

MINUTES OF THE JUNE 4, 2013, ROY CITY COUNCIL MEETING

1. Approval of the May 7, 2013, minutes
2. Consideration of Resolution No. 1025 providing for amendments to the October 19, 2010, amended Solid Waste Collection Service Agreement by changing the fuel surcharge rate, extending the length of the agreement, including in the agreement the rates previously approved for the Voluntary Opt Out Program and providing for solid waste collection at Roy City parks
3. Vote By Mail Process presentation
4. Presentation by Utah Fire and Rescue Academy
5. Public comments
6. Consideration of Resolution No 1022 approving adjustments to the Fiscal Year 2013 Budget
7. Public hearing on the proposed FY 2014 Budget
8. Consideration of Resolution No. 1023 approving the FY 2014 Budget
9. Consideration of First Amendment to Treatment Contract with North Davis Sewer District
10. Consideration of Resolution No. 1024 authorizing and approving an amendment to the Treatment Contract with North Davis Sewer District and providing for an effective date
11. Approval of Roy City Contract No. 2013-7 awarding the contract for the Municipal Building Roofing Project
12. Consideration of a request for conditional use approval to allow Tobacco Oriented Retail on property located at approximately 5684 South 1900 West
13. City Manager's report
14. Mayor and Council reports
15. Adjourn

Minutes of the Roy City Council Meeting held June 4, 2013, at 6:00 p.m. in the City Council Room of the Roy City Municipal Building.

The meeting was a regularly scheduled meeting designated by resolution. Notice of the meeting was provided to the *Standard Examiner* at least 24 hours in advance. A copy of the agenda was posted.

The following members were in attendance:

Mayor Joe H. Ritchie
Councilman John Cordova
Councilman Willard Cragun
Councilman Brad Hilton
Councilman Michael Stokes
Councilman Dave Tafoya

City Manager Chris Davis
City Attorney Andy Blackburn
Secretary Michelle Drago

Also present were: Cathy Spencer, Management Services Director; Ross Oliver, Public Works Director; Mark Miller, Wasatch Civil Consulting Engineering; Jason Poulsen, Fire Chief; Lance Allen, Waste Management; Ricky Hatch; Ron Hanselman; Douglas Nandell; Tiegen Lyman; Jolin Lyman; Dave Owens; and Brenda Forejacks.

Moment of Silence: Councilman Hilton

Pledge of Allegiance: Councilman Hilton

1. APPROVAL OF MAY 7, 2013, MINUTES

Councilman Tafoya moved to approve the minutes of May 7, 2013, as written. Councilman Cragun seconded the motion. Council members Cordova, Cragun, Hilton, Stokes, and Tafoya voted “aye.” The motion carried

2. CONSIDERATION OF RESOLUTION NO. 1025 PROVIDING FOR AMENDMENTS TO THE OCTOBER 19, 201, AMENDMENT SOLID WASTE COLLECTION SERVICE AGREEMENT BY CHANGING THE FUEL SURCHARGE RATE, EXTENDING THE LENGTH OF THE AGREEMENT, INCLUDING IN THE AGREEMENT THE RATES PREVIOUSLY APPROVED FOR THE VOLUNTARY OPT OUT PROGRAM AND PROVIDING FOR SOLID WASTE COLLECTION AT ROY CITY PARKS

Chris Davis stated that the City had entered into a long term agreement with Waste Management for solid waste collection. Waste Management had asked that the City consider using one the five-year extensions included in the contract. The extension would address the change in the diesel fuel surcharge rate from \$3.25 to \$3.75; extending the length of the contract to allow Waste Management to recoup costs for the Voluntary Opt Out Recycling Program; and providing for solid waste collection at Roy City parks.

Lance Allen, Waste Management, said they were asking that the length of the contract be extended to allow them to recoup the costs for the recycling cans.

Councilman Cordova moved to approve Resolution No. 1025 providing for amendments to the October 19, 2010, amended Residential Solid Waste Collection Service Agreement by changing the fuel surcharge rate, extending the length of the agreement, including in the agreement rates previously approved for the Voluntary Opt Out Recycling Program and providing for solid waste collection at Roy City parks. Councilman Cragun seconded the motion. A roll call vote was taken: Council members Hilton, Cragun, Stokes, Tafoya, and Cordova voted "aye." The motion carried. (Copy filed for record).

3. VOTE BY MAIL PRESENTATION

Ricky Hatch, from Weber County, stated that he was not a proponent for or against the library bond or the vote-by-mail ballot. He wanted to inform Council members about Weber County's procedures and controls so they could answer questions from the citizens. Every active registered voter should have received a ballot last week. About 102,000 ballots were mailed. The ballots could be returned by mail as long as they were postmarked by June 24th, or dropped off at one of six locations throughout the County (Roy City's Municipal Building was one of those locations). If a ballot was not mailed, a citizen could vote on June 25th. When Weber County received the ballots they would be kept under lock and key. The ballots would not be handled by just one election worker. Election officials worked in pairs. There was a reconciliation process to make sure ballots were not added or removed. Every signature on every ballot would be compared manually with the State voter records. If a signature did not match, the voter would be contacted to validate the ballot. The return envelopes were specially designed so that the signature would be accessible without opening the ballot. After the signature was verified, the ballot would be separated thereby becoming a secret ballot.

Mayor Ritchie asked about the mail in deadline. Mr. Hatch said it was June 24th.

Councilman Stokes asked how the County determined who to send ballots to. He and his wife received a card informing them they hadn't voted in the last presidential election, which was not correct. Mr. Hatch said every year the County looked at the State's voter base and tried to identify voters who had not voted, whose signatures were not on file, or who might have moved. They could not remove voters, but they could send cards asking for further information. Councilman Stokes asked if those who received cards would receive a ballot. Mr. Hatch said if the card was returned, a ballot would be sent. If a ballot was not received, a citizen could vote on June 25th.

Councilman Tafoya asked when the ballots would be counted. Mr. Hatch said the County planned to count the number of ballots periodically. The County already had a 10% voter turnout, which was higher than the last primary election. The ballots would not actually be tallied until Election Day.

4. PRESENTATION BY UTAH FIRE AND RESCUE ACADEMY

Dave Owens, Utah Fire and Rescue Academy, stated that UFRA was the testing program for Northern Utah. The Utah certification system was a voluntary program that had been legislatively supported since 1981. Since its inception, the number of certifications had risen from 7 to 27. Various members of the Roy City Fire Department held 20 of those certifications. Captain Ron Lathem was the first member of the Roy Fire Department to receive a certification. Since 1988, members of the Roy Fire Department had received 402 certifications. All certifications were based on the National Fire Protection Agency Standards and were internationally accredited. UFRA made sure all the testing was fair, reliable, and valid. UFRA wanted to honor Roy City and to encourage all emergency personnel to become certified. There were seven levels of certification – Firefighter 1, Firefighter 2, Hazardous Materials Awareness, Hazardous Materials Operations, Apparatus Driver Operations, Fire Officer, and Wildland Firefighting. To receive a gold recognition, 95% of all personnel must meet the national standards. Roy City was receiving gold ratings for Firefighter 1, Firefighter 2, Hazardous Materials Awareness, and Hazardous Materials Operations; a silver rating for Apparatus Driver Operations; and participation recognition in Wildland Firefighting. Mr. Owens presented the certificates to Chief Poulsen.

Chief Poulsen stated that the Roy Fire Department had established an ADO class for personnel. They hoped to bring that rating up to the gold level too. He liked UFRA's testing and certification.

5. PUBLIC COMMENTS

Brenda Forejacks, 4760 South 3900 West, asked why Ordinance No. 1052, which would have allowed chickens in residential zones, didn't pass. She understood one reason the ordinance didn't pass was because of the cost to police it. She proposed that she work with the Planning Commission to create a use that would be less invasive and less time consuming for the City to enforce. Riverdale City recently made a minor change to its Nuisance Ordinance to allow chickens. It was policed by neighbors. She had started a petition to have Ordinance No. 1052 reconsidered. She had already collected 50 signatures. There were a lot of people interested in having chickens.

Mayor Ritchie asked if Ms. Forejacks was aware that chickens were already allowed in certain zones in Roy City. Ms. Forejacks said she was. However, the majority of the Roy citizens did not live on those zones.

Councilman Tafoya stated that the staff, Planning Commission, and City Council had spent a lot of time on this issue. The majority of the City Council voted to leave the City's ordinance the way it was written for the foreseeable future. Ms. Forejacks said the actual vote was three to two. Councilman Tafoya said there was a formal procedure which had to be followed before a defeated issue could be reconsidered.

Councilman Stokes stated that when an issue was defeated it could not be reconsidered unless two members from the prevailing side changed their minds. One had to make a motion to reconsider and the other one had to second it. The first hurdle was to convince two of those who voted against it to put it back on the agenda. The issue of domestic livestock in residential zones was studied for over a year. The Council sent it back to the Planning Commission twice. He personally supported the matter.

Councilman Cragun suggested that Ms. Forejacks speak with the City Attorney about how she could legally proceed. When amendments to the ordinances were proposed, not much interest was shown until after the fact. The public hearings held by the Planning Commission were well attended, but there were hardly any people at the Council meetings.

Ms. Forejacks said she wasn't aware of the Council meetings until afterward. She felt the issue should have been addressed in the City's newsletter. The City needed to make things more public, and then it would receive more input from the citizens. Mayor Ritchie said all agendas and public hearing notices were posted on the City's website and published in the newspaper. Ms. Forejacks said people her age didn't take the newspaper. Councilman Hilton felt the issue had been advertised quite well. If people were interested, the information was available.

Councilman Hilton stated that the decision not to approve Ordinance No. 1052 was based on more than just the cost to police it. There were as many citizens opposed to chickens in residential zones as there were for them. He didn't feel the issue should be reconsidered again in the near future.

Councilman Cordova stated that the City spent a lot of time considering the issue. He was not interested in revisiting it.

Brenda Forejacks wanted to see something that was completely different than what Ordinance No. 1052 proposed. She was proposing a simple wording change in the Nuisance Ordinance.

Councilman Tafoya stated that the majority of the Council members had no interest in addressing this issue again for a few years.

Councilman Stokes stated that the Council did pass an ordinance allowing bees in residential areas. There was an orderly process for passing laws. He suggested that Ms. Forejacks follow the bee ordinance for a few years to see how what the results were. She could bring those results back to the Council in a few years. He encouraged her not to give up but to realize that nothing would happen in the near future.

Brenda Forejacks asked why the Council allowed bees but not chickens. Councilman Tafoya said he voted against both. He didn't feel either use fit in single family residential zones. Councilman Hilton said the City had received complaints about chickens in residential zones just the day before. The citizens wouldn't comply with the ordinance

that was in place. He voted to allow bees because he didn't feel there were many interested in that type of use. Bees were not as big a nuisance as chickens. Councilman Cordova said bees were good for the environment. Councilman Cragun said several years ago the City had a difficult time with residents who had roosters, which created a lot of anti-chicken feelings in the community. He encouraged Ms. Forejacks to do grass roots work.

Councilman Cordova stated that the Planning Commission spent a lot of time working on this issue. Usually the Planning Commission forwarded matters to the City Council with a recommendation to approve or deny. In this matter, the Planning Commission was neutral. Even after all the research it had conducted, the Planning Commission was not sure allowing chickens in residential areas was the right thing to do. The Council's decision was not taken lightly.

Mayor Ritchie stated that the City Council as a body was sympathetic to what Ms. Forejacks wanted. It was also sympathetic to those who were opposed to chickens. The Council appreciated her interest.

6. CONSIDERATION OF ORDINANCE NO. 1022 APPROVING ADJUSTMENTS TO THE FISCAL YEAR 2013 BUDGET

Councilman Cordova said he asked that this item be placed back on the agenda. When the Council approved a cost-of-living adjustment for the employees in February, it decided there wasn't sufficient funding to include the department heads. Since that time, the City had received final information regarding the budget. The State allowed a 2% COLA for one department head regardless of the Council's decision. He felt that was awkward for the others. He felt the City was now financially able to absorb a COLA for the department heads. He supported giving the remaining departments heads a 2% cost-of-living adjustment.

Councilman Hilton was pleased to see the final budget numbers. He didn't see anything that would prevent the Council from giving a COLA to the department heads. He felt the COLA should be retroactive.

Mayor Ritchie commended the Council for recognizing where the City was at and bringing this resolution back. He pointed out that the COLA did not include elected officials. It was for department heads only.

Councilman Hilton moved to approve Ordinance No. 1022 approving adjustments to the Fiscal Year 2013 Budget. Councilman Cordova seconded the motion. Council members Stokes, Hilton, Cragun, and Cordova voted "aye." Councilman Tafoya voted "nay." The motion carried. (Copy filed for record).

7. PUBLIC HEARING ON THE PROPOSED FY2014 BUDGET

Councilman Cordova moved to open the public hearing at 6:38 p.m. Councilman Stokes seconded the motion. Council members Cordova, Cragun, Hilton, Stokes and Tafoya voted “aye.” The motion carried.

Cathy Spencer, Management Services Director, stated that the FY2014 budget did not include a tax increase. The City had not received the certified tax rate from Weber County. There was one new fee – cat licenses - which would go into effect on January 1, 2014. The fee would be the same as dogs. The revenues in the General Fund included the final payment from the Hall Foundation for the Hope Community Center. Revenues in the General Fund had increased in two areas – sales tax and ambulance transport fees. The budget anticipated a 2.5% increase in sales tax. One full time firefighter would replace two part time positions on Shift B in the Fire Department. One shift would be filled with part time fire fighters. There would be seasonal positions for a meter reader, a seasonal employee for storm water, and seasonal staff for the dumpster program. The budget had been updated to allocate a 2% COLA for the employees which would be effective on the first pay period of the new fiscal year. The primary and general elections were funded. This was the first year capital expenditures had been funded for some time. The fire engine would be refurbished. The police vehicle rotation had been added back into the budget. Public Works was replacing some vehicles and equipment.

Councilman Hilton asked for a clarification on why the City was losing sales tax dollars. Ms. Spencer said some cities in the State received a very high amount of sales tax yet had a small population. The State tried to balance the distribution of sales tax dollars better, but it allowed the distribution change to be delayed in order to allow those cities time to recoup some of their costs. She thought that provision would end in 2013.

Councilman Stokes asked how much money the City was actually losing. Mr. Davis did not know.

Mayor Ritchie asked if funds for the elections had been budgeted. Chris Davis said the budget included funds for both the primary and general elections.

Councilman Hilton asked about unbalanced fund reserves. Cathy Spencer said the State had increased the cap from 18% to 25%. Roy City usually had around 18%. This year the City was using some of the overage to set aside funds for the police radios.

Chris Davis said the City would not know where the fund was until the audit was done. The fiscal year ended on June 30th. It would take another 60 days before the final funds came in.

Councilman Tafoya stated that Cathy Spencer had always been conservative.

Councilman Hilton felt Cathy Spencer was very astute. She had informed the Council that the City's revenue sources would flatten out. The Council really needed to look at bringing businesses into the City. Hopefully, the economy would keep growing.

Councilman Cragun didn't feel there was another city that was better managed. He commended Cathy Spencer. She did an outstanding job and was very astute to the market changes. The department heads had been great about recognizing needs as well. The City Council needed to get busy bringing businesses into the City to generate additional revenue.

Councilman Hilton felt the City on the right track by doing the Retail Leakage Study.

Mayor Ritchie felt the City had a great team with Chris Davis, Cathy Spencer, and the department heads.

Cathy Spencer asked that the Council approve Resolution No. 1023 subject to the implementation date of the 'opt out' recycling program being changed from August 1, 2014, to August 1, 2013.

Mayor Ritchie opened the floor for public comments.

Ron Hanselman, 4082 South 2275 West, stated that he had recently moved to Roy City and had read minutes from previous meetings. During the February meeting, the Council discussed whether the City had the money to fund a COLA for the department heads. He also checked out the salaries of the department heads and was concerned that one department head's salary seemed to be so much higher than the others. The only he could think of for the salary being so high was overtime. Did the City cap overtime?

Chris Davis asked if the website Mr. Hanselman checked was Utah's Right to Know. Mr. Hanselman said it was. Mr. Davis said the salary shown was so high because the department head in question had retired and received a payout for his vacation and sick leave. Councilman Stokes checked the website and verified that the employee in question had retired. Mr. Hanselman asked if there were controls for overtime. Mr. Davis said department heads did not receive overtime.

Councilman Hilton moved to close the public hearing at 6:55 p.m. Councilman Cordova seconded the motion. Council members Cordova, Cragun, Hilton, Stokes, and Tafoya voted "aye." The motion carried.

8. CONSIDERATION OF RESOLUTION NO. 1023 APPROVING THE FY 2014 BUDGET

Councilman Hilton moved to approve Resolution No. 1023 approving the FY 2014 budget subject to the date for the implementation for the 'opt out' recycling being changed from August 1, 2014, to August 1, 2013. Councilman Cragun seconded the motion.

Councilman Stokes wanted to make it clear that he was opposed to licensing cats.

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

9. CONSIDERATION OF FIRST AMENDMENT TO TREATMENT CONTRACT WITH NORTH DAVIS SEWER DISTRICT

Councilman Tafoya stated that North Davis Sewer District had received a AA+ rating for a revenue bond. The rating agency noticed that the bond would extend beyond the length of the District’s contracts. In order for the District to receive the AA+ rating, they were asking that Roy City extend its treatment contract to 50 years.

Councilman Cordova didn’t see any issues extending the length of the contract.

10. CONSIDERATION OF RESOLUTION NO. 1024 AUTHORIZING AND APPROVING AN AMENDMENT TO THE TREATMENT CONTRACT WITH NORTH DAVIS SEWER DISTRICT AND PROVIDING FOR AN EFFECTIVE DATE

Councilman Cordova moved to approve Resolution No. 1024 authorizing and approving an amendment to the Treatment Contract with North Davis Sewer District and providing for an effective date. Councilman Stokes seconded the motion. A roll call vote was taken: Council members Tafoya, Cragun, Stokes, Cordova, and Hilton voted “aye.” The motion carried. (Copy filed for record).

11. APPROVAL ROY CITY CONTRACT NO. 2013-7 AWARDING THE CONTRACT FOR THE MUNICIPAL BUILDING ROOFING PROJECT

Mark Miller, City Engineer, stated that Ross Oliver and Rusty Tubbs had asked that Wasatch Civil write a Request for Proposal to solicit proposals for re-roofing the Municipal Building. On April 30th, the City received three proposals. CMC’s response was considered non-responsive as they did not include a price. The proposals from Conwest and High Point were evaluated by Ross Olive, Rusty Tubbs, Chris Davis, and himself. The committee had met with Conwest and felt very comfortable with them. They recommended that the Council award the contract for roofing the Municipal Building to Conwest for \$64,566.

Mayor Ritchie asked if the City had worked with Conwest before. Mr. Miller said it had not, which is why the committee requested an interview. Conwest was a large roofing contractor. They had agreed to assign more people to the project so it could be completed quickly. The contract had been written for 20 days.

Councilman Cragun stated that asphalt shingles had a life of 20 to 25 years. However, many times roofs did not last that long due to workmanship. Mark Miller said the only way to make sure the roof lasted for the life of the shingles was to have someone inspecting the work to make sure six nails were used per shingle. Someone from Rusty

Tubb's crew would have to make the inspections. The industry standard was a one year guarantee. If the project was meticulously inspected, the City could make sure the roof was put on properly.

Councilman Stokes moved to approve Roy City Contract No. 2013-7 awarding the contract for the Municipal Building Roofing Project to Conwest Inc. for \$64,566 and authorizing the Mayor to sign the Notice of Award and Contract Agreement. Councilman Cordova seconded the motion. A roll call vote was taken: Council members Stokes, Tafoya, Hilton, Cragun, and Cordova voted "aye." The motion carried. (Copy filed for record).

12. CONSIDERATION OF A REQUEST FOR CONDITIONAL USE APPROVAL TO ALLOW TOBACCO ORIENTED RETAIL ON PROPERTY LOCATED AT APPROXIMATELY 5684 SOUTH 1900 WEST

Mayor Ritchie stated that the City had received a request for approval of a conditional use for a vapor shop for e-cigarettes to be located at 5684 South 1900 West. The Weber County Health Department considered vapor shops Tobacco Oriented Retail so Roy City considered it one as well. The application met all of the specifications for a conditional use. The staff and Planning Commission recommended approval of the conditional use.

Councilman Cordova stated that vapor shops actually helped people stop smoking.

Councilman Hilton stated that e-cigarettes were just as bad for the user as nicotine cigarettes, but the second-hand smokes wasn't as bad.

Councilman Tafoya moved to approve a request for conditional use approval to allow Tobacco Oriented Retail on property located at approximately 5684 South 1900 West based on the findings of the staff and subject to the conditions recommended by the staff and Planning Commission. Councilman Cordova seconded the motion. Council members Cordova, Cragun, Hilton, Stokes, and Tafoya voted "aye." The motion carried. (Copy filed for record).

13. CITY MANAGER'S REPORT

Chris Davis stated that this was the week for election filings. The filing deadline was Friday, June 7th. Six applications for City Council had already been filed. There would clearly be a primary election.

Chris Davis stated that the City was starting to work on the schedule for Roy Days. There would not be a Salmon Bake this year as there were no longer any Kiwanis. Mike Puzey, the Athletic Director, from Roy High School had agreed to take over the dinner. It would be called a Royal Feast. This Miss Roy Pageant had 10 contestants.

Chris Davis stated that the Davis Hospital Iasis Emergency Center would be open in one week. Work had started on the CVS Pharmacy, and North Park Elementary School was going up quickly.

14. MAYOR AND COUNCIL REPORTS

Councilman Cordova asked if the annual luncheon of the employees had been scheduled. Chris Davis said the summer party would be held in July. He would let the Council members know the exact date. It would be catered as it had been for the past few years.

15. ADJOURN

Councilman Cordova moved to adjourn to a Redevelopment Agency Meeting at 7:13 p.m.

Attest:

Joe H. Ritchie
Mayor

Amy Mortenson
Recorder

dc:cjun413