

## MINUTES OF THE NOVEMBER 19, 2013, ROY CITY COUNCIL MEETING

1. Approval of the October 15, 2013, minutes
2. Canvass of 2013 General Election
3. Presentation of the FY2013 Comprehensive Annual Financial Report
4. Presentation by Kent's Market to the Roy City Fire Department
5. Public comments
6. Consideration of Resolution No. 1035 approving ambulance transportation rates and charges
7. Information on Police Department personnel changes
8. Consideration of Resolution No. 1036 approving adjustments to the Fiscal Year 2014 Budget
9. Consideration of Resolution No. 1037 authorizing an Interlocal Agreement between Bountiful City, Clearfield City, Layton City, and Roy City for the creation of an Ethics Commission
10. Consideration of Ordinance No. 1060 establishing a new use category and regulation for Tattoo and Body Art in Table 17-2 of the Roy City Zoning Ordinance
11. Consideration of a request for preliminary subdivision approval for Miya Estates Phase 3 located at approximately 2950 West 4800 South
12. Consideration of a request for approval of an alcoholic beverage license for Sparetime Lanes, Inc. located at 5160 South 1900 West
13. City Manager's report
14. Mayor and Council reports
15. Adjourn to a Redevelopment Agency Meeting

Minutes of the Roy City Council Meeting held October 15, 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: Jason Poulsen, Fire Chief; Jared Hall, Planner; Mike Elliott, Police Chief; Cathy Spencer, Management Services Director; Amy Mortenson, Recorder; Sherry May, Code Enforcement Officer; Marge Becraft; Elizabeth Brown; Sabrina Brown; Jim Openshaw; Dominic Martinez; Gabriel Medina; Altina Stott; Gary McFarland; Daniel Robinson; Sally Robinson; Lindsey Nisonger; Douglas Nadell; K.C. Halls; Daniel Nelson; Thalia Tonge; Bryton Bell; Annaka Welch; Alicia Ward; Rachel Isaacson; Zac Merrill; Ashley Taylor; Rachel Trotter; Boy Scout Troop 164; and Boy Scout Troop 165.

Moment of Silence: Councilman Hilton

Pledge of Allegiance: Boy Scout Troops 164 and 165

Mayor Ritchie welcomed students from Roy High School and Boy Scout Troops 164 and 165.

#### 1. APPROVAL OF NOVEMBER 19, 2013, MINUTES

**Councilman Cordova moved to approve the minutes of October 15, 2013, as written. Councilman Cragun seconded the motion. Council members Cordova, Cragun, Hilton, Stokes, and Tafoya voted “aye.” The motion carried**

#### 2. CANVASS OF 2013 GENERAL ELECTION

Mayor Ritchie asked that the Council approve the canvass of the 2013 General Election:

2,709 votes were cast

Voter turn out – 17.27%

Mayor

Willard S. Cragun	1,423
Joe H. Ritchie	1,264

City Council

Brad Hilton	1,564
Marge Becraft	1,449
Michael Stokes	1,300
Christee Kyte	844

**Councilman Tafoya moved to approve the canvass of the 2013 General Election as presented. Councilman Hilton seconded the motion. Council members Cordova, Cragun, Hilton, Stokes, and Tafoya voted “aye.” The motion carried.**

3. PRESENTATION OF THE FY 2013 COMPREHENSIVE ANNUAL FINANCIAL REPORT

Cathy Spencer, Management Services Director, stated that Wiggins & Company had performed the audit of the FY 2013 financial statements. The financial statements showed some improvements in revenue. Taxes were coming in better. Things were starting to look up.

Altina Stott, Wiggins & Company, stated that Roy City had an excellent staff. They were amazing to work with. Wiggins & Company looked at controls in the City to make sure they were sufficient to prevent theft and mistakes. Roy City’s controls were in place, and the staff was following procedures. There were no findings regarding internal control. The City staff was to be commended. There were findings in the budget regarding State legal compliance. Some budget adjustments were needed late in the fiscal year, and there wasn’t time to advertise for required public hearing. The City was bringing in sufficient revenue to cover expenses. It had a positive unreserved fund balance; it was in a good, solid financial position. Wiggins & Company was issuing a clean report. The financial statements of Roy City were fairly presented.

Mayor Ritchie stated that the Audit Committee - which consisted of Councilman Hilton, Councilman Stokes, the City Manager, and himself – met with Altina Stott prior to the Council meeting.

**Councilman Cragun moved to accept the audit report for FY 2013 as presented. Councilman Cordova seconded the motion. Council members Cordova, Cragun, Hilton, Stokes, and Tafoya voted “aye.” The motion carried.**

4. PRESENTATION BY KENT'S MARKET TO THE ROY CITY FIRE DEPARTMENT

This item was tabled until the next meeting.

5. PUBLIC COMMENTS

Douglas Nadell, 2972 West 4325 South, asked if a trash can could be put back by the skate park. He tried to contact the Parks Department, but they hadn't returned his calls. Chris Davis said he would look into it. Mr. Nadell also asked for a trash can along the D&RG Trail near 5600 South. Mayor Ritchie asked if there had been a trash can at that location. Mr. Nadell said there hadn't. Mayor Ritchie said the City would look into it.

K.C. Halls, Layton, stated that he previously spoke with the Council regarding access to his property near 5600 South 3500 West. He hadn't heard anything and wanted to know if the Council had made any decisions. Councilman Tafoya said some Council members just received the information Mr. Halls had sent. Jared Hall would make a presentation at the next Council meeting.

Gary McFarland, 5343 South 2000 West, stated that there had been a blue garbage can between his driveway and his neighbor's for months. He didn't know who it belonged to. His water bill was unusually high so he began looking at the charges and noticed he was being charged for a recycling can. He contacted the City and asked to have the can picked up and the charge removed from his bill because he didn't recycle. He wanted to know why he was being charged for something he didn't order. The Water Department told him they could not remove the charge. He learned that the City put notices about the recycling program in its newsletter and the *Standard Examiner*. He didn't read the City's newsletter and didn't take the newspaper. He didn't know about the recycling garbage cans or the opt out period. He asked that the City Council allow him to opt out now rather than wait until next June.

Mayor Ritchie asked Mr. McFarland if he received the mailing from Waste Management about the recycling program. Mr. McFarland said he had not.

Chris Davis stated that the City had received other calls similar to Mr. McFarland's. The City Council approved the recycling program in May. The City gave all residents until the end of June to opt out of the program if it wanted to. The opt out period was extended to the end of July. The other callers had been told the same thing Mr. McFarland had been told - they would have to wait until June to opt out.

Councilman Stokes asked if the City had been consistent in telling people they would have to wait until June to opt out. Mr. Davis said it had. The only exception had been if a can had not been delivered, but there was a charge on the bill. If that was the case, charge was removed if the resident wanted to opt out.

Councilman Tafoya asked how many notices had been sent out. Cathy Spencer said the City sent two notices before the cans were delivered in July. There was also a notice in the *Standard Examiner*, and Waste Management mailed a flyer.

Gary McFarland stated that recycling was optional. He didn't feel it was right from him to be charged for something that was optional. He asked the City to pick up the recycling can and remove the charge from his bill. If he wanted something extra, he would pay for it. Recycling was something he did not use.

Councilman Cordova stated that recycling had been optional for years. In May the City Council made the decision to involve the whole City.

Mr. McFarland asked why he should be punished. People should have to opt in, not opt out. If it was something he wanted, he would pay for it.

Mayor Ritchie said residents had been notified twice by the City, there was a notice in the newspaper, and Waste Management mailed a flyer. The City had made an effort to let everyone know. It could not control whether residents read their mail or the newspaper.

Gary McFarland did not feel he should be charged for something he didn't sign up for. He was one voice in thousands of residents. Why should he be charged because he didn't read a newsletter? If he didn't pay his water bill, the City would be knocking on his door. He was not going to pay for something he did not use. He once again asked the City to take the recycling can and remove the charge from his bill. He would pay for everything on his water bill but the recycling can. The City could take him to collections.

Councilman Stokes said Mr. McFarland was welcome to handle the situation any way he pleased. To be fair, the City had to apply the opt out policy across the board. Mr. McFarland would have to wait until June to opt out. He felt the City had a pretty good track record if it had only received a couple of hundred calls out of 11,000 homes. He was sorry Mr. McFarland had a disagreement about his bill.

Mr. McFarland said the can would sit on the curb. He was not paying for it.

Councilman Hilton stated that the City's tipping fees were based on the number of people enrolled in the program. The City couldn't be adjusting the numbers every month. There would be another opt out in June 2014.

Gary McFarland asked for the Council's decision about his bill.

Andy Blackburn, City Attorney, stated this was not an agenda item. The City Council could not make a decision. Mr. McFarland had expressed his concern, and the City Council had responded.

Councilman Cordova asked if the fees had been reduced for those who chose to recycle. Chris Davis said Waste Management would have raised the City's fees last

spring. Because the City chose to have everyone participate in recycling, its rates dropped. The rates for those who were recycling had been lowered. Many cities in the area had mandatory recycling. The City Council wanted to be more lenient.

Councilman Cordova asked about the cost different for those who had opted out and those who were recycling. Mr. Davis said the fees for those who opted out were a little higher. The City Council decided to assess them what the fees would have been. Recycling cost about \$2.50 a month.

Gary McFarland asked when the City Council had made a decision about his bill.

Councilman Stokes stated that the City Council could not act on Mr. McFarland's request because it was not an agenda item. He was not willing to consider a request on a future agenda. The City's next opt out period would be in June 2014.

#### 6. CONSIDERATION OF A RESOLUTION NO. 1035 APPROVING AMBULANCE TRANSPORTATION RATES AND CHARGES

Jason Poulsen, Fire Chief, stated that the Utah Department of Health, Bureau of Emergency Medical Services had adjusted the maximum allowable rates for emergency medical services effective October 21, 2013. Resolution No. 1035 would approve the increase in the ambulance transportation rates and charges. The charge for an intermediate ambulance would increase by \$28; advanced life support (paramedic transport) would increase by \$41. Roy City was an intermediate service provider.

Councilman Cragun said it seemed the City had just increased the fees a few months ago. Why were the fees being adjusted again so soon?

Chief Poulsen said the ambulance transportation rates and charges had not been adjusted for a year. Mayor Ritchie said the paramedic aboard fees were recently adjusted.

**Councilman Tafoya moved to approve Resolution No. 1035 approving ambulance transportation rates and charges effective November 20, 2013. Councilman Hilton seconded the motion. A roll call vote was taken: Council members Cordova, Cragun, Tafoya, Stokes, and Hilton voted "aye." The motion carried. (Copy filed for record).**

#### 7. INFORMATION ON POLICE DEPARTMENT PERSONNEL CHANGES

Mayor Ritchie stated that some Council members had asked that this item be tabled until the next Council meeting.

**Councilman Hilton moved to table this item until the next meeting. Councilman Stokes seconded the motion. Council members Cordova, Hilton, Stokes, and Tafoya voted "aye." Councilman Cragun voted "nay". The motion carried.**

8. CONSIDERATION OF RESOLUTION NO. 1036 APPROVING ADJUSTMENTS TO THE FISCAL YEAR FY 2014 BUDGET

Cathy Spencer stated that in FY2013 the City began setting aside \$50,000 year to convert the portable and vehicle radios in the Police and Animal Services Department. It was anticipated that it would cost \$250,000 to replace all of the radios. Chief Elliott had determined that only the officers' portable radios needed to be replaced, which would save the City a significant amount of money. The current budget year included setting aside another \$50,000. The radio provider was offering a promotional price. In order get the promotional pricing, the purchase needed to be made by November 22<sup>nd</sup>. The cost for replacing the remainder of the radios was just under the budgeted amount. Approval of Resolution No. 1036 would allow the City to move the current year appropriation to the Police and Animal Services Department and would authorize the purchase of the radios.

Councilman Tafoya asked why the City didn't need radios in the police cars. Chief Elliott stated that due to better technology, the officers' portable radios would be sufficient. The radios being purchased would take the City through the next ten years.

Councilman Hilton asked what would happen to the \$50,000 set aside last year. Ms. Spencer said Resolution No. 1036 authorized the release of the restriction of the \$50,000 and the money would be available for whatever it may be needed for.

Councilman Tafoya asked if extra money needed to be budgeted for possible damages. Chief Elliott said the Police Department budgeted funds each year for equipment damages. The Police Department wanted to replace the radios now because the current radios were getting older. It was getting difficult to get them repaired.

Councilman Cragun commended Chief Elliott for looking toward the future. Technology had improved to the point that portable radios would work even inside the vehicles.

Chief Elliott stated that not purchasing vehicle radios would allow the Police Department to save \$750 per month in operating costs.

**Councilman Tafoya moved to approve Resolution No. 1036 approving budget adjustments to the FY2014 budget as presented. Councilman Cordova seconded the motion. A roll call vote was taken: Council members Hilton, Cordova, Cragun, Tafoya, and Stokes voted "aye." The motion carried. (Copy filed for record).**

9. CONSIDERATION OF RESOLUTION NO. 1037 AUTHORIZING AN INTERLOCAL AGREEMENT BETWEEN BOUNTIFUL CITY, CLEARFIELD CITY, LAYTON CITY, AND ROY CITY FOR THE CREATION OF AN ETHICS COMMISSION

Andy Blackburn, City Attorney, stated Bountiful, Clearfield, Layton, and Roy felt it would be a good idea to combine and make an Ethics Commission that was more accessible. The Ethics Commission would only handle ethical violations of elected and appointed

officials of the entities in the Interlocal agreement. Two citizens were needed to file a complaint and there had to be actual evidence. After a complaint was filed with the City Recorder, the Ethics Commission would determine if it met the filing warrants. If a complaint was filed properly, the Ethics Commission would conduct an investigation, could hold a hearing, and issue a finding. The finding and recommended action would be forwarded to the City Council. The Ethics Commission would function as an investigative body.

Councilman Stokes stated that the Ethics Commission would be a three person committee that would be filled by the entities involved. How would members be appointed? Mr. Blackburn said the Commission would consist of the city attorney for each entity in the agreement. If a complaint was filed in Roy, the attorneys from the other three entities would investigate it.

Councilman Cordova liked the concept. He particularly liked Item O, which talked about the penalty for filing a frivolous or malicious complaint.

**Councilman Cragun moved to approve Resolution No. 1037 authorizing an Interlocal agreement between Bountiful City, Clearfield City, Layton City, and Roy City for the creation of an Ethics Commission as provided by State law. Councilman Cordova seconded the motion. A roll call vote was taken: Council members Stokes, Tafoya, Cordova, Hilton, and Cragun voted “aye.” The motion carried. (Copy filed for record).**

10. CONSIDERATION OF ORDINANCE NO. 1060 ESTABLISHING A NEW USE CATEGORY AND REGULATIONS FOR TATTOO AND BODY ART IN TABLE 17-2 OF THE ROY CITY ZONING ORDINANCE

Jared Hall stated that the City had received a request to amend the Zoning Ordinance to allow tattooing and body art. The Planning Commission held a public hearing to consider the request. The Planning Commission and staff determined that the best way to amend the Zoning Ordinance was to amend Table 17-2. The new category would define tattooing and body art and would contain applicable regulations. The staff and Planning Commission proposed that tattoo and body art be allowed as a conditional use in the Regional Commercial Zone only; that the numbers be restricted to one per 10,000 residents; that the establishments be located at least 600 feet from another such establishment and gathering places such as schools, parks, and churches; that the hours of operation be restricted to 10:00 a.m. to 10:00 p.m.; that the establishments acquire and maintain a license from the Weber-Morgan Health Department and the State of Utah; and that minors would not be allowed on the premises without an adult guardian.

Councilman Cordova asked about the spacing requirement from gathering places. What would happen if a church located within 600 feet of an existing tattoo parlor? Mr. Hall said the tattoo parlor would become a non-conforming use.

Councilman Cordova asked about the reason for the spacing requirement. Mr. Hall said it was consistent with other spacing requirements in the Zoning Ordinance. It was a way to keep a use from over running the commercial area. Businesses seemed to like the spacing requirement. They didn't want competition across the street.

Councilman Hilton stated that he attended the Commission's public hearing. The proponent felt spacing was important and felt the restrictions proposed by the City would restrict fly-by-night businesses who didn't know what they were doing.

Jared Hall stated that the State currently didn't require a license for tattoo artists. A group of tattoo artists was pushing to have one required. If the State did begin requiring a license, such license would become part of the City's ordinance.

**Councilman Hilton moved to approve Ordinance No. 1060 amending Chapter 17, Section 1701 of the Roy City Zoning Ordinance by establishing a category and associated regulations for Tattoo and Body Art within Table 17-2. Councilman Stokes seconded the motion. A roll call vote was taken: Council members Cragun, Stokes, Tafoya, Hilton, and Cordova voted "aye." The motion carried. (Copy filed for record).**

11. CONSIDERATION OF A REQUEST FOR PRELIMINARY SUBDIVISION APPROVAL FOR MIYA ESTATES PHASE 3 LOCATED AT APPROXIMATELY 2950 WEST 4800 SOUTH

Jared Hall stated that the City had received a request for preliminary approval of Phase 3 of the Miya Estates Subdivision located at approximately 2950 West 4800 South. The subdivision was currently zoned R-1-8. All of the proposed lots met the requirements of the R-1-8 Zone. The proposed right-of-way was the standard 60-foot residential right-of-way. This phase would complete the subdivision. The engineering review had been completed. The staff and Planning Commission recommended that the City Council grant preliminary approval.

Councilman Cragun asked if the property was owned by Masami Miya or Buster Miya. Councilman Cordova said this was Buster's property.

**Councilman Tafoya moved to grant preliminary approval of Miya Estates Phase 3 based on the staff's findings and subject to the conditions recommended by the staff and Planning Commission. Councilman Hilton seconded the motion. Council members Cordova, Cragun, Hilton, Stokes, and Tafoya voted "aye." The motion carried.**

12. CONSIDERATION OF A REQUEST FOR APPROVAL OF AN ALCOHOLIC BEVERAGE LICENSE FOR SPARETIME LANE, INC. LOCATED AT 5160 SOUTH 1900 WEST

Mayor Ritchie stated that the ownership of Sparetime had changed. The new owners were requesting approval of an alcoholic beverage license. He questioned the request

for a Class B license, which was for off-premise consumption. He felt Sparetime would want an on-premise license.

**Councilman Stokes moved to approve a Class B alcoholic beverage license, an on-premise/restaurant license. Councilman Cordova seconded the motion. Council members Cordova, Cragun, Hilton, Stokes, and Tafoya voted “aye.” The motion carried.**

#### 13. CITY MANAGER’S REPORT

Chris Davis stated the annual Christmas lighting ceremony would be on Monday, November 25<sup>th</sup>. The Boys and Girls Club would be doing their fundraiser inside.

Chris Davis stated that the City Council had been invited to help serve Thanksgiving lunch to the seniors at the Hope Center on Wednesday, November 27<sup>th</sup>, at 11:00 a.m.

#### 14. MAYOR AND COUNCIL REPORTS

Councilman Hilton asked for an update on the Leakage Survey. Mr. Davis said he would check and report at the next Council meeting.

Councilman Cordova stated that the Boys and Girls Club would be holding Breakfast for Santa on Saturday, December 7<sup>th</sup> from 8:00 to 11:00 a.m. He invited the Council members to help set up the day before or clean up.

#### 15. ADJOURN

**Councilman Tafoya moved to adjourn at 7:10 p.m. and convene a Redevelopment Agency Meeting. Councilman Cordova seconded the motion. Council members Cordova, Cragun, Hilton, Stokes, and Tafoya voted “aye.” The motion carried.**

Attest:

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Joe H. Ritchie  
Mayor

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Amy Mortenson  
Recorder