

MINUTES OF THE DECEMBER 3, 2013, ROY CITY COUNCIL MEETING

1. Approval of the November 19, 2013, minutes
2. Consideration of Ordinance No. 1061 amending Title 1 of the Roy City Code by adding Chapter 15 establishing a Municipal Ethics Commission
3. Consideration of a request for preliminary subdivision approval for a commercial subdivision on property located at 3449 West 5600 South (Roy Medical Office Subdivision)
4. Public comments
5. Introduction and swearing in of new police officers
6. Information on Police Department personnel changes
7. Presentation by Kent's Market to the Roy City Fire Department
8. Consideration of an Interlocal Agreement for joint and cooperative action in operating a law enforcement Special Weapons and Tactics unit - Roy City Contract No. 2013-24
9. Consideration of Resolution No. 1038 declaring certain property as surplus and authorizing its sale
10. Approval of a contract to replace the roof at the Roy Recreation Complex – Roy City Contract No. 2013-25
11. City Manager's report
12. Mayor and Council reports
13. Motion to hold a closed session for the discussion of pending or reasonably imminent litigation
14. Closed session
15. Adjourn

Minutes of the Roy City Council Meeting held December 3, 2013, 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
Councilman John Cordova
Councilman Willard Cragun
Councilman Brad Hilton
Councilman Michael Stokes
Councilman Dave Tafoya

City Manager Chris Davis
City Attorney Andy Blackburn
Secretary Michelle Drago

Also present were: Jason Poulsen, Fire Chief; Jared Hall, Planner; Mike Elliott, Police Chief; Cathy Spencer, Management Services Director; Amy Mortenson, Recorder; Sherry May, Code Enforcement Officer; Ross Oliver, Public Works Director; Marge Becraft; Rachel Trotter; Chad Henrie; Jaden Nelson; Bud Holm; Gina Medina; Mike Bentley; Colby Bentley; Camron Murphy; Dominic Martinez; Vanessa Rodriguez; Tylar Spell; Ed Eschler; Chase Eschler; Dawson Hansen; Gennie Kirch; K.C. Halls; Preston Johnston; Jeff Johansen; and Boy Scout Troop 470.

Moment of Silence: Councilman Cragun

Pledge of Allegiance: Councilman Cragun

Mayor Ritchie welcomed students from Roy High School and Boy Scout Troop 470.

1. APPROVAL OF NOVEMBER 19, 2013, MINUTES

Councilman Hilton moved to approve the minutes of November 19, 2013, as written. Councilman Cragun seconded the motion. Council members Cordova, Cragun, Hilton, and Stokes voted “aye.” The motion carried

2. CONSIDERATION OF ORDINANCE NO. 1061 AMENDING TITLE 1 OF THE ROY CITY CODE BY ADDING CHAPTER 15 ESTABLISHING A MUNICIPAL ETHICS COMMISSION

Mayor Ritchie stated that the City Council held a discussion regarding the creation of a Municipal Ethics Commission at the last meeting. The ordinance establishing the commission was inadvertently left off the last agenda and could not be acted upon.

Councilman Cragun moved to approved Ordinance No. 1061 amending Title 1 of the Roy City Code by adding Chapter 15 establishing a Municipal Ethics Commission; providing for the membership thereof pursuant to an Interlocal Agreement; establishing the process for the filing of a complaint, the

investigation, and hearing processes therefor; providing for repealer; providing for severability; and providing for an effective date. Councilman Cordova seconded the motion. A roll call vote was taken: Council members Cordova, Cragun, Stokes, and Hilton voted “aye.” The motion carried. (Copy filed for record).

3. CONSIDERATION OF A REQUEST FOR PRELIMINARY SUBDIVISION APPROVAL FOR A COMMERCIAL SUBDIVISION ON PROPERTY LOCATED AT APPROXIMATELY 3449 WEST 5600 SOUTH (ROY MEDICAL OFFICE SUBDIVISION)

Jared Hall stated that the Planning Commission reviewed the Roy Medical Office and recommended that the City Council granted preliminary approval. There was a question regarding access for K.C. Halls who owned Barlow Square and whether to move the subdivision forward without a resolution to the access issue. The Planning Commission and Development Review staff supported the idea of access for Barlow Square. It made sense for traffic flow. The staff felt resolution of the access issue was out of the City's hands. The Planning Commission had made access a condition of approval. Iasis had constructed an apron and stubbed in utilities. However, in exchange for access Iasis was requiring K.C. Halls to sign a non-complete clause. Mr. Halls did not want to sign the clause. The City did not have control over either party. The staff and Planning Commission recommended that the City Council grant preliminary approval of the Roy Medical Office Subdivision.

Councilman Hilton stated that Iasis was his employer. He recused himself from the discussion.

Councilman Cordova understood the City did not have leverage over the developer or the property owner. In the spirit of cooperation, he wanted the City Council to sit down with both parties and make an attempt to work something out. In 2007, the City transferred a strip of property to Home Depot without restrictions with the understanding they would grant access to Barlow Square. He didn't feel it was logical to limit access and force all of the vehicular traffic from Barlow Square to the other parking lot. He suggested holding a work session to meet with both parties. He wanted both sides to come to the table.

Mayor Ritchie also felt a work session would be beneficial.

Councilman Cordova didn't want a secret meeting. Mayor Ritchie said all work sessions were public meetings.

Councilman Stokes echoed Councilman Cordova. The City had had a previous interest in the property. The City deeded property to a previous developer. Unfortunately, the access wasn't granted as the City intended. He felt the City had an obligation to help move the subdivision forward.

Councilman Cragun felt the Council needed to bring both parties to the table to see if it could help resolve the access. Then they would know the City had enough interest in the issue to do what needed to be done.

Mayor Ritchie said the City would be the mediator.

Councilman Cordova moved to remove this item from the agenda and move it to a work session. Councilman Cragun seconded the motion. Council members Cordova, Cragun, and Stokes voted “aye.” Councilman Hilton abstained. The motion carried.

Mayor Ritchie stated that the Council would be notified when the work session was scheduled.

4. PUBLIC COMMENTS

Gennie Kirch, 1951 West 4335 South, asked if the City could talk to Ogden City about the planes at the Ogden Airport. She recently saw two planes take off at the same time. When she called the airport she was told they were stunt planes that were practicing. A neighbor called because the brine shrimp plane was leaving the airport early every morning from the same runway. It had a very loud engine. She hoped they could alternate runways so the residents weren't woke up every day. The residents in this area of the City had to deal with this and more. She asked if something could be done in the spirit of camaraderie.

Mayor Ritchie said the City tried to keep an open communication with the Ogden Airport. The City had had an excellent working relationship with the previous manager.

Ms. Kirch said the residents had called and talked to the new airport manager. Mayor Ritchie said the City would step up its attempts a little more.

Gennie Kirch thanked the City Council for the recycling program. She heard that Ogden High School was recycling glass. She felt it would be great if there was a place in Roy to take glass.

5. INTRODUCTION AND SWEARING IN OF NEW POLICE OFFICERS

Police Chief Mike Elliott introduced Colby Bentley and Preston Johnston, the City's newest police officers. Both were just completing the Police Academy; both were at the top of their class.

Colby Bentley was excited to be done with the Police Academy and starting in Roy. He introduced his family.

Preston Johnston was excited to be able to work for Roy. He introduced his friends and family.

Mayor Ritchie welcomed both officers.

Amy Mortenson, City Recorder, administered the Oath of Office to both officers.

Councilman Tafoya arrived at 6:22 p.m.

6. INFORMATION ON POLICE DEPARTMENT PERSONNEL CHANGES

Police Chief Elliott explained that the Police Department used to have five administrators – one chief, two deputy chiefs, one investigative sergeant, and one school sergeant. He reduced the number of positions to four and made the sergeants lieutenants. He had juggled duties, and all four were cross training. The four positions were still doing the same amount of work as the five had. In the process, the City was saving \$93,000 a year.

Mayor Ritchie felt the change was workable and made sense.

Councilman Cragun was concerned about compression on the bottom and that the change would do away with promotion opportunities.

Chief Elliott stated that sergeants would be leaving over time, and opportunities would open up. He felt the change would create opportunities to train the future leaders of the department. It would involve them in more aspects of the department and would help them prepare for the future.

Councilman Hilton stated that he met and discussed his questions and concerns with Chief Elliott. He asked the Chief to explain the process for selecting the lieutenants. Chief Elliott said Deputy Chief Jensen researched the selection process. All of the sergeants in the department applied for the positions. They were then interviewed by an oral board including himself, the deputy chief, and an officer from Ogden. Everyone on the board tabulated their scores after the interviews and came up with the top candidates. The final decision was made by the deputy chief and himself. They planned to follow the same procedure in the future.

Councilman Hilton felt Chief Elliott was making good changes. The Police Department was moving forward.

Chief Elliott wanted to have transparency in all areas.

7. PRESENTATION BY KENT'S MARKET TO THE ROY CITY FIRE DEPARTMENT

Jeff Johansen, the store director for Kent's Market, stated that Associated Food held a special promotion. For every dollar spent on their products they donated \$.10 to the local fire department. A similar promotion was running right now for police departments. He met with Chief Poulsen to determine what the Roy Fire Department needed and what the cost would be. The promotion fell short of the desired amount so Kent's Market made up the difference. He presented a check for \$2,500 to the Roy City Fire Department.

Mayor Ritchie expressed the City's appreciation. Mr. Johansen said that Roy City had been very good to Kent's Market. Their store couldn't be successful without the support of the City Council and the residents.

Chief Poulsen expressed the Fire Department's appreciation. The funds would be used for helmets, Nomex hoods, gloves, and boots.

8. CONSIDERATION OF AN INTERLOCAL AGREEMENT FOR JOINT AND COOPERATIVE ACTION IN OPERATING A LAW ENFORCEMENT SPECIAL WEAPONS AND TACTICS UNIT – ROY CITY CONTRACT NO. 2013-24

Mike Elliott, Police Chief, stated that this was an Interlocal agreement regarding the Ogden Metro S.W.A.T team. The agreement had been reviewed by Andy Blackburn, the City Attorney. The agreement placed control of the S.W.A.T. team under the Weber County Sheriff's Department. The reason for the move was insurance. The insurance that covered Weber County would insure and indemnify the team and all of its members without further cost. There would not be a change in the way the team operated.

Councilman Tafoya moved to approve an Interlocal Agreement for joint and cooperative action in operating a law enforcement Special Weapons and Tactics Unit – Roy City Contract No. 2013-24. Councilman Hilton seconded the motion. A roll call vote was taken: Council members Stokes, Hilton, Cordova, Tafoya, and Cragun voted "aye." The motion carried. (Copy filed for record).

9. CONSIDERATION OF RESOLUTION NO. ORDINANCE NO. 1038 DECLARING CERTAIN PROPERTY AS SURPLUS AND AUTHORIZING ITS SALE

Mayor Ritchie stated that the following vehicles and equipment had been declared as surplus:

2000 Chevrolet S-10 Blazer	AC leaking, needs condenser, front end work, and muffler
1999 Oldsmobile	Has check engine light, needs tires, battery, old cop car
1990 Ford F-350 Utility	Needs tires, brakes, and battery
1993 GMC Bobtail Dump	Needs battery, clutch is gone, bed is in very poor condition
1987 GMC 2500	Old spray truck, sat unused for 5 years, tank is leaking, hoses rotten
1998 Dodge 1-Ton Dump	Needs brakes, floor rusted, won't pass I/M
1999 Dodge ¾ -Ton Utility	Needs front end work, ball joints
1995 Jag Lift man lift	Front hub is broken, \$2,500 to repair, not worth fixing

Councilman Cordova moved to approve Resolution No. 1038 declaring certain property as surplus and authorizing its sale. Councilman Stokes seconded the

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

10. APPROVAL OF A CONTRACT TO REPLACE THE ROOF AT THE ROY RECREATION COMPLEX – ROY CITY CONTRACT NO. 2013-25

Ross Oliver, Public Works Director, stated that the City advertised for Requests for Proposals for replacing the roof of the Recreation Complex. Seven contractors picked up packets and looked at the roof, but only two proposals were submitted on the October 15th deadline. The deadline was extended another two weeks in hopes that more proposals would be submitted, but none were. Chris Davis, Mark Miller, and he met with both Conwest, Inc. and Kendrick Brothers Roofing. Both were asked to resubmit their bids to make sure everything was bid the same. The proposals were reviewed again. The low bid was from Conwest, Inc. for \$128,618.68. Conwest was the same contractor that did the roof on the Municipal Building. Mr. Oliver said the bid was over the budgeted amount of \$100,000. An adjustment would have to be made at mid year.

Cathy Spencer, Management Services Director, stated that if the bid were approved, the staff would request additional money during the mid-year budget adjustments.

Mayor Ritchie asked when the work would start. Ross Oliver said Conwest was ready to begin. Conwest did an excellent job on the Municipal Building.

Councilman Hilton moved to approve Roy City Contract No. 2013-25 and award the contract to replace the roof for the Roy Recreation Complex to Conwest, Inc. for \$128,618.68 and authorize the Mayor to sign the Notice of Award and Contract Agreement. Councilman Cragun seconded the motion. A roll call vote was taken: Council members Hilton, Tafoya, Stokes, Cragun, and Cordova voted “aye.” The motion carried. (Copy filed for record).

11. CITY MANAGER’S REPORT

Chris Davis stated that after January 1st there would be a vacancy on the City Council due to the election of Councilman Cragun as mayor. The City Council had 30 days to fill a vacancy from the date it was created, which would be the date Councilman Cragun was sworn in as mayor. Mr. Davis suggested that the Council schedule filling the vacancy on January 21st, the second meeting in January. The City would place notices about the vacancy in the City newsletter and in the *Standard Examiner*. Applications would be submitted to Amy Mortenson, the City Recorder.

Councilman Willard Cragun suggested that a notice about the vacancy also be posted on the City’s website. He agreed that the Council should consider filling the vacancy during the second meeting in January.

Councilman Hilton felt the second meeting was the only time the Council could consider the vacancy. The first meeting in January would be too early, and the first meeting in February was one day over the 30-day requirement.

12. MAYOR AND COUNCIL REPORTS

Mayor Ritchie stated that a date needed to be set to swear in the new mayor and council members. It could not be done until after January 1st. He felt it was important that the mayor be sworn in before the first 2014 WACG meeting on January 6th. The first Council meeting in January would be on the 7th. He suggested either Saturday, January 4th, at 12:00 p.m. or Monday, January 6th at 12:00 p.m.

The City Council agreed on Saturday, January 4th at 12:00 p.m.

Councilman Hilton asked about the Leakage Survey. Mr. Davis said that he had spoken with Jason Burningham and withheld payment of the latest invoice. Councilman Hilton suggested docking payment as a penalty for work not being completed on time.

13. MOTION TO CONVENE A CLOSED SESSION FOR THE DISCUSSION OF PENDING OR REASONABLY IMMINENT LITIGATION

Councilman Stokes moved to hold a closed session in the Administrative Conference Room at 6:49 p.m. to discuss pending or reasonably imminent litigation. Councilman Cordova seconded the motion. A roll call vote was taken: Council members Tafoya, Cordova, Hilton, Cragun, and Stokes voted "aye." The motion carried.

14. CLOSED SESSION

A closed session was held in the Administrative Conference Room from 6:56 to 7:04 p.m. Those in attendance were: Mayor Joe Ritchie, Councilman John Cordova, Councilman Willard Cragun, Councilman Brad Hilton, Councilman Michael Stokes, Councilman Dave Tafoya, City Manager Chris Davis, and City Attorney Andy Blackburn.

15. ADJOURN

Councilman Tafoya moved to adjourn at 7:04 p.m. Councilman Cordova seconded the motion. Council members Cordova, Cragun, Hilton, Stokes, and Tafoya voted "aye." The motion carried.

Attest:

Joe H. Ritchie
Mayor

Amy Mortenson
Recorder