

MINUTES OF THE SEPTEMBER 21, 2010, ROY CITY COUNCIL MEETING

1. Approval of September 7, 2010, minutes
2. Consideration of Ordinance No. 1034 amending the Roy City Municipal Code by adopting Section 5-2-8 pertaining to the purchase, possession, use, sale and offering for sale of certain intoxicating chemical compounds described hereunder and by providing that this ordinance shall become effective immediately upon posting after final passage
3. Public comments
4. Award of Residential Solid Waste Collection Service bid
5. City Manager's report
6. Mayor and Council reports
7. Adjourn

Minutes of the Roy City Council Meeting held September 21, 2010, 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	City Manager Chris Davis
Councilman Willard Cragun	City Attorney Andy Blackburn
Councilman Brad Hilton	Secretary Michelle Drago
Councilman Larry Peterson	
Councilman Michael Stokes	
Councilman Dave Tafoya	

Also present were: Greg Whinham, Police Chief; Niven Turner; Rachel Trotter; C. Lance Allen; Richard Dauber; and Elizabeth Brown.

Moment of Silence: Councilman Tafoya

Pledge of Allegiance: Councilman Tafoya

1. APPROVAL OF SEPTEMBER 7, 2010, MINUTES

Councilman Cragun moved to approve the minutes of September 7, 2010, as written. Councilman Stokes seconded the motion. Council members Cragun, Hilton, Peterson, Stokes, and Tafoya voted "aye." The motion carried.

2. CONSIDERATION OF ORDINANCE NO. 1034 AMENDING THE ROY CITY MUNICIPAL CODE BY ADOPTING SECTION 5-2-8 PERTAINING TO THE PURCHASE, POSSESSION, USE, SALE AND OFFERING FOR SALE OF CERTAIN INTOXICATING CHEMICAL COMPOUNDS DESCRIBED HEREUNDER AND BY PROVIDING THAT THIS ORDINANCE SHALL BECOME EFFECTIVE IMMEDIATELY UPON POSTING AFTER FINAL PASSAGE

Andy Blackburn, City Attorney, stated that he was asked to prepare an ordinance dealing with the regulation and sale of Spice. Ordinance No. 1034 amended the Roy City Code by adding Section 5-2-8 which would regulate the purchase, sale, or use of intoxicating chemical compounds. Ogden City recently passed a similar ordinance. Utah County had done the same thing. Logan City was considering a similar ordinance at their meeting tonight. A State Legislature committee met last week and recommended that the State also take action. For the Council's information, Spice was a mixture of plants and herbs with a chemical compound. It was similar to and had the same effect as marijuana. It did not test positive in a drug test. It was sold as incense, but people smoked it and got high. Spice had caused people throughout the United States to be hospitalized for seizures. It was illegal in Japan, most European countries, and New Zealand. The administration asked that the City Council approve Ordinance No. 1034 for the health and safety of the citizens.

Councilman Tafoya asked how soon the ordinance would take effect. Would businesses be allowed time to remove products from their shelves? Mr. Blackburn said the ordinance would become effective as soon as it was posted.

Mayor Ritchie suggested a grace period to allow the Police Department and Economic Development staff time to educate the public.

Councilman Peterson asked how much of a grace period the Police Department would need. Mayor Ritchie felt two weeks would be sufficient.

Greg Whinham, Police Chief, stated that the education process for local businesses could be done in a day. He and Tony Reynolds, the Community and Economic Development Director, had already discussed how to proceed. They planned to hand deliver a copy of the ordinance to each merchant to let them know products would have to be removed from their shelves. They planned to begin tomorrow so that businesses would not reorder supplies. They had a plan in place to educate the youth. A lot of education could be done in two weeks.

Mayor Ritchie stated that possession was also listed in the ordinance. Merchants would need time to either burn their products or return them to their wholesalers.

Councilman Cragun felt sales should be stopped immediately upon posting of the ordinance. Over the years he had found when activities of this type were suspended, citizens were arrested because they purchased the product outside the city. He felt the City should go after the sales right away, and then give merchants time to remove the product from their shelves.

Greg Whinham stated that the Police Department would begin periodic checks on businesses. The Police Department worked well with the Weber Health Department in looking at the sales of tobacco to minors. They were in the stores a lot and would know what was taking place. It was a matter of dealing with the merchants that needed to remove products from their shelves.

Councilman Hilton stated that he took the opportunity to make stop at the Sinclair Station on 4000 South to purchase a drink. While he was there the clerk told several customers to buy now because the product might not be on the shelf tomorrow. He felt merchants were expecting the ban. Two weeks was good for education, but the sale restriction needed to go into effect immediately so the product would be removed from shelves.

Andy Blackburn stated that one merchant had expressed a willingness to work with the City.

Councilman Tafoya asked how many merchants sold this product. Greg Whinham said there were 10 to 12.

Councilman Cragun suggested that this matter be discussed with WACOG. Each city needed to pass an ordinance combating this. This was a problem that the County and State needed to be dealing with; otherwise citizens would just make their purchases outside the communities with restrictions.

Mayor Ritchie agreed that communities needed to take action now while the County and State went through their adoption process. This product would migrate to communities that didn't have an ordinance. He felt Roy City's and Ogden City's ordinances were well worded.

Andy Blackburn stated that Weber County and other communities were looking at similar ordinances. The State committee was recommending that action be taken.

Councilman Hilton thanked Mr. Blackburn for taking the time to prepare the ordinance. He brought this issue up two to three months ago and was told it was a State issue, not a municipal one. However, as soon as Ogden City passed an ordinance, it became a municipal issue. He would like some feedback from the Council and staff about what were State issues and what were municipal. He felt it was very important that the DARE program include education about Spice. DARE did an exceptional job educating the youth.

Andy Blackburn asked that the word 'use' be added to the heading of Ordinance No. 1034 after the word 'possession.'

Councilman Hilton moved to approve Ordinance No. 1034 amending the Roy City Municipal Code by adopting Section 5-2-8 pertaining to the purchase, possession, use, sale and offering for sale of certain intoxicating chemical compounds described hereunder and by providing that this ordinance shall become effective immediately upon posting after final passage with the amendment suggested by the City Attorney. Councilman Peterson seconded the motion. A roll call vote was taken: Council members Cragun, Hilton, Tafoya, Stokes, and Peterson voted "aye." The motion carried. (Copy filed for record).

3. PUBLIC COMMENTS

Niven Turner, 2108 West 5750 South, publicly thanked Councilman Tafoya for his comments and vote at the last Council meeting. He was a voice of reason.

Elizabeth Brown, 4997 South 1950 West, stated that a large truck was parked on the road and sidewalk across from Lakeview Elementary every weekend. When she walked to church, she was forced to walk in the middle of the road. Police Chief Whinham said the Police Department would look into it.

4. AWARD OF RESIDENTIAL SOLID WASTE COLLECTION SERVICE BID

Chris Davis stated that the City had used Waste Management's services for a great number of years. Their contract and its two two-year extensions had run out. It was appropriate for the City to bid its solid waste collection again. There were five interested parties, but only four bids were received on September 17th. The low bidder by a significant margin was Waste Management:

1st can per month - \$4.49
+ Can per month - \$2.65
Recycling Cost per month - \$5.25

The City had an excellent rapport with Waste Management. They were very supportive of Roy City and Utah League of Cities and Towns. The Council committee had met, reviewed the bids, and recommended that the Council accept the bid from Waste Management. The administration would then meet with Waste Management to finalize the contract, which would be presented to the Council at the next meeting.

Councilman Tafoya stated that the City had a great relationship with Waste Management. Their bid would save the citizens a lot of money. He felt the bid was spectacular after all the years Waste Management had worked with the City. Waste Management had never tried to rake the City over the coals. There was respect between both parties.

Lance Allen, Waste Management, stated that Waste Management had enjoyed its relationship with Roy City for many years. Waste Management's philosophy was to build good relationships with the communities they worked with.

Councilman Tafoya moved to accept the bid submitted by Waste Management on September 17, 2010, for residential solid waste collection service. Councilman Cragun seconded the motion. Council members Cragun, Hilton, Peterson, Stokes, and Tafoya voted "aye." The motion carried.

5. CITY MANAGER'S REPORT

Chris Davis stated that there had been good participation in the Utah League of Cities and Towns meetings. One of the speakers would speak again in the spring. His topic was Things are Going to Change and How Cities Began to Prepare for Them.

Chris Davis stated that after the meeting he wanted to take the Council members on a brief tour of the D&RG Railroad right-of-way. The City had planned to have the right-of-way paved by the middle of October. However, there were a number of trees that needed to be removed or cleared to make the trail safe. Trees larger than six inches had to be removed; trees less than six inches had to be cleared or grubbed. The removal and grubbing costs were not included in Wasatch Front Regional Council's estimate. UDOT, UTA, and Roy City were going back to Wasatch Front to ask

for additional funds to cover the tree removal and clearing. Councilman Tafoya asked how soon the trail would be completed. Mr. Davis said there were a couple of issues to address. One was the clearing; the other was the extension of the trail beyond Hinckley Drive. UDOT planned to meet with Wasatch Front Regional Council in October to ask for additional funds. The clearing would be put out to bid in October and completed this fall. The paving would be done in the spring

Chris Davis stated that the administration was working with the County Commission and other cities, particularly Ogden City, to finalize the budget and cost-per-animal for the animal shelter. The City anticipated that the shelter would open in October. He would keep the Council updated on the cost-per-animal.

6. MAYOR AND COUNCIL REPORTS

Councilman Cragun suggested that the Mayor and City Manager post an update on City projects on the City's website once a month. If it was a big project, an article could be placed in the newspaper.

Councilman Cragun stated that the Riverdale Road project was winding down. The contractor had done a great job. Merchants along Riverdale Road were very satisfied with what had happened. Last week the west portion was rotomilled and paved. However, funding for the west end was not in place. There were some real challenges to getting the funding. When the Council met with the legislators in its September 29th work session, it should address the funding issue so Riverdale Road could be finished to 1900 West. That project would make improvements to the 1900 West 5300 South intersection and possibly add an off ramp at Riverdale Road. Mayor Ritchie stated that he had met with the Regional Director from UDOT. The west end of Riverdale Road was a priority project. UDOT was in the process of requesting funding from the Legislature. It would be tough. Riverdale's mayor also wanted to see Riverdale Road finished. It seemed strange to improve the middle and not the ends.

7. ADJOURN

Councilman Cragun moved to adjourn at 6:35 p.m.

Joe H. Ritchie
Mayor

Attest:

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Michelle Drago
Secretary

dc:csep2110