% to a 457A. The City had been paying Judge Waterfall the standard rate for the non-contributory system, which was about 14.37%. Increasing the retirement benefit to 15.45% was not in the budget, but it would be less than \$3,000 a year.

Councilman Stokes asked what the administration recommended regarding retirement. Mr. Davis felt that Judge Waterfall made the assumption that when he became a full time employee, he would receive the same benefit as other employees and be paid 15.45%. He would contribute the 2.45%

Councilman Hilton felt Judge Waterfall should receive all the benefits a fulltime employee would. Chris Davis said Judge Waterfall's vacation was a little different than a normal employee. It was a hybrid between what a department head would receive and a regular employee.

Councilman Stokes stated that this was not a normal situation, but he felt Judge Waterfall should be handled as a fulltime employee. Judge Waterfall's position was not based on hours as much as case load. He was uncomfortable that Councilmen Peterson and Tafoya were not in attendance. They should be given an opportunity to have their input. If the Council waited to make a decision until Councilmen Peterson and Tafoya were present, any decision should be made retroactive to this meeting.

Chris Davis stated that administration did not know what would happen with small claims. He wanted to continue monitoring the case load until January 1st, which would allow 90 days to determine the impact small claims cases would have.

Councilman Stokes stated that he had reservations about waiting until January 1st to give Judge Waterfall full benefits. He understood that the Council wanted to review the case load after the first 90 days to see about potentially increasing Judge Waterfall's salary. Chris Davis said Judge Waterfall would begin receiving full benefits now. Judge Waterfall understood that his salary would be reviewed again in January because of the case load.

Councilman Stokes asked about the overall revenue picture. Cathy Spencer said the net revenue over expenditures for just the Weber County portion was \$17,224.04. The overall net revenue versus expenditures was approximately \$104,000.00.

Judge Scott Waterfall stated that there had been some challenges combining the two courts, but they were working them out. The Court was looking at ways to use technology to accomplish its roll and lessen the people demand. In August and September, they would be moving from two computer systems to one. Based on the current case load, he was not looking for a salary increase. There had not been a negative subsidy by bringing on the Weber County court work.

Councilman Stokes felt Judge Waterfall's benefits should be made retroactive to April 1st. It had been his understanding that Judge Waterfall would receive all the benefits a fulltime employee with a hybrid on his vacation.

Andy Blackburn was comfortable with that.

6. PUBLIC COMMENTS

Marge Becraft, 1992 West 3775 South, felt it was time to tweak the Code Enforcement regulations regarding noxious weeds. Her neighbor had not watered his lawn for two years. He had no grass left; only weeds were coming up. When the weeds were over six inches tall, he received a citation. Then he would cut them back. Her neighbor across the street hadn't watered his front yard for two years. The back yard had not been watered in five

years. He also had three dogs. He also kept getting citations. She felt it was a continual circle. Both properties were fire hazards.

Mayor Ritchie asked what Ms. Becraft suggested. Marge Becraft felt the ordinance needed to focus more on the weeds rather than the height.

Councilman Cragun felt the problem described by Marge Becraft was becoming prevalent throughout the community. He felt the City Council needed to change the landscaping ordinance to allow something besides just grass.

Councilman Stokes stated that code enforcement and economic concerns were the issues the Council heard about over and over. The City needed to have a balance between the ordinance, enforcement, and property owner rights. He didn't feel the City had found that balance yet. Beautification and economics needed to be high priorities. Those issues would come back to bite the City long term. He was worried the City was moving too slow. Maybe Code Enforcement needed to be moved out of Development Services because it was really an enforcement issue.

Councilman Hilton stated that he didn't object to reviewing the ordinances.

Councilman Stokes felt the City had reached a plateau. If it wasn't careful, the City would go into a decline.

Lil Ackley, 5839 South 3260 West, stated that there was a young man in her neighborhood that had been causing problems for several years. Last summer he ran a go-cart all day and night. This year he was riding a dirt bike up and down the sidewalk. He now had a motorized scooter. She had called dispatch several times. If she absolutely insisted, they would send an officer out to question him. His mother would lie and say he wasn't home. Ms. Ackley had agreed to sign a statement that she had video of this young man. When his mother was informed, the young man moved into Clinton where he was wreaking havoc with traffic. As soon as Clinton ran him off, he would be back in their neighborhood. Was there an ordinance that would prevent this young man from riding up and down the sidewalk?

Mayor Ritchie said he was driving an unlicensed vehicle on the road. There was also the noise disturbance.

Andy Blackburn said he would be glad to meet with Ms. Ackley. He had dealt with this type of situation before.

7. CONSIDERATION OF A REQUEST TO AMEND THE FUTURE LAND USE MAP DESIGNATION FROM LOW DENSITY RESIDENTIAL TO MEDIUM DENSITY RESIDENTIAL FOR PROPERTY LOCATED AT APPROXIMATELY 3199 WEST 4800 SOUTH AND CONSIDERATION OF A REQUEST TO REZONE PROPERTIES LOCATED AT APPROXIMATELY 3127 AND 3199 WEST 4800 SOUTH FROM RE-20 TO R-1-10

Tony Reynolds stated that this issue was simple and straight forward, but it required a change to the General Plan's Future Land Use Map and the current land use map. The City had received a request to rezone two properties located at 3127 West and 3199 West 4800 South from RE-20 to R-1-10. The 3199 parcel had over 20,000 square feet; 3127 West had just over 14,000 square feet. The two property owners wanted to adjust a property line to accommodate an addition to the home at 3127 West 4800 South.

Councilman Stokes moved to approve Ordinance No. 1029 amending the Future Land Map designation from low density residential to medium density residential for property located at approximately 3199 West 4800 South according to the findings of fact and the staff and Planning Commission recommendations. Councilman Hilton seconded the motion. A roll call vote was taken: Council members Cragun, Stokes, and Hilton voted "aye." The motion carried. (Copy filed for record).

Councilman Hilton moved to approve Ordinance No. 1030 establishing a zoning designation of R-1-10 for properties located at approximately 3127 West and 3199 West 4800 South based on the findings of the staff and the recommendations of the staff and Planning Commission. Councilman Cragun seconded the motion. A roll call vote was taken: Council members Hilton, Cragun, and Stokes voted "aye." The motion carried. (Copy filed for record).

8. CONSIDERATION OF A REQUEST TO AMEND THE RECORDED PLAT FOR THE RUSSELL FARM ESTATES SUBDIVISION LOCATED AT APPROXIMATELY 4910 SOUTH 3050 WEST

Mayor Ritchie stated that the Council members had the reports from the staff and Planning Commission. The Russell family was asking that Lot No. 19 of the Russell Farm Estates Subdivision be amended.

Councilman Stokes moved to amend the recorded plat for the Russell Farm Estates Subdivision located at approximately 4910 South 3050 West based on the findings of the staff and the recommendations of the staff and Planning Commission. Councilman Cragun seconded the motion. Council members Cragun, Hilton, and Stokes voted "aye." The motion carried.

9. CITY MANAGER'S REPORT

Chris Davis stated that he received a weekly update from Steve Chapman at Questar. They continued to assure him they would be done in time for the Roy Days parade. The Public Works Inspector said Questar was progressing.

Chris Davis stated that there was a dumpster located behind the Municipal Building to accommodate the final clearance of the senior center. The former senior center would be used as a storage area, which would allow the exercise area to be expanded. The administration would make sure the City had obtained the proper permits.

Chris Davis stated that the employees wanted to thank the City Council for the employee party.

Chris Davis stated that the administration anticipated that the Council would be able to use the carts for the parade as they had done in the past.

10. MAYOR AND COUNCIL REPORTS

Councilman Hilton stated that the residents of the Ward Estates Subdivision wanted to thank the City for putting up 'no outlet' signs' at the entrance to their subdivision. It had made a difference in the amount of traffic.

Councilman Cragun complimented the City staff and the Parks Department. He had driven through the City with the City Manager and pointed out areas that the City needed to clean up. The City Manager passed that information along, and the department heads had made a great effort to get those problems taken care of.

11. ADJOURN

Councilman Stokes moved to adjourn at 6:57 p.m.

Attest:

Joe H. Ritchie
Mayor

Michelle Drago
Secretary

dc:cjul2010