

## MINUTES OF THE NOVEMBER 1, 2011, ROY CITY COUNCIL MEETING

1. Approval of October 4, 2011, minutes
2. Presentation and acceptance of the FY2011 Comprehensive Annual Financial Report
3. Recognition of Employee of the Month for September 2011
4. Public comments
5. Consideration of approval of a conditional use to allow a pawn shop on property located at approximately 5418 South 1900 West
6. City Manager's report
7. Mayor and Council reports
8. Adjourn

Minutes of the Roy City Council Meeting held November 1, 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 Joe H. Ritchie  
Councilman Willard Cragun  
Councilman Brad Hilton  
Councilman Larry Peterson  
Councilman Dave Tafoya  
Councilman Michael Stokes

City Manager Chris Davis  
City Attorney Andy Blackburn  
Secretary Michelle Drago

Also present were: Cathy Spencer, Management Services Director; Greg Whinham, Police Chief; Jared Hall Planner; Mike Elliott; Tim Jensen; James Schroeder; Adam Bowers; Brittni Strickland; Jace Loveridge; Megan Loveridge; Cameron Winqvist; Cindy Whinham; Mark Whinham; James Whinham; Marilyn Whinham; and Elizabeth Brown.

Moment of Silence: Councilman Tafoya

Pledge of Allegiance: Councilman Tafoya

Mayor Ritchie welcomed students from Roy High School working on credits for their government class.

1. APPROVAL OF OCTOBER 4, 2011, MINUTES

**Councilman Stokes moved to approve the minutes of October 4, 2011, as written. Councilman Peterson seconded the motion. Council members Cragun, Hilton, Peterson, Stokes, and Tafoya voted “aye.” The motion carried.**

2. PRESENTATION AND ACCEPTANCE OF THE FY2011 COMPREHENSIVE ANNUAL FINANCIAL REPORT

Cathy Spencer stated that the Council members had received copies of the FY2011 Comprehensive Annual Financial Report. James Schroeder from Wiggins & Co. was in attendance to present their findings. She asked the Council to accept the report at the end of Mr. Schroeder's presentation. She felt the Council would be most interested in the General Fund actual balance found on Page 41. In FY2011, \$128,000 was budgeted to come from the General Fund unreserved balance. At the year's end, the City was \$138,000 in the good. The fund balance was still below the 18% limit with a

16.4% unassigned fund balance. She felt the City was in good shape. It had ended up putting money in the fund balance.

James Schroeder, Wiggins & Co., stated that they had completed their annual audit for Roy City. Roy City had maintained its records in accordance with generally accepted government standards in the United States. Their opinion was unqualified, which was a clean opinion. They did not find anything that needed to be reported on, which was the standard opinion when records were kept in accordance with accounting principles. They also issued a report of internal control in relation to compliance with Utah State Auditors' Guide. There were some findings that were very insignificant. Generally, they observed that in the daily operation, Roy City's employees were conscientiously trying to run the City in a business-like manner. The City's net assets had increased from year to year, which showed the City had been very frugal, paid attention to economic times, and was able to live within its means. He felt Roy City was in the upper portions of cities due to where it sat financially. There were sufficient revenues for the City to meet its budget in a manner that was appropriate for the year's circumstances.

Mayor Ritchie stated that the Council's budget committee had met with Mr. Schroeder prior to the Council meeting. They were pleased with his response and felt the City Council and employees were doing an excellent job. Mr. Schroeder was pleased with the City's debt limit.

Councilman Peterson stated that Mr. Schroeder said it was clear that the City lived within its means, which was a tribute to the employees, Chris Davis, and Cathy Spencer. It was clear that Roy City was well run and well managed. The Council owed a debt of gratitude to the employees for their understanding that the Council was doing the best it could with what it had.

Councilman Stokes stated that as he listened to Mr. Schroeder's report it was clear that the City was well managed and financially accountable, which would not be possible without the efforts of the employees.

**Councilman Hilton moved to accept the FY2011 Comprehensive Annual Financial Report. Councilman Tafoya seconded the motion. Council members Cragun, Hilton, Peterson, Stokes, and Tafoya voted "aye." The motion carried.**

### 3. RECOGNITION OF EMPLOYEE OF THE MONTH FOR SEPTEMBER 2011

Mayor Ritchie stated that Mike Elliott and Tim Jensen, Deputy Chiefs of the Police Department, had nominated Police Chief Greg Whinham as the September 2011 Employee of the Month. Greg had served as the Roy City Chief of Police for ten years. The Police Department had seen a great deal of change and many challenges during that time. Chief Whinham's leadership had been key to weathering many storms and in achieving a new level of excellence within the Police Department. Chief Whinham was deserving of recognition for many reasons.

First, his leadership had created an atmosphere of success. During the last three years, as the City faced financial trials, Chief Whinham had worked to keep costs down and morale up. He had gone to great lengths to inform, include, and explain to employees the budget issues the City faced. Chief Whinham would not put anything on anyone else that he was not willing to do himself and was often the first on the scene of any critical incident.

Second, Chief Whinham provides an unprecedented level of support to Roy area schools. On any Friday night during the school year, Chief Whinham could be found overseeing security and cheering for the Roy High teams. In addition to ensuring a safe and pleasant environment at Roy High school functions, Chief Whinham supports the junior highs and elementary schools throughout the year. Chief Whinham contributes numerous hours to safe school programs, DARE, reading, and numerous other activities with the local schools.

Third, Chief Whinham always takes the time to listen to the concerns of members of his department and the community. Chief Whinham has an open door policy and has been sought out by community members and youth when they have been faced with a problem in their lives. Chief Whinham will listen and work countless hours to find a solution or connect them with resources they need. On any number of levels, Chief Greg Whinham deserves to be recognized by Roy City as an outstanding employee.

**Councilman Peterson moved to accept Chief Greg Whinham as the September 2011 Employee of the Month. Councilman Hilton seconded the motion. Council members Cragun, Hilton, Peterson, Stokes, and Tafoya voted “aye.” The motion carried.**

Mayor Ritchie presented Chief Whinham with a recognition plaque and a check.

Chief Whinham introduced his wife Cindy; his parents, James and Marilyn Whinham; and his brother Mark. He stated that his position of Police Chief had been good for him personally.

#### 4. PUBLIC COMMENTS

Elizabeth Brown, 4997 South 1950 West, commented on the installation of the Christmas lights.

5. CONSIDERATION OF APPROVAL OF A CONDITIONAL USE TO ALLOW A PAWN SHOP ON PROPERTY LOCATED AT APPROXIMATELY 5418 SOUTH 1900 WEST

Jared Hall stated that the City had received an application for a pawn shop to be located at 5418 South 1900 West between Arby's and Bee's Café. Pawn shops were allowed as a conditional use in the Regional Commercial Zone. The staff had reviewed the request and site for compliance with standards items, such as parking. The request met the standard requirements. The building could be suitable for use as a pawn shop. The Planning Commission held a public hearing on October 11<sup>th</sup> and forwarded a recommendation of approval subject to a few conditions:

1. Subject to all items of the staff report and to further review and approval by the DRC and other City staff as might be deemed necessary;
2. The applicant shall seek and obtain appropriate building permits for any interior remodeling, new signage, etc., complying with all rules and regulations which pertain to that process;
3. The applicant shall not engage in Payday Lending practices as defined by Roy City; and
4. The applicant shall not engage in outdoor storage or display of merchandise.

Mr. Hall stated that the City Council adopted Ordinance No. 1018 which limited the number and location of pay day lending businesses in Roy City. The City currently had one more pay day lending business than was allowed by the ordinance. Pawn shops that did not engage in pay day lending activities were still an allowable conditional use and were not limited by number and location. This applicant understood that he could not do pay day lending. It was currently not part of his business practices, and he was okay with the restriction.

Mayor Ritchie asked about enforcement and if putting items for sale on display outside was considered outdoor storage. Mr. Hall said it was. The City could allow a sidewalk sale on a temporary basis, but the ordinance did not allow outside storage and display of merchandise all of the time. Enforcement was done through inspections and letters.

Councilman Hilton stated that in the Planning Commission minutes there was mention about pawn shops violating the outdoor display restriction. Mr. Hall said there were currently four pawn shops in Roy. The staff had sent a notice to the business mentioned in the Planning Commission meeting. The staff expected this business to come into compliance.

Jared Hall stated that the Planning Commission discussed applying restrictions regarding number and location to pawn shops. The City initially considered pawn shops and pay day lending together. The Planning Commission felt limiting the number of pawn shops would be appropriate.

Mayor Ritchie was concerned about Roy City having an over abundance of pawn shops. He had been assured by Mr. Hall that this applicant had similar businesses in other cities which were clean and well run.

Councilman Cragun did not feel a pawn shop was the best use for this type of property. The location was right in front of a main business area. He was concerned about putting a pawn shop here when the City was trying to re-establish and rebuild this business district. He understood that times were hard, but he wasn't sure this was the best use of this building and property.

Mayor Ritchie felt the economy was to blame for this type of business.

Councilman Hilton understood that times were difficult. He also understood that the Zoning Ordinance permitted this conditional use. The applicant was well within his rights to apply for a conditional use. The City was at risk of a lawsuit if the use was not approved. One of the items mentioned in the staff report was that the proposal complied with the intent and regulations of the Zoning Ordinance and with the goals of the General Plan. After speaking with citizens in the community, he didn't feel this type of business fit the goals for the City. The General Plan was very antiquated if this type of business fit the plan for the City's main street. A year ago, he brought up the need to update the General Plan. The update was not getting anywhere. This type of use on the City's main street was not part of his goal for the City.

Councilman Stokes stated that it was important to realize that under the current ordinance this was a conditional use, and the City was legally bound to approve it. If the City didn't want pawn shops in the business district, it should have adopted restrictions long ago. Citizens were concerned about the make up of the business district. The City Council was working to create an image for the business district. It did not want certain types of businesses to proliferate and congregate. The City needed to move expeditiously. There needed to be tools in the General Plan to prevent proliferation. He would rather have a building occupied than vacant.

Councilman Hilton directed the staff to look at numbers and geographic locations for pawn shops like it did for pay day lending. When the Council discusses goals for the General Plan, those findings could be incorporated.

Councilman Stokes was cautious about sending the staff on a fact finding crusade. If the Council was going to direct the staff to do something, he felt it should be done by a majority of the Council.

Councilman Tafoya asked how long it would take to put some information about pawn shops together. Mr. Hall didn't feel it would take long as much of the groundwork was done when the City looked at pay day lending.

Mayor Ritchie felt this should be discussed at a work session.

Councilman Cragun stated that it was nice to have new businesses come to town, but he didn't want the City to get overrun with a certain type. He was concerned about pawn shops. They were all locating on the City's main street. He felt the Council should be concerned about the image of the City that was being created.

**Councilman Tafoya moved to approve a conditional use to allow a pawn shop at 5418 South 1900 West based on the staff's findings and subject to the conditions recommended by the staff and Planning Commission and directed the staff to look at restrictions for pawn shops similar to those for pay day lending. Councilman Hilton seconded the motion. Council members Hilton, Peterson, Stokes, and Tafoya voted "aye." Councilman Cragun voted "nay." The motion carried.**

## 6. CITY MANAGER'S REPORT

Chris Davis stated that the Christmas lights would be turned on Monday, November 21<sup>st</sup>, at 4:30 p.m. He invited the Council members to attend the lighting ceremony.

After a discussion regarding dates, Chris Davis said the next open house/town meeting would be held on December 14<sup>th</sup> at Midland Elementary School. A work session would be held on December 13<sup>th</sup> to discuss spending for excess funds and water bond issues.

Chris Davis stated that the administration had met with Chuck Gates and Steve Myers from UTA. They discussed the need for sidewalk on 4000 South in front of UTA's property. Last week, Mr. Gates indicated that they had funds available for the overall project that the City could tie into along with RDA funds. The City was working to extend the sidewalk west from Sandridge Drive across the tracks. The work would include panels on the tracks to make it easier for pedestrian traffic to cross the tracks. Councilman Cragun stated that there were children in the area without sidewalk, which was very hazardous. Mayor Ritchie said there was also a problem regarding a trail UTA passengers had made along the fence. UTA had looked at that problem as well, but the sidewalk was a priority.

7. MAYOR AND COUNCIL REPORTS

There were no reports.

8. ADJOURN

**Councilman Peterson moved to adjourn at 6:40 p.m.**

Attest:

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Joe H. Ritchie  
Mayor

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Amy Mortenson  
Recorder

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