

MINUTES OF THE FEBRUARY 3, 2009, ROY CITY COUNCIL MEETING

1. Motion to hold a closed meeting to discuss pending litigation
2. Closed meeting
3. Motion to adjourn closed meeting and reconvene open meeting
4. Approval of January 20, 2009, minutes
5. Drug Calendar Artist Awards
6. Consideration of Resolution No. 947 honoring the Roy High School cheerleaders
7. Appointment of new City Treasurer
8. Approval authorizing settlement of lawsuit
9. Public comments
10. Consideration of Ogden Metro S.W.A.T. Team Interlocal Agreement by and among Ogden City, Weber State University, Roy City, South Ogden City, and Riverdale City
11. Consideration of a conditional use permit to allow major warehousing and distribution on property located at approximately 1930 West 3350 South in the Manufacturing (M) Zone
12. Consideration of Resolution No. 948 approving ambulance transportation rates and charges
13. City Manager's Report
14. Mayor and Council reports
15. Adjourn
16. Summary of actions charges

Minutes of the Roy City Council Meeting held February 3, 2009, at 5:30 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
Councilman Dave Tafoya

City Manager Chris Davis
City Attorney Andy Blackburn
Secretary Michelle Drago

Also present were: Cathy Spencer, Management Services Director; Tony Reynolds, Community Services Director; Greg Whinham, Police Chief; Jon Ritchie, Fire Chief; Jody Burnett; Niki Higgs; Brian Higgs; Mason Higgs; Monica Shultz; Barbara Raymond; Mark DeCaria; Cary Coombs; Rachel Trotter; Korrun Brown; Braxton Patton; Don Patton; Nick Stecklein; Brian Stecklein; P. Jay Frayser; Kaitlyn Fraser; Allie Dowdle; Allyx Tebbs; Kiersten Sugimoto; Elisha Quintana; Heather Morley; Caitlyn Roper; Clinton Hughes; Cameron Larsen; Brianna Allen; Shaelee Allen; Samantha Barker; Erika Carter; Kortnie Coombs; Mandy Dickerson; Sarina Leete; Jamie Pitchford; Paige Redford; Shelbi Ritchie; Ashley Searle; Sara Skidmore; Haleigh Van Eerden; Michele Kersey-Smith; and Cheryl Allred; and Boy Scout Troop 369.

1. MOTION TO HOLD A CLOSED MEETING TO DISCUSS PENDING LITIGATION

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

2. CLOSED MEETING

A closed meeting was held in the City Manager’s office to discuss pending litigation. Those in attendance were: Mayor Ritchie, Councilwoman Becraft, Councilman Cragun, Councilman Peterson, Councilman Stokes, Councilman Tafoya, Chris Davis, Andy Blackburn, and Jody Burnett.

3. MOTION TO ADJOURN CLOSED MEETING AND RECONVENE OPEN MEETING

Councilman Stokes moved to adjourn the closed meeting at 5:51 p.m. and reconvene the open meeting. Councilwoman Becraft seconded the motion. Council members Becraft, Cragun, Peterson, Stokes, and Tafoya voted “aye.” The motion carried.

Moment of Silence: Councilman Cragun

Pledge of Allegiance: Boy Scout Troop 369

4. APPROVAL OF JANUARY 20, 2009, MINUTES

Councilman Tafoya moved to approve the minutes of January 20, 2009, as written. Councilwoman Becraft seconded the motion. Council members Becraft, Cragun, Peterson, Stokes, and Tafoya voted “aye.” The motion carried.

5. DRUG CALENDAR ARTIST AWARDS

Chief Greg Whinham introduced Mark Decaria, Weber County Attorney.

Mark DeCaria stated that every year the police chiefs and sheriffs of Weber and Morgan Counties attended assemblies for seventh graders in all of the junior high and middle schools of both counties to talk about drug abuse. An individual from the Strike Force then made a presentation on drugs. The seventh graders were then invited to provide artwork for the annual state-side drug calendar. The calendars were distributed to the homes of all of the seventh graders and throughout the business communities. All of the artwork in the calendars was done by seventh graders. This year, three of the illustrative artists chosen for the calendar were from Roy. The fact that they had made an effort to show support for a healthy lifestyle would pay dividends for themselves and their families. Each of the artists would receive a certificate and \$100. The money used to award prizes and print the calendars was received from the drug offenders themselves, not the taxpayers. Mr. DeCaria presented awards to:

Braxton Patton - Sandridge Junior High

Heather Morley - Roy Junior High

Caitlyn Roper - Roy Junior High

6. CONSIDERATION OF RESOLUTION NO. 947 HONORING THE ROY HIGH SCHOOL CHEERLEADERS AS 4A STATE CHAMPIONS

Mayor Ritchie stated that Roy had an outstanding high school. The students were reaching new heights and setting and surpassing new goals. He read Resolution No. 947 honoring the Roy High School cheerleaders as 4A State Champions.

Councilwoman Becraft moved to approve Resolution No. 947 honoring the Roy High School cheerleaders as 4A State Champions. Councilman Peterson seconded the

motion. A roll call vote was taken: Council members Peterson, Stokes, Cragun, Tafoya, and Becraft voted “aye.” The motion carried. (Copy filed for record).

Councilman Tafoya congratulated these young ladies. They were true athletes. He was proud of them.

Mayor Ritchie presented a framed copy of the resolution to Coach Cameron Larsen on behalf of Roy High School and an individual copy to each team member.

7. APPOINTMENT OF NEW CITY TREASURER

Cathy Spencer stated that Linda Benson, the current City Treasurer, would retire on February 20, 2009. She recommended that Niki Higgs be appointed as the new City Treasurer effective February 18th. That would allow time to order new signature stamps.

Councilman Tafoya moved to appoint Niki Higgs as the new City Treasurer effective February 18, 2009. Councilman Stokes seconded the motion.

Chris Davis stated that Niki Higgs would be sworn in on February 18th.

Council members Becraft, Cragun, Peterson, Stokes, and Tafoya voted “aye.” The motion carried.

8. APPROVAL AUTHORIZING SETTLEMENT OF LAWSUIT

Andy Blackburn asked that the City Council approve the settlement of the Roy City versus Dr. John's lawsuit and authorize the Mayor's signature. Jody Burnett was present to discuss the settlement agreement.

Jody Burnett stated that it had been a pleasure to represent Roy City in the lawsuit involving Dr. John's. He recommended approval of the agreement to resolve the litigation.

The City had prevailed twice in the court of appeals. The court upheld the City's Sexually Oriented Business Ordinance. The only matter to resolve was the pending State court action which the City initiated to require Dr. John's to obtain a sexually oriented business license and comply with the current City ordinance. The agreement provided that Dr. John's would in fact do so. The only provisions were that individual employees would not have to obtain separate licenses. It allowed Dr. John's to extend its business hours by two additional hours from 8:00 a.m. to 8:00 p.m. In addition, Dr. John's had agreed to restrict minors by requiring identification at the door and to keep all adult items in the rear of the store. Mr. Burnett had no qualms recommending approval of the agreement. The City's objective in initiating the lawsuit had been satisfied.

Mayor Ritchie stated that the City appreciated the time and effort Jody Burnett had spent on this matter.

Councilman Cragun moved to approve the settlement agreement of the Roy City versus Dr. John's lawsuit and to authorize the Mayor's signature of the agreement and to thank those who represented the City throughout the process. Councilman Tafoya seconded the motion. Council members Becraft, Cragun, Peterson, Stokes, and Tafoya voted "aye." The motion carried.

9. PUBLIC COMMENTS

There were none.

10. CONSIDERATION OF OGDEN METRO S.W.A.T. TEAM INTERLOCAL AGREEMENT BY AND AMONG OGDEN CITY, WEBER STATE UNIVERSITY, ROY CITY, SOUTH OGDEN CITY, AND RIVERDALE CITY

Police Chief Greg Whinham stated that Andy Blackburn had reviewed the interlocal agreement for a Metro S.W.A.T. Team. The agreement under consideration was a refresher of an agreement the City had participated in with Ogden City and other cities in Weber County to join a multi-agency S.W.A.T. team. The S.W.A.T. team responded to any critical need requiring that level of response. Three members of the Roy City Police Department currently served on the S.W.A.T. team - two as negotiators and one tactical personnel.

Councilman Tafoya asked if the City's costs for the S.W.A.T. team had gone up now that the Sheriff's Department was on its own. Chief Whinham said that the City's costs were training compensation and time. The City recouped any cost when the entire team was brought in. The City recently used the S.W.A.T. team for a barricaded suspect last fall. The City's participation in the S.W.A.T. team had paid big dividends.

Councilman Tafoya asked how many officers had been trained. Chief Whinham said Captain Jensen was the most senior officer that had received training. Councilman Tafoya felt this was a great program and that the City should continue to participate. The more officers that received training, the better for the City.

Councilman Cragun felt this was an effective program. Cost-wise, the City could not do it on its own. It took a lot of time and training to get the efficiency the team needed. He was in favor of any tactical agreement that allowed the City to participate with other agencies to save money, time, and manpower resources. He recommended that this agreement be approved.

Mayor Ritchie stated that he liked this agreement because all of the participants carried their own load.

Councilman Stokes moved to approve the Ogden Metro S.W.A.T. Team Interlocal Agreement and authorize the Mayor and City Attorney's signatures. Councilwoman Becraft seconded the motion. Council members Becraft, Cragun, Peterson, Stokes, and Tafoya voted "aye." The motion carried.

11. CONSIDERATION OF A CONDITIONAL USE PERMIT TO ALLOW MAJOR WAREHOUSING AND DISTRIBUTION ON PROPERTY LOCATED AT APPROXIMATELY 1930 WEST 3350 SOUTH IN THE MANUFACTURING (M) ZONE

Tony Reynolds stated that the Development Review Committee asked that the following condition be added to its list of recommendations: The site will be maintained at all times in compliance with the Roy City Source Water Protection Plan.

Councilman Stokes moved to approve a conditional use permit to allow major warehousing and distribution on property located at approximately 1930 West 3350 South in a Manufacturing (M) Zone based on the findings and recommendations of the staff as listed in the staff report and with the additional recommendation mentioned by Tony Reynolds. Councilman Cragun seconded the motion. Council members Becraft, Cragun, Peterson, Stokes, and Tafoya voted "aye." The motion carried.

12. CONSIDERATION OF RESOLUTION NO. 948 APPROVING AMBULANCE TRANSPORTATION RATES AND CHARGES

Fire Chief Jon Ritchie stated that the Bureau of Emergency Medical Services had adjusted the maximum allowable rates for emergency medical services because a ground ambulance or paramedic provider was prohibited from charging fees for transporting a patient when the provider does not transport the patient. The new rates were effective from January 1, 2009, to June 30, 2009. He would present the new rates for the Council's consideration in June. Those rates would include a proposal to increase base and mileage rates. The increase was effective state wide.

Councilman Cragun stated that this was another example of State mandated action. The fees weren't being increased because the City Council wanted to. They were being increased because someone in the State Legislature passed a law that required cities to increase its fees.

Mayor Ritchie stated that the City had to comply with the increases implemented by the State because of potential litigation. He asked if these rates would affect the City's policy regarding Medicare. Chief Ritchie said it did not.

Councilman Peterson moved to approve Resolution No. 948 approving ambulance transportation rates and charges. Councilwoman Becraft seconded the motion. A roll call vote was taken: Council members Tafoya, Cragun, Becraft, Stokes, and Peterson voted "aye." The motion carried. (Copy filed for record).

13. CITY MANAGER'S REPORT

Chris Davis stated that the City Council had received invitations to attend an open house in the Council/Court Room on Thursday, February 5th at 6:30 p.m.

Chris Davis stated that the City was moving forward in the animal control process. The committee would look at sites on Thursday. Andy Blackburn had reviewed the RFQ for the architects. Weber County would construct the facilities. The other entities participating would pay fees to help pay for the bond.

Chris Davis stated that City crews had begun demolition of the old water reservoir on Hill AFB where the City owned one acre. The site was near the TCE plume. However, the plume would not affect the new well as it would be 1,000 feet deep.

Chris Davis stated that the 2009 State Legislative Sessions had started. Mayor Ritchie, Councilman Stokes, and himself were attending half a dozen meetings per week. So far the Legislature was being kind to the City. He and the Mayor had met with Representative Greenwood to make sure he was addressing the concerns of the City.

14. MAYOR AND COUNCIL REPORTS

Fire Chief Ritchie stated that the Fire Department had responded to two structure fires on Sunday, February 1st. The City had a full response from the cities with which it had mutual aid agreements.

Mayor Ritchie stated that the City had been successful in its application for CDBG funding for the Hope Community Center. Bids would be opened in a few weeks. Construction would hopefully begin in March.

Councilman Tafoya stated that he had been asked by City employees if the Council would consider moving Roy Days around to other parks, such as Emma Russell Park. The use of Emma Russell Park would depend on whether there was adequate infrastructure and

parking. Mayor Ritchie didn't feel the location of Roy Days was set in stone. Councilman Stokes suggested that the staff determine whether there was adequate infrastructure in the park to meet the needs of Roy Days and report back to Councilman Tafoya and Mayor Ritchie.

Councilman Cragun stated that the seniors were ecstatic about the CDBG funding for the Hope Community Center. They asked that he pass on their thanks to the staff, the City Council, and the Mayor.

Councilman Stokes stated that if the Council members had any concerns about the State Legislature he would be happy to relay them to the legislators.

15. ADJOURN

Councilwoman Becraft moved to adjourn at 6:48 p.m.

16. SUMMARY OF ACTIONS CHARGED

1. Staff to determine if Emma Russell Park had adequate infrastructure for Roy Days.

Joe H. Ritchie
Mayor

Attest:

Michelle Drago
Secretary