

## MINUTES OF THE MAY 4, 2004 ROY CITY COUNCIL MEETING

1. Approval of April 20, 2004 minutes
2. Recognition of Employee of the Month for the month of April
3. Award of contract for the 4800 South Waterline Replacement Project
4. Consideration of a Conditional Use Permit for animals in an R-1-7 Zone located at approximately 5994 South 3260 West
5. Consideration of a final development plan for Phase No. 1 of a planned commercial development located at approximately 5985 South 3500 West and a Conditional Use Permit for a dental office located at approximately 5985 South 3500 West
6. Request for approval of alcoholic beverage license for Greek Islands Broiler restaurant
7. Request for approval of alcoholic beverage license for Lucky's Convenience store
8. Public hearing to receive public input and council approval to amend the FY2004 budget
  - a. Resolution No. 824 approving adjustments to the FY 2004 Budget
9. Presentation of tentative FY2005 budget
10. Consideration of Ordinance No. 927 establishing a tax on the gross receipts of telecommunications service providers
11. Consideration of a Uniform Interlocal Agreement between the Utah State Tax Commission and a municipality that has imposed the Municipal Telecommunications License Tax
12. City Manager's report
13. Mayor and Council Reports
14. Adjourn to a joint City Council and Redevelopment Agency Board Meeting

Minutes of the Roy City Council Meeting held May 4, 2004, 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 Dan Tanner  
Councilman Larry Peterson

City Manager Chris Davis  
Secretary Char Wolverton

Excused: City Attorney Andrew Blackburn

Also present were: Tony Reynolds, Community Development Services Director; Greg Whinham, Police Chief; Cathy Spencer, Management Services Director; Marilyn Shelton; Darin and Tonia Giles; Shawn Satterthwaite; Ryan and Lori Bryson; Charles Olsen; Manmohan Singh; Lil Ackley; Kelly Hamp; Matthew Garn; John Drandakis; Kim Drandakis; Tricia Brown; Rand Mattsson; Beverly and Dennis Cluff; Nancy Ungles; Cynthia Mattson; Scott Miller; Shawn Harrison; Alan and Katrina Miller; Stan Chadwick.

Moment of Silence: Councilwoman Becraft

Pledge of Allegiance: Councilwoman Becraft

1. APPROVAL OF APRIL 20, 2004 MINUTES

**Councilman Smith moved to approve the minutes of April 20, 2004, as written. Councilwoman Becraft seconded the motion. Council members Smith, Tafoya, Becraft, Tanner, and Peterson voted “aye.” The motion carried.**

2. RECOGNITION OF EMPLOYEE OF THE MONTH FOR THE MONTH OF APRIL

Michael Mansfield nominated Denise Fife as Employee of the Month for April, 2004. Mrs. Fife supervises the staff of the Public Works Department and is a great support to them.

**Councilwoman Becraft moved to approve Denise Fife as the Employee of the Month for April 2004. Councilman Peterson seconded the motion. Council members Smith, Tafoya, Becraft, Tanner, and Peterson voted “aye.” The motion carried.**

3. AWARD OF CONTRACT FOR THE 4800 SOUTH WATERLINE REPLACEMENT PROJECT

Mr. Mansfield stated that bids were opened for this project on April 27, 2004. The low bidder was George T. Smith Construction Company with a bid of \$410,290.66. George T. Smith Construction Company subsequently withdrew their bid leaving the next lowest bidder as Counterpoint Construction with a bid of \$483,733.80. The Engineer's Estimate on this project was \$427,893.25 and the budget amount is \$400,000.00. Because the low bid exceeded the Engineer's Estimate and the budget amount, Mr. Mansfield recommended that the project be reduced in order for the cost to fall within the budget amount. This consisted of shortening the 1-mile project by two blocks. As a result, the new low bid amount was \$371,095.80 by Counterpoint Construction. Mr. Mansfield recommended awarding the project to Counterpoint Construction in the amount of \$371,095.80.

**Councilman Tafoya moved to award the contract for the 4800 South Waterline Replacement Project to Counterpoint Construction in the amount of \$371,095.80 and authorize Mayor Burnett to sign the Notice of Award and contract documents. Councilman Tanner seconded the motion. Council members Becraft, Smith, Tafoya, Tanner, and Peterson voted "aye." The motion carried.**

4. CONSIDERATION OF A CONDITIONAL USE PERMIT FOR ANIMALS IN AN R-1-7 ZONE LOCATED AT APPROXIMATELY 5994 SOUTH 3260 WEST

Tony Reynolds reviewed the previous decision by the City Council to table consideration of a Conditional Use Permit for animals in an R-1-7 Zone located at approximately 5994 South 3260 West in order to hold an informational meeting with concerned neighbors. The meeting was held and eleven people attended and expressed their opinions. Mr. Reynolds concluded the meeting with a list of concerns and suggestions from those who attended the meeting including; 1) fencing, 2) Interpretation of the Zoning Ordinance relative to offspring, 3) Concerns about impact on the values of neighboring homes, 4) Flies, barking dogs, mosquitos, 5) The difference between ranching and dairy farms, 6) Weed abatement, 7) Quality of life concerns, 8) A trial period as a condition, and 9) Concern about marketing of new homes in Day Spring Subdivision. In the Planning Commission Meeting held on April 13, 2004, the recommendation included issues of fencing; limiting the number of cattle to 10 adults; and a Conditional Use Permit, if granted, applying to the proponent rather than the property.

Councilman Tanner asked if there are other agricultural areas where large animals are allowed in the area. Mr. Reynolds said that there are.

In relation to the petition that Mr. Bryson presented, Councilwoman Becraft noted that on the east side of the corridor (3200 West) there are four homes that are marked "ok" meaning the residents of those homes are either in favor of or not opposed to the cattle being present in the corridor. She asked why the rest of the homes were blank. Mr. Bryson said that the homes that are blank are either opposed or they weren't home to give an opinion.

Mayor Burnett asked Mr. Bryson if the cattle were an occupation for him. Mr. Bryson stated that having the cattle is a side business or hobby for him. He said that he slaughters the cattle for his own food and for friends. He also said that it's a hobby that he enjoys and he has children who enjoy helping him care for the animals. Mayor Burnett noted that in the notes from the neighborhood meeting, it states that he has 7 cows with 6 calves currently. Mr. Bryson stated that this year he does have 7 cows. He said he will sell them to pay for fencing, food, and the land in an attempt to break even.

Councilman Tafoya asked Mr. Bryson if in the past the field was used to grow alfalfa. Mr. Bryson said that for at least the last five years it has just been weeds. Councilman Tafoya stated that he wasn't at the last City Council Meeting; however, he has read the notes and the concerns of the neighbors. He noted that when the homeowners bought their homes along the corridor, no livestock was present; hence, it's not right to allow the cattle to be kept there now.

Councilman Smith asked Mr. Bryson if there are other properties available where he could keep his cattle and asked him again if he was willing to fight to keep his cattle in the UP&L corridor. Mr. Bryson said that currently his cows are in a smaller space and he would like to have more room for them. He felt that the corridor is an eye sore and a fire hazard and thought it would be useful to have the cattle keep the weeds down.

Councilman Tanner asked Mr. Reynolds if this would be a Conditional Use in an RE-20 zone. Mr. Reynolds said that it would be a permitted use in an RE-20. Councilman Tanner asked how long the surrounding areas have been zoned RE-20. Chris Davis said that the surrounding areas have been zoned RE-20 since subdivided 25+ years ago.

**Councilman Tafoya moved to deny consideration of a Conditional Use Permit for animals in an R-1-7 Zone located at approximately 5994 South 3260 West based on concerns from the neighbors. Councilman Peterson seconded the motion with the addition to direct staff to contact UP&L about the weed problem present in the corridor. Council members Becraft, Smith, Tafoya, Tanner and Peterson voted "aye." The motion carried.**

5. CONSIDERATION OF A FINAL DEVELOPMENT PLAN FOR PHASE NO. 1 OF A PLANNED COMMERCIAL DEVELOPMENT LOCATED AT APPROXIMATELY 5985 SOUTH 3500 WEST AND A CONDITIONAL USE PERMIT FOR A DENTAL OFFICE LOCATED AT APPROXIMATELY 5985 SOUTH 3500 WEST

Tony Reynolds explained that Dr. Mattsson is requesting approval of a Conditional Use Permit for Phase No. 1 of a planned commercial development for a dental office. Present at the meeting were Dr. and Mrs. Mattsson, representatives from Gardner Engineering, and Dr. Scott Miller. Mr. Reynolds stated that he is excited about the project and said that this is the first time in Roy City history that such a project has gotten to this stage in phases. The property was re-zoned CP-2 and the preliminary plan included four buildings on the site to be developed all at once. The

plan was subsequently changed to include five buildings with the development done in phases. All engineering issues have been resolved. Staff has recommended broadening the Conditional Use language to include; 1) professional and business offices, and 2) defining fencing as a 6-foot opaque fence to be constructed around the entire perimeter of the site; however, that this be done in phases also. Councilman Tafoya asked why the language would be broadened to include professional and business offices. Mr. Reynolds said that this would allow a professional other than a dentist to occupy the space without having to be approved by the City Council.

Councilman Tanner said that he heard Dr. Pierson, the veterinarian currently on Riverdale Road, was interested in a space at that location. Mr. Reynolds said that he had expressed some interest and clarified that a veterinary office would be allowed; however, a kennel would not.

Councilman Smith asked if the plan included adequate parking. A representative from Gardner Engineering stated that there would be more parking than required by the ordinance.

Councilman Tanner asked Dr. Mattsson what his hours of operation would be. Dr. Mattsson said that currently his business is open from 7:00 a.m. to 4:00 p.m. Mr. Reynolds added that the City Council previously approved hours of operation from 6:00 a.m. to 10:00 p.m.

Mr. Reynolds recommended approval of the final development plan including the added broader language for the Conditional Use Permit.

**Councilman Peterson moved to approve a final development plan for Phase No. 1 of a planned commercial development located at approximately 5985 South 3500 West and a Conditional Use Permit for a dental office located at approximately 5985 South 3500 West including the added broader language for the Conditional Use Permit. Councilman Tafoya seconded the motion. Council members Becraft, Smith, Tafoya, Tanner and Peterson voted "aye." The motion carried.**

6. REQUEST FOR APPROVAL OF ALCOHOLIC BEVERAGE LICENSE FOR GREEK ISLANDS BROILER RESTAURANT

Tony Reynolds stated that John and Kim Drandakis, owners of the Greek Island Broiler, are requesting a Class B beer license (on premises consumption).

Councilman Tafoya stated that he went into the restaurant, noted that there was no manager on duty, and thought that the two employees looked like they were under 21 years old. Mr. Drandakis said that he has no employees under age 21. Councilman Tafoya asked if he would serve alcohol on tap or in bottles. He said he would serve both only to patrons who ate in the restaurant. He added that he does not promote alcohol sales; however, feels that it does help increase his business by about 10%.

**Councilman Smith moved to approve a Class B alcoholic beverage license for Greek Islands Broiler restaurant. Councilman Tafoya seconded the motion. Council members Becraft, Smith, Tafoya, Tanner and Peterson voted “aye.” The motion carried.**

7. REQUEST FOR APPROVAL OF ALCOHOLIC BEVERAGE LICENSE FOR LUCKY’S CONVENIENCE STORE

Tony Reynolds stated that Monmohan Singh, Lucky’s Convenience Store, is requesting a Class A beer license (off premises consumption). He stated that he has received a positive response from police, fire, and building inspector.

Councilman Tafoya asked Mr. Singh why he would want a beer license for a cigarette store. Mr. Singh stated that customers have requested that he sell beer also for their convenience.

Mayor Burnett asked how the beer would be refrigerated in such a small place. Mr. Singh said there would be an external refrigeration building. Councilman Tanner asked the ages of the employees. Mr. Singh said there are only two employees and both are well over 21. Chris Davis stated that because the request is for a Class A beer license, there is no age requirement for the employees.

**Councilman Smith moved to approve a Class A beer license for Lucky’s Convenience store. Councilman Tafoya seconded the motion. Council members Becraft, Smith, Tafoya, Tanner, and Peterson voted “aye.” The motion carried.**

8. PUBLIC HEARING TO RECEIVE PUBLIC INPUT AND COUNCIL APPROVAL TO AMEND THE FY2004 BUDGET

**Councilman Tanner moved to open a public hearing at 7:12 p.m. Councilman Smith seconded the motion. Council members Becraft, Smith, Tafoya, Tanner and Peterson voted “aye.” The motion carried.**

Cathy Spencer explained that there are two major adjustments to the budget: 1) a \$401,000 loan to be paid back to the City from the RDA, and 2) \$250,000 to set up a funding source for a capital improvement plan. Other minor adjustments include snow removal costs including over-time, fuel, and maintenance that were higher this year than in the past.

**Councilman Smith moved to close the public hearing at 7:16 p.m. Councilwoman Becraft seconded the motion. Council members Becraft, Smith, Tafoya, Tanner and Peterson voted “aye.” The motion carried.**

A. RESOLUTION NO. 824 APPROVING ADJUSTMENTS TO THE FY 2004 BUDGET

**Councilman Tanner moved to approve Resolution No. 824 approving adjustments to the FY 2004 Budget. Councilwoman Becraft seconded the motion. Council members Becraft, Smith, Tafoya, Tanner, and Peterson voted “aye.” The motion carried.**

9. PRESENTATION OF TENTATIVE FY2005 BUDGET

Cathy Spencer explained that the budget for FY 2005 includes no property tax increase; however, there will be an increase in fees for 2005. In FY 2004 the City implemented a \$1.00 per month dispatch fee. The fee covered 50% of the amount the City is charged for Weber Area Dispatch. It is proposed that the fee be increased to \$2.00 per month to cover 100% of the fee. In the event that a special service district is created, the fee would cease.

Councilman Tafoya asked Chief Greg Whinham about the special service district. Chief Whinham said that some cities are not supportive; however, he felt that the time was getting closer that a special service district would be created.

Mrs. Spencer also stated that the Department Directors have been asked to keep increases in operating expenditures to 3%. The budget also includes a 5% increase in water rates which is the first increase since 1990. Increases in the budget also allow for a 1.2% COLA and two new full-time and one new part-time employee. A part-time salary survey was conducted resulting in an increase of .50 per hour for firefighter/EMT's and a \$1.00 per hour increase for firefighters/paramedics. The revenue from the Justice Court fines is expected to increase also.

Ms. Spencer stated that a public hearing needs to be set for June 1, 2004 in order to approve the budget.

Councilman Peterson noted that the state has increased their traffic fees and he asked whether there would be an increase in the traffic school fee. Chris Davis said that Andy Blackburn is looking into that; however, it is not effective as of yet. He hoped that would be resolved by June 1, 2004. Councilman Peterson also asked if increased code enforcement was included in the budget. Mr. Reynolds said that staffing for that purpose has been addressed. Councilman Peterson asked if the increase in wages for emergency personnel is still below average. Mrs. Spencer said that there is about a \$3/hour variance in paramedics and a \$1/hour variance for EMT's. Ms. Spencer stated that the pay was raised as high as the budget would allow without having to take money from another place to cover the cost.

Stan Chadwick, 4661 S. 2325 W., stated that he felt the \$500 incentive for police officers that he'd heard about was commendable. He asked if it was a one time incentive or an annual incentive. Ms. Spencer said it would be annual based on available funding. Mr. Chadwick asked if there have been physical fitness problems in the past. Chief Whinham said that Roy City is currently under the same requirements as Ogden City. He stated that the officers have

two chances to pass in order to get the incentive.

Chris Davis also added that Jeannie Hall, President of Boys and Girls Club, would be requesting funding in the next week. He said that this year there is \$10,000 available for the Boys and Girls Club including the option to buy gasoline at the shop prices and maintenance performed by the Roy City shop employees at cost.

Mayor Burnett asked if bad debt write-off was included in the budget. Mrs. Spencer said that the only place that would exist is in the water fund if residents don't pay their water bill. Chris Davis added that the court can dismiss outstanding warrants without affecting the budget as those fees do not count as revenue until they are received.

**Councilman Tanner moved to accept the tentative FY2005 budget and set a public hearing for June 1, 2004 at 6:30 p.m. Councilman Smith seconded the motion. Council members Becraft, Smith, Tafoya, Tanner, and Peterson voted "aye." The motion carried.**

10. CONSIDERATION OF ORDINANCE NO. 927 ESTABLISHING A TAX ON THE GROSS RECEIPTS OF TELECOMMUNICATIONS SERVICE PROVIDERS

Chris Davis explained that this Ordinance includes a 4% increase in telecommunication services as approved by the legislature and League of Cities.

**Councilman Tafoya moved to approve Ordinance No. 927 Establishing a tax on the gross receipts of telecommunications service providers. Councilwoman Becraft seconded the motion. A roll call vote was taken. Council members Becraft, Smith, Tafoya, Tanner, and Peterson voted "aye." The motion carried.**

11. CONSIDERATION OF A UNIFORM INTERLOCAL AGREEMENT BETWEEN THE UTAH STATE TAX COMMISSION AND A MUNICIPALITY THAT HAS IMPOSED THE MUNICIPAL TELECOMMUNICATIONS LICENSE TAX

Chris Davis explained that the Tax Commission will collect a 4% municipal telecommunications license tax. The commission's charge to municipalities will equal no more than 1.5% of the tax imposed.

**Councilman Smith moved to approve a Uniform Interlocal Agreement between the Utah State Tax Commission and a municipality that has imposed the Municipal Telecommunications License Tax. Councilman Tanner seconded the motion. Council members Becraft, Smith, Tafoya, Tanner, and Peterson voted "aye." The motion carried.**

13. CITY MANAGER'S REPORT

Chris Davis reported that Phil Cordova who works with code enforcement is going to retire. His last day will be May 14, 2004. Dave Collins, building inspector also plans to retire at the end of the fiscal year. Both positions will be advertised in the next couple of weeks.

It was decided that the City Council Retreat will be held July 30<sup>th</sup> and 31<sup>st</sup>. Craig Bott will be available to discuss the capital facilities plan.

Mr. Davis stated that he received a proposal from employees at the Municipal Building to change summer hours as a trial run. They proposed hours of operation to be; Monday through Thursday 7:30 a.m. to 5:30 p.m. and Friday from 7:30 a.m. to 11:30 a.m. This would allow citizens access to city services later in the day. The trial period would run from May 31<sup>st</sup> through the end of August. The police office will remain open 24 hours/day. Councilman Tanner asked if this would present a problem with overtime. Mr. Davis said the employees work a 40-hour work week, not necessarily an 8-hour day.

The Planning Commission dinner will be held Friday, May 7<sup>th</sup>.

#### 14. MAYOR AND COUNCIL REPORTS

Councilwoman Becraft said that she received a call from a Mrs. Craig Johnson regarding the tennis courts at North Park. She said that the original plan included backboards for tennis which were never constructed. Chris Davis said he would call Mrs. Johnson and address the issue.

Councilwoman Becraft also asked if anything had been done in regards to Quick City. She stated that it is still an eyesore and a junkyard. Mr. Davis said he would talk to the county attorney's office about the problem.

Councilman Tanner stated that he had neighbors complaining about unregistered vehicles that were parked on the front lawn of one of his neighbor's homes. Tony Reynolds stated that is a violation, asked for the address, and said he would look into the problem.

#### 15. ADJOURN TO JOINT CITY COUNCIL AND REDEVELOPMENT AGENCY MEETING

**Councilman Peterson moved to adjourn to a joint City Council and Redevelopment Agency Meeting. Councilwoman Becraft seconded the motion. Council members Becraft, Smith, Tafoya, Tanner, and Peterson voted "aye." The motion carried.**

#### 16. SUMMARY OF ACTIONS CHARGED

1. Councilman Peterson directed staff to contact UP&L about the weed problem

present in the corridor between 3200 West and 3260 West, 6000 South.

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Roger Phil Burnett  
Mayor

Attest:

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Char Wolverton  
Secretary

dc:may0404

Minutes of the joint City Council and Redevelopment Agency Meeting held May 4, 2004, 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:

Chairman Roger P. Burnett  
Board Member Marge Becraft  
Board Member Larry Peterson  
Board Member Tommy Smith  
Board Member Dave Tafoya  
Board Member Dan Tanner

Executive Director Chris Davis

Excused: City Attorney Andy Blackburn

Others present were: Cathy Spencer, Management Services Director; Char Wolverton; Tony Reynolds, Community Development Services Director.

1. DISCUSSION AND VOTE:

1A. CITY COUNCIL RESOLUTION NO. 825, APPROVING AND AUTHORIZING THE ACCEPTANCE OF CERTAIN FUNDS ADVANCED BY ROY CITY TO THE ROY CITY REDEVELOPMENT AGENCY MEETING.

Tony Reynolds stated that in 1997 \$401,361.31 was advanced to the Roy City Redevelopment Agency in connection with the issuance of a bond. It is proposed that this amount be re-paid to Roy City.

**Councilman Tanner moved to approve Resolution No. 825 approving and authorizing the acceptance of certain funds advanced by Roy City to the Roy City Redevelopment Agency. Councilwoman Becraft seconded the motion. A roll call vote was taken. Council members Becraft, Smith, Tafoya, Tanner and Peterson voted "aye." The motion carried. (Copy filed for record).**

1B. REDEVELOPMENT AGENCY RESOLUTION NO. RDA-47, APPROVING AND AUTHORIZING THE REPAYMENT OF CERTAIN FUNDS ADVANCED BY ROY CITY TO THE ROY CITY REDEVELOPMENT AGENCY

**Board member Peterson moved to approve Resolution No. RDA-47, approving and authorizing the repayment of certain funds advanced by Roy City to the Roy City Redevelopment Agency. Board member Tafoya seconded the motion. A roll call vote was**

**taken. Board Members Becraft, Peterson, Smith, Tafoya, and Tanner voted “aye.” The motion carried.**

2. ADJOURN JOINT MEETING AND CONVENE A REDEVELOPMENT AGENCY BOARD MEETING ONLY

**Board member Tanner moved to adjourn the joint meeting and convene a Redevelopment Agency Board Meeting only. Board member Becraft seconded the motion. Board Members Becraft, Peterson, Smith, Tafoya, and Tanner voted “aye.” The motion carried.**

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Roger P. Burnett  
Chairman

Attest:

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Char Wolverton  
Secretary

Minutes of the Redevelopment Agency Meeting held May 4, 2004, 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:

Chairman Roger P. Burnett  
Board Member Marge Becraft  
Board Member John Cordova  
Board Member Tommy Smith  
Board Member Dave Tafoya  
Board Member Dan Tanner

Executive Director Chris Davis

Excused: City Attorney Andy Blackburn

Others present were: Cathy Spencer, Management Services Director; Char Wolverton; Tony Reynolds, Community Development Services Director.

1. APPROVAL OF MINUTES OF MARCH 16, 2004

**Board member Tafoya moved to approve the minutes of March 16, 2004, as written. Board member Peterson seconded the motion. Board Members Becraft, Peterson, Smith, Tafoya, and Tanner voted “aye.” The motion carried.**

2. PRESENTATION OF THE TENTATIVE FY2005 BUDGET

Cathy Spencer stated that the budget proposes drawing tax increments from all districts, the funds of which will be set aside for recreation and cultural facilities for the capital improvements programs.

**Board member Tafoya moved to approve the tentative FY2005 budget and set a public hearing for June 1, 2004. Board member Tanner seconded the motion. Board Members Becraft, Peterson, Smith, Tafoya, and Tanner voted “aye.” The motion carried.**

**Board member Tanner moved to adjourn Redevelopment Agency Meeting at 8:20 p.m. Board member Becraft seconded the motion. Board Members Becraft, Cordova, Smith, Tafoya, and Tanner voted “aye.” The motion carried.**

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Roger P. Burnett  
Chairman

Attest:

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Char Wolverton  
Secretary

dc:may0404