

MINUTES OF THE JULY 19, 2016, ROY CITY COUNCIL MEETING

1. Approval of July 5, 2016, minutes
2. Consideration of Resolution No. 16-36 honoring Kaden and Carson Kimber for their extraordinary efforts in supporting the families of the fallen police officers in Dallas, Texas
3. Environmental update presentation by Hill Air Force Base – Jarrod Case
4. Swearing in of new Roy City police officer
5. Consideration of Resolution No. 16-32 approving Ambulance Transportation Rates and Charges
6. Consideration of Resolution No. 16-33 approving an Interlocal Cooperation Agreement for Paramedic Aboard Charges
7. Consideration of Resolution No. 16-30 approving an Interlocal Agreement between Roy City and Sunset City for the provision of management and collection procedures for sewer services
8. Consideration of Resolution No. 16-34 approving an Interlocal Agreement for Law Enforcement Narcotic and Gang Strike Force Services
9. Consideration of Resolution No. 16-35 approving a contract with Advanced Paving and Construction, LLC for the George Wahlen North Park Parking Lot Project, Phase 1
10. City Manager's report
11. Public comments
12. Mayor and Council reports
13. Adjourn

Minutes of the Roy City Council Meeting held July 19, 2016, 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 Willard Cragun
Councilwoman Marge Becraft
Councilman Bob Dandoy
Councilman Brad Hilton
Councilman Dave Tafoya

City Manager Andy Blackburn
Secretary Michelle Drago
Youth City Council Samantha Jensen

Excused: Councilwoman Karlene Yeoman

Also present were: Cathy Spencer, Management Services Director; Amy Mortenson, City Recorder; Travis Flint, Parks & Recreation Director; Ross Oliver, Public Works Director; Trent Nelson, Assistant City Attorney; Jeff Comeau, Deputy Fire Chief; Aaron Perry; Deputy Police Chief; Ed Sorenson, Street Superintendent; Jarrod Case; Jason Wilde; Davis Harris; Tim Lane; Jeff Call; Leon Wilson; David Tracy; Jeff Burton; Joseph Cook; Jesse Curtis; Jared Roper; Jason Kimber; Sherrie Kimber; Kaden Kimber; Carson Kimber; Shannon Walker; Michael Shane Burton; Allison (Burton); Maeve (Burton); Ethan (Burton); and Roger Spiegel.

Moment of Silence: Councilman Hilton

Pledge of Allegiance: Councilman Hilton

1. APPROVAL OF JULY 5, 2016, MINUTES

Councilwoman Becraft moved to approve the July 5, 2016, minutes as written. Councilman Dandoy seconded the motion. Council members Becraft, Dandoy, Hilton, and Tafoya voted “aye.” The motion carried.

CONSIDERATION OF RESOLUTION NO. 16-36 HONORING KADEN AND CARSON KIMBER FOR THEIR EXTRAORDINARY EFFORTS IN SUPPORTING THE FAMILIES OF THE FALLEN POLICE OFFICERS IN DALLAS, TEXAS AND BATON ROUGE, LOUISIANA

2.

Deputy Police Chief Aaron Perry read a letter the Police Department wrote to the Mayor and Council:

This letter is being submitted to formally request the recognition of Kaden and Carson

Kimber of 5999 South 3200 West by Roy City Corporation for their role in collecting donations for the children of fallen officers in both Baton Rouge, Louisiana and Dallas, Texas.

While most of us in the law enforcement community understand the majority of citizens to whom we provide service support us; it is typically a silent approval. Kaden and Carson are unique in that they exhibited support of children in law enforcement families. For a fleeting moment they felt helpless, even at 8 and 6-years-old. Their thoughts were with those children in Dallas and Baton Rouge, who weren't going to be able to greet, kiss or hug their father's whom they expected home at the conclusion of their patrol shifts. Refusing to stand by and do nothing they took out a loan for \$100 from the bank of Dad. They negotiated an interest free loan to be paid back at the rate of clean bedrooms and book-reading for 100 days. Kaden and Carson stayed up late baking goods, making lemonade, and creating signs for a lemonade stand that on any other day would open too early for kids who were on summer vacation.

Like most businesses, opening was rough, with very little attendance and fanfare. Kaden and Carson's mother reached out to the Roy Police Department who "advertised" the Kimber Lemonade stand on Facebook and Twitter. Through the power of social media word traveled quickly to other police agencies, police support groups, and the media. After nine hours and a dinner on opening day, Kaden and Carson collected \$1,000 from their lemonade stand patrons and customers at Buffalo Wild Wings, where they went after closing to celebrate their accomplishment. After the reports of officers being shot in Baton Rouge came in several days later Kaden and Carson re-opened their stand, for five hours, raising another \$1,605 for the families of those fallen officers in Louisiana.

We at Roy City Police Department are grateful for the multitudes of residents and businesses that have showered our office, patrol cars, and officers, with cards, meals, prayers, and ribbons. While these acts of kindness by our residents towards the police department are graciously accepted, the reality is that we are truly motivated and reminded about the important work we do when we encounter such esteemed examples of community service set forth by these two young men.

The Roy City Police Department would like to publicly thank and show our appreciation to Kaden and Carson Kimber for the time, effort, and sacrifices they made, for two days, putting others before self.

Deputy Police Chief Perry read Resolution No. 16-36 recognizing Kaden and Carson Kimber for their extraordinary efforts in supporting the families of the fallen police officers in Dallas, Texas and Baton Rouge, Louisiana.

Councilman Hilton moved to approve Resolution No. 16-36 recognizing Kaden and Carson Kimber for their extraordinary efforts in supporting the families of the fallen police officers in Dallas, Texas and Baton Rouge, Louisiana. Councilman Dandoy seconded the motion. A roll call vote was taken: Council members Tafoya, Dandoy, Hilton, and Becraft voted "aye." The motion carried. (Copy filed for record).

Councilman Dandoy quoted Danny Thomas, *“Success has nothing to do with what you gain in life or accomplish for yourself. It’s what you do for others.”* These boys had done a great thing. In the Air Force it was service before self. They had exemplified putting others first. He admired them for their contribution.

Councilman Hilton stated that after September 11th, his son set up a lemonade stand help the victims of 9/11. Kaden and Carson’s parents should be proud of them. He appreciated the efforts of these young men and their parents and thanked them for their service.

Councilwoman Becraft stated that she had taught a lot of children over the years. The children who were successful in school had parents that really cared and really wanted them to learn about America and Roy City. She applauded these boys. If they kept up their efforts, they would be outstanding citizens throughout their lives.

Councilman Tafoya stated that it had taken a lot of effort to run a lemonade stand. It was hard work. They should be very proud of what they had done. The police officers were proud of them as was the Council and entire community.

Samantha Jensen, Youth City Council member, reminded Kaden and Carson of how happy they felt when they learned how much money they had raised. If they continued to serve and help people throughout their lives they would continue to have that good feeling.

Mayor Cragun stated that Kaden and Carson had done an outstanding service for Roy City and the families of police officers in Dallas and Baton Rouge. Adults forgot about the young people, but out of the mouth of babes came words of wisdom. He hoped their story was picked up by the national press so people could see that citizens from the Roy community had spoken loudly to the police officers who put their lives on the line every day without thought about whether they would get to go home. These boys had thought about that and what they could do. They were to be commended. He hoped others would learn a valuable lesson from them. Service to others begets service to you.

Deputy Chief Perry presented copies of the resolution to Kaden and Carson and gave each a Chief’s Medallion which was only given for excellence in the community. The coin said, *“I am only one, but still, I am one. I cannot do everything but I can do something. What I can do, I ought to do.”*

3. ENVIRONMENTAL UPDATE PRESENTATION BY HILL AIR FORCE BASE – JARROD CASE

Jarrold Case, Project Manager from Hill AFB, stated that they were in attendance to provide the City Council with an update regarding the TCE Plume in Roy, also known as Operable Unit 12.

Jason Wilde, Hill AFB, said the plume extended from the Base to about 3000 West in Roy. It consisted of trichloroethene (TCE) in the groundwater. In communities surrounding Hill AFB chemicals historically disposed on Base had contaminated areas of shallow ground water. He emphasized that the shallow ground water was not drinking water. There were several layers of clay that acted as a barrier between the ground water and the drinking water source. The plume was discovered in the late 1990's. Their clean up strategies included seven on-Base extraction wells; a permeable reactive barrier west of 2700 West; land use controls, source area treatment studies; vapor intrusion monitoring and mitigation; and monitoring natural attenuation. The extraction wells on Base pumped the ground water into holding tanks that were discharged into the North Davis Sewer system.

Mr. Wilde explained that the permeable reactive barrier consisted of a trench with sand and iron filings which trapped and treated TCE. Regular studies had shown that other cleanup activities were more effective. Hill AFB had sought permission from the State and EPA to decommission the permeable reactive barrier. Both bodies concurred. Hill AFB was waiting for final approval from the Air Force.

Councilman Dandoy asked if the permeable reactive barrier had trapped some contamination and if the contamination had been extracted from the barrier. Mr. Wilde said the purpose of the barrier was to trap and convert TCE to a less dangerous form. It was not a mechanism meant to draw the TCE away. Their samples indicated that the barrier had been successful.

Councilman Dandoy asked if decommissioning the barrier meant puncturing it. Mr. Wilde said gates would be put in the barrier to allow the groundwater to flow more naturally.

Jason Wilde explained that their active tests and treatability studies evaluated the effectiveness of soil vapor extraction and enhanced reductive dechlorination. They were required to install injection wells, install a soil vapor extraction system; establish baseline sample standards; inject carbon substrate; operate the soil vapor extraction and measure changes; and establish suitable conditions for additional microbial additions. He said that all of their remediation efforts over the years had been successful. The plume was shrinking in size and concentration.

Jarrod Case stated that there wasn't any opportunity for people to come into contact with the contaminant through the ground water unless they had a well or a sump pump. Even then the contact was very limited. The only way to be exposed was through the air. TCE liked to be in the air. It evaporated through the soil up into homes, which was called vapor intrusion. In conjunction with their other tests, the Base also had an air sampling program. The Base collected indoor air samples to see if vapor intrusion was occurring. If it was, the EPA and the State had established action levels. They also had to determine if the vapor was coming from the ground water or a source within the

home. There were household chemicals that contained TCE. If the source was the ground water, the Air Force installed and maintained a vapor removal system. There were 510 homes in the plume area. Since 2003, 397 had been sampled. Thirty-four (34) home had detections above the action level. The Air Force had installed 24 vapor removal systems. In 2016, the Air Force had contacted 73 homes; 43 had been sampled. One home had detections above the action level. Inside sources were suspected, but the homeowner would not remove the sources. Mr. Case felt the Air Force had a good handle on where people were exposed.

Councilman Dandoy asked if there was a plume in Sunset. Mr. Case said there was a plume in Sunset and Clinton. It was known as Operable Unit 5. Councilman Dandoy asked if their mitigation strategies were working in Sunset as well. Mr. Case said they were. The Sunset/Clinton plume wasn't as concentrated as Roy's. It was stable or shrinking. Councilman Dandoy said the contaminant did not care about boundaries.

Councilwoman Becraft asked if the mitigation efforts would change if there was a new administration. Mr. Case said the Air Force was responsible for the contamination, and by law they had to clean it up. The EPA and the State of Utah were constantly looking over their shoulder.

Councilman Tafoya said the Council was told 15 to 16 years ago that it would take 30 years to clean up the plume. Hill AFB had been proactive in getting the job done. They were half way through the estimated time period.

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

Mayor Cragun stated that this had been an open process. Hill AFB had been proactive in cleaning up the site. He appreciated that the Base had been open with Roy City's government.

4. SWEARING IN OF NEW ROY CITY POLICE OFFICER

Deputy Police Chief Perry introduced Michael Shane Burton, Roy's newest police officer. Michael had 17 years of experience. In 1999, he started in Washington Terrace. He moved to the State's Motor Vehicle division; then worked in Hawaii. He came to Roy City from Ogden. He brought a lot of experience to the Police Department.

The City Council welcomed Michael Burton.

Amy Mortenson, City Recorder, swore in Michael Burton.

Michael introduced his friend Allison and her children Maeve and Ethan.

5. CONSIDERATION OF RESOLUTION NO. 16-32 APPROVING AMBULANCE TRANSPORTATION RATES AND CHARGES

Deputy Fire Chief Jeff Comeau stated that every year the Utah Department of Health, Bureau of Emergency Medical Services adjusted the maximum allowable rates for emergency medical services. Resolution No. 16-32 would adopt the newest rates. Advanced EMT Ambulance service had increased by \$14 to \$933. Advanced Life Support had increased by \$21 to 1,344.

Councilman Tafoya moved to approve Resolution No. 16-32 approving ambulance transportation rates and charges. Councilman Dandoy seconded the motion. A roll call vote was taken: Council members Hilton, Becraft, Tafoya, and Dandoy voted “aye.” The motion carried. (Copy filed for record).

6. CONSIDERATION OF RESOLUTION NO. 16-33 APPROVING AN INTERLOCAL COOPERATION AGREEMENT FOR PARAMEDIC ABOARD CHARGES

Deputy Chief Comeau stated that every five years it was necessary to renew Roy City's interlocal cooperation agreement with Weber County and other entities to provide and receive paramedic services. Resolution No. 16-33 would renew the current interlocal agreement for another five years. The only change was the addition of the Weber Fire District.

Councilwoman Becraft moved to approve Resolution No. 16-33 approving an interlocal cooperation agreement for paramedic aboard charges. Councilman Hilton seconded the motion. A roll call vote was taken: Council members Dandoy, Tafoya, Becraft, and Hilton voted “aye.” The motion carried. (Copy filed for record).

7. CONSIDERATION OF RESOLUTION NO. 16-30 APPROVING AN INTERLOCAL AGREEMENT BETWEEN ROY CITY AND SUNSET CITY FOR THE PROVISION OF MANAGEMENT AND COLLECTION PROCEDURES FOR SEWER SERVICES

Trent Nelson, Assistant City Attorney, stated that this issue was discussed at the last Council meeting. The Council had a lot of questions which the administration had researched.

Mr. Nelson explained that there was a development in Sunset City called Sunset Place Townhomes. The development was located south of 6000 South and just east of the Union Pacific right-of-way and contained about 4.78 acres. Due to the topography of the area, it was not practical for Sunset to provide sewer services. In 1984, four fourplexes were constructed in Sunset. An 8-inch private sewer line was installed at that time which gravity fed into Roy City's sewer in 6000 South. The plat approved by Sunset about the same time contained a total of 60 units, or 15 fourplexes. He could not find an agreement between Roy City and Sunset at that time. In 2000, it came to the Roy

Council's attention that the original owner was not paying sewer fees to Roy City or Sunset. At that point the City did not have a lot of leverage. Roy and Sunset entered into an interlocal agreement for those four fourplexes. Sunset agreed to shut off their water if they did not pay their Roy City sewer fees. Recently a new developer purchased the remainder of the vacant Sunset property and received approval from Sunset to increase the number of units from 60 to 76. The issue now was whether the additional units could be tapped into Roy City's sewer. Sixteen of them had been built and were tapped in. Eight of the new units had been sold and were already flowing in. When one of the new buyers came in to sign up for sewer, Roy City was surprised to find out what was going on. The developer had represented to Sunset that they were dealing with Roy City, but it was new news to Roy.

Mr. Nelson asked if the City wanted to enter into a new interlocal agreement with Sunset City. Did it just want to cover the original 60 units that were anticipated plus the original sixteen? Was the City willing to consider the entire 76 units, or none of them?

Mr. Nelson explained that the interlocal agreement signed in 2000, did state the service was for the original four fourplexes. It also said the original owner had some additional property he might want to put some fourplexes on. The new developer said Roy City was stuck accepting the new units. He wasn't sure it was that simple. The new developer was expanding what was originally approved in 1984.

At the last meeting, the Council raised several issues. One was whether North Davis Sewer had been contacted. He did reach out to North Davis who had a few concerns. However, North Davis Sewer said the issue was between the two cities. North Davis wanted to make sure their impact fees and reoccurring fees were collected and remitted to them, which was covered in the interlocal agreement. North Davis did not want this private line to somehow revert back to them. They wanted to make sure they were not responsible for the line; just like Roy and Sunset City wanted to make clear they were not responsible either. The administration had attempted to mitigate the City's risk by asking the developer to amend their bylaws, or CC&R's. The developer had committed to making that change as soon as the Council approved the interlocal agreement. The amendment would specify that the sewer line was a private line, and that all of the property owners were responsible to inspect, maintain, and repair it. Even so, the City could potentially get pulled into a lawsuit if there ever was one. In that case he felt the City would win. North Davis was concerned that if there was a lateral with a bunch of homeowners tying onto it, it could become a defacto public line.

Mr. Nelson felt the administration had done as much as it could at this point. The line was already in. There wasn't an agreement regarding the original four fourplexes, but he did not feel the City could legally or morally back away from those. The City Council needed to decide if it wanted to commit to the new expansion. Sunset City recommended that the developer create a separate fund to pay for the sewer line if

there ever was a problem. If anything happened in the next few years, the fund would be very small and inadequate so the City might still be on the hook.

Mr. Nelson said another issue was the Council raised was the capacity of the City's line in 6000 South. This area of Roy was mostly built out. The developer's engineer had submitted paperwork for Roy's engineer to review. John Bjerregaard from Wasatch Civil Engineering, Roy City's engineer, felt the City would be okay if the area continued to build out at the current density. If the density increased, the sewer line on 6000 South could reach its capacity. The line did have a limited capacity, and Sunset would use some of it. The property located in Roy north of the Sunset Townhomes contained about three acres of vacant land. If it developed as high density, it would use up more of the capacity. Mr. Bjerregaard said about 200 more connections could be added to the sewer line on 6000 South.

Mr. Nelson said the City had told the developer that Roy City should have been involved when it came in and changed the plans. The developer had been asked to submit the sewer details to the City's engineer for review along with \$1,500 to cover the cost. Those plans were submitted to the engineer earlier in the day. Wasatch Civil had just received the plans and had not had a chance to review them.

Mr. Nelson stated that he met with Sunset City's attorney and the developer. Sunset City was in favor of the interlocal agreement in principle. Their Council had not approved it yet. They wanted Roy City to approve it first as Roy was making the biggest commitment. Sunset did request that Paragraph 2.6 be changed clarify that the property owners would be responsible to repair the line if water saturation occurred.

Councilman Dandoy asked if the payment for the sewer would be paid to Roy City. Mr. Nelson said it would. North Davis Sewer's impact fee would be collected by Sunset City at the time the building permit was issued. Roy City's small impact fee also had to be paid before a building permit would be granted. Some building permits had been issued, but Sunset City had stopped issuing Certificates of Occupancy until this issue was resolved. Roy City would collect the reoccurring bimonthly sewer bill, and remit North Davis Sewer's portion to them. These units were paying a double, or non-resident fee.

Councilman Dandoy asked if there would be any further development in this area. It wasn't long ago that the Council opted not to allow higher density in this area because of the congestion it would push onto 6000 South. The City did not want a high density use on the vacant acreage in Roy. That might change depending on the City Council. He felt someone could argue for more units on Sunset's side. He felt the agreement needed to clarify that there would be no more construction in Sunset that would impact Roy City. He felt such a clause would make the agreement more palatable.

Trent Nelson was not sure what number was originally agreed upon. The representations were a quid pro quo. Sunset City helped with some of Roy's storm

water so Roy helped with their sewer issues. He had not been able to find such an agreement, but if there was one, the City would be legally and morally obligated to follow it. The current development had expanded beyond the original plat by taking the number of units to 76. The private sewer line extended from Sunset through private property in Roy to reach 6000 South. There were apparently three stubs for fourplexes to the private property in Roy. The stubs were made in exchange for an easement. The situation did tie the hands of future City Councils.

Councilman Dandoy stated that because the sewer line crossed city boundaries and private property lines, the responsibility to maintain it resided with the property owners. Mr. Nelson said the CC&R's stated that the property owners were responsible to maintain the private line. The line was defined as private until it reached the connection on 6000 South. If there was a problem on the private property in Roy, the property owners would be responsible for it. Councilman Dandoy wasn't sure the City wanted to belly up to this if there was any chance it would be financially responsible.

Councilman Tafoya asked if a clause could be added to the interlocal agreement to hold Roy City harmless if there was future potential litigation. Mr. Nelson said the agreement was only with Sunset. Sunset would have to agree to hold Roy City harmless. It was the property owners that were the biggest concern. The City did not have a specific contract with the homeowners or the developer. Sunset had agreed to shut off utilities if the developer did not follow the heart of the contract. The City could look into such an agreement.

Councilman Tafoya felt the Council had decide whether it wanted to be neighborly recognizing that the capacity for properties in Roy would be limited. The City did have a similar situation in Herefordshire. It was not something new, but he felt the City should protect itself at all levels. Mr. Nelson said the developer was proposing to pay an additional \$6.95 per unit per month, which would be set aside to cover potential problems. The City could require the developer to set aside a chunk of money now rather than waiting for the fund to grow.

Councilman Tafoya asked if Mr. Nelson was recommending that the City limit the number of connections to 60 versus 76. Mr. Nelson felt the City legally had some exposure for 60 units. If the City wanted to limit the number of connections to 60, he felt the City had a strong argument. If there was an agreement, 76 units were clearly above and beyond what that agreement was.

Councilman Dandoy asked if the construction was already done. Mr. Nelson said sixteen units were done. Eight had been sold.

Mayor Cragun asked if Mr. Nelson had talked to Sunset City about paying wheeling fees. Sunset was receiving all of the financial benefit from this development through property taxes and impact fees, while Roy City was receiving all of the liability. He felt

Sunset should share some of the liability issues. Mr. Nelson said he had spoken with Sunset. He could if the Council desired. Mayor Cragun felt wheeling fees would be a long term solution. Mr. Nelson said the residents of the development were paying a higher sewer fee to Roy City, but the private line did save Sunset City some problems. Mayor Cragun felt Sunset should pay a wheeling fee just like Roy had to pay to Ogden for Herefordshire. Ross Oliver, Public Works Director, said Roy did not pay a wheeling fee to Ogden. Ogden had said Roy City would have to upgrade the line when it reached a certain capacity.

Andy Blackburn felt the non-resident fee should help offset any cost Roy City would have. He wasn't sure negotiations for a wheeling fee would matter.

Councilman Dandoy wasn't ready to approve Resolution No. 16-30. He felt there were still some questions that required answers. What the City Council decided would be long term. He was concerned about the limitations for future density. He felt higher density suited this area. It would match with what was happening in Sunset. His only real concern was whether to approve 60 units or 76. He did not feel Sunset had an option. The private line was the best solution in order to service this property due to its elevation.

Councilman Tafoya said the private sewer line was the cheapest solution, but maybe not the best one. He felt the best solution would have been a lift station, which Sunset did not want to do because the upkeep was expensive.

Councilman Dandoy had mixed emotions. There wasn't much difference between 60 or 76 based on quantity, but there was a risk to the City. The City would have to do something to sustain it.

Mayor Cragun felt the City staff should meet with the developer to determine the best long term solution for Roy City. Mr. Blackburn asked what the Council was looking for to make the agreement work.

Mayor Cragun stated that he was looking for a long term benefit for Roy City. If the City had to replace a sewer line because it had reached capacity or because it failed, it would not be cheap. There needed to be some financial funds in reserve for this sewer.

Councilman Tafoya stated that this was not a Roy City sewer line. It was not a Sunset sewer line. It was the homeowner's line. They would be responsible to pay for it. Councilman Hilton agreed. If the line had to be replaced, the homeowners would foot the bill.

Trent Nelson stated that as a practical matter if the sewer line failed in two years and the developer had moved on, the homeowners would not have the funds to replace it. If a lawsuit evolved, Roy City would be named. The City might not lose, but it would be

named. Short term and long term, he felt it made sense to have a reserve fund. He felt a large chunk of it should be funded now to provide a cushion for Roy City's liability protection.

Councilman Hilton felt the City's liability was where the private line connected to the City line on 6000 South. There would be an issue if the connection failed.

Joseph Cook, representative of the Sunset Townhome development, stated that they purchased the property with 60 approved units. They did amend the plat to incorporate 16 more units. When the first eight units were sold, they instructed the owners to sign up for sewer with Roy City. This became an issue when the homeowners came in to sign up for sewer. The previous property owner, who put in the sewer line in 1984, told them that they would have to pay a double fee and that their buyers just needed to sign up for sewer with Roy. They had been in communication with Trent Nelson over the past few weeks. Their covenants and restrictions would represent that the sewer line was a private line. It was not Sunset's; it was not Roy's. After speaking with North Davis Sewer's legal counsel, they agreed to increase their CC&R rates by 10%, or \$6.95 a month, to create a fund to take care of the sewer line. Seventy-six units multiplied by \$6.95 per month amounted to \$6,000 the first year; \$12,000 the second year; and \$18,000 the third year. Within a few years there would be a sizeable fund to maintain or repair the sewer line. They felt the fund was a good solution. The CC&R's would state that the line was private and was to be maintained by the homeowner's association and Mr. Holbrook, who owned the original sixteen units. He felt the City's double sewer fee would pay for any repairs need on the City's line. The sewage from the private line traveled 2,100 feet in the City's line, from about 2300 West, to reach North Davis Sewer's 15-inch main line at 2700 West. They were at the City Council's mercy and would appreciate the Council's consideration of the interlocal agreement.

Councilman Dandoy asked if line also handled storm water. Mr. Cook said it did not. Mr. Holbrook told him that this was a low area, and storm water from both Roy and Sunset drained to it and just sat. Sunset and Roy worked out an agreement with Clinton to drain the storm water into Clinton's 35-inch culvert, which ran under the railroad track and into Clinton's detention pond. In 1984, Roy City allowed the private sewer line because Sunset was taking care of Roy's storm water. They had not been able to find any documentation of that agreement. The 2000 interlocal agreement said Mr. Holbrook approached Roy City and was granted permission to extend a sewer line to connect to Roy City sewer.

Joseph Cook said the Council had a question about future capacity. He read an email which he received from John Bjerregaard who worked for Wasatch Civil, Roy City's engineer. Mr. Bjerregaard said, *"I have looked at the available sewer maps and calculated the capacity versus estimated number of connections. Based upon calculations, it looks like both the sewer from Sunset Place and Townhouses and the Roy sewer will have sufficient capacity when flows should be at their peak. The sewer*

from Sunset Place connects to Roy City at 6000 South just east of the railroad track. Both sewers are 8 inches in diameter. The Roy City sewer in 6000 South has much greater capacity because it is steeper. I have estimated that the capacity of Sunset Townhomes is about 300 connections. The capacity of Roy's sewer is about 800 connections. I have assumed that the typical connection has an average flow of 300 gallons per day and the peaking factor is 3.5 for the peak flow. Based on ground surface elevations, I have assumed the minimum slope for .3. The 6000 South sewer before it discharges into North Davis Sewer at 2700 West serves approximately 580 connections. Adding 76 connections from Sunset Place increased the potential service to 656, or about 80% of the sewer capacity. This area is mostly built out. I don't see future development in Roy City adding more than a few dozen additional connections to this line. It should be noted that estimates for sewer line capacity are conservatively low, and the estimates for flows are conservatively high. In other words, there is a built in safety factor, which should take care of unexpected conditions. It is unusual to design sewers with capacity near 100% of the estimated sewer flow. I am not too concerned about the higher than expected use of this townhomes. Typically indoor water use is very consistent and the overall trend is to use less water and low flow toilets."

Councilman Tafoya stated that the City would have liability if it allowed the property in Roy to connect to the private line, which could be an issue. The City could not legally allow that to occur. Trent Nelson stated that in exchange for the easement to run the sewer line, the property in Roy was given three stubs for fourplexes. Joseph Cook felt the City would have control over whether it allowed connections to the private line.

Trent Nelson stated that John Bjerregaard's final analysis was that the only potential to exceed the capacity of the City's sewer line was redevelopment. The 6000 South sewer line had an additional capacity of 200 connections. Approving the interlocal agreement would lessen the City's cushion. If a new development came in, the City could require it to increase the capacity of the sewer line.

Councilman Dandoy felt it would be easier for the Council to make a decision if it had a better view of the General Plan, particularly 1900 West, and a better view of the vacant land in Roy next to Sunset Townhomes. The City had made an agreement for 60 units. He could live with that. He wasn't sure he could support 76 or anything beyond that. If the staff could find the right answers in the next few weeks, he felt the Council could approve the interlocal agreement.

Councilman Tafoya asked what questions Councilman Dandoy wanted answered.

Councilman Dandoy did not know what questions to ask because he had not had time to study the agreement until he could understand it. He was fundamentally concerned about the 'what if's' and the unknown situation. Even though there might be access points on the private line, he wasn't sure the Planning Commission or City Council would approve a development that would tie into a private line. He asked for time to

study the issue and determine what questions he had. He wanted to understand it better.

Councilman Dandoy moved to table consideration of Resolution No. 16-30 for further study.

Councilman Tafoya stated North Davis Sewer's opinion was that this was a topic between Roy City and Sunset.

Councilman Dandoy stated that he did not want to take away the opportunity for two communities to cooperate. He was willing to take the time to study the issue to determine if there were more questions that needed to be satisfied. The Council could then consider this again in two weeks when answers to questions could be presented.

Trent Nelson stated that the City did not have evidence that 76 units were approved in 1984. There was a commitment, but the City did not know how many units they were legally committed to. The developer had been asked to submit their sewer system details and a capacity analysis to Roy City's engineer. They had not done that yet.

Councilman Hilton stated that Mr. Nelson indicated there was capacity for 200 more connections. Was that along the private line? Mr. Nelson said it was along 6000 South. If the City decided to do a mixed use development along 1900 West, the 200 connections could be used very quickly. Giving up 60 or 76 units tied the City's hands. The Roy City Council had to represent the citizens of Roy, not Sunset. The Roy City Council had to watch out for Roy.

Councilman Tafoya felt that was the ultimate question. Did the Council want to watch out for Roy and its future plans, or did it want to be neighborly, or a combination of both? He was okay waiting a few more weeks.

Councilman Hilton said the Council did not have a clear picture of what the City would look like because the General Plan had not been updated.

Trent Nelson stated that Ross Oliver, the Public Works Director, had clarified that if development occurred on the vacant property in Roy the City could require it to connect to the City's main line rather than the private stubs.

Mayor Cragun stated that the City's hands were being tied by reference to agreements no one could find. He hated to see Sunset's development halted, but they did not contact Roy at all until later in the game.

Trent Nelson said that in the minutes which accompanied the 2000 interlocal agreement there was evidence that more units were discussed.

Councilman Hilton stated that in reality if Sunset City wanted this development to go forward, it could build a lift station. There were other ways to provide sewer. The City was not really stopping them it was just causing a bump in the road.

Jesse Curtis, representing Sunset Townhomes, stated that the Sunset units were paying Roy City a double fee of \$50 a month. Councilman Tafoya said that was an administrative fee for processing the paperwork and the sewer. Mr. Curtis said that was \$3,800 a month for the 76 units multiplied by 12 months was \$46,000 a year. If no further development occurred in Roy for 10 years, the City would receive \$460,000, which would be in addition to the other 730 units tied into the line. He asked the Council to consider those numbers when considering future impact to Roy City. Trent Nelson said that \$18 of that \$50 went to North Davis Sewer.

Andy Blackburn asked that Councilman Dandoy forward his questions to Trent Nelson.

Councilman Hilton seconded the motion. Council members Becraft, Dandoy, Hilton, and Tafoya voted “aye.” The motion carried.

8. CONSIDERATION OF RESOLUTION NO. 16-34 APPROVING AN INTERLOCAL AGREEMENT FOR LAW ENFORCEMENT NARCOTIC AND GANG STRIKE FORCE SERVICES

This item was tabled.

9. CONSIDERATION OF RESOLUTION NO. 16-35 APPROVING A CONTRACT WITH ADVANCED PAVING AND CONSTRUCTION, LLC FOR THE GEORGE WAHLEN NORTH PARK PARKING LOT PROJECT, PHASE 1

Travis Flint, Parks and Recreation Director, stated that sealed bids for the George Wahlen North Park Parking Lot Project, Phase 1 were opened on July 12th. Four bids were received ranging from \$258,459 to \$287,601.30. The staff recommended that the City Council award the contract for the George Wahlen North Park Parking Lot Project, Phase 1 to Advanced Paving for \$258,459 and authorize the Mayor to sign the Notice of Award and Contract Agreement.

Councilman Dandoy asked if the City had done business with Advanced Paving before. Mr. Flint said the City had a great working relationship with Advanced Paving. In fact, Advanced Paving had received the contract for the 4800 South Roundabout Project.

Councilman Tafoya moved to approve Resolution No. 16-35 approving a contract with Advanced Paving and Construction, LLC for the George Wahlen North Park Parking Lot Project, Phase 1 in the amount of \$258,459 and to authorize the Mayor to sign the Notice of Award and Contract Agreement. Councilwoman Becraft seconded the motion. A roll call vote was taken: Council members Hilton,

Dandoy, Becraft, and Tafoya voted “aye.” The motion carried. (Copy filed for record).

10. CITY MANAGER'S REPORT

Andy Blackburn, City Manager, reported that:

- The Council members had been invited to attend the ground breaking ceremony for The Bank of Utah located at 5740 South 1900 West on Wednesday, July 20th at 10:30 a.m.
- The staff would begin to enforce the new Sign Ordinance on July 31st. The Council might be receiving phone calls from businesses.
- The City still had not received an answer from the State regarding the Harmon's sign. The administration would keep pushing forward.
- The summer dumpster program was just about finished. Based on the response from the citizens, he felt the dumpster program should be limited to spring and fall next year.
- The cleanup program on 4000 South went well.
- The City was moving forward with Roy Days preparations. There had been some small problems, but they were working through them.
- The annexation notice printed in the *Standard Examiner* contained an omission. If the omission was significant, the public hearing would have to be rescheduled to the next applicable date. If the omission was minor, the public hearing schedule for August 16th would proceed.

Mr. Blackburn asked if the Council wanted to schedule a work session to discuss rezoning the Brown property, which had been tabled at the last meeting.

Councilman Dandoy stated that the City was receiving development proposals. He felt the Council's reluctance to move forward with any of those proposals was because they did not match the General Plan. The Council needed a work session to talk and get on the same plate.

Mayor Cragun said he had proposed work sessions in the past, but some had been reluctant to attend. He felt the City needed to deal with what was on the table and then look at the General Master Plan, which would take some time. He suggested a moratorium until the General Plan was finished.

Mr. Blackburn stated that the City could move forward. It could look at the individual areas. He understood the need to update the General Plan, but that was a long process. In the meantime, the City had received proposals which needed decisions.

Councilman Hilton agreed it would take time to update the entire General Plan, but right now the Council could update the Future Land Use Map.

Councilman Tafoya felt the Council should hold a work session to discuss the Future Land Use Map.

Councilman Dandoy stated that the Council considered a development proposal for the area between the tracks. He felt it would have been a good solution, but other Council members disagreed. Some Council members had said they didn't want more density. Yet property owners and developers were spending money to submit development proposals to the City only to have them turned down. He felt the Council needed to take time to develop a future vision for the City. Then all of the Council members could be on the same page.

Councilman Tafoya stated that the General Plan and Future Land Use Map were guidelines. The City Council could agree on a course of action, but six months later people could change their minds. It ultimately came down to the Council voting on the issue and deciding what was best for the City. Planning was good, but Roy City was built out. How much time and effort did the City want to put into a master plan? He was not in favor of multi-family housing. He would not vote for any more. He would join the discussion, but the Council knew where he stood. The City was built out, how much more could be master planned?

Councilman Dandoy stated that the survey results would be available by the second week of August. He felt the results would be a valuable tool to help the Council determine what the City should look like.

Councilman Tafoya stated that eight months ago, the City Council and Planning Commission discussed what to do with the vacant properties that were left in the City. He felt a plan was developed at that time.

Councilman Hilton asked about the possibility of a moratorium. It would give the City time to update the master plan. However, a moratorium would not affect the Brown property or the Terry property on 2700 West. The Council still had to consider those petitions.

The City Council agreed to hold a work session on Tuesday, July 26th, at 6:00 p.m. to discuss the Brown property, the Terry property on 2700 West, and Sunset Townhomes. Mr. Blackburn reminded the Council that Steve Parkinson would not be able to attend the work session as there was a Planning Commission that night.

11. PUBLIC COMMENTS

Leon Wilson, 4302 South 2675 West, addressed the new stop sign that was recently installed at the intersection of 4150 South 2175 West in response to a citizen's appeal to the City Council. Mr. Wilson said he traveled 2175 West four times a day six days a week. He was opposed to the sign. Earlier in the day, he gathered 58 names on a petition in an hour and a half to have the stop sign removed (copy filed for record). He felt the three way stop was a disruption to the traffic. It impeded the flow for traffic.

There was an inordinate amount of support to have the stop sign removed. If there was a speeding problem, he felt there were more efficient ways to address it. It was bad policy to address a speeding problem in this manner. He asked that the City Council not penalize everyone for the ill deeds of a few speeders.

Mayor Cragun stated that he had spoken with the City Manager about the stop sign. The City would study the issue further. The Police Department had assured him that they had and would continue to enforce speeding on 2175 West.

David Tracy, 5125 South 2700 West, asked about the status of Doug Terry's request to rezone property on 2700 West. If the City placed a moratorium on multi-family developments, would it affect Mr. Terry? When would the Council make a decision? Councilman Tafoya stated that Mr. Terry's petition would not be affected by a moratorium if the City enacted one. The City Council held a public hearing regarding Mr. Terry's petition on July 5th. It took public comments at that time. At the developer's request, the Council tabled consideration of his petition until August 2nd.

Jared Roper, 4171 South 2175 West, stated that the stop sign on 2175 West was working. Traffic was slowing down in the neighborhood. He asked that the City remove the red curb in front of 4193 South 2175 West. The curb was painted red for the old North Park Elementary School. Mayor Cragun asked Ross Oliver to take care of removing the red paint in front of 4193 South 2175 West.

12. MAYOR AND COUNCIL REPORTS

Councilman Dandoy reported that the results from the survey were expected in mid-August.

Councilman Dandoy asked about the status of the 4800 South roundabout and waterline projects. Ross Oliver, Public Works Director, stated that the roundabout project would start on the Monday following Roy Days. Hooper Water planned to pave 4800 South before Roy Days.

Councilman Dandoy asked about the status of the repaving planned on 5600 South. Mr. Oliver said the paving would start after Roy Days. It would extend to 4300 West.

Councilwoman Becraft asked that the Council meet at the Weber County Library at 10:00 a.m. on Saturday, July 30th, to vote on the City Council's Choice for the art show.

13.ADJOURN

Councilwoman Becraft moved to adjourn at 8:28 p.m. Councilman Dandoy seconded the motion. Council members Becraft, Dandoy, Hilton, and Tafoya voted “aye”.

Attest:

Willard Cragun
Mayor

Amy Mortenson
Recorder