

## MINUTES OF THE SEPTEMBER 1, 2015, ROY CITY COUNCIL MEETING

1. Approval of August 18, 2015, minutes
2. Recognition of June 2015 Employees of the Month
3. Discussion regarding town hall meetings - tabled
4. Open and Public Meeting Act training
5. Consideration of Resolution No. 15-13 approving an agreement between Roy City and Ormond Construction, Inc. for the George Wahlen North Park Demolition Project
6. City Manager's Report
7. Public comments
8. Mayor and Council reports
9. Adjourn

Minutes of the Roy City Council Meeting held September 1, 2015, 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 Willard Cragun	City Manager Andy Blackburn
Councilwoman Marge Becraft	City Attorney Clint Drake
Councilman John Cordova	Secretary Michelle Drago
Councilman Brad Hilton	Youth City Council Samantha Jensen
Councilman Dave Tafoya	
Councilwoman Karlene Yeoman	

Also present were: Carl Merino, Police Chief; Travis Flint, Parks and Recreation Director; Gary Empey; Kirk Smith; Greg Sagen; Gennie Kirch; Karch Denney; Cindy Whinham; Kent Price; Bert Visser; Ed Weakland; Brady Gilbert; Casey Wergen; Matt Guyman; Jordan Lee; and Scott George, Parks Supervisor.

Moment of Silence: Councilman Hilton

Pledge of Allegiance: Councilman Hilton

#### 1. APPROVAL OF AUGUST 18, 2015, MINUTES

**Councilwoman Becraft moved to approve the minutes of August 18, 2015, as corrected. Councilwoman Yeoman seconded the motion. Council members Becraft, Cordova, Hilton, Tafoya, and Yeoman voted “aye.” The motion carried.**

#### 2. RECOGNITION OF JUNE 2015 EMPLOYEES OF THE MONTH

Travis Flint, Parks and Recreation Director; wanted to recognize Brady Gilbert, Casey Wergen, Matt Guyman, and Jordan Lee as the June 2015 Employees of the Month for the outstanding efforts for the Roy City Parks Department. He asked these four employees to help with the construction and installation of twenty-two soccer goals at Emma Russell Park. Due to the construction beginning at George Whalen North Park, the City had to shut down two soccer fields; soccer fields that members of the Roy AYSO (American Youth Soccer Group) utilized. In order to meet the demands of their program, the Parks Department had to reconfigure and add additional playing fields at Emma Russell Park. After the Parks Department received pricing for the needed goals, they found there wasn't enough funds budgeted to make the project happen. The Parks Department was in a bad situation because the AYSO season was about to begin, and there weren't enough fields for their program. Brady Gilbert, Casey Wergen, Matt Guyman and Jordan Lee stepped up to the challenge. They began researching the price of steel and designing templates for the type of soccer goals needed. They

created a design and started constructing all twenty-two soccer goals. Brady Gilbert was an outstanding welder. He did a fabulous job welding the goals while Casey, Matt and Jordan measured, cut and prepared the product. It was truly a team effort. They did all this while completing their normal daily duties. They completed the task of construction in a very short period of time, which was great because they had to get the goals in the ground before the soccer season started. After the goals were constructed, they begin putting them in the ground with assistance from Parks part time staff, Recreation staff members, and members of the Water Department. They were able to complete the daunting task of installing all twenty-two goals in just two days. The project was completed prior to games starting. It was a complete success due to the extra efforts of these four outstanding employees. If that wasn't enough, their efforts saved the city over \$15,000 dollars and provided enough playing fields for the youth of Roy to continue to play AYSO soccer. Their hard work, dedication and out-of-the-box thinking was why he chose to nominate them for the June 2015 Employees of The Month. They helped the City look good every day. They worked hard and went above and beyond the call of duty. He was greatly humbled to work with them.

Councilwoman Yeoman thanked the four men for thinking outside of the box. It was great when employees came up with solutions to difficult situations.

Mayor Cragun stated that he had known these men for quite a while. They epitomized Roy City employees. Thinking outside of the box was something all of the employees did every day. What these men had done wasn't something that would normally be seen or recognized. It was a class act, and he was glad it had been brought forward.

**Councilman Cordova moved to recognize Brady Gilbert, Casey Wergen, Matt Guyman, and Jordan Lee as the June 2015 Employees of the Month. Councilman Hilton seconded the motion. Council members Becraft, Cordova, Hilton, Tafoya, and Yeoman voted "aye." The motion carried.**

The City Council presented Casey, Brady, Matt, and with recognition plaques.

### 3. DISCUSSION REGARDING TOWN HALL MEETINGS - TABLED

Councilman Hilton stated that after talking with the City Manager and in light of what the Council discussed regarding agendas, he felt it would be better to discuss town hall meetings in a work session instead of a Council setting.

**Councilman Hilton moved to table discussion regarding town hall meetings until it could be done in a work session. Councilwoman Yeoman seconded the motion. Council members Becraft, Cordova, Hilton, Tafoya, and Yeoman seconded the motion.**

### 4. OPEN AND PUBLIC ACT MEETING TRAINING

Clint Drake, City Attorney, wanted to initiate a yearly refresher of the Open and Public Meetings Act (OPMA). Dalai Lama said, "A lack of transparency results in distrust and a

seep sense of insecurity.” Mr. Drake felt Roy City tried to be as open as possible with the citizens and the media. The local media recently graded local governments on their accessibility. Roy City received a low grade, but the newspaper said they would have graded the City better based on its response.

Utah’s Open and Public Meeting Act was contained in 52-4-101. The Declaration of Policy said the Legislature found and declared that the State, its agencies, and political subdivisions existed to aid in the conduct of the peoples’ business. It was the intent of the Legislature that the State, its agencies, and its political subdivisions make their actions and their deliberations openly. Mr. Drake said the Utah Open and Public Meetings Act required government to take actions openly and ensured deliberations allowed for an open public process. Those subject to the law were: State administrative, advisory, or legislative bodies; bodies that were created by the Utah Constitution, statute, rule, ordinance, or resolution; bodies that consisted of two or more persons; bodies that spent, distributed, or were supported by tax money; and bodies that had authority to make decisions about the public’s business. Political parties, groups, caucuses, legislative conference, rules, and sifting committees were not affected.

Mr. Drake said the Act defined a ‘meeting’ as the convening of a public body, with a quorum present, including a workshop or an executive session - whether the meeting was held in person or by means of electronic communications - for the purpose of discussing, receiving comments from the public about, or acting upon a matter over which the public body has jurisdiction or advisory power. A meeting was not a chance meeting or a social meeting. Open meetings could be held electronically or by some other electronic means. Notice requirements still applied to electronic meetings. The public had to have a means to attend or participate. Electronic meetings had to be adopted into existing rules and ordinances.

Councilman Cordova asked if emailing if the entire Council would be considered a meeting. Clint Drake said a Council member should not send a group email to the entire Council. The staff did send reports to the entire Council, but the Council should not have group email discussions. He reminded the Council members that any emails they sent as a Council were a public record if they were talking about the public’s business, even if the emails were sent from their private email accounts.

Mr. Drake stated that meetings could be closed to the public to discuss an individual’s character, professional competence, or physical or mental health; strategy sessions to discuss collective bargaining; discussions regarding security personnel, devices, or systems; investigative proceedings regarding allegations of criminal misconduct; and strategy sessions to discuss the purchase, exchange, lease, or sale of real property. The terms of any sale or lease of property had to be public. There weren’t any meetings that had to be closed. The decision to close a meeting to the public was always discretionary. The law did not require any meeting to be closed. In order to close a meeting, a quorum had to be present, and two-thirds of the Council had to vote to close

the meeting. The Council had to hold a public meeting with proper notice before entering into a closed meeting. The Council had to publicly disclose the vote by name of each member for or against entering into the closed meeting (roll call). The motion to hold a closed meeting needed to include the reasons for holding the closed meeting and the location of the meeting. During the closed meeting, the Council could not approve any ordinance, resolution, rule, regulation, contract, or appointment. It could not interview a person to fill an elected position; and it could not take final action. Final votes must be in an open meeting and on the record.

Mr. Drake stated that public notices must be posted as a written notice at the place where the meeting would be hold; must be given to at least one local general circulation newspaper or local media correspondent; and posted to the "Utah Public Notice Website" (not required if a municipality had a budget of less than \$1 million). A public notice had to be posted 24 hours prior to the meeting and include an agenda, date, time, and place. The law allowed for meetings for emergency or urgent matters if the best notice practicable was given and the minutes included a statement regarding the unforeseen circumstances that made the meeting necessary.

Mr. Drake said minutes and recordings of public meetings must be kept. Written minutes and recordings of open meetings were public records. Every public body had to establish and implement procedures for the body's approval of the written minutes for each meeting. All minutes had to include the date; time; place of the meeting; names of all members present or absent; all matters proposed, discussed, or decided; all names and substance of information from individuals giving testimony; individual votes on each matter; and any additional information requested by a member. Minutes of closed meetings had to include the names of others present at the closed meeting, unless it infringed on the purpose of the closed meeting. Pending minutes should be made available to the public within 30 days after holding the open meeting when minutes were awaiting formal approval. Pending minutes should contain a clear indication that the public body had not approved them and were subject to change. Written minutes and recordings of open meetings were public records and should be released within a reasonable amount of time. Minutes and/or recordings of closed meetings were not public records.

Mr. Drake stated that in addition to any other penalty under this chapter, a member of a public body who intentionally violated or intentionally abetted or advised a violation of the closed meeting provisions of the Code was guilty of a class B misdemeanor. A court of law could void any action in violation of the law. Sometimes a violation could be 'cured' by discussing and taking a public vote in a subsequent meeting. If a violation occurred, the City might have to pay court costs and attorney fees. The most common violations were closed meetings without members of the body voting first in an open meeting to close the meeting; conducting a closed meeting for reasons other than those allowed by OPMA; taking official or final action in a closed meeting; failing to properly provide notice of a public meeting; or failing to provide adequate notice of a public meeting.

Mr. Drake said the Open and Public Meetings Act could be enforced by the courts, the Attorney General, the Weber County Attorney, or a private citizen who was an aggrieved party. A party had 90 days to pursue corrective action, or 30 days if it involved bonds, notes, or debt.

Councilman Cordova was excused at 6:27 p.m.

5. CONSIDERATION OF RESOLUTION NO. 15-13 APPROVING AN AGREEMENT BETWEEN ROY CITY AND ORMOND CONSTRUCTION, INC. FOR THE GEORGE WAHLEN NORTH PARK DEMOLITION PROJECT

Travis Flint, Parks and Recreation Director, stated that on August 25<sup>th</sup> bids for the George Wahlen North Park Demolition Project were opened. One bid from Ormond Construction, Inc. for \$8,819.30 was received. The engineer's estimate was \$18,000. Mr. Flint said the engineer recommended that the Council approve Resolution No. 15-13 awarding the contract to Ormond Construction. The City had worked with Ormond Construction in the past and had a good relationship with them. They did outstanding work.

Mr. Flint stated that some of the items being removed were curb and gutter, asphalt, cement, storm drain pipe, and a catch basin. The items being removed were west of the tennis courts.

Councilwoman Becraft asked about the playground equipment. Mr. Flint said they had received four inquiries, and they had posted the equipment on the website. They also wanted to cut the sod and make it available to the public on first-come-first-served basis. Councilman Hilton asked if the sod could be used elsewhere in the City. Mr. Flint said some of it could. They planned to use some in the cemetery, the Public Works Building, and the parks, but there would still be sod left over.

Andy Blackburn said the sod would be just like surplus property.

Councilwoman Yeoman asked how Mr. Flint planned to inform the public. He said it would be posted at the Municipal Building and on the City's website.

**Councilman Hilton moved to approve Resolution No. 15-13 approving a contract agreement between Roy City and Ormond Construction, Inc. for the George Wahlen North Park Demolition Project for \$8,819.30 and to authorize the Mayor to sign the Notice of Award and Contract Agreement. Councilman Tafoya seconded the motion. A roll call vote was taken: Council members Becraft, Yeoman, Tafoya, and Hilton voted "aye." The motion carried. (Copy filed for record).**

6. CITY MANAGER'S REPORT

Andy Blackburn stated that the Utah Taxpayer's Association ranked Roy City seventh overall for how officials controlled public spending. He encouraged the Council members to read the report.

Andy Blackburn stated that the Day of Service would be held on Saturday, September 12<sup>th</sup> from 8:00 a.m. to 12:00 p.m. There would not be one project in one specific location. There would be some work on the trail and some on Airport Road. At noon, everyone would gather at Sandridge Park for lunch. Travis Flint said the City had asked churches to identify homes in their neighborhoods that needed work. Those who wanted to work on the trail would meet at the Aquatic Center at 8:00 a.m. Roy City would provide juice and donuts.

Andy Blackburn stated that the Economic Development Committee would meet on September 11<sup>th</sup> with the Vice President of Harmon's to discuss alternatives.

Mr. Blackburn reported that the 4000 South roundabout had been paved before school started, but there were still things that needed to be completed, such as the sidewalk, stamped concrete, and landscaping. Everything should be completed in two weeks.

Mr. Blackburn also reported that the audit was finished. The auditors would begin writing the report, which would be finished in October or November.

Andy Blackburn said the legal descriptions had been provided to the attorney handling the annexation. He hoped they could begin advertising the notice at the end of the month.

Mr. Blackburn stated that there had been some difficulty getting a permit for the water feature in front of Harmon's. The City thought UDOT was going to give them the property. UDOT changed its mind, which meant the City had to go through the approval process. UDOT was classifying the feature as a sign, which could not be longer than 20 feet. The feature was 60 feet long. The City Engineer was working with the State to resolve the issue.

Mr. Blackburn reported that the lights on 1900 West had been installed. The City had entered into a contract with Rocky Mountain Power to provide power for the lights.

Mr. Blackburn said UDOT's Midland Drive project was supposed to have been done in September, but they were running 80 days behind. The project would not be done until the end of December.

Mr. Blackburn stated that the Public Works Building would not be accessible on September 12<sup>th</sup> and 13<sup>th</sup> because the parking lot was being repaved. The back access would be used for the Day of Service on the 12<sup>th</sup>, but no one would be able to get gas.

Mr. Blackburn said the George Wahlen North Park Demolition Project would begin soon.

Mr. Blackburn stated that Roy High had requested that the Council feed the football team on Wednesday, September 16<sup>th</sup>. The Council would need to meet at 4:30 p.m. to begin cooking at 5:00.

Mr. Blackburn said the senior center had asked that the Council serve lunch to the seniors. Due to Council's September commitments, he suggested the Council look at October. Mayor Cragun suggested the first week of October. The Council agreed.

Mr. Blackburn said he had sent the Council members a report regarding the status of subdivision and commercial sites under construction. He planned to add Public Works projects. Councilman Hilton asked that the report include DRC concerns as well. It was very helpful to know what was going on.

## 7. PUBLIC COMMENTS

Bert Visser, 4833 South 2500 West, asked what the Council approved during its August 18<sup>th</sup> meeting. Did the Council consider rezoning the property between the railroad tracks for high density housing? The Council said it did not.

Mayor Cragun stated that the rezone request would be on the next Council agenda.

Mr. Visser felt it was very poor of the Council to only take public comments once everything was passed. There were quite a few people at last week's Planning Commission meeting who were not in favor of what the City was putting in between the tracks. He learned that the City only notified property owners within 300 feet. He felt the City should have notified a lot more. When the City was trying to rezone property from manufacturing it was affecting a lot of people. The hearing should have been advertised in the paper for two to three weeks so that everyone in Roy could be at the public hearing and have a voice. When people were not notified, they became angry. They felt they had no control. Look at what happened in Chicago, Michigan, and Los Angeles when people became frustrated.

Mr. Visser said the people in Roy did not want slum houses, or Section 8 housing. Roy City did not have much open property left. He felt what was left should be used for single-family housing. The more people that were crammed into a small spot, the more crime there would be. People at the Planning Commission's hearing had complained about the crime which resulted from the walkway

Bert Visser was angry about the development which had been approved on 4800 South. Someone was going to get killed because there wasn't any way to get out of the subdivision. If someone was injured or killed, his tax dollars would be used when the City was sued.

Councilwoman Becraft stated that all of the Council agendas were posted on the City's website. Mr. Visser stated that he did not use the computer.

Councilman Hilton stated that the City did not initiate the proposed development. It was simply responding to application filed by the developer.

Mayor Cragun stated that the City was responding to the application by going through the public hearing process. Last week the Planning Commission held a public hearing.

The Council would consider the application and the Planning Commission's recommendation at the next Council meeting. The City did not solicit people to develop; they approached the City.

Ed Weakland stated that he owned property between the railroad tracks near 4000 South. He checked the City's website, but an agenda for tonight's meeting was not posted. He said the new roundabout on 4000 South as too tight. A semi could not get around it nor could school buses. Mr. Blackburn said the City tested the roundabout with an extra-long semi. It was able to make it through the roundabout.

Kirk Smith, 3922 West 4950 South, stated that there wasn't a sign in sheet for tonight's meeting. Clint Drake stated that the City Recorder recently had surgery. He would put out a sheet that people could sign as they left the meeting.

Kirk Smith felt Bert Visser's comments had struck a chord. When the City reconsidered the Aderra project the residents felt that it was suddenly on the agenda again without notification. They felt the developer had more access to the Council members than they did; that they didn't have the Council's ear. When it came to the meeting, the residents packed the Council chambers. There was anger because a decision was made and a vote taken before any public comments were allowed. He felt the Council needed to listen to those who paid the taxes, who voted in the polling booths, and who lived here. The residents felt they were thrown under the bus, although Council members Yeoman and Tafoya supported them. He understood the Council could not make decisions that were popular with everyone. As a resident, he felt the public should take a higher priority on the agenda. Public comments should be taken before decisions were made.

Kent Price, Pony Acres Subdivision on 5700 South, stated that there wasn't any police presence in his area, nor was there a speed limit posted. When he approached the Police Department and asked to speak with the chief, he was told the chief was busy; so he met with another officer. He asked the officer about more police presence in the morning and afternoon. The officer explained that was when people were going to and from work. Mr. Price said the law was the law, and it wasn't up to an officer to interpret. He asked if the Council could do something about it.

Councilman Hilton asked if Mr. Price was referring to the dog park. Mr. Price said he was and the area to the west. Councilman Hilton said that before school started he spoke with the Police Chief about establishing police presence in this area.

Mayor Cragun said it came down to manpower. Mr. Price asked if man power was more important than public safety. It was a moot point.

Councilman Tafoya explained that there were only so many officers on a shift to cover the entire city. It was a man power issue at times. The Police Chief was present and listening. He would make sure there was police presence in this area.

Gary Empey, 4467 South 2300 West, stated that the information on the City's website did not make it to the seniors because they didn't use computers. Mayor Cragun said the City put a lot of information in the newspaper, but newspapers were going by the way side because of the Internet. Agendas were posted on the website and in the Municipal Building, as well as the newspaper. Councilwoman Becraft suggested that an agenda be posted in the senior center.

Cindy Whinham, 4105 South Lily Drive, stated that she did receive notice about the Planning Commission hearing. She would be at the next Council meeting. The trail was behind her home, and her yard was used as a short cut. She had taken steps to secure her yard. Her Neighborhood Watch encouraged all property owners to leave their outside lights on for security reasons. However, the light on the north end of Lily Drive (4000 South and Lilly Drive) was not very bright and didn't light up the area well. She spoke with Chairman Kirch after the Planning Commission meeting. Chairman Kirch suggested that she ask the City to increase the light's wattage. She felt the additional light would help her Neighborhood Watch. Mr. Blackburn said he would look into it.

#### 8. MAYOR AND COUNCIL REPORTS

Mayor Cragun stated that the Day of Service was usually very successful. This year the City asked churches to clean up their neighborhoods throughout the City. They had more contact with what was needed in their areas. The City would have refuse containers available. He asked the citizens to look around the community to see what needed to be done then get in touch with their church. The City had been pushing beautification on 1900 West and the residential neighborhoods.

Councilwoman Becraft asked if the staff had found out if volunteers could work on 1900 West. Travis Flint said they could.

Samantha Jensen, Youth City Council, had nothing to report.

#### 9. ADJOURN

**Councilwoman Becraft moved to adjourn at 7:08 p.m. Councilman Hilton seconded the motion. Council members Becraft, Cordova, Hilton, and Tafoya voted "aye." The motion carried.**

Attest:

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Willard Cragun  
Mayor

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Amy Mortenson  
Recorder