

MINUTES OF THE JUNE 5, 2012, ROY CITY COUNCIL MEETING

1. Approval of May 15, 2012, minutes
2. Recognition of Roy City Founders
3. Public comments
4. Public hearing:
 - a. Hearing to receive public input and obtain Council approval of amendments to the Fiscal Year 2012 Budget
 - b. Hearing on proposed Fiscal Year 2013 Budget to receive public input and obtain Council approval
 - c. Hearing to consider a request to vacate 587 feet of the unused public right-of-way at 5200 South and 1750 West
5. Consideration of Resolution No. 1002 adopting adjustments to the Fiscal Year 2012 Budget
6. Consideration of Resolution No. 1003 adopting Fiscal Year 2013 Budget
7. Direction regarding request to vacate 587 feet of unused public right-of-way
8. Motion to adjourn the City Council Meeting and convene a Redevelopment Agency Meeting
9. Motion to reconvene the City Council Meeting
10. Presentation by Utah National Guard regarding the Community Covenant Program
11. Consideration of Resolution No. 1001 establishing regular City Council Meetings for FY2013
12. Consideration of Ordinance No. 1045 amending the Good Landlord Incentive Program
 - a. Consideration of Resolution No. 1004 adopting fees for the Owners of Rental Dwelling Units
13. City Manager's report
14. Mayor and Council reports
15. Adjourn

Minutes of the Roy City Council Meeting held June 5, 2012, 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	City Manager Chris Davis
Councilman John Cordova	City Attorney Andy Blackburn
Councilman Brad Hilton	Secretary Michelle Drago
Councilman Michael Stokes (*via teleconference)	
Councilman Dave Tafoya	

Excused: Councilman Willard Cragun

Also present were: Cathy Spencer, Management Services Director; Jared Hall, Planner; Rachel Trotter; Forrest Young; Beth Woodbury; Leora McCrary; Barbara Raymond; Heather Miller; Dixie Martinez; Nicole Higgs; Sherry May; Bert Visser; Missy Warwood; Marge Becraft; Bob Dandoy; Than Jensen; Captain Earl Simmons; Betty Johnson; Dan Medell; James Hermon; Rob Facer; Tony Coffman; Jill Dean; Tonya Littlefield; Jay Averett; Alan Wright; Scott George; Stuart Hackworth; Tammy Nelson; Gary Briton; Shawn Lowe; Dante; Jason Robert Collins II; Daniel Smith; John Hepworth; J. McCain; Lisa KlingleSmith; Kyle KlingleSmith; Hunter KlingleSmith; Garrett KlingleSmith; Ryan Edstrom; Phillip U.; Josh McCain.

Moment of Silence: Councilman Cordova

Pledge of Allegiance: Councilman Cordova

Mayor Ritchie welcomed Boy Scout Troops 72 and 219

1. APPROVAL OF MAY 15, 2012, MINUTES

Councilman Cordova moved to approve the minutes of May 15, 2012, as written. Councilman Tafoya seconded the motion. Council members Cordova, Hilton, Stokes, and Tafoya voted “aye.” The motion carried.

2. RECOGNITION OF ROY CITY FOUNDERS

Bob Dandoy, Chairman of the 75th Anniversary Committee, appreciated this opportunity to recognize those individuals in the City who had lived here a significant amount of time. They had been witnesses to the growth of the community. He appreciated the Council taking time to recognize those who had contributed to the City.

Mayor Ritchie presented Leora Garner McCrary and Beth Cook Woodbury with commemorative coins and certificates recognizing them for being pioneer citizens to the founding of Roy City on March 10, 1037. For over 75 years, they had stood as witnesses to the foundation and growth of a great city.

3. PUBLIC COMMENTS

Bert Visser, 4833 South 2500 West, asked about the City's plans for a new cemetery. The current cemetery only 40 to 50 plots left. All of the vacant ground for a cemetery was disappearing. It was important to the citizens for the Council to plan for additional cemetery space. It was important as the parks and a good commercial areas.

Mayor Ritchie said the Council had talked about new cemetery space. There were two or three locations they were considering.

Dan Medell, 5821 South 4175 West, wanted to address the Council about code enforcement. He felt communication from the code enforcement officer was ambiguous. Communication regarding violations needed to be clear and concise. The ticket needed to stated more than 'weeds and grass.' When he tried to resolve what he thought was the problem, he was told that it didn't take care of it. Enforcement needed to be on a broader basis than 'complaint only.' He felt he had been singled out when his parents lived in a neighborhood where tickets had never been issued, there were weeds and stickers at Emma Russell Park, and vacant homes that weren't cleaned up. The City wouldn't even tell him who filed the initial complaint. Either give the Code Enforcement Officer more tools, or drop code enforcement all together. The Code Enforcement Officer told him that she had issued 15 complaints while in his neighborhood. If the City was going to do code enforcement, it needed to be fair.

Mayor Ritchie asked what tools he suggested. Mr. Medell felt the tickets should specifically describe the violation and include a picture. Mayor Ritchie suggested that Mr. Medell meet with the City Manager and show him pictures of his property. The City had one Code Enforcement Officer. She was kept busy responding on a 'complaint only' basis. While she was in a neighborhood she looked for other violations. The Council and administration was trying to find funding to increase manpower.

Councilman Stokes felt the City should look at providing the Code Enforcement Officer with better tools. Based on the number of citations that had been issued since the beginning of the year, he could understand why there wasn't time to provide a lengthy description of each violation. The City could look at equipment that would allow citations to be issued in the field. The number one complaint the City received was

code enforcement. Some said the City wasn't doing enough; others said the City was doing too much. He felt the Council should look at the budget for a one-time expense. Melissa Warwood, 2590 West 4800 South, proposed that she be allowed to keep female chickens in her neighborhood. Why were chickens allowed in some areas and not in others? Andy Blackburn, City Attorney, stated that many years ago, the City made the determination that chickens would only be allowed in RE-20 Zones. Councilman Tafoya said that chickens, rabbits, and other farm-type animals did not fit well on smaller residential lots.

Ms. Warwood asked if there was a way to persuade the City to change the ordinance. Andy Blackburn said that she could attempt to have a Council member propose that an amendment be considered. If the Council agreed, it would direct the staff and Planning Commission to review it. Jared Hall said that another option was for Ms. Warwood to propose a text amendment. The staff and Planning Commission would review the amendment and forward their recommendations to the City Council.

Councilman Stokes was willing to consider a compromise. Some communities in the area had assigned values to certain animals.

Forrest Young, 2428 West 5075 South, said he had the same concern as Ms. Warwood. He had been told animals were outlawed in Roy City. Mayor Ritchie suggested that he work with Ms. Warwood on a text amendment.

4. PUBLIC HEARING:

A. HEARING TO RECEIVE PUBLIC INPUT AND OBTAIN COUNCIL APPROVAL OF AMENDMENTS TO THE FISCAL YEAR 2012 BUDGET

Councilman Tafoya moved to open the public hearing at 6:26 p.m. Councilman Hilton seconded the motion. Council members Cordova, Hilton, Stokes, and Tafoya voted "aye." The motion carried.

Cathy Spencer, Management Services Director, stated that the administration had reviewed the financial status of the City as of May 15, 2012, which revealed the need for adjustments to revenue and expenditure estimates not previously anticipated. The hope was to put money back into the General Fund Balance to off set the \$429,000 used to balance the budget. Ms. Spencer reviewed the most significant adjustments listed in her May 29th memorandum.

Councilman Tafoya asked if there was a difference in the franchise fees for land lines and cell phones. Ms. Spencer said there wasn't. All franchise fees were 6%.

Ms. Spencer said the net result of the adjustments was \$109,000, which was returned to the General Fund Balance. She asked that the Council approved Resolution No. 1002 adopting the adjustments to the FY2012 budget.

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

B. HEARING ON PROPOSED FISCAL YEAR 2013 BUDGET TO RECEIVE PUBLIC INPUT AND OBTAIN COUNCIL APPROVAL

Cathy Spencer stated that the Council reviewed the tentative FY2013 budget on May 1st. The budget as presented was balanced and did not include a property tax increase. The budget summary included information regarding the City's certified tax rate for the last eight years and included the 2005 property tax increase. Examples showed what could be gained by holding the tax rate at the prior year level. For 2011, each 1% increase in the certified tax rate would provide the City with \$25,000. The truth in taxation process took two to three months to complete. The Council could declare its intent to raise the certified tax rate in June rather than approve the budget. The City would then operate on the tentative budget, which the Council had accepted, until the budget was formally approved in August or September after the truth in taxation hearing.

Ms. Spencer said the budget included 2.5% in sales tax revenue and new fees for the Complex and Aquatic Center, which were recently raised. An adjustment was made to the RAMP grant for the fall service project. The grant was approved for \$14,385, an increase of \$5,085. The budget included \$200,000 for a bonus program comparable to one paid in FY2012. The bonus would be paid out of reserves, tiered, and paid in two installments in August and December. There were no merits or cost-of-living adjustments. No new employees had been added. The position of the Community and Economic Development Director had not been funded. Retirement costs for the Utah Retirement System had increased significantly. Health insurance benefits would \$88,000, an increase of 7.9%. The cost would be split between the City and the employees. Fuel costs had been increased. In the Complex, swimming lessons had been increased due to Red Cross fees. There were very few capital projects because the City did not have the funding. This was the last year for lease payments on the fire trucks. The capital budget included the purchase of a new ambulance.

Ms. Spencer said the preliminary budget for the Water and Sewer Fund included increases to the water and sewer rates. After further review of the rates, it had been determined that the new sewer rates would provide more money than was necessary, while the water rates would not provide enough. The rates had been adjusted. It was proposed that the new rates go into effect on July 1, 2012. The new rates would generate revenue for maintenance, equipment, and \$425,000 per year to fund Phase 2

of the plan to update the City's water and sewer lines. Garbage fees had gone up slightly as Waste Management had raised their fees.

Ms. Spencer said there were no significant changes in the Information Technology Fund. The City would purchase a new 'voice over IP' telephone system for \$46,000. The system would run on network cabling and was estimated to save \$13,000 in telephone billings. The purchase would be made from retaining earnings in the IT Department. Purchasing the system had reduced the need for the City to repair the telephone lines at the Recreation Complex, a savings of \$6,000.

Ms. Spencer asked that the Council approve Resolution No. 1003 adopting the FY2013 budget.

Councilman Cordova asked about the difference between URS and ICMA. Ms. Spencer said URS was the Utah Retirement System. Roy City contributed 15.45% toward retirement to be split between the URS and ICMA, which managed employees' 401K's. As URS had increased its rates, there wasn't money left for the City to put toward the 401K's.

Councilman Hilton asked if employees could still put money in. Ms. Spencer said employees were currently putting 2.45% into their 457's. They could put up to \$5,000 a year.

Councilman Cordova stated that the total budget for FY2013 was \$24,371,281.

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

C. HEARING TO CONSIDER A REQUEST TO VACATE 587 FEET OF THE UNUSED PUBLIC RIGHT-OF-WAY AT 5200 SOUTH AND 1750 WEST

Jared Hall stated that the City had received a request from Monte Vorwaller to vacate a portion of an unused right-of-way. The City owned a unused right-of-way located at approximately 5200 South between 1900 West and Airport Road. Mr. Vorwaller was asking that 587 feet of the eastern portion be vacated. The property in question was 99 feet wide and encompassed 1.04 acres. The western portion of the right-of-way had been improved and was used as public access. It would not be vacated.

Mr. Hall said Mr. Vorwaller wanted to increase his parking and/or divide the property for a new commercial lot. Both of those developments appeared to be in the City's best interest, especially given the fact that the road remained incomplete and unused. Circulation of traffic was also served by other rights-of-way in the immediate vicinity which did connect 1900 West to Airport Road (5150 South). The staff did not feel

properties would lose access if the right-of-way was vacated. The vacation would help facilitate commercial improvements and the potential creation of a new commercial lot. The staff recommended that the vacation be approved subject to any further review and approval by the City Engineer and/or other members of the DRC; to all items of the staff report; and to the creation, review, and approval of a City ordinance formally vacating the indicated portion of the right-of-way. The staff would meet with Monte Vorwaller and the Elks Lodge regarding access concerns

Councilman Cordova stated that when the State realigned Riverdale Road this right-of-way became redundant.

In response to concerns from Councilman Hilton about land locking properties, Jared Hall said that Mr. Lee, one of the adjacent property owners, had access to all of his properties from Riverdale Road. He felt access concerns were workable.

Mayor Ritchie felt that access concerns for the Elks Lodge and other property owners could be addressed in the ordinance.

Mayor Ritchie opened the floor for public comments.

Jay Averett, Elks Lodge, stated that the Elks Lodge did not object to the proposed vacation. The canal property was sold to Mr. Lee without the knowledge of the Elks Lodge. That sale blocked access to their second garage. The Elks Lodge had to pay a very large sum of money to Mr. Lee for access. He would not sell the property to them. If the western portion of the right-of-way was vacated, they would be landlocked. He asked that the City be very careful. Mr. Lee had not been easy to work with. They were very leery.

Mayor Ritchie asked Mr. Averett to work with Jared Hall to make sure the ordinance was written properly.

Jared Hall stated that the Elk's Lodge landlocked garage was an existing situation. The City was trying to take this opportunity to work something out.

Councilman Hilton moved to close the public hearing at 6:56 p.m. Councilman Cordova seconded the motion. Council members Cordova, Hilton, Stokes, and Tafoya voted "aye." The motion carried.

5. CONSIDERATION OF RESOLUTION NO. 1002 ADOPTING ADJUSTMENTS TO THE FISCAL YEAR 2012 BUDGET

Councilman Cordova moved to approve Resolution No. 1002 approving adjustments to the Fiscal Year 2012 Budget. Councilman Tafoya seconded the motion. A roll call vote was taken: Council members Cordova, Stokes, Hilton, and Tafoya voted “aye.” The motion carried. (Copy filed for record).

6. CONSIDERATION OF RESOLUTION NO. 1003 ADOPTING FISCAL YEAR 2013 BUDGET

Cathy Spencer stated that the budget did not have to be approved until the last meeting in June, unless the Council decided to do truth in taxation.

Mayor Ritchie did not feel the City should pursue truth in taxation unless it was tied to a specific project or need. He recommended that the Council adopt Resolution No. 1003.

Councilman Hilton agreed. He didn't feel any of the line items warranted an increase in the certified tax rate.

Councilman Cordova wanted the public to understand that the City was slowly losing ground on the certified tax rate. The City received the same amount of property tax year after year. The City's property tax rate actually dropped every year because new construction added to the tax base and reduced each home's share of the tax liability. At some point, the City would have to bite the bullet and go through truth in taxation. When it did, it needed to make sure the public understood.

Councilman Stokes agreed with Councilman Cordova. Truth in taxation was not raising taxes. If the value of your home was level, the tax level was constant. The City was slowly losing ground in providing services to citizens because the certified tax rate was not keeping up with growth. He had the feeling the City was getting to where it would actually have to raise property taxes to keep up. However, he did feel this was the right time to do it.

Councilman Tafoya stated that the City was raising water and sewer rates. The increase was based on a specific need. He didn't feel it would be responsible to do truth in taxation on top of it.

Councilman Stokes said truth in taxation was not a tax increase. The City was robbing Peter to pay Paul. The net result was that the budget was flat.

Councilman Cordova agreed with Councilman Stokes. He didn't want to go through truth in taxation until the public really understood what the Council was attempting to do.

Councilman Tafoya moved to approve Resolution No. 1003 adopting the Fiscal Year 2013 City Budget and levying a property tax revenue rate. Councilman Hilton seconded the motion. A roll call vote was taken: Council members Tafoya, Cordova, Hilton, and Stokes voted "aye." The motion carried. (Copy filed for record).

7. DIRECTION REGARDING REQUEST TO VACATE 587 FEET OF UNUSED PUBLIC RIGHT-OF-WAY

Councilman Hilton moved to direct the staff to prepare and ordinance to vacate 587 feet of unused public right-of-way and to work with interested parties to resolve access concerns. Councilman Cordova seconded the motion. Council members Cordova, Hilton, Stokes, and Tafoya voted "aye." The motion carried.

8. MOTION TO ADJOURN THE CITY COUNCIL MEETING AND CONVENE A REDEVELOPMENT AGENCY MEETING

Councilman Cordova moved to adjourn the City Council Meeting and convene a Redevelopment Agency Meeting at 7:07 p.m. Councilman Hilton seconded the motion. Council members Cordova, Hilton, Stokes, and Tafoya voted "aye." The motion carried.

9. MOTION TO RECONVENE THE CITY COUNCIL MEETING

Councilman Tafoya moved to reconvene the City Council Meeting at 7:11 p.m. Councilman Hilton seconded the motion. Council members Cordova, Hilton, Stokes, and Tafoya voted "aye." The motion carried.

10. PRESENTATION BY UTAH NATIONAL GUARD REGARDING THE COMMUNITY COVENANT PROGRAM

Captain Earl Simmons, Utah National Guard, stated that his mission was to provide a brief description of the Community Covenant Program; decide if it was a program Roy City was willing to participate in; if so, establish a military liaison to begin working with the National Guard; and evoke consideration for a signing ceremony by August 7, 2012.

Mayor Ritchie asked if Roy was already a member. Chris Davis thought it was. The City participated in a number of programs and recently received an award from the

National Guard. Mr. Davis said he would be willing to meet with Captain Simmons about the Community Covenant Program and bring information back to the Council. The City did a lot for those on deployment.

Captain Simmons asked that any military liaison be a member of the City Council or a full time employee. The military liaison was the 'go to' person when the National Guard needed to get information out or vice versa. If the City wasn't a member of the Covenant Program, he hoped he could help the City plan a signing ceremony. The signing ceremony was the start of the official relationship with the National Guard. He reviewed the history of the program with the City Council.

Mayor Ritchie suggested that Captain Simmons meet with the City Manager. The City did what it could to support those in the military and their families.

Councilman Tafoya said the City could give the National Guard a booth at Roy Days Super Saturday on August 3rd and 4th.

Captain Simmons felt that might be a good time to do the signing ceremony.

11. CONSIDERATION OF RESOLUTION NO. 1001 ESTABLISHING REGULAR CITY COUNCIL MEETINGS FOR FY2013

Councilman Cordova moved to approve Resolution No. 1001 establishing regular City Council Meetings for FY2013. Councilman Tafoya seconded the motion. A roll call vote was taken: Council members Hilton, Stokes, Tafoya, and Cordova voted "aye." The motion carried. (Copy filed for record).

12. CONSIDERATION OF ORDINANCE NO. 1045 AMENDING THE GOOD LANDLORD INCENTIVE PROGRAM

Andy Blackburn, City Attorney, stated that the Utah State Legislature recently made changes which required Roy City to update its Good Landlord Program to make it consistent with the State law. Definitions for exempt businesses and landlords had been added. Language had been added about a training program and the process of appeals. He asked that the Council approve Ordinance No. 1045 amending the Good Landlord Incentive Program. Resolution No. 1004 adopted new fees.

Councilman Cordova moved to approve Ordinance No. 1045 amending the Good Landlord Incentive Program. Councilman Hilton seconded the motion. A roll call vote was taken: Council members Stokes, Tafoya, Cordova, and Hilton voted "aye." The motion carried. (Copy filed for record).

Andy Blackburn said the City recently had a municipal service study completed by Zion's Bank Public Finance Municipal Consulting Group. Resolution No. 1004 would adopt the fees they recommended. The base license fee would be \$145. The Disproportionate Service Impact Fee would be \$33 per unit. Exempt businesses and landlords would not be required to pay the Disproportionate Service Impact Fee. If a landlord attended the Good Landlord Incentive Program, the base fee would be \$72.50, and the Disproportionate Service Impact Fee would be \$8.50 per unit.

Councilman Cordova asked how the new fees compared to other cities. Chris Davis said Roy City was a little lower than some and higher than others. Councilman Cordova asked about Ogden City's fees. Andy Blackburn thought they were higher than Roy's. Mr. Davis said he would email the information to the Council members.

Councilman Hilton moved to approve Resolution No. 1004 adopting new fees for the owners of rental dwelling units. Councilman Stokes seconded the motion. A roll call vote was taken: Council members Cordova, Hilton, Stokes, and Tafoya voted "aye." The motion carried. (Copy filed for record).

13. CITY MANAGER'S REPORT

Chris Davis asked if the Council was ready to schedule the next town meeting. The Council wanted to wait until fall.

Chris Davis said the City had received 18 applicants for the Fire Chief's position. The interview committee would be comprised of two Council members, the Mayor, himself, and a fire chief from another city. Interviews would be held next week. The committee hoped to have a candidate to recommend to the Council at the next meeting.

Chris Davis stated that Fire Chief Jon Ritchie's retirement open house would be held on June 12th.

Chris Davis stated that attending the ICSC Conference in Las Vegas had been very fruitful for the City.

14. MAYOR AND COUNCIL REPORTS

There were none.

15. ADJOURN

Councilman Cordova moved to adjourn at 7:33 p.m.

Attest:

Joe H. Ritchie
Mayor

Amy Mortenson
Recorder

dc:cjun512