

MINUTES OF THE FEBRUARY 5, 2013, ROY CITY COUNCIL MEETING

1. Approval of the December 18, 2012, and January 15, 2013, minutes
2. Introduction of new Deputy Fire Chiefs
3. Public hearing on adjustments to the Fiscal Year 2013 Budget
4. Consideration of Resolution No. 1016 adopting adjustments to Fiscal Year 2013 Budget
5. Public comments
6. Discussion of City sidewalk snow removal ordinance
7. City Manager's report
8. Mayor and Council reports
9. Adjourn

Minutes of the Roy City Council Meeting held February 5, 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 Dave Tafoya

City Manager Christ Davis
City Attorney Andy Blackburn
Secretary Michelle Drago

Excused: Councilman Michael Stokes

Also present were: Cathy Spencer, Management Services Director; Jason Poulsen, Fire Chief; Ross Oliver, Public Works Director; Sheri May, Code Enforcement Officer; Jeff Comeaux; Angela Comeaux; Cole Comeaux; Cody Draheim; Lance Eastman; Tylynn Atchley; Shauna Kolb; Kelly Kolb; Jeff Baldwin; Cheyanne Baldwin; Brad Burnett; Janis Hardy; Hunter Smith; Ethan Henderson; Colby Lowder; Jessica Kerns; Elizabeth Brown; and Boy Scout Troops 219, 363, and 370.

Moment of Silence: Councilman Cordova

Pledge of Allegiance: Boy Scout Troop 363

1. APPROVAL OF DECEMBER 18, 2012, AND JANUARY 15, 2013, MINUTES

Councilman Hilton moved to approve the minutes of December 18, 2012, and January 15, 2013, as written. Councilman Cragun seconded the motion. Council members Cordova, Cragun, Hilton, and Tafoya voted "aye." The motion carried

2. INTRODUCTION OF NEW DEPUTY FIRE CHIEFS

Jason Poulsen, Fire Chief, stated that last year the City lost a deputy fire chief and another just sent to Riverdale City as captain. The vacancies opened up the opportunity to fill both from inside the department. The department had a lot of good candidates. Chief Poulsen introduced the new deputy fire chiefs to the City Council - Jeff Comeaux and Cody Draheim. He was excited for the opportunity to work with both of them. They were well educated and proactive. He congratulated both.

Jeff Comeaux stated that he had grown up in Roy and attended Roy High School and Weber State University. He had been with the Roy Fire Department for most of his 15 years in the fire service. He was honored and really appreciated the opportunity to serve as a deputy fire chief. He felt the department would continue to move in a good direction. The department was there to serve the community. The Roy Fire Department

was a good place to work. It had a lot of great people. He was happy to work with Chief Poulsen. He introduced his wife Angela and his son Cole.

Cody Draheim stated that he was happy to work with the people he worked with. He felt Roy had the best fire department in the state. He also grew up in Roy. His father was a captain in the Roy Fire Department. He felt he had grown up in this fire department. It was very much home. He thanked the City for this opportunity.

Councilman Cragun stated that it warmed his heart to see promotions from inside. At one time, there had been a great deal of turmoil when a chief from outside the department was brought in. The Council asked that man to make sure that Roy fire fighters received the training needed to be able to promote from within. That was the last time the City had gone outside the department for a new chief.

Chief Poulsen said that training policy would continue.

3. PUBLIC HEARING ON ADJUSTMENTS TO THE FISCAL YEAR 2013 BUDGET

Councilman Tafoya moved to open the public hearing at 6:10 p.m. Councilman Cordova seconded the motion. Council members Cordova, Cragun, Hilton, and Tafoya voted "aye." The motion carried

Cathy Spencer, Management Services Director; stated that the majority of the budget adjustments were focused on the Council's desire to implement at 2% COLA for the employees. She understood that the COLA applied to part time and full time employees. The COLA would be retroactive to December 29, 2012, which was the beginning of the first pay period in January. Some adjustments were also needed for grants, staffing changes, equipment, and capital projects. She asked that the Council approve Resolution No. 1016 approving adjustments to the FY2013 budget.

Councilman Cordova asked about repairs at the Aquatic Center. Ross Oliver, Public Works Director, stated that the pool had settled at the shallow end and was beginning to sag. There were also some tears along the side.

Councilman Cordova asked if the liner was still under warranty. Chris Davis said the liner did have a 30 year warranty. The issues with the sides would be covered under warranty; the settling would not.

Councilman Cordova asked how the repair would be made. Mr. Davis said the lining would be cut, concrete and foam would be placed underneath, and the cut would be sealed.

Councilman Cragun stated that the Council had discussed a COLA for the employees during a work session. The motion to approve the COLA did not include department heads and deputy directors. Afterward he began to think about whether that was fair. The department heads gave just as much as the rest of the employees. He asked how much it would cost to include the department heads. Ms. Spencer said it would be

\$10,000. Councilman Cragun asked that the department heads be included in any motion to approve the budget adjustments.

Councilman Hilton felt the Council should wait to consider increases for the department heads until it looked at budget figures in a few months. The department heads were being compensated in other areas. He felt time was on the City's side to wait and go through the budget. He didn't want to leave the department heads out, but he wanted to be fiscally responsible.

Mayor Ritchie asked if there would be a need for a tax increase. Ms. Spencer stated that the analysis the Council asked for was not included in the budget report. The City was seeing some revenue increases.

Councilman Tafoya asked how much the City now had over what was anticipated. Ms. Spencer said revenues were up from property taxes and franchise fees. Ambulance revenues were doing really well.

Councilman Hilton said the increased revenues increased his comfort level, but he didn't want to commit to something the City could not take back. He wanted to make sure the City was doing the right thing for the public.

Councilman Cragun stated that including department heads would be an additional \$10,000. He felt that could be covered without a tax increase. He didn't feel a tax increase in the coming year would be needed. Things were looking better. He agreed circumstances could change drastically. The City provided services. If something catastrophic happened, the City would have to deal with it. He wasn't hesitant to include the department heads at this time. When the salary survey was completed, the City would have to address expenses.

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

Councilman Tafoya moved to close the public hearing at 6:21 p.m. Councilman Hilton seconded the motion. Council members Cordova, Cragun, Hilton, and Tafoya voted "aye." The motion carried.

4. CONSIDERATION OF RESOLUTION NO. 1016 ADOPTING ADJUSTMENTS TO FISCAL YEAR 2013 BUDGET

Councilman Tafoya moved to approve Resolution No. 1016 as written adopting adjustments to the Fiscal Year 2013 Budget. Councilman Hilton seconded the motion.

Councilman Cragun asked if that included a 2% COLA for all employees. Councilman Tafoya said it included all employees, except the department heads.

A roll call vote was taken: Council members Cordova, Hilton, and Tafoya voted "aye." Councilman Cragun voted "nay." The motion carried.

5. PUBLIC COMMENTS

Kelly Kolb, 2602 West 3900 South, asked the City Council to consider changes to the City's dog nuisance ordinance regarding excessive barking. He had been ticketed twice because of language contained in the ordinance regarding 'untimely barking,' which meant barking anytime during the day. He was a considerate dog owner. He had tried various methods of training his dog not to bark. He had spoken with his neighbor. His neighbor felt any time his dog barked was 'untimely' for them. He had tried to talk with the animal control officer, the City Attorney, and the City Planner Jared Hall. Mr. Hall suggested that he approach the Council about changing the ordinance. Mr. Kolb suggested that 'untimely' be defined to mean between the hours of 8:00 p.m. and 8:00 a.m.

Councilman Tafoya asked what the judge had said. Mr. Kolb said the way the ordinance was written any barking was untimely. Councilman Tafoya asked what times of the day Mr. Kolb had been cited. Mr. Kolb said the last time was 7:00 p.m.

Andy Blackburn, City Attorney, stated that changes to the Animal Control Ordinance had been drafted. He would look at the section Mr. Kolb was referring to. It was difficult for the Council to discuss this matter because it was only hearing from one party. He would be willing to talk with Mr. Kolb.

6. DISCUSSION OF CITY SIDEWALK SNOW REMOVAL ORDINANCE

Councilman Cragun said he had asked that this item be placed on the agenda. He had driven around the City and noticed that during the recent snow storm many sidewalks were not shoveled. Some sidewalks had not been shoveled all year. He saw seniors and school children walking in the road to avoid icy sidewalks. He felt this was a compliance problem that needed to be addressed. The City's ordinance said that property owners were responsible to clean snow from their sidewalks within 12 hours of a snow storm. He knew the City's Code Enforcement Officer tried to enforce the ordinance. How could the City get residents to comply with the ordinance? Did the City have to set rigid fines? Who was liable if someone was hurt on an icy sidewalk?

Andy Blackburn stated the property owner would be liable if someone was injured.

Councilman Tafoya asked what the penalty was for not removing snow from sidewalks. Mr. Blackburn said failure to remove snow from sidewalks was considered a nuisance. A civil ticket could be issued, which carried a fine of \$100. A criminal ticket carried a fine of \$50.

Sherry May, Code Enforcement Officer, stated that this winter she had opened 177 cases for lack of snow removal. About three-fourths of them had been resolved. She didn't feel the ordinance had any teeth. The people in violation knew how far they could push it.

Councilman Tafoya asked if a home owner could be cited for putting snow in the street. Ms. May said they could. She had written some, but she usually counseled home owners not to put snow in the street.

Councilman Cragun said there was only one, maybe two, employees trying to enforce the ordinance. He suggested that officers knock on doors if they noticed sidewalks that hadn't been cleared. Sometimes a visit from a fellow in blue had more impact than the Code Enforcement Officer, and it would give the Code Enforcement Officer some help.

Councilman Cragun stated that the ordinance said the sidewalk was the responsibility of the adjacent property owner. He noticed City employees were removing snow from sidewalks next to the Ogden Airport. Did the City have an agreement with Ogden City for snow removal? Chris Davis was not aware of an agreement with Ogden City.

Sherry May stated that it took several months for a civil case to reach court. A criminal ticket was different.

Councilman Cordova asked if a criminal ticket allowed for a warning. Ms. May said it did not.

Councilman Cragun felt it was time to make a change if civil tickets weren't getting the job done. Someone might flaunt a criminal ticket until they were brought into a court room.

Councilman Cordova suggested that the City use the newsletter to get the message about snow removal out. Property owners might not realize they were liable if someone was injured in their yard.

Councilman Cragun suggested that a letter be sent to the religious community to try and get more people involved.

Councilman Tafoya suggested that this discussion be continued at the work session on February 12th.

Councilman Cragun hoped the City could get ahead of the problem before next winter.

7. CITY MANAGER'S REPORT

Chris Davis reminded the Council about the work session on February 12th. It would be held in the Hope Center and would begin at 6:00 p.m. Doug Larson would speak to the Council at 6:00 p.m.; Randy Sant would begin at 7:00 p.m. He would put sidewalk snow removal on the agenda. Budget meetings would also be scheduled during the work session.

Chris Davis reminded the City Council that the Utah League of Cities and Towns Conference would be held on April 10th, 11th, and 12th.

Chris Davis stated that the Utah Legislature had started. The Mayor and he attended the Local Officials Day. This year the Legislature was discussing several issues which would impact the City directly – billboards, water, transparencies, and transportation. If the Council had questions about an issue, they could check the Utah League of Cities and Towns' website. The Mayor and he tried to be at the legislature on Monday, Wednesday, and Friday mornings.

Chris Davis stated that there were a number of items regarding the budget which were not addressed in the proposed adjustments. They would be brought before the Council in March.

8. MAYOR AND COUNCIL REPORTS

Councilman Hilton gave 'Kudos' to the Public Works Department for the way they cleared the City streets during the recent ice and storm storms. Roy City's streets were clear. Streets in surrounding communities were not.

Councilman Cragun stated that the seniors were very complimentary after noticing firemen removing snow around fire hydrants. He echoed Councilman Hilton's comments about Public Works. He had heard many good comments about the way the roads in Roy City were cleared.

9. ADJOURN

Councilman Cragun moved to adjourn at 6:58 p.m.

Attest:

Joe H. Ritchie
Mayor

Amy Mortenson
City Recorder

dc:cfeb513