

MINUTES OF THE MARCH 4, 2008, ROY CITY COUNCIL MEETING

1. Approval of February 19, 2008, minutes
2. Public hearing to consider adjustments to Roy City's FY2008 budget
 - a. Consideration of Resolution No. 922 approving adjustments to the FY2008 budget
3. Consideration of Resolution No. 923 of the City Council of Roy City, Utah finalizing the terms and conditions of the issuance and sale by the issuer of its Water and Sewer Revenue Bonds, Series 2008 in the aggregate principal amount of approximately \$7,500,000 and related matters
4. Public Comments
5. Consideration of Ordinance No. 996 approving a rezone of property located at approximately 3027 West 4800 South from an RE-20 designation to an R-1-8 designation
6. City Manager's Report
7. Mayor and Council Reports
8. Adjourn
9. Summary of actions charged

Minutes of the Roy City Council Meeting held March 4, 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 were in attendance:

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

City Manager Chris Davis
City Attorney Andy Blackburn
Secretary Michelle Drago

Also present were: Tony Reynolds, Community Services Director; Cathy Spencer, Management Services Director; Greg Whinham, Police Chief; Preston Kirk; Rachel Foster; Merlyn Johnson; Brent Mair; Carson Mair; Zach Sukurada; Corey Creager; Davin Atkin; Aaron Atkin; Kelly Barrett; Josh Rolph.

Moment of Silence: Councilman Willard Cragun

Pledge of Allegiance: Councilman Willard Cragun

1. APPROVAL OF FEBRUARY 19, 2008, MINUTES

Councilwoman Becraft moved to approve the minutes of the regular and closed meetings on February 19, 2008. Councilman Stokes seconded the motion. Council members Becraft, Cragun, Peterson, Stokes, and Tafoya voted “aye.” The motion carried.

2. PUBLIC HEARING TO CONSIDER ADJUSTMENTS TO ROY CITY’S FY2008 BUDGET

Councilman Peterson moved to open the public hearing at 6:02 p.m. Councilman Cragun seconded the motion. Council members Becraft, Cragun, Peterson, Stokes, and Tafoya voted “aye.” The motion carried.

Cathy summarized adjustments to the FY2008 budget. Year-to-date General Fund revenue from sales, telecom gross receipts, and cable television taxes were slightly ahead of projections for the year. Revenue estimates had been adjusted upward to reflect expected receipts. Adjustments were also made in Intergovernmental, Charges for

Services, Fines and Forfeitures, Miscellaneous Revenue, and the Unreserved Fund Balance. The requested budget adjustments would leave the General Funds with the following breakdown:

Taxes	\$9,654,032
Interest & Miscellaneous	2,872,627
Charges for Services	1,942,250
Other Sources	1,124,370
Class C Roads	1,100,000
Intergovernmental	808,798
Fines	610,000
Licenses & Permits	340,500

Ms. Spencer stated that adjustments were made in the following areas of the General Fund expenditures: Personnel, operations, capital outlay, debt service, and transfers to other funds. As a result of the proposed budget changes, the allocation of monies within the General Fund were as follows:

Personnel	\$10,536,436
Transfers	3,794,001
Operations	3,175,699
Capital Assets	965,441

Ms. Spencer stated that based on a recommendation from the City's bond counsel, the solid waste and water and sewer functions had been separated. The mid-year budget adjustments reflected that separation of activities in the Water and Sewer Utility Enterprise Fund, as well as the newly created Solid Waste Utility Fund. There were no increases or decreases in the revenue of the Water and Sewer Utility Enterprise Fund.

Councilman Tafoya asked how much had been spent on the Municipal Building remodel and how much was left to spend. Cathy Spencer stated that \$1.8 million of the budgeted \$2.7 million had been spent. Most of what was left to be spent was for the parking lot and entrance. She stated that if funds were unspent at the end of the project, they could be directed toward the Hope Community Center if the Council so chose.

Councilman Tafoya asked about funding for the Hope Community Center. Cathy Spencer stated that the City had set aside \$500,000. The total budget was \$2.8 million. The City anticipated receiving \$1 million from RAMP and \$1 from the Hall Foundation. The more cash the City put it, the less it would have to bond for.

Councilman Stokes asked about the wireless system connecting Station 32, the Aquatic Center, and the Recreation Complex to the Municipal Center. Cathy Spencer stated that

fiber optic was still not available. Councilman Stokes asked if it would be better to look at a long term solution, not a short term one. Cathy Spencer said the staff had looked at every option. When fiber was available, the antennas and equipment could be used for other things.

Councilman Stokes stated that this was the second time the City had paid out a large amount of cash for retirement of an employee. He asked if the City had considered a change to the Personnel Policy limiting the amount of annual and sick leave that could be accrued. Such a change could save the City long term costs. Chris Davis stated that three to four years ago, the Personnel Policy was revamped. The staff checked with other cities to see where Roy was regarding leave. Roy City was in the middle. Councilman Stokes felt there needed to be a balance between work and a healthy lifestyle. Limiting the amount of leave that could be accrued would allow for that balance to occur as employees used their leave.

Councilman Cragun suggested that the Council meet with the employee group in a work session to discuss annual and sick leave accrual. The Council asked the City Manager schedule a work session.

Councilman Tafoya asked about the personnel restructure in the Public Works Department. Chris Davis said in other departments where there were a significant amount of employees, there was a chief and two deputies. Several years ago, Lon Hansen was appointed as the Deputy Public Works Director, but he also continued his responsibilities as the Water Superintendent. With his retirement, there would be a Public Works Director, Deputy Public Works Director, and superintendents for the individual divisions, such as Water and Sewer, Streets, Parks, and the Shop.

Mayor Ritchie opened the floor for public comments. There were none.

Councilwoman Becraft moved to close the public hearing at 6:18 p.m. Councilman Stokes seconded the motion. Council members Becraft, Cragun, Peterson, Stokes, and Tafoya voted “aye.” The motion carried.

Councilman Peterson moved to approve Resolution No. 922 approving adjustments to the Fiscal Year 2008 budget. Councilwoman Becraft seconded the motion. A roll call vote was taken. Council members Cragun, Peterson, Tafoya, Becraft, and Stokes voted “aye.” The motion carried. (Copy filed for record).

3. CONSIDERATION OF RESOLUTION NO. 923 OF THE CITY COUNCIL OF ROY CITY, UTAH FINALIZING THE TERMS AND CONDITIONS OF THE ISSUANCE AND SALE BY THE ISSUER OF ITS WATER AND SEWER REVENUE BONDS,

SERIES 2008 IN THE AGGREGATE PRINCIPAL AMOUNT OF APPROXIMATELY
\$7,500,000 AND RELATED MATTERS

Preston Kirk, with George K. Baum & Company, stated that the City began the process of issuing water and sewer bonds about three months ago. In January, Mayor Ritchie, Chris Davis, Cathy Spencer, and himself made a presentation to Moody's a rating agency. The City was able to obtain an "A3" rating, which was an investment grade rating. The rating was based on the City's size, the economics of the community, and how its finances were managed. With the A3 rating, George K. Baum approached bond insurers to buy down the interest rate. Financial Security Insurance committed to insure the bonds. Mr. Kirk said the bonds entered the market that morning very successfully. The largest participants were national banks, some local banks, investment advisors, trusts, and some retail. The sale of the bonds was so successful that the interest rate was lowered from 4.29% to 4.20%. The amortization would be paid out over 20 years.

Mr. Kirk stated they knew the City was bonding for other projects. They had issued the water and sewer bonds for less than \$10 million in order to leave wiggle room for the Hope Community Center. When an entity issued less than \$10 million in bonds in a calendar year, they were deemed bank qualified. Bank qualification dramatically reduced the City's borrowing costs.

Councilman Tafoya moved to approve Resolution No. 923 a resolution of the City Council of Roy City, Utah (the "Issuer") finalizing the terms and conditions of the issuance and sale by the Issuer of its Water and Sewer Revenue Bonds, Series 2008, in the aggregate principal amount of \$7,500,000 (the "Series 2008 Bonds"; awarding and confirming the sale of the Series 2008 bonds; authorizing the execution by the Issuer of a general indenture of trust and a first supplemental indenture of trust, a bond purchase contract, and other documents required in connection therewith; ratifying the preparation and distribution of a preliminary official statement and authorizing and approving a final official statement; and authorizing the taking of all other actions necessary to the consummation of the transactions contemplated by this resolution; providing a severability clause; repealing resolutions and orders in conflict; providing an effective date; and related matters. Councilwoman Becraft seconded the motion. A roll call vote was taken. Council members Stokes, Tafoya, Becraft, Peterson, and Cragun voted "aye." The motion carried. (Copy filed for record).

Mayor Ritchie stated that this was the largest project the City had ever entered into.

Preston Kirk stated that the transaction would close on March 19, 2008.

Councilman Peterson thanked Preston Kirk and commended the Mayor and City staff. Their hard work had enabled the City to get a good interest rate.

4. PUBLIC COMMENTS

Merlyn Johnson, 5435 South Midland Drive, stated that at the beginning of the winter there was one tractor trailer parked along 5500 South below Midland Drive. Now there were four. Fifty-five Hundred South was 40 mph road. In the morning, when the traffic was heavy, drivers could not see past the semis to make a left-hand turn. He spoke with the Police Chief, and the trailers were ticketed. Mr. Johnson didn't feel the fines for the tickets were high enough because the tickets didn't deter the drivers from parking the semis along 5500 South all winter. The curb along the road was marked red above 3925 West. He asked that the City Council petition UDOT to paint the curbs between 3925 West and 4300 West red, or change the City's ordinances to prohibit parking along 5500 South.

Mayor Ritchie asked if Mr. Johnson knew who owned the trailers. Mr. Johnson said he knew who owned one of them. He had given that information to the Police Chief. Mayor Ritchie asked if the trucks were running their reefers at night. Mr. Johnson said they were not.

Councilman Cragun asked what ordinance the City was using. Chief Whinham said the semis were moving on a regular basis so the City could not invoke the State's 72 hour rule. The City was using a provision regarding length and weight.

Mayor Ritchie asked how the City Council could help the Police Department. Chief Whinham said when the Police Department found out who owned the trucks, they could make personal contact.

Mayor Ritchie asked Merlyn Johnson if he could watch the trucks to see where the owners lived. Mr. Johnson said he would do that.

Councilman Cragun suggested that the City Manager send a letter to UDOT asking for their cooperation in designating the lower part of 5500 South as a 'no parking' area. Councilwoman Becraft said mentioning the school children in the area might add some meat to the letter.

Chief Whinham stated that if the curbs were painted red, the ticket would change from an infraction to a misdemeanor.

Councilman Peterson asked if it would help to adjust the fines to make them more expensive for repeat offenders.

Chief Whinham felt that an ordinance change might help because this was a reoccurring problem. Chris Davis said he would send a letter to the State. He reminded the Council that there were areas below 3500 West that were not in the City and did not have curb and gutter.

Councilman Peterson recommended that Chief Whinham report back to the City Council in 30 days about how other cities were doing about this problem and what changes needed to be made to Roy City's ordinances.

Kelly Barrett, 3486 West 5900 South, stated that he had heard a lot of rumors about 3500 West being widened and strip malls being built on the corner of 3500 West 6000 South. He was curious about the City's plans for the area. Tony Reynolds said the Planning Commission held a meeting on February 26th to consider a commercial rezone for the southwest corner of 3500 West 6000 South. A 30-acre commercial development was proposed; 10 acres in Roy, 20 acres in Clinton. The discussion was tabled and would be back before the Planning Commission on March 11th. UDOT was proposing to widen State Route 108 (3500 West). The preferred alignment and construction dates could be found on UDOT's website.

5. CONSIDERATION OF ORDINANCE NO. 996 APPROVING A REZONE OF PROPERTY LOCATED AT APPROXIMATELY 3027 WEST 4800 SOUTH FROM AN RE-20 DESIGNATION TO AN R-1-8 DESIGNATION

Tony Reynolds reviewed the request from Josh Rolph to rezone approximately one-third of an acre at approximately 3027 West 4800 South from RE-20 to R-1-8. Mr. Rolph wanted to subdivide his property and build another home. The City Council had directed the staff to prepare an ordinance approving the rezone along with a mini development agreement. Mr. Reynolds reviewed the terms of the development agreement with the City Council.

Councilman Cragun asked what position the City Council was taking. Was it going to down size lots or upgrade them? Councilman Stokes stated that Roy City had a lack of long term family developments. The City Council felt 10,000 square foot lots were conducive to building those type of homes. As the Council moved forward, it found that rigid application of the R -1-10 Zone did not work for infill developments. The City Council had tried to maintain the spirit of turning Roy into a long term community. It felt home size was the spirit of the matter. That is where development agreements came into play. The City Council was willing to entertain higher densities on infill property in exchange for other things that would benefit the community.

Councilman Stokes questioned the language of Paragraph 3 of the development agreement. He thought this agreement was similar to the agreement for Whispering

Meadows where the City required 1300 finished square feet above grade. Tony Reynolds said there wasn't reference to finished square feet above grade in the Whispering Meadows development agreement. That agreement referred to Ivory Homes catalog whose smallest home happened to be 1300 square feet or larger above grade.

Mayor Ritchie stated that this development was a little different. Without the closure of the City walkway, Josh Rolph could not develop his property. If he couldn't develop, his extra acreage could become an enforcement problem.

Councilman Cragun moved to approve Ordinance No. 999 approving a rezone of property located at approximately 3027 West 4800 South from an RE-20 designation to an R-1-8 designation and to approve a development agreement between Roy City and Josh Rolph subject to Paragraph 3 being amended to read '1300 finished square feet above grade...' Councilwoman Becraft seconded the motion. A roll call vote was taken. Council members Becraft, Stokes, Tafoya, Cragun, and Peterson voted "aye." The motion carried. (Copy filed for record).

6. CITY MANAGER'S REPORT

Chris Davis stated that a question had arisen about whether radio-controlled boats were allowed on the Meadow Creek Pond. The staff suggested that radio-controlled boats be allowed to use the new pond it was constructing at approximately 4800 South 4200 West. There was a parking lot at that location. That detention pond would be built this spring. It wasn't as deep as the Meadow Creek pond, but could be used for boats. If the City Council wanted to move ahead with that suggestion, the staff would proceed. Councilman Cragun felt that was a good resolution to the problem.

Chris Davis asked if the Council wanted to change the hours of operation at Meadow Creek Pond. Mayor Ritchie asked if it would cause a problem for the staff to close Meadow Creek earlier than the other parks. Mr. Davis said the only part of the park closed by employees was the restrooms. The City's ordinances currently allowed parks to be used until 11:00 p.m. Councilman Cragun felt the City could be more restrictive on this park due to the proximity of adjacent housing. Councilman Tafoya was concerned about the Council trying to accommodate every citizen request. The parks were a benefit of the community. Yes, the park might provide some irritant for adjoining residents. Meadow Creek Pond was an urban fishery where the State allowed fishing 24 hours a day. Chief Whinham said the City's Noise Ordinance was in effect 24 hours a day. All of the City's parks were located in neighborhoods. Mayor Ritchie asked the legal counsel to prepare an ordinance amending the City's curfew for Meadow Creek Park and to bring it back to the City Council.

Chris Davis stated that he needed to know which Council members planned to attend the Utah League of Cities and Towns so that he could make reservations. All planned to attend, except Councilman Peterson.

Chris Davis stated that UTA planned to begin running Front Runner on April 26th. One of the major issues left to resolve is the left hand turn at 4800 South and 2700 West. The City signed an interlocal agreement to become part of the Quiet Zone. For the first two weeks, Front Runner would blow its horns. After the first two weeks, Front Runner would go quiet. Front Runner could not begin running without signals in place on 4800 South. The City Engineer had been met with representatives of Union Pacific, UDOT, and UTA. UDOT had jurisdiction over all of the railroad crossings in Utah. A plan had been approved by all parties, and they were ready to implement it. Within a few weeks, jersey barricades would be placed on 4800 South temporarily preventing left hand turns onto 2700 West. Union Pacific had indicated that construction on the new signals and light would be finished by September 30th. Then the jersey barricades would be removed. Councilwoman Becraft asked who would let the public know. Chris Davis stated that signs would be posted. There was also a notice on Roy City's and UDOT's websites.

Councilwoman Becraft asked if 4000 South would be widened at the tracks. Chris Davis said he would check on that.

Chris Davis updated the City Council on the Hope Community Center. The Seniors, The Boys and Girls Club, and the Recreation Department were meeting on March 7th to review the plans. A Council review of the plans would be placed on the next Council agenda. The Municipal Building remodel included revamping the parking lot. The parking lot changes would be built separately from the Hope Community Center because the City Engineer felt it would save the City money. The ground breaking ceremony was scheduled for April 19th.

Chris Davis stated that there were several dips on 4800 South where the compaction had settled. The Public Works Department was aware of them. Prior to the spring overlay in June, those spots would be recompacted.

7. MAYOR AND COUNCIL REPORTS

Mayor Ritchie stated that the official ground breaking ceremony for the Hope Community Center was scheduled for Saturday, April 19th. The Council members were invited to attend. Following the ground breaking, there would be an open house in order for the public to see the remodeled Municipal Building. The Council members would be needed to act as tour guides.

Mayor Ritchie stated that the 2008 State Legislative Session would end at midnight on March 5th. The City had not been hurt this year. He suggested that the City Council hold a post-legislative dinner to thank the local politicians. The City Council agreed that was a good idea. Mayor Ritchie said the staff would let the Council know the date and time.

Councilman Peterson asked about the status of the recycling program. Chris Davis said he had not met with Waste Management for some time. He would get an update for the City Council within two weeks.

Councilman Tafoya asked if the City was going to get RAMP money for a screen for the Roy Days Movie Night. Chris Davis said he had not put in for the money this year because of the money the City was receiving for the Hope Community Center. He did put in for the mandatory per capita funding. It would be used for additional fill material for the parks. Mayor Ritchie said WACOG had approved the RAMP funds as requested.

Councilman Tafoya stated that the CSC Conference would be held in Las Vegas on May 18th through May 21st. He asked if any Council members were interested in attending. Councilman Peterson asked if it was useful to have Council members there. Tony Reynolds said it was. If Council members were going, he would set up appointments and itineraries. Councilmen Cragun and Peterson said they would attend along with Councilman Tafoya.

Councilwoman Becraft thanked the Council and staff members that participated in the Dr. Suess Reading Day and Midland Elementary.

Councilman Cragun stated that as the budget time approached, he would like to look at funding a revenue stream for replacing curb, gutter, and sidewalk and for beautification. Councilman Tafoya suggested that the Council hold a retreat to review budget priorities.

8. ADJOURN

Councilwoman Becraft moved to adjourn at 7:36 p.m.

9. SUMMARY OF ACTIONS CHARGED

1. City Manager to schedule a Council work session to review the Personnel Policy.
2. City Manager to send a letter to UDOT requesting their cooperation in designating the lower part of 5500 South as a 'no parking' area.
3. Legal Counsel to prepare an ordinance amending the City's curfew for Meadow Creek Park.

4. Administrative staff to schedule a post-legislative dinner for the City Council and local state legislators.
5. City Manager to provide the City Council with an update on the recycling program.

Joe H. Ritchie
Mayor

Attest:

Michelle Drago
Secretary