

MINUTES OF THE OCTOBER 2, 2007, ROY CITY COUNCIL MEETING

1. Approval of Minutes of September 18, 2007
2. Recognition of Employees of the Month for October 2007
3. Presentation by the Health Department on smoking
4. Public comments
5. Council consideration of Final Bond Resolution No. 915 authorizing the issuance and sale of bonds
6. Presentation by Council member Becraft on service project
7. Consideration of interlocal agreement with Weber County regarding the 2007 municipal election
8. City Manager's report
9. Motion to rescind approval of Resolution No. 915
10. Motion to go into a closed meeting to discuss pending litigation
11. Closed meeting
12. Adjourn

Minutes of the Roy City Council Meeting held October 2, 2007, 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 Joe H. Ritchie
Councilwoman Marge Becraft
Councilman Larry Peterson
Councilman Tommy Smith
Councilman Michael Stokes
Councilman Dave Tafoya

City Manager Chris Davis
City Attorney Andy Blackburn
Secretary Michelle Drago

Also present were: Virge Howe, Director of Parks and Recreation and Facilities; Anna Guymon, Health Department; Scott George, Parks Superintendent; LaVern Swenson; Mike Swenson; Jill Dean; Alan Wright; Doug Hansen; Brady Gilbert; Robert Flannery; Eric Atwood; Brock Manning; Casey Wergen; Scott Weir; Joshua McDonald; Robert Potter; Jason Sommer; Carlene Sommer; Griffin Wallace; Brice Wallace; Harli Christiansen; Michael Lloyd; Alex Lloyd; Ralph Gurule; Susan Gurule; Gabby Gurule; Jade Roberts; Dustin Christensen; Jordan Buhler; Joey Clark; Spencer Elliott; Skyler Fleming; Heather Fleming; Jepp Webster; Kenneth Palmer; Lori Nakayu; Teresa Hislop; Tanah Hislop; Mary Anderton; Riley Anderton; Chris Espinosa; Jayden Espinosa; Kelly Stone; Heather Stone; Majeska Cogill; Ashley Packer; Wendy Packer; Jerika Becker; Verda Becker; Johnson Becker; Matthew Palmer; Wyatt Swindler; Dave Miner; Patsy McMillen; Eric McMillen; Boy Scout Troop 3961; Mike Tesch; and Rachel Foster.

Moment of Silence: Councilwoman Becraft

Pledge of Allegiance: Councilwoman Becraft

1. APPROVAL OF MINUTES OF SEPTEMBER 18, 2007

Councilman Smith moved to approve the minutes of September 18, 2007, as written. Councilman Peterson seconded the motion. Council members Becraft, Peterson, Smith, Stokes, and Tafoya voted "aye." The motion carried.

2. RECOGNITION OF EMPLOYEES OF THE MONTH FOR OCTOBER 2007

Chris Davis stated that Virge Howe was the Director of Parks and Recreation and Facilities and Scott George was the Parks Superintendent. The past summer was the hottest summer on record and yet the City had received more compliments on its parks than it ever had. Virge Howe and Scott George felt the employees of the Parks Department deserved the credit for the appearance of the parks. Scott George had nominated his

employees as Employees of the Month for October 2007. They were conscientious and dedicated and worked together as a team. They had taken on the additional responsibilities for Emma Russell Park and Roy Days.

Mayor Ritchie stated that the Council was proud of the City's parks and the Recreation Department.

Councilman Stokes moved to recognize Brady Gilbert, Robert Flannery, Doug Hansen, Eric Atwood, Brock Manning, Casey Wergen, Michael Swenson, Joshua McDonald, Scott Weir, Robert Potter, Alan Wright, and Scott George as the October 2007 Employees of the Month. Councilman Tafoya seconded the motion. Council members Becraft, Peterson, Smith, Stokes, and Tafoya voted "aye." The motion carried.

Mayor Ritchie presented gift certificates and recognition plaques to Brady Gilbert; Robert Flannery; Doug Hansen; Eric Atwood; Brock Manning; Casey Wergen; Michael Swenson; Joshua McDonald; Scott Weir; Robert Potter; Alan Wright; and Scott George.

Virge Howe stated that these men had been outstanding. It had been a difficult year. There were more parks coming online, and they were redoing the sprinkling system in the cemetery. In doing so, they were saving the City thousands of dollars. In order to complete the sprinkling system before winter, they were putting in very long hours.

3. PRESENTATION BY THE HEALTH DEPARTMENT ON SMOKING

Anna Guymon, Weber-Morgan Health Department, stated that she would be presenting scientific facts about the dangers of secondhand smoke in outdoor venues.

- Secondhand (SHS) smoke was a known carcinogen
- SHS levels in outdoor public places could reach as high as those found in indoor facilities where smoking was permitted
- Public policy to prevent children' exposure to tobacco smoke could lead to improved health and substantial savings in societal and health care costs
- Exposure to SHS is associated with an increased risk for lung cancer and coronary heart disease in nonsmoking adults
- Exposure to SHS was associated with low birth weight, sudden infant death syndrome, asthma, pneumonia; ear infections; and bronchitis in children;
- In Utah, the age-adjusted smoking rate for the years 2001-2005 was 11.7%;
- In Roy, the age-adjusted smoking rate for the years 2001-2005 was 12.8% (higher than the State average);
- In Roy, the number of children exposed to SHS in their homes for the years 2001 and 2003 was 3.3% or 454 children;
- Approximately 90% of adult smokers started before the age of 19;

- Youth who smoked were more likely to have friends and family members who smoked, were more likely to believe that smoking made young people look cool or fit in; and were less likely to believe that tobacco use was harmful and addictive;
- Tobacco use in adolescence was associated with a range of other health-compromising behaviors, including being involved in fights, carrying weapons, and using alcohol or other drugs;
- Tobacco use was strongly associated with socioeconomic status. Adults with less education and lower income levels had higher smoking rates;
- In Roy, 16.3% of those 25+ held a Bachelor's degree or higher, compared to the State average of 26.1% in 2000;
- In Roy, the percent of persons living below the poverty line in 1999 was 5.5%;
- Surveys found that Utah's Black, Native American, and Hispanic male adults were more likely to be smokers than the general population;
- In Roy, the percent of Black or African American persons in the year 2000 was 1.2% compared to the State average of 0.9%;
- In Roy, the percent of Hispanic or Latino persons in the year 2000 was 7.7%;
- In Roy, the percent of Native American persons in the year 2000 was 0.6%;
- Smoking was the leading cause of preventable death in the U.S.
- Approximately 440,000 people died of tobacco use each year and more than 8.6 million people had at least one serious illness as a result of smoking.

Ms. Guymon stated that according to the Surgeon General's Report, *The Health Consequences of Involuntary Exposure to Tobacco Smoke (2006)*, there was no safe amount of secondhand smoke. Breathing even a little secondhand smoke could be dangerous. Secondhand smoke exposure had immediate adverse effects on the cardiovascular system and caused coronary heart disease.

Ms. Guymon stated that the poverty level in Weber County was higher than the State average. The Weber-Morgan Health Department conducted surveys at the Weber County Fair and Roy's Night Out. The results from the fair survey showed that the majority of participants felt that all tobacco use should be banned at the Weber County Fair and 94% felt that secondhand smoke was irritating and caused health problems. The results of the survey conducted at the Roy Night out Safety Fair showed that the majority of participants felt that all tobacco use should be banned at City and community parks, and 93% felt that secondhand smoke was irritating and caused health problems. Based on their findings, the Weber-Morgan Health Department urged the City Council to consider banning smoking at outdoor public facilities, especially those where children congregated.

Mayor Ritchie asked if the surveys included ideas on how to enforce such a ban. Ms. Guymon said enforcement took care of itself once the parks were posted. Those who used the parks would regulate them. Hooper City recently banned smoking in outdoor public facilities.

Mayor Ritchie stated that the City Council could not act on this item because it was posted as an information item. The City Council would consider the facts presented. Any action would be taken at a later date.

4. PUBLIC COMMENTS

Alex Lloyd, 5065 South 3100 West, asked about the status of 4800 South. Since 4800 South was closed, his street had become a transition street as people sought access to 5600 South. He was concerned about safety.

Mayor Ritchie stated that the City Council adjusted the speed limit on 3100 West at its last meeting. The Police Department had indicated it would patrol 3100 West to enforce the new speed limit. The City Council had been assured by the contractor, that the 4800 South project would be completed by November 5. They were preparing to pave 4800 South so that it could be used again. The City's website included a weekly update on the project.

Mary Anderton, 5136 South 2975 West, was concerned about the status of Emma Russell Park. When she initiated a petition to have the park named after Emma Russell, she asked that the park include a bench as a monument. With all of the graffiti occurring, she felt a bench might be a waste of money. She asked that a plaque be placed in the park celebrating Emma Russell's life. It was important for citizens to understand why the City had named parks after certain individuals. The money that was raised when the park was renamed could be used to pay for the plaque. She didn't feel Emma Russell Park would be complete without a plaque.

Virge Howe stated that there was money set aside to construct a rock monument in honor of Emma Russell. A plaque had not been discussed, but it would be considered. The monument would probably be placed on the east side of the park. There would also be something along 4300 West. The City was waiting for Hooper's development to be finished before completing the 4300 West side of the park.

Mayor Ritchie guaranteed that Virgil Howe's plans as he stated them would become reality. Mary Anderton said she would be happy to gather information for the plaque.

Erin McMillen, 3064 West 5700 South, asked about the light planned at the 3100 West 5600 South intersection. Would it include a turn lane? Chris Davis stated that a turn signal would be up to UDOT. The reason for the light was to allow traffic to cross 5600 South. Mayor Ritchie said UDOT had indicated it would be a while before the light was installed.

Mike Tesch asked if a turn signal could be added to the 4000 South 1900 West intersection. Mayor Ritchie stated that UDOT had completed a study of the intersection.

They planned to install a turn lane and realign the intersection. The turn signal had been approved. Mr. Tesch asked about the Walmart planned at 4000 South Midland Drive. Mayor Ritchie indicated that improvements on 4000 South were planned as part of the commuter rail station, but the City Council didn't have any information on Walmart as it was located in another city.

Patsy McMillen, 3064 West 5700 South, felt putting a light at 3100 West 5600 South would increase the traffic on 3100 West. There wasn't sidewalk on the west side of 3100 West. Had the City considered completing that sidewalk? Chris Davis stated that Ivory Homes would install sidewalk in front of the Whispering Meadows Subdivision. The City had not thought about the remainder of the street. Usually sidewalk was installed at the request of property owners and property owners participated in the cost.

5. COUNCIL CONSIDERATION OF FINAL BOND RESOLUTION NO. 915
AUTHORIZING THE ISSUANCE AND SALE OF BONDS

Chris Davis stated that approval of Resolution No. 915 would conclude a process the City Council had been working on for a number of months. Bids for the Sales Tax Revenue bonds, Series 2007-A were received on September 28th.

Dave Miner stated that Municipal Bond Consulting prepared Requests for Bid for the sales tax revenue bond and submitted them to seven banks. They received eight bids from six banks. They felt the two best bids were received from All Points Public Funding, LLC and JP Morgan Chase. All Points Public Funding was the low bidder. They were not a familiar name in Utah. They were located in New York, and they had purchased other bonds in Utah.

Mayor Ritchie asked if Dave Miner had worked with them before. Mr. Miner said he had not, but had worked with one of their employees. He recommended that the City Council accept the low bid from All Points Public Funding and approve Resolution No. 915.

Councilman Tafoya asked about the second bid from JP Morgan Chase allowing the bond to be prepaid in the fifth year without a penalty. If the City had extra money wouldn't it be more cost effective to pay off the bond? Dave Miner said that over the last 10 years, two-thirds to three-fourths of the time the City received a higher interest rate than it would be paying on the bond.

Councilman Stokes stated that it was his nature to pay off debt quickly. He was concerned about locking the City into paying for the bond over 10 years. He would rather be able to pay off the debt and be done with it.

Chris Davis stated that the City would be bonding for another project as well. The City wanted to save as much cash as possible. That was one of the reasons the staff recommended acceptance of the bid from All Points Public Funding.

Dave Miner stated that maintaining the payment schedule would make cash available to the City for emergencies.

Councilman Tafoya asked how long the rating process would take. Dave Miner said it would take about one month. Councilman Tafoya asked if a bond could be refinanced. Dave Miner said it could only be done with the permission of the investor.

Councilman Smith asked the cost for a bond that would allow prepayment. Dave Miner said the City would save about \$4,000 in interest if it accepted the bid from All Points. He felt it was good to have the extra cash. It could be invested.

Councilman Stokes did not subscribe to fancy money management. He felt debts should be paid as soon as possible.

Chris Davis stated that the City did not invest in a lot of areas. By law, the City was invested in the State Treasurer's Pool.

Councilman Stokes asked if the City could invest in other places. Chris Davis said it might be within the realm of possibility, but it had never been explored.

Councilman Smith asked about the Hope Community Center. Chris Davis said it would be about 27,500 square feet. Councilman Smith felt the Council should approve the bid from All Points. In the long run, the City would save dollars.

Councilman Peterson stated that the City would pay about \$4200 for the privilege of prepaying the bond. That ammoritized to \$420 a year over 10 years. That was a lot of money, but in terms of the City budget it wasn't. He was willing to take the risk in order to have the ability to pay the bond off quickly.

Mayor Ritchie called for a vote to approve Resolution No. 915.

Andy Blackburn stated that his copy of Resolution No. 915 did not specify All Points Public Funding. Chris Davis said that due to the timing of the bids and completion of the Council packets, there were some blanks in the resolution. They would be filled in by the motion.

Councilman Stokes asked why Dave Miner felt so strongly that the Council should accept the bid from All Points Funding. Dave Miner said it was money in the bank. He felt

spending money for the privilege of paying the bond off early was throwing money away. He didn't feel the City would have the money to pay off two bonds early.

Councilman Peterson asked if the City's credibility would be hurt if it accepted the third lowest bid. Dave Miner didn't feel it would.

Dave Miner stated that given the Council's concerns, he would make sure future bids included a prepayment clause.

Councilman Stokes moved to approve Resolution No. 915 authorizing the issuance and sale of bonds to JP Morgan Chase Option 2. Councilman Peterson seconded the motion. A roll call vote was taken: Council members Tafoya, Smith, Peterson, Stokes, and Becraft voted "aye." The motion carried. (Copy filed for record).

Chris Davis stated that the City was getting ready to prepare a sales bond for the Hope Community Center in February or March. How many options would the Council like to have bid? Mayor Ritchie felt there should be two options - one with a prepayment clause and one without. Mr. Davis asked how soon the Council wanted the prepayment available. The Council felt five years would be good.

6. PRESENTATION BY COUNCIL MEMBER BECRAFT ON SERVICE PROJECT

Councilwoman Becraft stated that the youth service project took place on September 8th. It was completed by the youth from the Roy North, Roy South, Roy Central, Roy West, and Roy Midland Stakes of The Church of Jesus Christ of Latter-day Saints. A slide show presentation was shown.

Jepp Webster said the youth worked on clearing the old railroad right-of-way from 6000 South to 5200 South. He understood this would become a walking path in the future. The efforts of the youth were coordinated with the City. The service project involved 500 to 600 youth from the hours of 8:30 to 11:30 a.m. That amounted to 2400 man hours. This was a great opportunity for the youth to serve the community.

Mayor Ritchie felt this was a great partnership between the youth and the City.

Councilwoman Becraft stated that the service projects started about five years ago. Over the projects included cleaning the Howard Slough, installing rocks on Airport Road, planting shrubs around the Meadow Creek pond, cleaning up the Herefordshire retention pond and the reservoir on 4000 South. They invited all youth ages 12 to 18 to participate regardless of religion. It was a worthwhile project. Youth who served the City took better care of it.

Councilwoman Becraft introduced members of her fourth grade class from Midland Elementary who were in attendance.

7. CONSIDERATION OF INTERLOCAL AGREEMENT WITH WEBER COUNTY REGARDING THE 2007 MUNICIPAL ELECTION

Chris Davis stated that normally the City was in charge of a municipal election. This year the voucher issue was on the ballot, and the State had indicated that Weber County would be responsible for the election. In response to a question from the Utah League of Cities and Towns and the Lieutenant Governor's Office, the staff had indicated Roy City had set aside \$60,000 for the 2007 election. The dollar figure was based on the staff's anticipation of a primary and use of the new voting equipment. The information about the City's budget was passed onto Weber County. Weber County then requested that Roy City reimburse them in an amount not to exceed \$30,000. Roy City's actual cost would not exceed \$29,000 because of costs already expended by Roy City.

Councilman Tafoya asked why Roy City was paying so much more than other communities. Ogden City's portion was less than Roy's, yet Ogden City was three times the size. Chris Davis said Ogden City was paying its own election judges and some of the other expenses. Councilman Tafoya asked if Weber County would have voting machines available in Roy City for those who wanted to vote early. Chris Davis said there would be a machine at the library. Councilman Tafoya asked where the ballots would be counted. Chris Davis said they would be counted at Weber County.

Councilman Peterson moved to approve the interlocal agreement between Weber County and Roy City regarding the 2007 Municipal Election subject to Paragraph 5 being modified to read: "City will pay the amount of \$30,000 less the anticipated costs and those previously expended. Councilman Becraft seconded the motion. Council members Becraft, Peterson, Smith, Stokes, and Tafoya voted "aye." The motion carried. (Copy filed for record).

8. CITY MANAGER'S REPORT

Chris Davis stated that each Council member would receive a personal invitation to the Fire Open house on Wednesday, October 10, at Station 1 on 1900 West from 6:00 to 8:00 p.m.

Chris Davis asked what the Council wanted to do about the Christmas singing. The lights would be turned on before Thanksgiving. Due to the construction debris, the staff anticipated holding the program in the fire bays again. Mayor Ritchie asked if the program should be canceled this year. Councilmen Smith and Tafoya thought the City should

continue to hold the event. Chris Davis said the program would be held on the Monday before Thanksgiving - November 19th.

Chris Davis stated that former Roy City police officer Ken Russell had passed away. The City had sent the family their condolences.

Chris Davis stated that Council members Becraft, Smith, and Tafoya needed to contact Jace Jacketta via email about a user name and password for their new laptops. Council members Peterson and Stokes needed to verify their user names and passwords.

Chris Davis updated the Council on the status of the Municipal Building remodel. R & O Construction felt the new Court Room/Council Room would be finished by October 15th.

9. MOTION TO RESCIND APPROVAL OF RESOLUTION NO. 915

Chris Davis stated that Dave Miner had spoken with bond counsel. Because Resolution No. 915 was not prepared for this Council meeting with JP Morgan Chase Option 2, it was necessary for the Council to rescind Resolution No. 915. The resolution would be corrected and brought before the Council on October 16th.

Dave Miner asked if the Council wanted to allow the two lowest bidders the opportunity to submit a bid with a 5-year prepayment option.

The Council felt all of the banks should be given an opportunity to rebid the bond with a 5-year prepayment clause. Dave Miner didn't feel it would be a problem to rebid the bond.

Councilman Peterson asked if the City had to provide public notice about the bid. Andy Blackburn said it did not.

Andy Blackburn suggested that the Council rescind Resolution No. 915 and direct the staff and bond counsel to rebid the sales tax bond with a five year prepayment option.

Councilman Stokes moved to rescind Resolution No. 915 and to direct the staff and bond counsel to rebid the sales tax bond with a 5-year prepayment option and , if necessary, schedule a special meeting for the Council to review the bids, or leave Resolution No. 915 open ended for consideration at the next Council meeting. Councilman Peterson seconded the motion. A roll call vote was taken: Council members Smith, Becraft, Tafoya, Peterson, and Stokes voted "aye." The motion carried. (Copy filed for record).

10. MOTION TO GO INTO A CLOSED MEETING TO DISCUSS PENDING LITIGATION

Councilman Tafoya moved to hold a closed meeting at 7:40 p.m. to discuss pending litigation. Councilman Peterson seconded the motion. A roll call vote was taken: Council members Stokes, Peterson, Becraft, Smith, and Tafoya voted “aye.” The motion carried.

11. CLOSED MEETING

After a brief recess, the closed meeting was held at 7:44 p.m. in the City Council Room. Those in attendance were: Mayor Ritchie; Council members Becraft, Peterson, Smith, Stokes, and Tafoya; Chris Davis; Andy Blackburn; and Virge Howe.

12. ADJOURN

Councilman Smith moved to adjourn at 7:54 p.m., Councilman Peterson seconded the motion, all voted “aye,” the motion carried.

Joe H. Ritchie
Mayor

Attest:

Michelle Drago
Secretary