

MINUTES OF THE JULY 7, 2015, ROY CITY COUNCIL MEETING

1. Approval of the June 16, 2015, minutes
2. Swearing in of Roy City Youth Council members
3. Roy City victim services annual report
4. Consideration of Resolution No. 15-8 support House Bill 362 (2015)
5. Consideration of approval of an alcoholic beverage license for Southern Comfort Restaurant located at 5357 South 1900 West - tabled
6. Open Public Meetings Act training - tabled
7. City Manager's report
8. Public comments
9. Mayor and Council reports
10. Adjourn

Minutes of the Roy City Council Meeting held July 7, 2015, 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 Pro-Tem Dave Tafoya
Councilwoman Marge Becraft
Councilman John Cordova
Councilman Brad Hilton
Councilwoman Karlene Yeoman

City Manager Andy Blackburn
City Attorney Clint Drake
Secretary Michelle Drago

Excused: Mayor Willard Cragun

Also present were: Amy Mortenson, City Recorder; Trent Nelson; Prosecutor; Tara Jones, Victims Advocate; Ed Weakland; Karch Denney; Alan Turpin; Blake Turpin; Grant Turpin; Kirk Smith; Greg Sagen; Jason Kunzler; Todd Call; Scott Berry Shawn Wakefield; Todd Potter; Samantha Jensen; Jeff Jensen; Michelle Jensen; Rebecca Jensen; Peter Jensen; and Bert Visser.

Moment of Silence: Councilman Hilton

Pledge of Allegiance: Councilman Hilton

1. APPROVAL OF THE JUNE 16, 2015, MINUTES

Councilman Hilton moved to approve the minutes of June 16, 2015, as corrected. Councilwoman Yeoman seconded the motion. Council members Becraft, Cordova, Hilton, Tafoya, and Yeoman voted “aye.” The motion carried.

2. SWEARING IN OF ROY CITY YOUTH COUNCIL MEMBERS

Councilwoman Becraft stated that the Council started working on the Youth City Council last November. It started to function in March. The Youth Council now included members: Garrett MacArthur, Bell Courier, Samantha Jensen, and Elizabeth Beeli. Samantha Jensen would be sworn in tonight. The Youth City Council would act as advocates between youth in Roy City and the City Council. When the youth had questions or concerns, the City Council could help. The Youth City Council members would also help with community activities, such as the Easter Egg Hunt and Roy Days.

Amy Mortenson, City Recorder, swore in Samantha Jensen.

Samantha Jensen introduced members of her family who were in attendance.

Mayor Pro-Tem Tafoya welcomed her aboard.

3. ROY CITY VICTIM SERVICES ANNUAL REPORT

Clint Drake, City Attorney, introduced Trent Nelson, the Roy City Prosecutor, and Tara Jones, Roy City's Victim Advocate. He had invited them to update the City Council on what was happening with the grant money the City received a few years ago.

Tara Jones stated that the Victim Advocate Program was started in early 2013. Her position was funded by grant money the City received at that time. The City had served over 400 citizens since the program's inception. Each year the number served had gone up. Most of those the City served were victims of domestic violence.

Ms. Jones explained that as an advocate she worked with all kinds of victims: Domestic violence, sexual assault, child abuse, robbery, assault, stalking, elderly abuse, secondary homicide survivors, victims of DUI's and property crimes. She worked with the Roy City Prosecutor by contacting victims before court to inform them of their rights and offer additional services like protective orders and safety planning. She shared the victims' wishes with the Prosecutor and assisted him in court with orders and preparing victims if a case went to trial. She contacted victims after court to let them know the outcome of the proceedings and informed them if they were eligible for further compensation or assistance. As an advocate she worked with the Police Department. She could respond to a scene or take calls from officers any time to assist with domestic violence by answering immediate questions about emergency shelter and safety planning.

Councilwoman Becraft asked where the local emergency shelter was located. Tara Jones said the emergency shelter in Weber County was Your Community Connection, which was located in Ogden.

Ms. Jones said she was available at any time to offer victims of any crime guidance to further services in the community through officers or detectives. She kept the Police Department informed of changes in victim laws, available services, and did training with all new officers about the Victims' Advocate Program. She had developed and maintained a Volunteer/Intern Program with Weber State University. She attended the local Domestic Violence Coalition with other entities to do outreach and education in the community. She attended City events and kept information in the newsletter and on the City's website to inform the community about the program. She worked with Crime Victim Reparations to help victims get the emergency financial services they needed. She kept up on annual training and worked with other local programs to keep the community in the know when it came to implementing new and important victim services and protocols. She felt the program had been a big success.

Clint Drake stated that they didn't like to report high numbers because that meant there were victims in Roy City, but the numbers also showed that the Victims' Advocate was providing a service to the City.

Trent Nelson, Prosecutor, stated that Tara Jones had a passion for what she did. The Roy City Justice Court was designed to solve local problems from small claims to crimes. When you think about crimes, you thought of the defendant, but there was another half of the equation - the victims. Utah had been on the cutting edge of victims' rights. A victim had a role to play and rights. A victim's rights in Utah were very specific:

The right to privacy

The right to be heard at sentencing

The right to be informed and assisted

The right to a speedy resolution of their case

The right to be free from threats and intimidation

The right to restitution and reparations for their losses

The right to notice of all important criminal justice proceedings

The right to be present in the courtroom for all important hearings

The right to be treated with dignity, respect, courtesy, and sensitivity

The right to an explanation of the legal proceedings and plea negotiations

As a prosecutor, there were things he was required by statute to do. He tried to be efficient, but he could not cut corners. He spent most of his time on the victim's right to an explanation of the legal proceedings and plea negotiations. Cases involving victims were dynamic. They changed from day to day. A victim did not always know what to do at the time of the incident. Officers forwarded a victim's information to Tara Jones so she could contact them. She had even responded to the scene. Tara helped victims understand what was happening so they could make decisions. When he first arrived at Roy City, he tried to prosecute cases and advise victims. He realized he could not do both. There needed to be someone separate from the prosecutor, which is why he applied for the grant. He appreciated the Council's approval of the grant and subsequent support. It made a difference in the community.

Councilman Cordova thanked both Tara and Trent for what they did.

Clint Drake stated that both Tara and Trent were doing a great job. The program had had time to establish itself. Tara had put together a pamphlet that officers carried in their vehicles which they were able to hand out. Things that fell through the cracks when there was just a prosecutor, because there were too many cases, were being handled by Victim Services.

4. CONSIDERATION OF RESOLUTION NO. 15-8 SUPPORTING HOUSE BILL 362 (2015)

Mayor Pro-Tem stated that the Utah Legislature passed House Bill 362, which authorized a local general sales tax by .25% to fund transportation needs. Approval of Resolution No. 15-8 would encourage Weber County to put the sales tax proposal on the November 2015 ballot.

Councilwoman Yeoman felt it would be good for the voters to decide whether they wanted the sales tax.

Councilman Hilton asked how much Roy City would receive of the .25% sales tax. Mr. Blackburn said about 40% of .25% sales tax would go to the municipalities and the county. The county would get about half what the municipalities would receive. The rest would go to UDOT.

Councilman Hilton moved to approve Resolution No. 15-8 supporting HB 362 (2015) authorized 0.25% local option general sales tax dedicated to transportation, encouraging the County of Weber to submit the proposal to voters in November 2015, and encouraging voters to support the proposal. Councilwoman Yeoman seconded the motion. A roll call vote was taken: Council members Yeoman, Hilton, Cordova, Tafoya, and Becraft voted "aye." The motion carried. (Copy filed for record).

5. CONSIDERATION OF APPROVAL OF AN ALCOHOLIC BEVERAGE LICENSE FOR SOUTHERN COMFORT LOCATED AT 5357 SOUTH 1900 WEST - TABLED

Andy Blackburn asked that this item be tabled because the staff had not been able to complete the necessary paperwork and could not make a recommendation.

Scott Berry, West Haven, stated that he was the owner of the Southern Comfort Restaurant.

Shawn Wakefield, 2182 West 5600 South, stated that she was Mr. Berry's employee.

Scott Berry stated that the only reason the beer license was being tabled was because the Building Inspector was not happy with the installation of the water heater. Time was of the essence. They were losing customers because they did not serve beer. They thought they had received approval for their beer license when they appeared before the Council in November 2014. They didn't understand what was going on. He understood that the business license was held up, but didn't understand why the Council could not vote to approve the alcoholic beverage license again.

Andy Blackburn stated that a positive staff recommendation was needed before the Council could approval an alcoholic beverage license. The Council could not approve an alcoholic beverage license if the business did not meet the occupancy requirement.

In November 2014 the Council approved a business license not an alcoholic beverage license. The staff had done what it could, but the building still did not meet the necessary requirements. The staff hoped that all requirements could be done before the next Council meeting.

Shawn Wakefield stated that their building had enough parking until they added the beer license. Because of the beer license requirements, they had to get permission from adjoining property owners to use their parking lots in order to have enough parking. The Planning Commission reviewed and approved the parking.

Mayor Pro-Tem Tafoya stated that the approval in November was strictly for the business license. The Planning Commission did not consider or make recommendations regarding beer licenses. It sounded like there was a misunderstanding. The alcoholic beverage license should be on the next agenda.

Councilwoman Becraft moved to table consideration of an alcoholic beverage license for Southern Comfort. Councilwoman Yeoman seconded the motion. Council members Becraft, Cordova, Hilton, Tafoya, and Yeoman voted “aye.” The motion carried.

6. OPEN PUBLIC MEETINGS ACT TRAINING – TABLED

Mayor Pro-Tem Tafoya asked that this item be tabled as the entire Council was not in attendance. He felt that the training could be completed in a work session.

Councilman Cordova moved to table the Open Public Meetings Act training. Councilman Hilton seconded the motion. Councilmembers Becraft, Cordova, Hilton, Tafoya, and Yeoman voted “aye.” The motion carried.

7. CITY MANAGER’S REPORT

Andy Blackburn stated that the Bureau of Emergency Medical Services had awarded the Roy Fire Department the Incident of the Year Award for the manner in which they responded to a rollover accident involving a drunk driver and an SUV. It was quite an honor for the Fire Department.

Councilwoman Yeoman asked if the Fire Department had already received the award. Councilman Hilton said the Department’s entire staff and emergency team were in attendance when the award was presented a few weeks ago.

Councilwoman Becraft asked that information about the award be included in the City’s newsletter.

Andy Blackburn stated the Fire Chief Poulsen had indicated that the Council members had been invited to tour the plant of the company contracted to do the Roy Days’ fireworks show. He asked that Council members contact Chief Poulsen if they were interested, and a tour could be arranged.

Councilwoman Yeoman felt it would be good for the Council to make sure safety measures were in place after last year's incident.

Councilman Hilton said he was interested in going.

Andy Blackburn reported that the Fire Department had begun to burn along the D&RG Trail in preparation for Roy Days. Their radios had been ordered and would arrive before too long.

Andy Blackburn stated that Cathy Spencer had spoken with Waste Management. There would not be a garbage rate increase this year; the City's numbers had remained high enough. The Council still needed to decide what to do about the dumpster issue. Cathy Spencer wanted to wait until September to discuss the matter. By then the audit would be complete, and the staff would have a better indication of the numbers.

Councilwoman Yeoman felt the City needed to put other plans into place.

Andy Blackburn reported that UDOT began doing cement work on 1900 West on June 30th. They were also taking two inches of pavement off and putting two new inches on. They had promised they would not interfere with the Roy Days parade. Midland Drive would not be finished until January 2016.

Councilwoman Becraft asked about the status of the 3500 West closure. Mr. Blackburn said he would check and report back.

Andy Blackburn stated that the 4000 South roundabout would be completed before school started. Mayor Pro-Tem asked that the City do its best to stay on schedule. Mr. Blackburn said there had been a problem, but the staff had a solution which would not delay the project.

8. PUBLIC COMMENTS

Bert Visser, 4833 South 2500 West, wanted to find out why the City was considering high density housing between the railroad right-of-way and the trail, and why it was giving redevelopment money to the developer. Redevelopment money was supposed to benefit the community, not a developer. Why did the Council keep wanting to change the zone between the tracks from commercial to high density residential? He didn't feel the Council should even think about high density. It burned him up because years ago, the Council would not have considered high density. It seemed that whatever a developer wanted, the City would do. Mr. Visser said there wasn't access to this area.

Mayor Pro-Tem Tafoya stated that the City had not approved a development, nor had it given money to anyone. The Council simply agreed to look at a proposal.

Andy Blackburn stated that the City could not prevent someone from submitting an application.

Bert Visser complained that the City was failing to do anything about acquiring land for another cemetery. The Council kept saying it was looking into, but nothing ever happened. He was tired of it. He hoped there were enough people in Roy to do something about it.

Ed Weakland, 2449 West 4000 South # 2, was concerned because an article in the newspaper said the City was considering a development between the railroad and the trail. Was the City considering eminent domain to confiscate the property? Had anyone had done the math on the property? To him high density meant a slum or a ghetto.

Mayor Pro-Tem stated that the City was not considering eminent domain. The City had told the developer it would look at a proposal if he made an application.

Jason Kunzler, 5446 South 4175 West, stated that his group had submitted a proposal to the Council for rabbits and hens in residential zones. He asked if the Council had any comments or concerns.

Mayor Pro-Tem suggested that Mr. Kunzler's group meet with the staff to review the proposal. He personally felt it could have been written better. The current Council had not been in favor of amending the Zoning Ordinance. However, Mr. Kunzler's group had done due diligence. It was a tough decision for the Council either way. He had personally been put off by the group's insistence that the City did not allow chickens. The City did allow chickens in the proper zone. He felt Mr. Kunzler's group needed to sit down with the staff and some Council members to work out a compromise.

Jason Kunzler stated that their petition to have the ordinance put on the ballot was short just 30 signatures because the County had disqualified them. The disqualified signatures came from residents of Roy. He asked that the Council honor those signatures and place the proposal on the ballot.

Mayor Pro-Tem Tafoya said the Council could not circumvent the law.

Councilman Tafoya suggested that Mr. Kunzler's group meet with the City Attorney and City Planner. A few Council members would also attend the meeting. The entire Council could not attend due to public meeting regulations. The issue could then move forward from there.

Jason Kunzler stated that they had talked to over 5,000 people. Many supported the cause but did not want to register to vote.

Councilwoman Becraft suggested that Mr. Kunzler contact those whose signatures were disqualified and find out to get them qualified.

Todd Call, 4888 South 2675 West, stated that his family liked to sit on the grassy area south of the 4000 South Airport Road roundabout to watch Riverdale City's 4th of July fireworks. A few minutes after the fireworks began the sprinklers came on. The same thing happened last year. Was there a way to shut the sprinklers off on the 4th of July?

Mayor Pro-Tem Tafoya suggested that Mr. Call contact the Public Works Department a few days before the 4th of July and ask that the sprinklers be turned off for the night.

9. MAYOR AND COUNCIL REPORTS

Councilman Cordova stated that he would not be able to attend the July 21st meeting.

Councilman Hilton stated that he received a call regarding the paving near 3050 West 6000 South. He complimented the Public Works Department for their response. Within in two days they had taken out a tree and re-poured the sidewalk.

Councilwoman Yeoman reported that the Public Works Department started to put the lights up and were stopped again by the power company. They had finally received approval to proceed again from UDOT and the power company. They hoped to get about ten lights up in time for the Roy Days banners.

Councilwoman Becraft stated that if the new street lights were not in place, the Public Works Department would put up the Roy Days banner on the old lights.

Councilman Cordova asked about the reason for Rocky Mountain Power's delay. Mr. Blackburn said the City thought it had approval from Rocky Mountain, but when they began putting in the lights the power company stopped them again. The City had once again received approval from Rocky Mountain Power.

Councilwoman Yeoman said the Beautification Committee would start working on 5600 South and the entrance to the City.

Mayor Pro-Tem Tafoya stated that Roy Days would begin at the end of the month. In the next week, the newsletter would out with a list of all events. All events had been moved to Roy West Park. All citizens could go to www.royutah.org and click on the Roy Days link for information about events. The Miss Roy Days Pageant would be held early on Saturday, July 18th, so it didn't conflict with the 24th of July holiday. The pageant would be held at the high school. He reminded the Council that they would be cooking for the Salmon Bake on Friday, July 31st.

Mayor Pro-Tem Tafoya asked if Samantha Jensen was aware of any youth concerns the Council needed to be aware of. She said no.

10. ADJOURN

Councilwoman Yeoman moved to adjourn at 6:51 p.m. Councilwoman Becraft seconded the motion. Council members Becraft, Cordova, Hilton, Tafoya, and Yeoman voted “aye.” The motion carried.

Attest:

Dave Tafoya
Mayor-Pro Tem

Amy Mortenson
Recorder