

## MINUTES OF THE DECEMBER 7, 2010, ROY CITY COUNCIL MEETING

1. Approval of November 16, 2010, minutes
2. Public comments (discussion regarding safety of Ogden City Airport)
3. Recognition of October 2010 Employee of the Month
4. Presentation by Ashley Santillana regarding American Cancer Society's Relay for Life
5. Award of contract of Hill Air Force Base Well House Project
6. Consideration of Interlocal Agreement for the Provision of Paramedic Services with Weber County
7. Consideration of Ordinance No. 1037 amending the requirements for Electronic Message Center Signs in Community Commercial Zones
8. Consideration of Ordinance No. 1036 amending the requirements for landscaping on residential properties
9. City Manager's report
10. Adjourn

Minutes of the Roy City Council Meeting held December 7, 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	City Manager Chris Davis
Councilman Willard Cragun	City Attorney Andy Blackburn
Councilman Brad Hilton	Secretary Michelle Drago
Councilman Larry Peterson	
Councilman Michael Stokes	
Councilman Dave Tafoya	

Also present were: Tony Reynolds, Community and Economic Development Director; Jared Hall, Planner; Ross Oliver, Public Works Director; Jon Ritchie, Fire Chief; Greg Whinham, Police Chief; Marge Becraft; Kristie Moore; Justin Moore; Dustin Kearns; Riley Allred; Colter Child; Lou Anderson; D. L. Thurman; Rachel Trotter; Gennie Kirch; Florence Lewis; Jhan Jensen; Jodee Rose; Darren Storey; Austin Storey; Samantha Rands; Brandee Stokes; Linda Kohls; Ashley Santillana; Marnie Bowden; Slade Bowden; Gary Bingham; Christian Chavez; Jagger Sanders; Mark Jensen; Logan Stephenson; Darrel Gamble; Justin Hodges; Marie Gamble; Larry Bouwhuis; Hayden Rose; Jason Willmae; Ramsey Mansoar; Kellie Bourne; Nate Craig; Jonathan Western; Bryce Payne; Missy Powell; Brock McCashland; Jordan Schreck; Ken Hodges; Pick Schaffetr; Elsee Schaffert; Paul Mitchell Genovesi; Kerry Hipwell; Jodie Hipwell; Taylor Flitton Paige Wood; Anton Schaefer; Garrett Smith; Breann Young; Jeffery Roe; Ray Tall; Blake Hill; Jordan Brooks; Jane Thurman; Bryan Gutierrez; Jordan Ballon; Niven Turner; Gay Wilson; Joan Bowman; Julie Bowman; Kim Childress; Kevin Kidd; Macauley Flint; Pat Newman; Ned Newman; Sarah Robinson; Ronald Stepart; Julie Gamble; Erita Zimmerman; Sherry May; Mike May; Sarah May; Bill Jensen; and Amanda May.

Moment of Silence: Councilman Peterson

Pledge of Allegiance: Councilman Peterson

1. APPROVAL OF NOVEMBER 16, 2010, MINUTES

Mayor Ritchie welcomed all of the students from the Roy High School government class.

**Councilman Tafoya moved to approve the minutes of November 16, 2010, as written. Councilman Cragun seconded the motion. Council members Cragun, Hilton, Peterson, and Tafoya voted "aye." The motion carried.**

2. PUBLIC COMMENTS (DISCUSSION REGARDING SAFETY OF OGDEN CITY AIRPORT)

Mayor Ritchie stated that this was not a special Council meeting. It was a regular meeting with a lengthy agenda. However, the Council would take comments from the public regarding the airplane crash that occurred on Sunday, December 5<sup>th</sup>.

Mayor Ritchie thanked the Police and Fire Departments for the manner in which they responded to this tragedy. He also thanked the power and gas companies. The Roy City Council, Administration and Ogden City, are extremely concerned about what happened. The City Administration had been in close discussions with the Mayor of Ogden City and Ed Rich, the Chief Executive Officer and Manager of the Ogden City Airport. Both had asked that Administration relay their desire to do everything reasonable to reduce the chance of an accident happening again. They were willing to be open in their discussions with Roy City. There were a couple of things they didn't feel were reasonable; closing the airport and closing Runway 34. It was reasonable to reduce the frequency of flights that used Runway 34. Ogden City was anxious move forward with the idea with the approval of the FAA. Mayor Ritchie said the City would not let this issue die from neglect. The Administration would keep working on it until a workable solution had been reached. He suggested holding a town meeting.

Councilman Stokes arrived at 6:05 p.m.

Marnie Bowden, 2067 West 4300 South, stated that she had lived nearly her whole life in Roy City, with the exception of a few years. She lived within a few feet of the latest plane crash. Her father had been a pilot and loved planes, but he would have been standing by her side in her request to have something done about the airport. The crash that occurred Sunday night was a few inches from her property. She felt it had affected the value of her property. She was taking on the battle of changing the flight pattern of the planes overhead. There had been four crashes in this neighborhood since 1989. Three of those crashes had been in the last seven years. That was unacceptable. In a televised interview, the manager of the Ogden City Airport said he didn't have any concerns about the airport or the surrounding residents. Ms. Bowden said he should have concerns. Three crashes in the same neighborhood should never be considered a good track record. It was a problem. Mr. Rich said he had empathy for the residents, but they knew about the airport when they moved in. They knew what they were signing up for. Mrs. Bowden said there had been significant changes in the airport since the homes were built. Those changes impacted how close planes flew to the homes. When the homes in this neighborhood were built, the Ogden City Airport was a small community airport. In 1972 changes were made to the runway, and the airport was changed from a community airport to a regional airport. In 1973 citizens from Roy City were successful in obtaining an injunction to stop the expansion of the runway. The injunction was in place for ten years. In 1983, Ogden City began work to extend Runway 34, which resulted in planes flying over homes at a lower level. Fifteen to twenty years after the homes in this neighborhood were built; the Ogden City Municipal Airport was successful in extending Runway 34, which the permanent injunction was supposed to have stopped. Airport officials planned and continued to bring in commuter flights even after the three crashes. If the plane that crashed Sunday night had been a commuter flight she would

be dead. The changes made to the airport affected the safety of their homes. The airport was changed 15 to 20 years after the homes were built; that was not what the residents 'signed up' for. Ms. Bowden felt they would be hard pressed to find anyone who would purchase their homes after the crash. She pleaded for the lives of her family and neighbors. She felt their lives were more important than Ogden City's monetary gain. She asked for the City Council's support in their fight to make Roy City safe. It should not be okay to anyone that residents in Roy were living with danger of planes crashing into their homes. They were lucky there had not been a loss of life. Did they have to wait until the next crash where lives were lost?

Mayor Ritchie felt Marnie Bowden should present her comments to Ogden City. He suggested she arrange to be on their next agenda. He also felt everyone needed to move forward and not dwell on the past.

Gary Bingham, 4329 South 2000 West, stated 73 different homeowners had been fighting this battle for a long time. The last time they approached the City about this fight, they were told it was their problem, not the City's. He hoped that the City Council was telling them the truth about Ogden City being willing to sit down and come to a consensus about better take offs and landings to make everything safer. Everyone had told Ogden City what happened would happen again if the runway was expanded. There was a high school and junior high school under the flight pattern. The residents would support the City Council.

Mayor Ritchie stated that the City Council and Administration were committed. They would not walk away.

Jeffery Roe, 2018 West 4350 South, suggested that the airport make approaches and take offs on the other end of the runway. There weren't any homes in that area. It would be a safer way to come in and take off. Smaller planes could use the older runway. Larger planes could come in, if they used the other end of the runway, and everyone would be safer.

Mayor Ritchie said that was a good place to begin discussions. There were times when it would not be possible to use the other end of the runway. Ogden City could reduce their restrictions.

Logan Stephenson, 2028 West 4975 South, stated that he spent 55 years in the military and 27 years as Navy pilot. He wasn't at all concerned about the large planes flying into the Ogden Airport, but he was concerned about the smaller ones. The risk was the same to anyone living in the state. It would be interesting to see what caused the crash on Sunday night. He felt it was most likely pilot error, not aircraft unworthiness. Was the pilot qualified to fly in the weather conditions? Was the aircraft properly certified? He felt those were the questions everyone should be concerned about rather than the runway location.

Mayor Ritchie stated that investigations were being made about the pilot and aircraft inspections.

Paul Mitchell Genovesi, 2147 West 4300 South, stated that he was a victim of the 2005 crash. He wasn't here to battle, but he felt there was a problem with the Ogden City Airport. One solution was to change the take offs and landings. However, he didn't see the manager of the Ogden City Airport or anyone from Ogden City at this meeting. That does not express Ogden City's concern. The comments made by the manager of the Ogden City Airport to the media gave the appearance of not caring. If they looked for a solution instead of ways to save gas, planes could take off and land at a higher altitude. There weren't any beacon lights. The foggy weather on Sunday was terrible. The path of the plane crash was almost identical to the flight pattern. There were families in this neighborhood. They were all present to support one another. He asked that the City let the citizens know when Ogden City held their meeting. He felt the Roy City Fire and Police Departments had done a bang up job. One of these times there would be a crash with dead bodies.

Mayor Ritchie stated that the City administration had walked the crash scene with Ed Rich, the Manager of the Ogden City Airport, and the Ogden City Mayor. He felt the City should hold a town meeting with those parties involved.

Pat Newman, 2079 West 4300 South, stated that she had heard a few rumors that she would like to have verified. She had heard that the ILS system was not working at the time of the crash, and that the runway lights were turned off. She had also heard that the pilot tried to land, and the airport turned him away. Mayor Ritchie said the City would find out the answers. Mrs. Newman said they would be out of their home for six months.

Marnie Bowden stated that the airport was a regional airport and could not deny landing to anyone. The pilot was told he could land at his own risk. It wasn't the pilot's risk; it was the residents' risk.

Darrel Gamble, 2080 West 4350 South, stated that he now lived in a home without a roof. He thanked the Police and Fire Departments. They were wonderful; they helped in every way. It was distressing when things like this happened. It was absolutely horrible. They had lived in Roy for 37 years. He and his wife built their dream house here. He asked that the City do anything it could to fix the problem.

Joan Bowman, 1998 West 4450 South, stated that she lived directly below the flight pattern. She was concerned about what had happened, and she was concerned about the schools. The planes from the air force flew over both the high school and junior high. A newspaper article from 2005 said the air force base paid Hillquest Academy, at the south end of the base, \$1 million for their air easement. Hillquest was a private school. Weren't Roy's children worth anything? She wanted to stop the F16's; they came in so low. Someday there would be a crash.

Gay Wilson, 2007 West 4400 South, stated that she lived under the ILS flight pattern. She was forced to sign an air easement over her home or the air space would have been condemned. She was

a member of the former Roy Citizens Association. The City Council would not help them, and it wouldn't let the City Attorney at that time help them. The citizens put their money together and hired a lawyer from Salt Lake. They did stop the runway and tried to stop the ILS. The airport had an environmental statement that said everything was okay, and that the airport could proceed. Their lawyer felt the environmental statement was flawed because the maps did not show the schools located under the flight pattern. The air easement on her property was 35 feet above the ground. She felt Roy City should protect the citizen. Ogden City reaped the benefits, and Roy City got the damage.

Councilman Stokes asked if the injunction had expired. Ms. Wilson stated that after ten years they ran out of money, and the judge who approved the injunction died.

Mayor Ritchie stated that the longer the runway and the better the ILS system was the safer the airport would be.

Councilman Peterson stated that in 1972 he was a member of the Roy Citizens Association. He had been able to review the environmental impact statement. The injunction ran out after ten years, and Ogden City received the approval they needed to make the changes to the airport.

Julie Bowman, 4123 South 3425 West, West Haven, stated that she had lived at the end of the runway most of her life. She was concerned about planes crashing. Her children attended Sandridge Junior High and Roy High School, which were under the flight pattern. She was also concerned about the military aircraft that daily flew over the schools. There would be a crash with a military plane. The City Council needed to be concerned about all aircraft. She agreed that planes should come in and take off over the railroad yards.

Justin Moore, 5683 South 2700 West, was concerned about the trees at 5600 South 2700 West that allowed gangs to congregate. He and his mother could smell the drugs from their home and frequently found drug paraphernalia behind their house. He had seen kids using drugs. He would like to see the trees removed. Then it would be easier to police the area.

Councilman Cragun stated that when the UTA trail was paved, a lot of the trees would be removed.

Kristie Moore, 5683 South 2700 West, stated that she had discussed the problem with Chris Davis several years ago. She was told the trail would be paved, but nothing had happened yet. If her yard looked like that, she would have received a citation from the City.

Mayor Ritchie stated that the City had partnered with UTA to complete the trail. UTA had run out of money. The City Manager and himself had helped UTA obtain an additional \$143,000 to help clean up the right-of-way. The trail would be completed and opened in the spring. Some of the trees would be taken down.

Police Chief Greg Whinham stated that when the trail was in use, the gangs would find somewhere more secluded to hang out. They don't like company.

Councilman Stokes stated that the City Council had been on the right-of-way and agreed there were areas that needed to be cleaned up.

Councilman Cragun stated that the City Council was committed to do what it took to make Roy City safe. Right now it was gathering facts. They felt they could work with Ogden City. It wasn't just a Roy City problem. It was an Ogden City/Roy City/Weber County problem. He asked that the citizens allow the City time to gather facts. He was committed to see that problems were address with Ogden City and the FAA.

Marie Bowden stated that some years ago, the airport had taken homes along the east side of 1900 West because of safety issues. However, homes across the street weren't touched. Those who had spoken and those who had not were willing to continue the fight to see that changes were made. The citizens were willing to provide whatever support the City needed.

Pat Newman stated that she could not express how extremely grateful she was to the Police and Fire Departments. They did everything they could to preserve their homes and kept checking to make sure everyone was safe. They are the cream of the crop. She expressed her appreciation to them and everyone who came to help.

Mayor Ritchie stated that the City was very proud of the Police and Fire Department. The Newman's and Gamble's had been very cordial to everyone trying to help them. When the City had answers to the citizen's questions, they would be placed in the City's newsletter.

Councilman Stokes agreed that the City needed to continue its fact finding and meet with Ogden City and the Ogden City Airport. He also felt it would be helpful to hold a town meeting the officials of Ogden City and the airport. Unlike the City Councils from the 1960's and 1970's, this City Council was willing to provide support.

### 3. RECOGNITION OF OCTOBER 2010 EMPLOYEE OF THE MONTH

Mayor Ritchie stated that Tony Reynolds had nominated Sherry May as the October 2010 Employee of the Month. As Roy City's only Code Compliance Official, Sherry had direct responsibility to respond to all Roy City Nuisance Ordinance complaints and to affirmatively address life safety issues. Whether she was responding to a resident's complaint about weeds on a neighbor's property, or a dangerous property condition that threatened the safety of small children, Sherry consistently demonstrated her commitment to the equal application of City ordinances and her respect for private property rights. Her professionalism, combined with her outgoing personality and her friendly approach, helped maintain calm with otherwise emotionally charged issues. Sherry's commitment to

the health and vitality of Roy City and her willingness and ability to work with a broad range of residents and property owners were great assets to Roy City.

**Councilman Cragun moved to accept the nomination of Sherry May as October the 2010 Employee of the Month. Councilman Peterson seconded the motion. Council members Cragun, Hilton, Peterson, Stokes, and Tafoya voted "aye." The motion carried.**

Mayor Ritchie presented Sherry May with a recognition plaque and a check.

Sherry May introduced her husband Mike, her daughters Sarah and Amanda, and Amanda's significant other Steve.

4. PRESENTATION BY ASHLEY SANTILLANA REGARDING AMERICAN CANCER SOCIETY'S RELAY FOR LIFE

Ashley Santillana, American Cancer Society, stated that her office in Salt Lake served the entire state of Utah and western Wyoming. Their Relay for Life had been held in Roy for eight years. Relay for Life had become their signature event. It was an overnight walk for cancer that mimicked a patient's fight. Relay for Life had grown and now involved Roy and communities in west Weber County. This year they raised over \$40,000, which was \$3,000 more than their goal. The American Cancer Society would like to form a partnership with Roy City to help get the word out about the next Relay for Life on June 17-18, 2011. Some of their suggestions included publishing a personal invitation for each residence. A flyer would let citizens know that the City supported the fight against cancer.

Councilman Stokes asked if the flyer would be funded personally or from the City's budget. Ms. Santillana said probably from the City's budget.

Ms. Santillana said other ideas were hanging up banners and including an article in the City's newsletter. She wondered if the City would hang a banner across 1900 West.

Mayor Ritchie stated that the City would commit to hanging a banner across 1900 West.

Ms. Santillana asked if a member of the City Council would be willing to serve on their Relay for Life committee. Councilman Cragun said he would.

Ms. Santillana asked if the Fire and Police Departments would be interested in forming a team. They needed all of the support they could get.

Mayor Ritchie suggested that Ms. Santillana meet with the City Manager to discuss her ideas. The Council could then discuss what could be done to help.

5. AWARD OF CONTRACT OF HILL AIR FORCE BASE WELL HOUSE PROJECT

Ross Oliver stated that nine bids for the Hill Air Force Base Well House Project were received on November 12, 2010. The bids ranged from \$622,608.30 to \$1,103,661.00. The engineer's estimate was \$766,510.00. The City Engineer and Public Works recommended that the contract be awarded to Stapp Construction, Inc. for \$622,608.30.

Mayor Ritchie asked if Stapp Construction met the City's criteria. Mr. Oliver stated that the City had never heard of them and asked for references. The City Engineer contacted Ogden City and South Ogden City. Both cities had been pleased with work completed by Stapp Construction.

Councilman Tafoya asked why their bid was \$100,000 below the City Engineer's estimate. Mr. Oliver said three of the bids received were below the engineer's estimate.

**Councilman Peterson moved to award the contract for the Hill Air Force Base Well House Project to Stapp Construction, Inc. for \$622,608.30 and to approve Contract No. 2010-9 subject to the terms of the contract agreement and bid and to authorize the Mayor to sign the Notice of Award and contract agreement. Councilman Hilton seconded the motion. A roll call vote was taken: Council members Cragun, Tafoya, Hilton, Peterson, and Stokes voted "aye." The motion carried.** (Copy filed for record).

6. CONSIDERATION OF INTERLOCAL AGREEMENT FOR THE PROVISION OF PARAMEDIC SERVICES WITH WEBER COUNTY

This item was removed from the agenda.

7. CONSIDERATION OF ORDINANCE NO. 1037 AMENDING THE REQUIREMENTS FOR ELECTRONIC MESSAGE CENTER SIGNS IN COMMUNITY COMMERCIAL ZONES

Mayor Ritchie stated that Ordinance No. 1037 was the adoption ordinance for a matter than had already been discussed by the City Council.

**Councilman Tafoya moved to approve Ordinance No. 1037 amending Title 10, Chapter 20, Section 4 of the Roy City Code by modifying the allowances and requirements for electronic message center signs located in Community Commercial Zoning districts. Councilman Stokes seconded the motion. A roll call vote was taken: Council members Stokes, Peterson, Cragun, Tafoya, and Hilton voted "aye." The motion carried.** (Copy filed for record).

8. CONSIDERATION OF ORDINANCE NO. 1036 AMENDING THE REQUIREMENTS FOR LANDSCAPING ON RESIDENTIAL PROPERTIES

Mayor Ritchie stated that Ordinance No. 1036 was the adoption ordinance for a matter that had already been discussed by the City Council.

**Councilman Hilton moved to approve Ordinance No. 1036 amending Title 10, Chapter 10, Section 20 of the Roy Cit Code requiring installation and maintenance of landscaping on residential properties, and amending Title 4, Chapter 3, Section 3 by adding insufficiently maintained landscaping to the list of declared nuisances. Councilman Peterson seconded the motion.**

A gentleman from the audience asked to speak. Mayor Ritchie stated that the public hearings for this matter were held before the Planning Commission. The gentleman responded that he had not been notified about the Planning Commission hearings.

Bill Jensen, 1981 West 3775 South, asked if the City Council had taken the current economic conditions into consideration and the financial burden this ordinance would place on citizens. Tony Reynolds stated that the City's current code required landscaping to be installed in front yards within 12 months. At the City Council's request, the landscaping requirements had been amended to include side and rear yards. The installation period had been extended to 18 months. Existing homes had been given 18 months from the enactment of the ordinance to have landscaping installed. The City was not requiring a certain number of trees or shrubs, just that the landscaping be installed.

Councilman Tafoya asked if dirt would be considered sufficient landscaping. Tony Reynolds said landscaping was defined as grass, rocks, trees, shrubs, or ground cover.

A woman from the audience asked about areas zoned for animals. Mr. Reynolds said there were provisions for agricultural uses.

Mayor Ritchie stated that Ordinance No. 1036 was available at the City offices and would be posted on the City's website.

D. L. Thurman, 4953 South 3100 West, stated that the paper indicated that the City Council wanted the City's ordinance to have more teeth and include agricultural areas.

Councilman Stokes stated that the paper was not always accurate. He invited citizens to review the minutes and audio recordings of the meetings. The City Council had never asked that the ordinance be amended to include agricultural areas. Notices for all public meetings and public hearings were posted on the City's website, in the Municipal Building, and published in the local newspaper.

**A roll call vote was taken: Council members Tafoya, Hilton, Stokes, Peterson, and Cragun voted "aye." The motion carried. (Copy filed for the record).**

Councilman Stokes stated that one of the top five concerns mentioned by citizens was that the City wasn't doing enough about weeds and debris. The Council had asked the staff to clarify the City code. In the process, the installation period was actually relaxed.

Councilman Tafoya stated that everyone wanted to clean up the City. Roy City had a staff of four to handle code compliance. Cities of comparable size had 10 to 30 employees. The City's staff was stretched. He felt the City needed to look at manpower at budget time.

9. CITY MANAGER'S REPORT

Chris Davis stated that additional funding for grubbing the UTA trail had been approved. The area mentioned by Mrs. Moore at 5600 South 2700 West had a lot of trees. Before spring most of the trees would be removed. Some of the trees were located on property privately owned by UDOT. Wasatch Front Regional Council had notified UDOT about the additional money. UDOT would proceed with a new contract or an addendum. The trail should be completed by spring.

Chris Davis stated that housing reservations for the City Council had been made for Utah League of Cities and Towns.

10. ADJOURN

**Councilman Tafoya moved to adjourn at 7:23 p.m.**

Attest:

\_\_\_\_\_  
Joe H. Ritchie  
Mayor

\_\_\_\_\_  
Michelle Drago  
Secretary  
dc:cdec710