

## MINUTES OF THE OCTOBER 1, 2013, ROY CITY COUNCIL MEETING

1. Approval of the September 17, 2013, minutes
2. Approval of settlement agreement between ROA General, Inc. dba Regan Outdoor Advertising and Roy City – Roy City Contract No. 2013-17
3. Public comments
4. Approval of Business Associate Agreement between GBS Benefits, Inc. and Roy City – Roy City Contract No. 2013-18
5. Approval of Resolution No. 1034 approving an Interlocal Agreement between Roy City, Ogden City, Ogden Fire District, Riverdale City, North View Fire, South Ogden City and Weber Area Dispatch for a Board and Seal Service List
6. Consideration of a request for conditional use approval to allow a Class A Beer license on property located at approximately 5305 South 1900 West
7. Request for approval of an alcoholic beverage license for CVS Pharmacy #10232 located at 5305 South 1900 West
8. City Manager's report
9. Mayor and Council reports
10. Adjourn

Minutes of the Roy City Council Meeting held October 1, 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; Marge Becraft; Elizabeth Brown; Sabrina Brown; Bert Visser; Jois Oldham; John Oldham; Calvin Yardley; Doug Nandell; Camron Murphy; Kari Larson; Gabriel Median; Gina Medina; Thalia Tonge; Reed Tonge; Tonya Jones; Ashley Jones; Whitney Jones; Lindsey Nisanger; Carrigan Jolley; Vanessa Rodriguez; Zac Merrill; Nicholas Harris; Scott Westbrook; Daniel Nelson; Debi Larson; Kari Larson; Alicia Ward; and Boy Scout Troop 228 – Bradley, Jace, Eric, Evan, Carson; and Matt.

Moment of Silence: Councilman Cordova

Pledge of Allegiance: Councilman Cordova

Mayor Ritchie welcomed students from Roy and Fremont High School and Boy Scout Troop 228.

1. APPROVAL OF SEPTEMBER 17, 2013, MINUTES

**Councilman Cordova moved to approve the minutes of September 17, 2013, as written. Councilman Hilton seconded the motion. Council members Cordova, Cragun, Hilton, Stokes, and Tafoya voted “aye.” The motion carried**

2. APPROVAL OF SETTLEMENT AGREEMENT BETWEEN ROA GENERAL, INC. DBA REGAN OUTDOOR ADVERTISING AND ROY CITY – ROY CITY CONTRACT NO. 2013-17

Andy Blackburn, City Attorney, stated that some time ago Regan Outdoor Advertising filed a lawsuit against Roy City. They wanted to move a free-standing, non-conforming sign currently located on property owned by Zion’s Bank. The City indicated that the sign wasn’t allowed in the Regional Commercial Zone and that non-conforming signs could not be changed. The City never formally denied ROA’s request. ROA filed the lawsuit asking that the City either allow the sign to be moved or formally deny their

request. The City then learned there was a State statute that allowed non-conforming signs to be moved if the new location was within one mile. If the City denied ROA's request to move their sign, it would be considered a taking. The City would have to reimburse them for the value of the sign. The value would include any future income from the sign.

Mr. Blackburn said the City had met with ROA to review the proposed location. The location ROA was proposing was the one most acceptable to the City. The sign would be located on property immediately north of Sacco's. The City would remove trees on the Sacco property to help with visibility. The City had not agreed to maintain the trees for visibility in the future. The trees were located in the park strip and were damaging the sidewalk.

Councilman Tafoya asked if the sign would remain the same size and height. Mr. Blackburn said it would be a little bigger. It would be standard industry size.

Chris Davis said the new sign would be a little bigger and taller, but not significantly. It would be not be a freeway billboard.

Councilman Hilton asked if the sign would be located near the street. Andy Blackburn said it would be on the south end of property next to Sacco's. The sign would be 15 to 20 feet from the street.

Councilman Cordova asked if ROA was looking for visibility from 1900 West. Mr. Blackburn said they were.

Councilman Cordova asked if the State statute allowed ROA to do anything they wanted if they remained within one mile. Mr. Blackburn said the State Legislature adopted the statute which allowed ROA's sign to be moved.

Chris Davis stated that new billboard legislation was proposed almost every year. Last year there was a major fight at the end of the legislative session, which ended in a draw, and nothing was filed. The City had talked to Senator Jenkins about the statute allowing a non-conforming billboard to be moved using ROA's sign as an example. ROA owned the sign and had been leasing ground from Zion's Bank. Zion's didn't want to renew ROA's lease. ROA looked for a better place for the sign. Because of the State statute they could relocate the non-conforming sign within one mile, and the City didn't have a say. The City's only involvement was to remove trees.

Councilman Stokes asked if the sign at Zion's Bank would be taken down. Mr. Blackburn wasn't sure. Regardless, ROA had filed a request to move the sign within one mile.

Councilman Stokes asked if ROA physically owned the sign on Zion's' property and if the City could require ROA to remove it. He was concerned that the City would end up with two signs. Jared Hall, Planner, stated that when the lease was up ROA would be

required to remove the sign from Zion's' property. ROA was fiercely competitive. They wouldn't leave a sign which another company could use.

Councilman Stokes asked why the City was removing trees. Andy Blackburn said that trees had been planted on four properties in the City as part of a beautification project. Unfortunately the trees which were planted were not on the City's approved tree list. The City knew it would have to remove the trees as they were damaging sidewalk and curb. The property where ROA was proposing to place their new sign was one of the four properties. The trees were located in the City's right-of-way.

**Councilman Tafoya moved to approve Roy City Contract No. 2013-17, a settlement agreement between ROA General, Inc. dba Regan Outdoor Advertising and Roy City. Councilman Cordova seconded the motion. A roll call vote was taken: Council members Stokes, Cragun, Tafoya, Hilton, and Cordova voted "aye." The motion carried. (Copy filed for record).**

### 3. PUBLIC COMMENTS

Bert Visser, 4833 South 2500 West, stated that for over eight years the City Council had known that the City Cemetery was filling up. It was now full. If you didn't already own graves, you couldn't be buried in Roy. All available ground for a cemetery had been developed. Mr. Visser felt the City had money to purchase land for a new cemetery. It was giving land away for a new pharmacy and making land exchanges with the school district. A new cemetery would have to be located on the east of the railroad tracks because the water table on the west side was too high. The property the City exchanged with the school district would have been a great place for a cemetery. It would have lasted 40 to 50 years. The City staff had been urging the City Council to consider a new location for a cemetery for years. Families from Roy wanted to be buried here, and they wanted to be buried together. A possible location for a new cemetery might be land in the Ogden Airport. Part of the airport was located in Roy. It could not be used for buildings, but it could be used for a cemetery. Mr. Visser asked why the City Council had not been working on this problem.

Mayor Ritchie stated that the City Council was aware of the problem and planned to discuss it in a work session.

Councilman Cordova liked the suggestion about the Ogden Airport.

Councilman Stokes stated that the property for the new pharmacy was part of a redevelopment area. Monies from redevelopment had to remain in the redevelopment district. It would not be spent elsewhere. A cemetery had been on the work schedule for years, but during those years the City had been experiencing declining revenue.

4. APPROVAL OF BUSINESS ASSOCIATE AGREEMENT BETWEEN GBS BENEFITS, INC. AND ROY CITY – ROY CITY CONTRACT NO. 2013-18

Chris Davis stated that this agreement was required because of Obamacare. GBS was the City's health insurance broker. GBS typically didn't handle HIPA information. The Business Associate Agreement said that if for some reason they did receive HIPA information they would be it private. Every insurance company that did business with an entity would have to adopt a similar agreement.

**Councilman Cordova moved to approve Roy City Contract No. 2013-18 a Business Associate Agreement between GBS Benefits, Inc. and Roy City. Councilman Hilton seconded the motion. A roll call vote was taken: Council members Cragun, Cordova, Hilton, Tafoya, and Stokes voted "aye." The motion carried. (Copy filed for record).**

5. APPROVAL OF RESOLUTION NO. 1034 APPROVING AND INTERLOCAL AGREEMENT BEWTEEN ROY CITY, OGDEN CITY, OGDEN FIRE DISTRICT, RIVERDALE CITY, NORTH VIEW FIRE, SOUTH OGDEN CITY, AND WEBER AREA DISPATCH FOR A BOARD AND SEAL SERVICES ROTATION

Jason Poulsen, Fire Chief, stated this Interlocal agreement was similar to the once used for towing companies, except that it was for board and seal services. Sometimes structures involved in a fire needed to be boarded and sealed for protection. The Fire Department did not have a company to call, and a fire scene became difficult to manage when several companies showed up to board and seal the structure. In an effort to resolve the problem, Weber County Weber County had sent out a Request for Proposals for board and seal services. Three companies had been selected and would be placed on a call rotation. If a homeowner or insurance company wanted to use a specific company, they would be called rather than the company next on the call rotation. If a company on the rotation list didn't respond within an hour, the next company on the list would be called. Each company would be allowed three strikes before they would be removed from the call rotation.

Councilman Cragun asked if the companies would be re-evaluated periodically. Chief Poulsen wasn't sure how often the companies would be reviewed. However, any changes to the Interlocal agreement would have to be approved by Weber County and each participating entity.

**Councilman Tafoya moved to approve Resolution No. 1034 approving an Interlocal Agreement between Roy City, Ogden City, Ogden Fire District, Riverdale City, North View Fire, South Ogden City, and Weber Area Dispatch for a board and seal services rotation list – Roy City Contract No. 2013-19. Councilman Cragun seconded the motion. A roll call vote was taken: Council members Hilton,**

**Cordova, Tafoya, Stokes, and Cragun voted “aye.” The motion carried.** (Copy filed for record).

6. CONSIDERATION OF A REQUEST FOR CONDITIONAL USE APPROVAL TO ALLOW A CLASS A BEER LICENSE ON PROPERTY LOCATED AT APPROXIMATELY 5305 SOUTH 1900 WEST

Mayor Ritchie stated that the new CVS Pharmacy had requested approval of a conditional use permit for a Class A Beer license. A Class A license was for off-premise consumption. The Development Review Committee and the Planning Commission had recommended that the conditional use be approved. The conditional use had to be approved before the Council could consider the application for an alcoholic beverage license.

**Councilman Cordova moved to approve a conditional use permit to allow a Class A Beer license on property located at approximately 5305 South 1900 West 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.**

7. REQUEST FOR APPROVAL OF AN ALCOHOLIC BEVERAGE LICENSE FOR CVS PHARMACY # 10232 LOCATED AT 5305 SOUTH 1900 WEST

Mayor Ritchie stated that Fire Department, Police Department, and Building Official had reviewed CVS Pharmacy’s application for an alcoholic beverage license. They recommended that it be approved.

**Councilman Tafoya moved to approve an alcoholic beverage license for CVS Pharmacy # 10232 located at 5305 South 1900 West. Councilman Cordova seconded the motion. Council members Cordova, Cragun, Hilton, Stokes, and Tafoya voted “aye.” The motion carried.**

8. CITY MANAGER’S REPORT

Chris Davis thanked members of the City Council who were able to tour North Park Elementary School. Another tour could be arranged for those who weren’t able to attend.

Chris Davis reported that Christmas lights were going up. The City was already receiving compliments.

Chris Davis stated that the next Council agenda would include a discussion about a round-about on 4800 South in connection with a development proposed by D.R. Horton.

Chris Davis stated that sales tax revenues were going up a little. Lewis, Young, Robert & Burningham was close to making a final report. The administration had asked them how a tattoo parlor would affect economic development.

Chris Davis stated that the City had received a memo of understanding from Weber County regarding the exchange of property for the library. It appeared to be okay from a legal standpoint. The administration had some practical concerns. The City was not in a position to continue a snow removal agreement in the future. The exchange would be included on the next Council agenda.

#### 9. MAYOR AND COUNCIL REPORTS

Councilman Hilton asked that Chris Davis share some of highlights from a city manager's conference he recently attended. Mr. Davis said he found information regarding transparency and community very informative.

#### 10. ADJOURN

**Councilman Hilton moved to adjourn at 6:51 p.m.**

Attest:

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Joe H. Ritchie  
Mayor

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Amy Mortenson  
Recorder