

MINUTES OF THE OCTOBER 21, 2008, ROY CITY COUNCIL MEETING

1. Approval of October 7, 2008, minutes
2. Presentation of the FY2008 Comprehensive Annual Financial Report
3. Consideration of a request for a Conditional Use Permit for Construction Sales and Service located at approximately 1805 West 5300 South
4. Consideration of a request for Preliminary Plan Approval for the Stone Edge Commercial Condominium Subdivision at approximately 4655 South 1900 West
5. Consideration of Ordinance No. 1007 amending the text of Chapter 17 of the Roy City Zoning Ordinance to add regulations and requirements for post-dated check loan and related businesses (Removed from the agenda)
6. Consideration of Ordinance No. 1005 vacating a nine-foot walkway located at approximately 2102 West 5650 South between 5650 South and 5700 South
7. Consideration of Ordinance No. 1006 vacating a nine-foot walkway located at approximately 2103 West 5600 South between 5600 South and 5650 South
8. Public comments
9. Consideration of Resolution No. 940 granting permission and designating and approving the appropriation of property for retention and use by the Roy City Police Department
10. Consideration of Resolution No. 941 granting permission and designating and approving the appropriation of property for retention and use by the Roy City Police Department
11. Consideration of Resolution No. 942 granting permission and designating and approving the appropriation of property for retention and use by the Roy City Police Department
12. City Manager's report
13. Mayor and Council reports
14. Adjourn to a Redevelopment Agency Meeting
15. Summary of actions charged

Minutes of the Roy City Council Meeting held October 21, 2008, at 6:00 p.m. in the City Council Room of the Roy City Municipal Building.

The meeting was a regularly scheduled meeting designated by resolution. Notice of the meeting was provided to the *Standard Examiner* at least 24 hours in advance. A copy of the agenda was posted.

The following members were in attendance:

Mayor Joe H. Ritchie
Councilwoman Marge Becraft
Councilman Willard Cragun
Councilman Larry Peterson
Councilman Michael Stokes

City Manager Chris Davis
City Attorney Andy Blackburn
Secretary Michelle Drago

Excused: Councilman Dave Tafoya

Also present were: Cathy Spencer, Management Services Director; Tony Reynolds, Community Services Director; Jared Hall, Planner; Ken Jeppsen; William Hunter; Stella Hunter; Chris Cave; Rachel Totter; Linda Hundley; Emily Barrett; George Yoshimura; Josh Hoggan; Preston Miller; Richard Dunlop; Ana Carlin; BreAnn Carlin; Natalie Osuna; Debra Osuna; Jaylen Armey; Addyson Armey; Alex Brenchley; Debbie Brenchley; Wynton Lamar; Harold Lamar; Carol Duncan; Marcy Gaines; Holly Daines; Audrey Trease; Clint Trease; Kiah Clemons; Delanie Fox; Marlene Eastman; Nancy Black; Lisa Calcut; Wilbert Calcut; Kristie Moore; Justin Moore; Vance Rhead; Steve Smiun; and Boy Scout Troop 475.

Moment of Silence: Councilman Peterson

Pledge of Allegiance: Councilman Peterson

1. APPROVAL OF OCTOBER 7, 2008, MINUTES

Councilman Peterson moved to approve the minutes of October 7, 2008, as written. Councilman Cragun seconded the motion. Council members Becraft, Cragun, Peterson, and Stokes voted “aye.” The motion carried.

2. PRESENTATION OF THE FY2008 COMPREHENSIVE ANNUAL FINANCIAL REPORT

Cathy Spencer stated that the City had received the June 30, 2008, audit statement. The statement included the approved budget and how operations were at the end of the year. Revenues came in \$53,000 less than projected. However, the small shortage was made up by the departments. Every department turned money back on the expense side. The City put \$243,000 in the fund balance. The Utility Enterprise Fund was broken into three

separate accounts - Solid Waste, Water, and Sewer. There was a small revenue loss in the Water and Sewer Funds, which was probably the result of separating the accounts. The fiscal year included expanding and remodeling the Municipal Building at a cost of \$2.5 million (most of the project was funded in cash with a small bonded amount); completion of the 1850 West roadway; artwork for the Front Runner Station (funded by the Redevelopment Agency); and the start of \$7.5 million in water and sewer projects. The City had maintained its level of service. Overall the City was in good shape and managed well according to accounting standards.

Ken Jeppsen, Schmidt, Griffith & Smith, stated that they had to issue three different opinions, which were found in the audit report. The City's financial statements as a whole were in compliance with government standards. There was a clean opinion. They were required to make an assessment of the City's internal control. The City was in good shape. They didn't have any concerns about the City's internal control. Their audit included testing the City's compliance with the State of Utah Legal Compliance Audit Guide. They noted some minor things, which were listed in the report. Mr. Jeppsen said the City staff had been great to work with. They had done a fine job.

Councilman Stokes moved to accept the Comprehensive Annual Financial Report for the Fiscal Year ended June 30, 2008. Councilwoman Becraft seconded the motion. Council members Becraft, Cragun, Peterson, and Stokes voted "aye." The motion carried.

Councilman Peterson stated that the auditors were very complimentary of the City staff. Roy City was the first city to have its audit completed. That was a tribute to Cathy Spencer and her staff.

3. CONSIDERATION OF A REQUEST FOR A CONDITIONAL USE PERMIT FOR CONSTRUCTION SALES AND SERVICE LOCATED AT APPROXIMATELY 1805 WEST 5300 SOUTH

Mayor Ritchie stated that this item had been reviewed and recommended by the staff and Planning Commission.

Councilman Cragun moved to approve a conditional use permit for construction sales and service located at approximately 1805 West 5300 South based on the staff's findings and the recommendations of the staff and Planning Commission. Councilwoman Becraft seconded the motion. Council members Becraft, Cragun, Peterson, and Stokes voted "aye." The motion carried.

4. CONSIDERATION OF A REQUEST FOR PRELIMINARY PLAN APPROVAL FOR THE STONE EDGE COMMERCIAL CONDOMINIUM SUBDIVISION AT APPROXIMATELY 4655 SOUTH 1900 WEST

Mayor Ritchie stated that the City Council had the reports from the staff and Planning Commission. Both recommended that this item be approved.

Councilman Stokes asked about the list of incomplete items. Jared Hall said the staff had asked for an improvement guarantee to ensure completion of incomplete improvements, including water meters, storm drain clean-outs, secondary irrigation, landscaping, stop signs, the dumpster enclosures, the masonry wall, grading, and repair of curbing and a sink hole.

Councilman Cragun stated that it would be great to see the project finished. It was located on the main street. The buildings appeared ready for occupancy. Would the site be cleaned up so it had a better appearance? Jared Hall said that the staff had taken this opportunity to require a new improvement guarantee to get things done. Some of the improvements would be done in six months. Some would be done within a year.

Councilman Peterson moved to approve a preliminary plan for the Stone Edge Commercial Condominium Subdivision located at approximately 4655 South 1900 West based on the staff's findings and subject to the recommendations of the staff and Planning Commission listed in the staff report., including a new surety and performance bond. Councilman Stokes seconded the motion. Council members Becraft, Cragun, Peterson, Stokes voted "aye." The motion carried.

5. CONSIDERATION OF ORDINANCE NO. 1007 AMENDING THE TEXT OF CHAPTER 17 OF THE ROY CITY ZONING ORDINANCE TO ADD REGULATIONS AND REQUIREMENTS FOR POST-DATED CHECK LOAN AND RELATED BUSINESSES

This item was removed from the agenda.

6. CONSIDERATION OF ORDINANCE NO. 1005 VACATING A NINE-FOOT WALKWAY LOCATED AT APPROXIMATELY 2102 WEST 5650 SOUTH BETWEEN 5650 SOUTH AND 5700 SOUTH

Mayor Ritchie stated that the City Council had directed the staff to prepare ordinances to vacate this walkway.

Councilwoman Becraft asked if the staff knew when UDOT planned to move the semaphore from 2050 West to 2200 West. Chris Davis said the staff was still working with UDOT to get a date pinned down. UDOT was now saying late fall.

Councilwoman Becraft moved to approve Ordinance No. 1005 vacating a nine-foot walkway located at approximately 2102 West 5650 South between 5650 South and 5700 South. Councilman Stokes seconded the motion. A roll call vote was taken: Council members Becraft, Cragun, Stokes, and Peterson voted “aye.” The motion carried. (Copy filed for record).

7. CONSIDERATION OF ORDINANCE NO. 1006 VACATING A NINE-FOOT WALKWAY LOCATED AT APPROXIMATELY 2103 WEST 5600 SOUTH BETWEEN 5600 SOUTH AND 5650 SOUTH

Councilman Cragun moved to approve Ordinance No. 1006 vacating a nine-foot walkway located at approximately 2103 West 5600 South between 5600 South and 5650 South. Councilman Peterson seconded the motion. A roll call vote was taken: Council members Peterson, Cragun, Stokes, and Becraft voted “aye.” The motion carried. (Copy filed for record).

8. PUBLIC COMMENTS

Kristie Moore, 5683 South 2700 West, was concerned about the condition of property behind her neighbor's home at 5661 South 2700 West. It was a wooded area. Children had built a fire pit back there. Mrs. Eastman's shed had been broken into three times. There were saws in the shed that children could hurt themselves on. They had called the police, so there were police reports. Mrs. Moore felt something needed to be done to clean up the area. She was concerned about the safety of both the children and Mrs. Eastman.

Mayor Ritchie stated that the staff had been taking notes during Mrs. Moore's comments. They would look into the matter.

Steve Smuin, 2154 West 5700 South, felt the vacation of the walkway at 2100 West 5650 South was stupid. How much would it end up costing the taxpayers? He felt that those complaining about the walkway should pay for the vacation, not the taxpayers.

Chris Davis stated that the concrete would be removed by City employees. The City did not plan to move the fence; that would be the responsibility of the property owners. The City did plan to block off the entrances to the walkway after the ordinances vacating the walkway were recorded. The City would meet with the adjacent property owners to determine if they wanted the concrete from the walkway removed.

Mayor Ritchie felt the cost to taxpayers would be negligible.

Steve Smuin stated that the City had spent money a few years ago on improvements to the walkway. Now that money was wasted.

Mayor Ritchie stated that the property owners adjacent to the walkway would gain property, which would compensate them for the cost of moving the fence. The City Council had reacted to requests from the citizens and concerns from the staff and Council about public safety. The walkway was not involved in safe walking routes for school children.

Councilman Stokes stated that there were a number of things that urged the closure of the walkway. The Police Department and Weber School District wanted the walkway closed due to safety concerns for school children. He felt that alone justified any cost to vacate the walkway. The City had received complaints from adjoining neighbors.

Steve Smuin stated that the wooded area Mrs. Moore complained about was more of a safety hazard to kids than the walkway. Councilman Stokes said they were both hazards to children. The walkway was a public safety issue.

William Hunter, 2096 West 5700 South, didn't feel there would be any cost to close the walkway. He personally spent \$7,000 to put up a fence which extended to the middle of the walkway. That had not cost the taxpayers anything. His neighbors wanted to tie onto it. Those concerned about the walkway were willing to spend the money to move their fences.

Councilman Stokes stated that when the Council made the decision to vacate the walkway, the cost to taxpayers was not the issue, since that cost was negligible. Solving a public safety issue was.

Councilman Cragun stated that the decision to close the walkway was based on the ongoing cost to maintain it. The closure might be an inconvenience to Mr. Smuin, but he would adjust to it like everyone else.

Steve Smuin felt that the Council had already decided to close the walkways before any meetings were held. Councilman Stokes stated that the City Council had discussed closure of the walkway at several meetings and held multiple public hearings. All of the discussions were held at public meetings where everyone was able to participate.

Councilwoman Becraft stated that last summer, the City Council had vacated a walkway near Midland Elementary School. The school children in that area were much safer using the sidewalks rather than the walkway.

Marlene Eastman, 5661 South 2700 West, stated that her shed had been broken into four different times. The Police had been called. Kids were removing cinder blocks from the wall of her shed to get in. The wooded area behind her home was not a safe place. Kids were using drug and different paraphernalia. Kids had broken the fence accessing the unoccupied home next to her. The trees were located on UDOT/UTA property. Mayor Ritchie said she would be contacted by the staff.

Richard Dunlop, 5326 South 3750 West, wanted to see the City install sidewalk along the west side of 3500 West from approximately 4850 South to 4900 South. There was sidewalk along 3500 West, except for this small strip. The trees, overgrowth, and existing homes forced pedestrians close to the roadway.

Mayor Ritchie stated that developers usually took care of installing curb, gutter, and sidewalk as part of a development project.

Chris Davis stated that the homes in this area were located in the City. Thirty-Five Hundred West (3500 West) was a State highway. UDOT had plans to eventually improve this road. Right now, they didn't have funding available to improve Roy City's portion of 3500 West.

Councilman Stokes felt the course of action was to wait and see what happened. Was the area on Roy City's sidewalk replacement list? The staff needed to balance replacing old sidewalk versus new sidewalk.

Chris Davis stated that the City looked at safe walking routes for school children as part of the sidewalk program.

Councilman Peterson stated that this area used to be farm land. Neither Roy City nor Weber County installed sidewalk on farmland. When this land developed, sidewalk would be installed. There was sidewalk on the east side of 3500 West. Even though it might not be as convenient, it was accessible.

Richard Dunlop asked if the homeowners would be required to install sidewalk in front of their homes when the vacant land developed. Councilman Stokes said the City might have to use sidewalk money to connect the sidewalk.

Councilman Stokes stated that the City refrained from installing sidewalk in unincorporated areas.

Councilman Cragun stated that the City might want to look at requiring homeowners annexing into the City to install curb, gutter, and sidewalk. Mayor Ritchie felt the City would have a hard time forcing someone to annex and put in improvements.

Nancy Black, 1621 West Seneca Drive, asked if there was an ordinance regulating how many families lived in a one-family dwelling. Andy Blackburn said there was. If Ms. Black wanted to report a violation, the staff would look into it.

9. CONSIDERATION OF RESOLUTION NO. 940 GRANTING PERMISSION AND DESIGNATING AND APPROVING THE APPROPRIATION OF PROPERTY FOR RETENTION AND USE BY THE ROY CITY POLICE DEPARTMENT

Andy Blackburn stated that the Police Department seized weapons that were involved in crimes. They were held in evidence until after the criminal cases. At that time, the weapons were returned to whomever was entitled. The City had two weapons that had not been picked up. The City had given notice, but no one had responded. State law allowed cities to appropriate unclaimed weapons for public use. That is what Ordinance Nos. 940 and 941 were about. Ordinance No. 942 appropriated an unidentified weapon found by the Police Department. All attempts to trace the owner through serial numbers had failed.

Councilman Peterson moved to approve Resolution No. 940 granting permission and designating and approving the appropriation of property for retention and use by the Roy City Police Department. Councilman Stokes seconded the motion. A roll call vote was taken: Council members Stokes, Becraft, Peterson, and Cragun voted "aye." The motion carried. (Copy filed for record).

10. CONSIDERATION OF RESOLUTION NO. 941 GRANTING PERMISSION AND DESIGNATING AND APPROVING THE APPROPRIATION OF PROPERTY FOR RETENTION AND USE BY THE ROY CITY POLICE DEPARTMENT

Councilman Cragun moved to approve Resolution No. 941 granting permission and designating and approving the appropriation of property for retention and use by the Roy City Police Department. Councilman Peterson seconded the motion. A roll call vote was taken: Council members Becraft, Cragun, Stokes, and Peterson voted "aye." The motion carried. (Copy filed for record).

11. CONSIDERATION OF RESOLUTION NO. 942 GRANTING PERMISSION AND DESIGNATING AND APPROVING THE APPROPRIATION OF PROPERTY FOR RETENTION AND USE BY THE ROY CITY POLICE DEPARTMENT

Councilwoman Becraft moved to approve Resolution No. 942 granting permission and designating and approving the appropriation of property for retention and use by the Roy City Police Department. Councilman Stokes seconded the motion. A roll call vote was taken: Council members Peterson, Stokes, Becraft, and Cragun voted "aye." The motion carried. (Copy filed for record).

12. CITY MANAGER'S REPORT

Chris Davis asked if any Council members did not plan to attend the Boys & Girls Club Scarecrow Extravaganza. The silent auction would begin at 6:30 p.m. Dinner would be at 7:30. Councilwoman Becraft had another commitment.

Chris Davis stated that the light at 4800 South 2700 West had been installed, but the wiring had not. He had contacted Brandon Bott to find out when the light would be functioning.

Chris Davis stated that he had received notice from Rocky Mountain Power that they would begin working in the power corridor on October 24th. Councilman Stokes asked if they had resolved the issues with the Roy residents. Mr. Davis said the staff had not received any further complaints from the residents.

Chris Davis stated that there would be an announcement in the newspaper that the Weber County Paramedics had received 12 EKG machines from the Ogden Regional Medical Center. That would help with their response time.

Chris Davis stated that the 4400 South Airport Roundabout was finished. The City had received compliments regarding how well it functioned and the work completed by the contractor. Mayor Ritchie said the Riverdale mayor was so impressed, they planned to build one like it at 700 West.

Chris Davis stated that Richard Greenwood had been highly complimentary about his relationship with Roy City staff and elected officials.

13. MAYOR AND COUNCIL REPORTS

Councilman Peterson stated that in the past the City Council had invited the local State legislators to a dinner. Sometimes it was before the State session; sometimes it was after. Did the Council plan to do that this year? Chris Davis felt it would be wise to do so. Mayor Ritchie suggested planning the dinner for after the 2008 election and before the session started in January.

Councilman Cragun stated that Niven Turner had complimented the Police Department. Mr. Turner met with Greg Whinham about a traffic problem. Chief Whinham was very professional and took care of the problem.

Councilman Cragun stated the he had also received a compliment regarding the walking traffic around the detention pond on 2500 West. The woman appreciated the Public Works crews fixing the fence.

14. MOTION TO ADJOURN TO A REDEVELOPMENT AGENCY MEETING

Councilwoman moved to adjourn the City Council Meeting at 7:03 p.m. Councilman Stokes seconded the motion. Council members Becraft, Cragun, Peterson, and Stokes voted “aye.” The motion carried.

15. SUMMARY OF ACTIONS CHARGED

1. Staff to schedule dinner with local legislators after the election and prior to the January legislative session.

Joe H. Ritchie
Mayor

Attest:

Michelle Drago
Secretary