

## MINUTES OF THE JUNE 21, 2011, ROY CITY COUNCIL MEETING

1. Approval of June 7, 2011, minutes
2. Public comments
3. Consideration of Resolution No. 989 establishing regular City Council meetings for FY2012
4. Consideration of Contract Number 2011-12 for the 2011 Street Maintenance Project
5. Consideration of Contract Number 2011-13 for the HVAC Energy Grant Contract
6. Consideration of amendments to Contract Number 2010-6 for the Waste Management Agreement
7. Consideration of Resolution No. 988 a, b, c, and d adopting the Fiscal Year 2012 budget and levying a property tax revenue rate
8. Consideration of Resolution No. 990 adopting a Fund Balance Policy as required by GASB 54 Defining Fiscal Year 2011 Fund Balance Assignments
9. Consideration of Contract Number 2011-9 regarding an Interlocal Cooperation Agreement between Weber County and Roy City Corporation relating to Recreations, Arts, Museums and Parks ("RAMP") funding for Sandridge Park engineered Wood Fiber
10. Consideration of Contract Number 2011-10 regarding an Interlocal Cooperation Agreement between Weber County and Roy City Corporation relating to Recreations, Arts, Museums and Parks ("RAMP") funding for Roy Days
11. Consideration of Roy City Contract Number 2011-11 regarding an Interlocal Cooperation Agreement between Weber County on behalf of the Weber County Clerk's Office, Elections Division, and Roy City
12. Consideration of preliminary approval an amendment to Lot 1 of the existing Midland Square Commercial Subdivision located at approximately 4080 South Midland Drive
13. Consideration of a request for conditional use approval to allow the installation of a major facility of a public utility - a 20- inch water line that would run eastbound from approximately 4500 South on Midland Drive through West Park to the D&RG rail property, then northbound along the rail grade to approximately 4400 South
14. City Manager's report
15. Mayor and Council reports
16. Adjourn

Minutes of the Roy City Council Meeting held June 21, 2011, 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 Larry Peterson\*  
Councilman Willard Cragun  
Councilman Brad Hilton  
Councilman Michael Stokes  
Councilman Dave Tafoya

City Manager Chris Davis  
City Attorney Andy Blackburn  
Secretary Michelle Drago

\* Participating via teleconference pursuant to Section 52-4-7.8(1)(e) and (3)(B)(ii)

Excused: Mayor Joe Ritchie

Also present were: Cathy Spencer, Management Services Director; Tony Reynolds, Community and Economic Development Director; Ross Oliver, Public Works Director; John Ritchie, Fire Chief; Greg Whinham, Police Chief; Travis Flint, Parks and Recreation Director; Shawn Gilbert; Marge Becraft; Lance Allen; Niven Turner; and Adam Bowers.

Moment of Silence: Councilman Tafoya

Pledge of Allegiance: Councilman Tafoya

## 1. APPROVAL OF JUNE 7, 2011, MINUTES

**Councilman Stokes moved to approve the minutes of June 7, 2011, as corrected. Councilman Tafoya seconded the motion. Council members Cragun, Hilton, Peterson, Stokes, and Tafoya voted "aye." The motion carried.**

## 2. PUBLIC COMMENTS

Shawn Gilbert, Syracuse, stated that he was representing his neighbors - the Ashby family. Mrs. Ashby had been diagnosed with leukemia. The family would have more than \$10,000 in medical costs above what the insurance would pay. They had reserved the Aquatic Center to use as a fund raiser, but found that the City prohibited the collection of money at the entrance and the sale of food and drinks inside.

Councilman Tafoya asked if they had already rented the facility. Mr. Gilbert said they had.

Chris Davis stated that he had spoken with two different people at this matter. The Ashby's felt there had indication from the staff that the Aquatic Center could be used for fund raising. He had explained that the City's rental contract prohibited the use of the Aquatic Center for fund raising activities without prior permission from the City Council. They could use the Aquatic Center as a promotion like businesses did where entrance was granted as

appreciation for a donation. He did tell them that they could hold a silent auction in this case due to the circumstances.

Councilman Stokes asked about the spirit of the policy. Was there something the City was trying to avoid? Chris Davis said the City Council set the policy several years ago. The Council didn't want the Aquatic Center to become a fund raising mechanism for other entities. The Council wanted the facility to be a community pool for Roy citizens because that is where the funds came from to build it.

Councilman Tafoya felt Mrs. Ashby's illness was a tough situation. The Ashby's had paid money to rent the Aquatic Center. As long as all of the funds raised were used to pay for her treatment, he was okay with the fund raising.

Mayor Pro-Tem Peterson suggested calling the admission fee at the gate a donation.

Councilman Stokes stated that the City Council donated the use of the facility to the Boy Scouts and the Boys and Girls Club, which they in turn used for fund raising, with the understanding that the activity would benefit Roy. Allowing fund raising could have a long term impact on the use of the Aquatic Center by others.

Shawn Gilbert stated that the family had tried to solicit entry fees on line, but had not been very successful. They hoped donations at the door and sales of refreshments would do better.

Councilman Cragun suggested that the admission be called a donation for tax purposes. He felt the fund raising was for a good purpose. He could see nothing wrong with it.

Mayor Pro-Tem Peterson suggested that money for food and drinks also be considered a donation.

Councilman Hilton asked if the City routinely opened concessions for evening rentals. Mr. Davis said it did not. Councilman Hilton said the City would not be losing any revenue by allowing food and drink sales. The Ashby's had asked permission from the Council just as the contracted stated.

Mayor Pro-Tem Peterson stated that the consensus seemed to be in favor of allowing the fund raising.

Andy Blackburn said the staff just needed direction from the Council.

The Council agreed it was comfortable allowing the Ashby's collect donations including women

3. CONSIDERATION OF RESOLUTION NO. 989 ESTABLISHING REGULAR CITY COUNCIL MEETINGS FOR FY2012

**Councilman Stokes moved to approve Resolution No. 989 establishing regular Roy City Council meetings for FY2012. Councilman Cragun seconded the motion. A roll call vote was taken: Council members Tafoya, Hilton, Stokes, Peterson, and Cragun voted "aye." The motion carried. (Copy filed for record).**

4. CONSIDERATION OF CONTRACT NUMBER 2011-12 FOR THE 2011 STREET MAINTENANCE PROJECT

Ross Oliver, Public Works Director, stated that five bids for the 2011 Street Maintenance Project were opened on May 18<sup>th</sup>. Staker & Parson Companies submitted the low bid of \$397,011.00. The high bid was \$589,943.14. The engineer's estimate was \$493,050.00. He asked that the Council award the contract for the 2011 Street Maintenance Project to Staker & Parson Companies for \$397,011.00.

Councilman Cragun asked what streets were being done. Mr. Oliver said 6000 South would be overlaid from 1900 West to 3100 West; 2500 West would be overlaid from 5200 South to 5175 South; 4300 West would be chip and sealed from 6000 South to 4800 South; and 4800 South would be chip and sealed from 4300 West to 3500 West. Another possibility was 4600 South and Tams Drive.

**Councilman Hilton moved to approve Contract No. 2011-12 awarding the contract for the 2011 Street Maintenance Project to Staker & Parson Companies for \$397,011.00 and authorizing the Mayor to sign the Notice of Award and Contract Agreement. Councilman Tafoya seconded the motion. A roll call vote was taken: Council members Stokes, Tafoya, Cragun, Peterson, and Hilton voted "aye." The motion carried. (Copy filed for record).**

5. CONSIDERATION OF CONTRACT NUMBER 2011-13 FOR THE HVAC ENERGY GRANT CONTRACT

Ross Oliver stated that there was \$100,000 left from a \$120,000 energy grant. Public Works had worked with the City Engineer and a ventilation company to put together the scope of a project to update the HVAC system in the Municipal Building. A Request for Proposals was advertised in the newspaper three times. Packets were delivered to several contractors; other contractors were contacted by phone. The City received only one proposal from HVAC Construction, Inc. Mr. Oliver said the City had worked with HVAC Construction before and very comfortable with them. He recommended that the Council award the contract for the HVAC Energy Efficient Upgrade to the Roy Municipal Complex to HVAC Construction, Inc.

Councilman Stokes asked if Mr. Oliver knew why only one contractor was interested in the project. Was it the market, or was it the type of project itself? Ross Oliver wasn't sure. It would be a tough project because it would have to be done during business hours.

Mayor Pro-Tem Peterson stated that the cost of the project would be covered by the grant. The Request for Proposal was to determine how much work could be done with \$100,000.

Ross Oliver stated that \$17,000 of the \$120,000 grant had been used to put energy efficient lights in all of the City's facilities. The administration was seeking the Council's approval to enter into a contract with HVAC Construction to update the ventilation system in the Municipal Building subject to review by the Public Works Director and City Engineer.

Councilman Cragun asked why the air conditioning system was not sufficiently addressed when the Municipal Building was remodeled. Chris Davis said the City ran out of money. The architect and mechanical engineer who looked at the remodel did not include the ventilation system in the cost. The City did not have the funds to complete the HVAC system.

Councilman Stokes stated that the building was new, but the HVAC system was not. Ross Oliver said the HVAC system was piece-mealed together by the City staff. HVAC Construction would come in and update the administrative area of the Municipal Building. When they were done, there should be a good system in that area.

Councilman Cragun asked if the proposal would complete the HVAC system in the administrative area. Mr. Oliver said it would. HVAC Construction was proposing to do more than the staff thought could be done.

**Councilman Tafoya moved to approve Contract No. 2011-13 awarding the contract for the HVAC Energy Efficient Upgrade to the Roy Municipal Complex to HVAC Construction, Inc. subject to review by the Public Works Director and City Engineer, and to authorize the Mayor to sign the Notice of Award and Contract Agreement. Councilman Hilton seconded the motion. A roll call vote was taken: Council members Hilton, Tafoya, Peterson, Cragun, and Stokes voted "aye." The motion carried. (Copy filed for record).**

6. CONSIDERATION OF AMENDMENTS TO CONTRACT NUMBER 2010-6 FOR THE WASTE MANAGEMENT AGREEMENT

Andy Blackburn stated that a few changes had been made to the Waste Management Agreement: Exhibit B had been attached; the fuel surcharge had been changed from \$3.15 per gallon to \$3.25 per gallon; and the extension language had been changed from two successive five year extensions at the option of the City to extension by mutual agreement of both parties. There were a few other minor details that cleaned up the document. He asked that the Council approve the amended agreement.

**Councilman Cragun moved to approve amendments to Contract No. 2010-6 regarding the Waste Management agreement. Councilman Stokes seconded the motion. A roll call vote was taken: Council members Hilton, Tafoya, Peterson, Cragun, and Stokes voted “aye.” The motion carried. (Copy filed for record).**

7. CONSIDERATION OF RESOLUTION NO. 988 A, B, C, AND D ADOPTING THE FISCAL YEAR 2012 BUDGET AND LEVYING A PROPERTY TAX REVENUE RATE

Cathy Spencer, Management Services Director, stated that a public hearing regarding the FY2012 Budget was held on June 7<sup>th</sup>. There was discussion about funding a 2% COLA, an IT technician, part-time legal assistance, changes in fees for garbage service, and a property tax increase. The Council tabled approval of the budget to have time to look at other options. Ms. Spencer said the staff had prepared Resolution No. 988 adopting the FY2012 budget with four different options:

- a. This option approved the budget as originally presented;
- b. This option used the \$26,244 of additional revenue that would be received based on Weber County’s certified tax rate of .002263 to fund part-time legal assistance, but did not fund a COLA or an IT technician;
- c. This option funded a 2% COLA and part-time legal assistance from Fund Reserve Balance. It did not fund an IT technician;
- d. This option funded a 2% COLA and an IT technician with funds raised from a property tax increase through Truth in Taxation.

Mayor Pro-Tem Peterson asked if Option C included part-time legal assistance. Ms. Spencer said it did. Only Option D funded an IT technician.

Councilman Tafoya stated that Option B was a ‘no brainer.’ It would no increase taxes and provided legal assistance needed by the City Attorney. Councilman Hilton agreed.

Mayor Pro-Tem Peterson asked if the Council was comfortable funding part-time legal assistance. Most of the Council was. He asked if the Council was comfortable funding an IT technician.

Councilman Cragun didn’t feel the Council could fund any positions until it took care of the City’s current employees. If there were funds left, an IT technician might be a possibility. The position might have to wait until mid-year.

Councilman Hilton stated that tabling approval of the budget allowed him time to digest same issues. He felt the COLA was a big problem. If the Council approved a COLA, it would be stuck with it forever, and it would raise the pay scale for every employee. He was not comfortable with that. It was a band-aid fix and would cause more problems in the future. He was not thrilled about raising taxes. There were a lot of people on social security that could not afford a 14% tax increase. He felt the Council needed to explore

other options, such as a bonus. He felt everyone agreed that the employees were the backbone of the City. They needed to be taken care of so they didn't leave. The City just replaced an IT technician, and no one knew what he was capable of. Councilman Hilton wanted to hold off funding another IT technician for six months in order to see what the new IT tech could do. He felt the \$26,244 of additional revenue from the certified tax rate should be used to give the City Attorney some help. There was enough in the Fund Reserve Balance to give the employees a bonus without a tax increase.

Councilman Tafoya stated that the employees needed help. He had brought up a COLA because he felt the employees deserved it. However, the Council had to do what was best for the City. Taking money from the Fund Reserve Balance was a risk. He didn't feel the Council could do that. He had come to the same conclusion about a bonus that Councilman Hilton had. The cost of a 2% bonus was \$182,000; a 3% bonus was \$273,000, and a 4% bonus was \$364,000. He proposed that a 4% bonus to be paid now and at Christmas with the understanding that it was a one-time thing. The Council would have to look at next year's budget to see if a COLA was possible. He also felt that the City should wait six months to see if an IT technician was really necessary. He was not in favor of raising taxes.

Councilman Hilton asked if a 4% bonus would include part-time and seasonal employees? The Fire Department had a lot of part-time employees who put their lives on the line. He didn't want to omit them. Those who made \$50,000 to \$60,000 a year were making it. He wanted to reward those on the bottom that were struggling.

Councilman Stokes stated that everyone was doing their part. There was variation across the pay scale. No matter how a bonus was split, some would be concerned about how it was managed.

Councilman Hilton was concerned that a 4% bonus might be a little high. Councilman Tafoya stated that a 2% COLA was for a career; a 4% bonus was not.

Councilman Cragun felt the Council should take whatever money was available and divide it up; that it what the bonus would be. If the Council wanted to give the bonus out in two installments that was fine with him. It made sense to give everyone the same amount.

Mayor Pro-Tem Peterson asked if two part-time employees were the equivalent of one full-time employee. Cathy Spencer anticipated that the bonus would be based on hours worked. Mayor Pro-Tem Peterson felt the City should look at full time equivalency. Councilman Cragun felt that part-time employees putting in a lot of hours should receive the same as full time. Councilman Stokes felt it would be appropriate under the circumstances to give the maximum bonus to those who worked the maximum amount of hours.

Councilman Stokes felt funding the IT technician was absolutely essential. He was willing to take the funding out of the Fund Reserve Balance to do so. He wasn't convinced two IT

technicians could cover the City's needs. He felt the administration would be back in six months requesting funding for a third technician. He suggested applying the additional \$26,244 of additional revenue toward the IT technician and dipping into the fund balance for the rest of the salary, as well as the part-time legal assistance. Another option to a bonus was easing the burden on the employees by reducing their portion of the health care premium. The cost could be taken from the fund balance and would put money back in the employees' pockets. A 2% COLA was much better for career building. However, the City wasn't in a position to obligate itself going forward. Councilman Stokes did point out that the health care option would not benefit every employee like a bonus would.

Mayor Pro-Tem Peterson stated that Councilmen Hilton and Tafoya wanted to wait until mid-year to consider funding an IT technician. How did they propose to fund the position at that time? Councilman Tafoya felt a lot of things could change in six months, such as more sales tax revenue or an employee retiring. Councilman Hilton said the option to use the fund balance would still be there in six months. He wanted the employees to have time to put the new IT technician to the test. If he met the test, the City would be ahead.

Councilman Stokes asked if the problem had been the former IT technician, or was it the need for a third technician? Cathy Spencer felt the Council should give the new IT technician time to see what he could do. She felt both IT technicians were competent and that there would be positive change.

Chris Davis stated that the department heads had felt there was a need for a third IT technician for three to four years. Both of the current IT technicians were struggling with Desktop and felt there was a need for someone who could do that. There might be a need to come up with another alternative on how to fill that need.

Councilman Tafoya asked about using Redevelopment Agency funds. Chris Davis said the RDA already paid the City a management fee.

Councilman Cragun stated that if a third IT technician was brought on board, it would become an ongoing expense. Skilled IT people did not come cheap.

Councilman Stokes felt the \$65,000 estimate might be a little high if all the City was looking for was Desktop experience.

Councilman Tafoya agreed that another IT technician would be an ongoing expense. He gave up on the 2% COLA because he realized the City could not afford to do it. It was the same with an IT technician. Someone with Desktop experience would probably cost \$50,000 to \$55,000.

Councilman Stokes proposed using the \$26,244 of additional revenue from the certified tax rate and \$40,000 from the Fund Reserve Balance for the IT technician. He realized that funding an ongoing expense from the reserve fund was not fiscally responsible. He

suggested taking \$184,000 for a 2% tiered stipend based on the number of hours worked from the reserve fund. He proposed waiting on the legal assistance. Those options only obligated the City for \$40,000 going forward. Other options might be attrition; although he didn't want to do that. Those proposals met acute needs of the employees without burdening the citizens.

Mayor Pro-Tem Peterson asked about legal assistance. Councilman Stokes suggested that it be considered at mid-year.

Councilman Hilton asked about the cost or percentage of a tiered bonus. He agreed it should be based on the number of hours worked. Councilman Stokes felt the City should cap it at \$184,000 and work backward by dividing it up between the full and part-time employees. Mayor Pro-Tem Peterson said \$184,000 split between 300 employees would be about \$600 per person. Councilman Stokes stated that the City had about 150 full-time employees, about 100 permanent part-time employees, and about 100 seasonal employees.

Mayor Pro-Tem Peterson felt the message from the department heads was they would rather have another IT technician than a bonus.

Councilman Cragun felt the Council should wait on the IT technician to see what the current personnel could do. He was reluctant to hire a new technician now. He was concerned about legal issues. If the City was going to get sued, it would be because of legal work.

Mayor Pro-Tem Peterson felt the consensus from three Council members was to look at the IT technician again at mid-year. The final question to be resolved was the bonus.

Councilman Stokes stated that not funding the IT technician was ignoring the judgment of the employees in leadership positions. 'Maybe looking at an IT technician at mid-year' meant no. He felt an IT technician was a higher priority than legal assistance. Chief Whinham would rather have an IT tech than a COLA. He felt the bonus should be limited to what a 2% COLA would have cost, and that it should be based on hours worked.

Councilmen Tafoya and Cragun were in favor of a 3% bonus. Councilman Hilton could not justify a 4% bonus; neither could Mayor Pro-Tem Peterson. He felt it would short the employees in other areas.

**Councilman Cragun moved to approve Resolution No. 988 adopting the Fiscal Year 2012 City budget and levying a property tax revenue rate of .002263, a structured bonus totaling \$273,480, and part-time legal assistance. The motion died for lack of a second.**

**Councilman Tafoya moved to approve Resolution No. 988 adopting the Fiscal Year 2012 City budget and levying a property tax revenue rate of .002263, a structured**

bonus totaling \$365,000, and part-time legal assistance. The motion died for lack of a second.

**Councilman Stokes moved to approve Resolution No. 988 adopting the Fiscal Year 2012 City budget and levying a property tax revenue rate of .002263; that \$26,244 of additional revenue and \$40,000 from Reserve Fund Balance be used to fund an IT technician; and that \$182,320 from Reserve Fund Balance be used to fund a one-time structured, two-tiered bonus based on hours worked. Councilman Peterson seconded the motion. A roll call vote was taken: Council members Stokes and Peterson voted "aye." Council members Tafoya, Hilton, and Cragun voted "nay." The motion was defeated.**

**Councilman Hilton moved to approve Resolution No. 988, Option B, adopting a Fiscal Year City budget and levying a property tax revenue rate of .002263; that \$26,244 of additional revenue be used to fund part-time legal assistance; and that \$200,000 from the Reserve Fund Balance be used to fund a one-time, two-tiered structured bonus for the employees based on hours worked. Councilman Cragun seconded the motion. Council members Cragun, Peterson, Tafoya, and Hilton voted "aye." Council member Stokes voted "nay." The motion carried. (Copy filed for record).**

Chris Davis stated that the administration would bring a structured bonus plan back to the Council for approval.

Councilman Stokes said the only reason he opposed the motion was the lack of funding for the IT position. He felt it was acute need that needed to be filled.

8. CONSIDERATION OF RESOLUTION NO. 990 ADOPTING A FUND BALANCE POLICY AS REQUIRED BY GASB 54 DEFINING FISCAL YEAR 2011 FUND BALANCE ASSIGNMENTS

Cathy Spencer stated that the Governmental Accounting Standards Board was requiring cities to adopt a policy regarding the fund balance. In order to comply with Statement No. 54(GASB 54) *Fund Balance Reporting and Governmental Fund Type Definitions*, the City had written a Fund Balance Policy. She asked the Council to approve Resolution No. 990 adopting the policy.

**Councilman Tafoya moved to approve Resolution No. 990 adopting a Fund Balance Policy as required by GASB and defining Fiscal Year 2011 Fund Balance assignments. Councilman Hilton seconded the motion. A roll call vote was taken: Council members Peterson, Stokes, Tafoya, Hilton, and Cragun voted "aye." The motion carried. (Copy filed for record).**

9. CONSIDERATION OF CONTRACT NUMBER 2011-9 REGARDING AN INTERLOCAL COOPERATION AGREEMENT BETWEEN WEBER COUNTY AND

ROY CITY CORPORATION RELATING TO RECREATIONS, ARTS, MUSEUMS  
AND PARKS ("RAMP") FUNDING FOR SANDRIDGE PARK ENGINEERED WOOD  
FIBER

Mayor Pro-Tem Peterson stated that the approval of interlocal agreements was necessary before Weber County would transfer the RAMP funds.

**Councilman Hilton moved to approve Contract No. 2011-9 regarding an Interlocal Agreement between Weber County and Roy City Corporation relating to Recreations, Arts, Museums, and Parks ("RAMP") funding for Sandridge Park engineered wood fiber. Councilman Stokes seconded the motion. A roll call vote was taken: Council members Cragun, Peterson, Stokes, Hilton, and Tafoya voted "aye." The motion carried.** (Copy filed for record).

10. CONSIDERATION OF CONTRACT NUMBER 2011-10 REGARDING AN  
INTERLOCAL COOPERATION AGREEMENT BETWEEN WEBER COUNTY AND  
ROY CITY CORPORATION RELATING TO RECREATIONS, ARTS, MUSEUMS  
AND PARKS ("RAMP") FUNDING FOR ROY DAYS

Andy Blackburn was concerned about Paragraph 9 of the interlocal agreement. He asked that Contact No. 2011-10 be approved subject to resolution of Paragraph 9.

**Councilman Tafoya moved to approve Contract No. 2011-10 regarding an Interlocal Agreement between Weber County and Roy City Corporation relating to Recreations, Arts, Museums, and Parks ("RAMP") funding for Roy Days. Councilman Cragun seconded the motion. A roll call vote was taken: Council members Hilton, Tafoya, Stokes, Cragun, and Peterson voted "aye." The motion carried.** (Copy filed for record).

11. CONSIDERATION OF ROY CITY CONTRACT NUMBER 2011-11 REGARDING AN  
INTERLOCAL COOPERATION AGREEMENT BETWEEN WEBER COUNTY ON  
BEHALF OF THE WEBER COUNTY CLERK'S OFFICE, ELECTIONS DIVISION,  
AND ROY CITY

Mayor Pro-Tem Peterson stated that Contract 2011-11 would approve an agreement between Roy City and Weber County that would allow Weber County to run Roy City's election.

Councilman Tafoya asked how much money the City would save. Chris Davis said the cost of the last City election was about \$25,000, which did not include staff time. The agreement with Weber County was for \$12,500, excluding the payment of election judges. Because the Council chose not to increase taxes, he didn't feel the voter turnout would be high. The agreement did not include the cost of incidentals like refreshments on election night and the advertisements in the newspaper.

**Councilman Tafoya moved to approve Contract No. 2011-11 regarding an Interlocal Agreement between Weber County on behalf of the Weber County Clerk's Office, Elections Division, and Roy City. Councilman Hilton seconded the motion. A roll call vote was taken: Council members Cragun, Hilton, Peterson, Stokes, and Tafoya voted "aye." The motion carried. (Copy filed for record).**

12. CONSIDERATION OF PRELIMINARY APPROVAL AN AMENDMENT TO LOT 1 OF THE EXISTING MIDLAND SQUARE COMMERCIAL SUBDIVISION LOCATED AT APPROXIMATELY 4080 SOUTH MIDLAND DRIVE

Mayor Pro-Tem Peterson stated that the Council had received the recommendation from the Development Review Committee and the Planning Commission.

**Councilman Stokes moved to grant preliminary approval of an amendment to Lot No. 1 of the existing Midland Square Commercial Subdivision located at approximately 4080 South Midland Drive based on the staff's findings and subject to the recommendations of the staff and Planning Commission. Councilman Cragun seconded the motion. Council members Cragun, Hilton, Peterson, Stokes, and Tafoya voted "aye." The motion carried.**

13. CONSIDERATION OF A REQUEST FOR CONDITIONAL USE APPROVAL TO ALLOW THE INSTALLATION OF A MAJOR FACILITY OF A PUBLIC UTILITY - A 20-INCH WATER LINE THAT WOULD RUN EASTBOUND FROM APPROXIMATELY 4500 SOUTH ON MIDLAND DRIVE THROUGH WEST PARK TO THE D&RG RAIL PROPERTY, THEN NORTHBOUND ALONG THE RAIL GRADE TO APPROXIMATELY 4400 SOUTH

Mayor Pro-Tem Peterson stated that the Council had received the recommendation from the Development Review Committee and the Planning Commission.

Councilman Cragun stated that running a 20-inch line through Roy West Park would limit activities at the park. How did Hooper Water propose to cross 3100 West and Midland Drive? Would they indemnify the City from liability?

Chris Davis stated that Hooper Water District would be responsible for any damage. The City Attorney was working on an easement agreement with Hooper Water The Council was only considering the conditional use at this time. The City Engineer had asked that the easement include a metes and bounds description and language about them relocating the line at their expense if it was ever in the way of a City Public Works project.

Councilman Hilton asked if the work would close West Park. Mr. Davis said it would not.

Councilman Cragun asked if the line was coming from the water tank on 4000 South.

Tony Reynolds, Community and Economic Development Director, stated that Hooper Water planned to go under Midland Drive. There would only be one line going in and out. They planned to begin work in August and to go through the park in the winter to mitigate the impact on recreational activities.

Councilman Tafoya asked if they would be responsible for any damage. Andy Blackburn felt that should be covered in the easement.

Councilman Stokes felt they should restore everything to its original state.

Andy Blackburn stated that he was still working on the easement with Hooper Water's attorney.

**Councilman Tafoya moved to table consideration of the conditional use permit for installation of a major facility of a public utility until the easement was resolved so they could be approved together. Councilman Hilton seconded the motion. Council members Cragun, Hilton, Peterson, Stokes, and Tafoya voted "aye." The motion carried.**

#### 14. CITY MANAGER'S REPORT

Chris Davis stated that the annual employee party at the Aquatic Center would be held on July 14<sup>th</sup>. It would be catered this year.

Chris Davis stated that he still needed ideas for a Grand Marshal for Roy Days.

Councilman Tafoya moved to nominate Marge Becraft and a partner of her choosing as the Grand Marshals for Roy Days 2011. Councilman Stokes seconded the motion. Council members Cragun, Hilton, Peterson, Stokes, and Tafoya voted "aye." The motion carried.

Chris Davis reminded the Council about the Roy Town Meeting on Wednesday, June 29<sup>th</sup>, at the Roy Elementary School.

#### 15. MAYOR AND COUNCIL REPORTS

Councilman Hilton stated that he had attended a CERT meeting sponsored by Roy City. Chief Ritchie had arranged for class members to hold their final mock disaster at the 12<sup>th</sup> Street training facility. He was impressed that 35 of the 40 class members were Roy citizens who were interested in protecting the community.

#### 16. ADJOURN

**Councilman Stokes moved to adjourn at 7:31 p.m.**

Attest:

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Larry Peterson  
Mayor Pro-Tem

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Amy Mortenson  
Recorder

dc:cjun2111