

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

1. Approval of February 17, 2009, minutes
2. Public hearing to receive public input and obtain Council approval to amend the Fiscal Year 2009 budget
 - a. Consideration of Resolution No. 950 approving adjustments to the Fiscal Year 2009 budget
3. Public comments
4. Consideration of an amended Permitted Use Permit for the construction of commercial buildings located at approximately 3500 West 6000 South
5. Consideration of amended Development Agreement for the Homestead Pavilion development located at approximately 3500 West 6000 South
6. Consideration of an amended preliminary subdivision plan for the Homestead Pavilion Subdivision located at approximately 3500 West 6000 South
7. City Manager's report
8. Mayor and Council reports
10. Adjourn
11. Summary of actions charged

Minutes of the Roy City Council Meeting held March 3, 2009, 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 Larry Peterson
Councilman Michael Stokes
Councilman Dave Tafoya

City Manager Chris Davis
City Attorney Andy Blackburn
Secretary Michelle Drago

Excused: Councilman Willard Cragun

Also present were: Tony Reynolds, Community Services Director; Jared Hall, City Planner; Cathy Spencer, Finance/Management Services Director; Rachel Trotter; Ryan Burton; Gordon Keig; Bill Packard; and Ryan Shimer.

Moment of Silence: Councilman Tafoya

Pledge of Allegiance: Councilman Tafoya

1. APPROVAL OF FEBRUARY 17, 2009, MINUTES

Councilwoman Becraft moved to approve the minutes of February 17, 2009, as written. Councilman Peterson seconded the motion. Council members Becraft, Peterson, Stokes, and Tafoya voted “aye.” The motion carried.

2. PUBLIC HEARING TO RECEIVE PUBLIC INPUT AND OBTAIN COUNCIL APPROVAL TO AMEND THE FISCAL YEAR 2009 BUDGET

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

Cathy Spencer stated that the staff had reviewed the City's year-to-date revenue and found three areas of concern - sales tax revenue, ambulance receipts, and interest earnings. The staff recommends decreasing the budget for sales tax to \$4,265,000. The ambulance revenue for the first half of the year is down from the prior year. The staff proposes a \$150,000 reduction in the estimate for ambulance receipts. Because interest rates were down, interest income had been reduced by \$159,000. The budget also includes adjustments in the Fire Department for grants received after the original budget was approved and other grants that were included in the original budget but not funded. The

reduction in the three revenue line items meant cuts in the operating costs and personnel changes. The revenue shortfall amounted to \$544,000. Changes in personnel accounted for \$157,000. Another \$313,000 was the result of cuts in operating costs by the individual departments. The remaining \$74,000 would be made up from fund balance. There was a decrease in Class C road funds as a result of people driving less and buying less gas. The estimate for Class C Road funds had been reduced by \$260,000. The budget for street maintenance had been cut by \$210,000 and \$40,000 of equipment would not be replaced. Sixty-one thousand dollars was needed to complete Emma Russell Park. That money would be transferred from fund balance.

Councilman Tafoya asked if the City still had 18% in reserve funds. Cathy Spencer said the City was down to 12% to 13% because of funds that had to be set aside for debt service.

Councilman Stokes asked if the staff wanted to cut more in the sales tax revenue. Cathy Spencer said that the staff could do that. Departments were already being conservative. Chris Davis stated that the February sales tax figures were actually from December 2008. The staff would continue to watch the sales tax revenue. Councilman Stokes was concerned that if the budget wasn't trimmed again now, there would be a big gap later that would be painful to close. Chris Davis said that the City had just barely gotten the February numbers in and if we had had this information two weeks ago, there probably would have been more cuts; the cuts included were based on the information the staff had through January 31; but this public hearing was already scheduled, so the staff decided to go ahead with it. The February 28 information was used to determine that further cuts may be necessary. The staff planned to sit down with the department heads again soon. Chris Davis said that historically, the departments did not spend all of their budgets. Councilman Stokes asked if it would be wise to postpone approving the budget adjustments for a few weeks to see if more cuts were needed.

Councilman Peterson stated that if more cuts were made now, they would be based on what the City anticipated might happen. He felt better decisions could be made if the City wanted to receive more information before making further cuts. He was comfortable making another fiscal year amendment if it was needed.

Councilman Stokes felt the City would definitely have to make another cut. The Council needed to be very cautious. If the City got to the end of the line and there were big gaps, the City Council would have to be very painfully creative.

Councilman Peterson asked if the staff had any idea where to cut another 1%. Chris Davis said another 1% could be cut, but the departments would need time to determine where.

Councilman Stokes asked where the staff would anticipate cutting. Chris Davis said the department heads would be asked to review their individual budgets to determine where cuts could be made. The department heads knew their needs better than he did. There were still some outstanding items on the Municipal Building that needed to be completed. There were some potential funds for that project that could be used.

Councilman Tafoya felt it would be better to wait to make further cuts so that everyone knew the exact numbers.

Councilman Stokes didn't feel the City was cutting enough based on the information it had now.

Councilman Peterson stated that the administration would let the departments know they needed to be careful.

Cathy Spencer asked that the Council approve Resolution No. 950 approving adjustments to the Fiscal Year 2009 budget subject to the following corrections: Total amount of budget adjustments being corrected from -\$171,280 to \$638,802 and the total adjusted budget being changed from \$25,920,829 to \$25,453,307.

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

Councilman Tafoya moved to close the public hearing at 6:17 p.m. Councilwoman Becraft seconded the motion. Council members Becraft, Peterson, Stokes, and Tafoya voted "aye." The motion carried.

Councilman Tafoya moved to approve Resolution No. 950 approving adjustments to the Fiscal Year 2009 Budget subject to the corrections outlined by Cathy Spencer. Councilman Peterson seconded the motion. A roll call vote was taken: Council members Becraft, Tafoya, Stokes, and Peterson voted "aye." The motion carried. (Copy filed for record).

Councilman Stokes stated that he voted to approve Resolution No. 950 to show support of the cuts being made. He still felt there needed to be more cuts.

Councilman Peterson didn't want the citizens to feel that the budget had excess fluff. The City Council had deferred some expenditures. It could do that for a little while, but there were some hard decisions that would have to be made.

4. PUBLIC COMMENTS

Bill Packard, 1915 West 4225 South, and Ryan Shimer suggested that the City build a real baseball field that could be used by little leagues or a pony leagues.

Mayor Ritchie asked where they suggested such a field be built. Mr. Packard suggested the vacant area north of North Park.

Mr. Packard asked how they got the process started. Councilman Stokes stated that they could begin by meeting with Travis Flint, the Parks and Recreation Superintendent. He would have a lot of information, including costs.

Mayor Ritchie felt converting an existing field would be less expensive. Travis Flint could help them prepare a recommendation to present to the City Council.

Councilman Tafoya stated that every level of baseball had different requirements. They would have to decide whether the field would be built for elementary, junior high/high school, or adults.

Councilman Peterson suggested that they talk to the high school about using their field during the school's off time.

3. CONSIDERATION OF AN AMENDED PERMITTED USE PERMIT FOR THE CONSTRUCTION OF COMMERCIAL BUILDINGS LOCATED AT APPROXIMATELY 3500 WEST 6000 SOUTH

Jared Hall stated that the City recently approved the City's portion of Homestead Pavilion, a commercial development that straddled Roy City and Clinton. Kornwasser was requesting that the approved site plan be amended. Kornwasser needed to ensure the financial viability of the project. They expected WinCo to break ground this summer. The original site plan included a pad site on the hard southeast corner of 6000 South 3500 West. Kornwasser was proposing to increase the size of the pad site to accommodate two buildings rather than one. The footprints of the buildings had not been determined. When the pad sites were sold, individual applications would be required for conditional use permits. The City would see elevations of the buildings when the conditional use permit applications were considered. The amendment required three separate actions - an amended permitted use permit, an amended development agreement, and an amended preliminary subdivision plat. The only portion of the development agreement being amended was the attached exhibit of the site plan. Kornwasser was not asking that any of the uses listed in the development agreement be changed. The subdivision had increased from three lots to four. The Planning Commission recommended that all three items be approved subject to the recommendations of the DRC. The proposed amendment did not affect the landscaping. The percentage was down a little, but the overall landscaping still exceeded the City's minimum requirement. The buffer requirement

was still in place. The traffic flow on the site remained virtually unchanged. The amended site plan improved the pedestrian access through the development. The DRC recommended approval of the amended site plan.

Councilman Stokes moved to approve an amended permitted use permit for the construction of commercial buildings located at approximately 3500 West 6000 South based on the staff's findings and subject to the recommendations of the staff and Planning Commission. Councilwoman Becraft seconded the motion. Council members Becraft, Peterson, Stokes, and Tafoya voted "aye." The motion carried.

4. CONSIDERATION OF AMENDED DEVELOPMENT AGREEMENT FOR THE HOMESTEAD PAVILION DEVELOPMENT LOCATED AT APPROXIMATELY 3500 WEST 6000 SOUTH

Councilman Peterson moved to approve an amended development agreement for the Homestead Pavilion development located at approximately 3500 West 6000 South based on the staff's findings and subject to the recommendations of the staff and Planning Commission. Councilman Tafoya seconded the motion. Council members Becraft, Peterson, Stokes, and Tafoya voted "aye." The motion carried.

6. CONSIDERATION OF AN AMENDED PRELIMINARY SUBDIVISION PLAN FOR THE HOMESTEAD PAVILION SUBDIVISION LOCATED AT APPROXIMATELY 3500 WEST 6000 SOUTH

Councilman Tafoya moved to approve an amended preliminary subdivision plan for the Homestead Pavilion Subdivision located at approximately 3500 West 6000 South based on the staff's findings and subject to the staff and Planning Commission's recommendations. Councilwoman Becraft seconded the motion. Council members Becraft, Peterson, Stokes, and Tafoya voted "aye." The motion carried.

7. CITY MANAGER'S REPORT

Chris Davis stated that Parley Olsen, a former Parks Superintendent, passed away. The staff was able to make a presentation to him before his death, which was greatly appreciated by both him and his family.

Chris Davis stated that the reservoir on Hill AFB had come down much easier than anticipated. It would be completely cleaned up by Friday. Andy Blackburn had been working with Woodbury and Sunset Ridge. Sunset Ridge was still working to get their master plan approved by the Air Force. The bid for the Hill AFB replacement well would

be considered at the next Council meeting. Mayor Ritchie said the developers of Falcon Hill were extremely complimentary about the Roy City staff.

Chris Davis stated that the staff was finishing the CDBG application. The City had received some help from the State. There were changes due of the change in administration. What was permissible under the Bush administration was not under Obama. The environmental review was finished and would be submitted Wednesday. There would be a comment period. They anticipated receiving funding in April. The ground breaking would be in mid April. Mayor Ritchie hoped to have a contract for the Council to consider in mid April.

8. MAYOR AND COUNCIL REPORTS

Mayor Ritchie stated that every year the City sent Council members to Utah League of Cities and Towns. The meetings provided Council members with an opportunity to learn and network. He felt it was vital that the City send Council members again this year. Councilman Tafoya had asked that he be allowed to attend road school this year rather than the ULC&T. Mayor Ritchie felt that was a decision that needed the Council's approval. Councilman Stokes felt the road school would be valuable. He supported Councilman Tafoya's decision. Councilman Peterson agreed. The money for training had been set aside. It was okay for Councilman Tafoya to receive training in a different area.

Mayor Ritchie stated that the City sent Tony Reynolds to the ICSC Conference in Las Vegas every year where he was able to meet with developers. Mr. Reynolds had been very successful. The Kornwasser development was the result of Mr. Reynolds' contacts. Tony Reynolds had requested that he be allowed to attend the conference once again. Mayor Ritchie suggested sending Tony Reynolds and Councilman Stokes. Mr. Reynolds felt he could cover everything with two people in one day. The conference will be held May 18-19. Councilman Peterson stated the conference was funded from the Redevelopment Agency. Councilman Stokes said he would be willing to attend.

Mayor Ritchie stated that there was a bill before the State Legislature to raise the gas tax. He wanted to send a letter under his signature to all of the City's representatives requesting that the distribution of the Class B and C road funds remain the same if the bill was passed. The Council supported the action.

Councilwoman Becraft stated that the budget for CERT had been cut. She asked if Council Contingency Funds could be used to cover the mailing cost for the meeting. Chris Davis said it could.

Councilwoman Becraft felt it was time to bring the Ten Commandments back to the City offices. The City Council supported that action. Councilman Peterson asked that Andy Blackburn research the court's decision to make sure everything was done properly.

10. ADJOURN

Councilwoman Becraft moved to adjourn at 6:49 p.m.

11. SUMMARY OF ACTIONS CHARGED

1. Andy Blackburn to research court decision regarding the Ten Commandments.

Joe H. Ritchie
Mayor

Attest:

Michelle Drago
Secretary