

MINUTES OF THE AUGUST 4, 2009, ROY CITY COUNCIL MEETING

1. Approval of July 21, 2009, minutes
2. Public hearing to receive public input and obtain Council approval to amend the FY2010 budget
 - a. Consideration of Resolution No. 958 approving adjustments to the Fiscal Year 2010 Budget
3. Approval of Contract Agreement for the 2009 Culinary Waterline Replacement Project - Phase No. 4
4. Discussion and approval of the Weber County Animal Control facility architectural plans
 - a. Consideration of agreement for authorization to proceed with improvements to and operation of the Weber County Animal Shelter as set forth in that certain interlocal agreement dated December 9, 2008
5. Public comments
6. Consideration of Ordinance No. 1017 amending Chapter 17, Section 1701, of the City Zoning Ordinance, Table 17-2, Vehicle and Equipment Rental or Sale, New or Used, Minor and Vehicle and Equipment Repair, Minor
7. Consideration of Ordinance No. 1018 amending Chapter 17, Section 1701, of the Roy City Zoning Ordinance, Table 17-2, creating a category for Pay-Day Lending
8. Consideration of "Wholesale Wastewater Treating Contract" between Roy City and Central Weber Sewer Improvement District
9. City Manager's report
10. Mayor and Council reports
11. Motion for closed meeting to discuss pending litigation
12. Closed meeting
13. Adjourn
14. Summary of actions charged

Minutes of the Roy City Council Meeting held August 4, 2009, 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
Councilwoman Marge Becraft
Councilman Willard Cragun
Councilman Michael Stokes
Councilman Dave Tafoya

City Manager Chris Davis
City Attorney Andy Blackburn
Secretary Michelle Drago

Excused: Councilman Larry Peterson

Also present were: Tony Reynolds, Community and Economic Development Director; Cathy Spencer, Management Services Director; Ross Oliver, Public Works Director; Michael Sanders; Shane Sanders; Rachel Trotter; Nikolina Ellingsen; Drue Felt; Roger Fowers; Lauree Fowers; Sandi Christiansen; Bunny Griffing; Roberta Robinson; Jody Burnett; and Boy Scout Troop 363.

Moment of Silence: Councilman Cragun

Pledge of Allegiance: Boy Scout Troop 363

1. APPROVAL OF JULY 21, 2009, MINUTES

Councilwoman Becraft moved to approve the minutes of July 21, 2009, as written. Councilman Cragun seconded the motion. Council members Becraft, Cragun, Stokes, and Tafoya voted "aye." The motion carried.

2. PUBLIC HEARING TO RECEIVE PUBLIC INPUT AND OBTAIN COUNCIL APPROVAL TO AMEND THE FY2010 BUDGET

Councilman Tafoya moved to open the public hearing at 6:02 p.m. Councilwoman Becraft seconded the motion. Council members Becraft, Cragun, Stokes, and Tafoya voted "aye." The motion carried.

Cathy Spencer stated that the City received the certified tax rate from Weber County. There was a modest decrease of .000012 in the rate from 2008. The new rate was .002084, which should allow for \$2,309,441 in property tax revenue. The budget was originally approved with \$2,325,000 in property tax revenue. Because the City generally received a little more than the certified tax rate provided, so the budget would remain as originally set.

Ms. Spencer stated that when increasing the rate charged for sewer service by North Davis Sewer, the portion for excess gallons charged to commercial customers was not included. The rate would increase 21% from \$60 do \$73 per 1,000 gallons in excess of 10,000 gallons used. North Davis Sewer increased the rate effective July 1, 2009. Because Roy City had not discussed the increase until tonight, a request for a waiver of the July 2009 remittance was sent to the District Manager. The request was approved, and Roy City would implement the new rate effective August 1, 2009. Last year Roy City remitted \$37,500 in excess gallon fees to North Davis Sewer. An increase of 21% equated to \$7,875 in additional revenue and expenditures. Ms. Spencer stated that Resolution No. 958 had been prepared to accept the certified tax rate and adjust the revenues and expenditures in the Water & Sewer Utility Fund.

Councilman Cragun asked if the amount of property tax revenue could be affected by appeals filed by property owners. Ms. Spencer said it could if Weber County approved a lot of reductions.

Councilman Stokes asked if there were a lot of appeals and the property tax revenue dropped, would something trigger Weber County to look at adjusting the certified tax rate. Ms. Spencer wasn't sure Weber County had such a mechanism. She said the City had heard that property values were doing down. However, Roy City's property tax revenue had only gone down slightly.

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

Councilman Stokes moved to close the public hearing at 6:05 p.m. Councilman Cragun seconded the motion. Council members Becraft, Cragun, Stokes, and Tafoya voted "aye." The motion carried.

Councilman Tafoya moved to approve Resolution No. 958 approving adjustments to the Fiscal Year 2010 Budget. Councilwoman Becraft seconded the motion. A roll call vote was taken: Council members Cragun, Stokes, Becraft, and Tafoya voted "aye." The motion carried. (Copy filed for record).

3. APPROVAL OF CONTRACT AGREEMENT FOR THE 2009 CULINARY WATERLINE REPLACEMENT PROJECT - PHASE NO. 4

Ross Oliver, Public Works Director, asked that the City Council award the contract for the 2009 Culinary Waterline Replacement Project - Phase 4 to Craythorne, Inc. for \$568,027.90. Thirteen bids were received for the project ranging from \$568,027.90 to \$1,021,224.61

Mayor Ritchie asked why there was a large disparity between the low and high bids. Mr. Oliver said there were usually several low bids, some in the middle, and some high. The engineer's estimate was \$670,000.00. Craythorne, Inc. did Phase 2 of the waterline project. They had done excellent work.

Ross Oliver distributed a map to the Council members showing where Phase 4 would be located.

Councilman Stokes moved to award the contract agreement for the 2009 Culinary Waterline Project - Phase 4 to Craythorne, Inc. for \$568,027.90 and to authorize the Mayor to sign the Notice of Award and contract agreement. Councilwoman Becraft seconded the motion. A roll call vote was taken: Council members Tafoya, Becraft, Stokes, and Cragun voted "aye." The motion carried.

Councilman Tafoya asked when the road realignment in front of Sandridge Junior High would be finished. Ross Oliver said it would be done by next week. It would be completed before school started.

4. DISCUSSION AND APPROVAL OF THE WEBER COUNTY ANIMAL CONTROL FACILITY ARCHITECTURAL PLANS

Chris Davis stated that the City currently took stray animals to the Ogden City Animal Shelter. Ogden City was not inclined to continue that operation. Weber County was willing to construct a facility. They had hired Sanders Associates Architects to design the facility. Sanders Associates had been very thorough. They had looked at the operations of Ogden City and Weber County and other facilities throughout the State. They were in attendance to present a detailed plan. The cost of the facility would be paid by user fees. The user fees would be the same for each entity for each animal.

Councilwoman Becraft asked where the facility would be located. Chris Davis said it would be located on the northwest corner of the Weber County fairgrounds.

Shane Sanders, Sanders Associates Architects, stated that they had gathered statistics from the three main groups that would use the facility - Weber County, Ogden City, and Roy City. The total number of animals (dogs and cats) for 2008 was 7,985, which did not include livestock or DOA's. Livestock was held at a different location. They needed that number to determine how large the facility needed to be and how much staff would be needed. The facility would be designed for 2020 numbers. The population was expected to increase 26% by 2020. They took the number of animals in 2008 and multiplied it by 26% to get a total of 10,000 animals for 2020. They met with the Ogden City and Weber

County shelters. Based on requests from both, they had increased the number of cats to 200.

Mr. Sanders said they proposed to remodel the existing Weber County facility and construct an addition on the northwest side. He showed the City Council the proposed floor plan. The existing facility was 5,200 square feet. The addition would be 15,000 square feet. The total facility would be roughly 20,000 square feet. There would be an area which would be open after hours so that animals could be brought in any time. They planned to use the same materials used to construct the existing facility. The structure would have a flat roof to keep the cost down.

Mayor Ritchie asked if the facility would be a Taj Mahal. Shane Sanders stated that they had looked at the construction costs for existing facilities throughout the State. Weber County's existing facility cost \$137 per square foot. The Utah County facility constructed in 2006 was \$135 per square foot. West Valley's facility was \$244 per square foot. The remodel and addition they were proposing was \$2.8 million, or \$141 per square foot. The size of the addition was driven by the property line. There were things in the facility that had been added such as a warm floor in the holding area and a crematorium. They could be excluded to bring costs down.

Mayor Ritchie asked if the design incorporated the latest sanitary methods. Mr. Sanders said they had incorporated industry standards.

Councilman Cragun was concerned about the high maintenance of the flat roof. Mr. Sanders said materials for flat roofs were much better. Due to the size of the facility, a pitched roof would have driven the cost up too high. Councilman Cragun asked if there would be heated roof drains. Mr. Sanders said there would. There were also a number of skylights in the holding area to let in natural light so the facility would not use as much energy.

Councilman Tafoya asked if Weber County would bond for the \$2.8 million. Chris Davis said Weber County had not bonded yet. If all of the entities involved approved the concept, the facility would be put out to bid. Once the bid was approved, Weber County would bond, and the City would be in until the bond was paid.

Mayor Ritchie felt Sanders Associates had done a good job.

Chris Davis stated the City Council needed to approve the authorization agreement. That would indicate the Council was comfortable about proceeding with the bid. There wasn't anything binding until the final bid was approved.

Councilman Stokes moved to approve the Authorization to Proceed with Improvements to and Operation of the Weber County Animal Shelter as set forth in that certain Interlocal Agreement dated December 9, 2008. Councilman Cragun seconded the motion. A roll call vote was taken: Council members Stokes, Becraft, Cragun, and Tafoya voted “aye.” The motion carried. (Copy filed for record).

5. PUBLIC COMMENTS

There were none.

6. CONSIDERATION OF ORDINANCE NO. 1017 AMENDING CHAPTER 17, SECTION 1701, OF THE CITY ZONING ORDINANCE, TABLE 17-2, VEHICLE AND EQUIPMENT RENTAL OR SALE, NEW OR USED, MINOR AND VEHICLE AND EQUIPMENT REPAIR, MINOR

Tony Reynolds, Community and Economic Development Director, stated that the City Council had asked the staff and Planning Commission to proceed with an amendment to the Zoning Ordinance when it approved the TZO in May. The staff and Planning Commission proposed that the City Council approve Ordinance No. 1017. The amendment would consist of adding the word ‘wholesale’ to the minor category. The Planning Commission also recommended that the words ‘and equipment’ be stricken from both the minor and major categories. Approval of Ordinance No. 1017 would terminate the TZO approved with Ordinance No. 1013.

Councilman Tafoya moved to approved Ordinance No. 1017 amending Chapter 17, Section 1701 of the Roy City Zoning Ordinance, Table 17-2, Vehicle and Equipment Rental or Sale, New or Used, Minor and Vehicle and Equipment Repair, Minor, and terminating Ordinance 1013, which established temporary land use regulations for Minor Vehicle and Equipment Rental or Sale, New or Used based on the staff’s findings and the recommendations of the staff and Planning Commission. Councilman Stokes seconded the motion. A roll call vote was taken: Council members Becraft, Tafoya, Cragun, and Stokes voted “aye.” The motion carried. (Copy filed for record).

7. CONSIDERATION OF ORDINANCE NO. 1018 AMENDING CHAPTER 17, SECTION 1701, OF THE ROY CITY ZONING ORDINANCE, TABLE 17-2, CREATING A CATEGORY FOR PAY-DAY LENDING

Tony Reynolds stated that the staff and Planning Commission proposed to add a category to Table 17-2 of the Zoning Ordinance for Pay Day Lending. The category would read:

Pay Day Lending. Lenders engaging primarily in the business of small, short term loans provided against a prearranged line of credit, post-dated check, deposits, vehicle titles or other instruments. The number of such facilities licensed within the city limits may not exceed one per every five thousand (5,000), or portion thereof, of the most recent United States Census Bureau estimated population of Roy City.

Mr. Reynolds said the proposed amendment had been reviewed by the City Attorney. Pay Day Lending businesses would be a conditional use in the Regional Commercial Zone. They would be prohibited in Community Commercial, Manufacturing, Light Manufacturing, Business Park, and Recreation districts. The proposed amendment omitted distance requirements from residential zones. The City would rely on Section 1032 of the Zoning Ordinance to regulate buffering from residential zones. The number of Pay Day Lending businesses would be limited to one for every 5,000 residents based on the current census. Roy City's current population limited the number of businesses to eight. There were currently seven in the City. Five were located in the Regional Commercial Zone; two were in Community Commercial zoning. The two located in the Community Commercial Zone would become legal non-conforming uses.

Mayor Ritchie asked if the City's ability to limit the number of businesses had been tested. Andy Blackburn did not know of any court cases. The cap was based on numbers Jared Hall had found ranging from 3,000 residents to 9,000. The number had been adjusted for Roy City.

Councilman Cragun wanted to see fewer of these businesses and suggested raising the cap to one for every 8,000, which would decrease the number allowed.

Tony Reynolds stated that raising the cap would increase the number of legal non-conforming businesses. The two businesses in the Community Commercial Zone would be legal non-conforming, but so would some in the Regional Commercial Zone. It would be difficult to determine which of those businesses should become non-conforming. Councilman Cragun asked if the non-conforming businesses could return to the Community Commercial Zone if they left. Tony Reynolds stated that if a use was discontinued, the non-conforming status was lost.

Councilman Stokes moved to approve Ordinance No. 1018 amending Chapter 17, Section 1701 of the Roy City Zoning Ordinance creating a category for Pay-Day Lending in Table 17-2, and terminating Ordinance 1012, which established temporary land use regulations pertaining to Pawnshops, Pay-Day Lending and other ventures in the RC Regional Commercial Zoning district based on the staff's findings and subject to the conditions recommended by the staff and Planning Commission.

Councilwoman Becraft seconded the motion. A roll call vote was taken: Council members Stokes, Cragun, Tafoya, and Becraft voted “aye.” The motion carried. (Copy filed for record).

8. CONSIDERATION OF “WHOLESALE WASTEWATER TREATING CONTRACT”
BETWEEN ROY CITY AND CENTRAL WEBER SEWER IMPROVEMENT
DISTRICT

Andy Blackburn presented the Wholesale Wastewater Treating Contract between Roy City and the Central Weber Sewer Improvement District for the City Council’s consideration. The current contract had expired. Central Weber Sewer would treat the sewer which Roy City collected and transferred to their lines. The City would be responsible to bill and collect their sewer fees and impact fees. The agreement would continue the existing arrangement.

Councilman Stokes stated that the City had asked for representation on Central Weber Sewer’s board. Andy Blackburn said he had spoken with Mike Mansfield who understood that their board consisted of the mayor from each city the District served. There was a population factor as well. Ogden City had more than one person on the board. All of the cities in Weber County and South Weber were represented. Roy City was the only city without a representative on the board because the percentage of its population served by Central Weber was so small it didn’t meet their requirements.

Councilman Stokes stated that Ogden City had three representatives. Every other city had one, except Roy City and Plain City. Central Weber had indicated that Roy City was not allowed a place on the board according to their bylaws. He was concerned about decisions made by Central Weber without the City having a voice. Central Weber could bond, which would prohibit the City from getting out of the district without approval from each entity on the board. Roy City’s policy had been to pass the costs on to the residents. He felt the City should have a voice that counted, or Central Weber could engage in the business of billing their customers directly. Even the lowliest state in the union had a voice. Roy City should have the same right with Central Weber.

Councilman Cragun stated that the agreement with Central Weber Sewer was initiated so that the City could get rid of lift stations in Herefordshire. He asked if Andy Blackburn had reviewed the initial agreement. Mr. Blackburn said he had not.

Chris Davis stated that Central Weber Sewer served the Herefordshire area prior to the City abandoning the lift station on 4400 South. Abandoning the lift station allowed sewer to gravity feed to Central Weber rather than pumping it. If the City wanted to get out of Central Weber Sewer, it would have to build a lift station to pump the sewage into North

Davis Sewer's lines. It almost became cost prohibitive. Lift stations were expensive to maintain.

Councilman Stokes did not want to get out of the agreement, but he felt the City needed representation. Central Weber's decisions affected Roy City residents. Roy City needed to be able to give input that counted. If the City chose to opt out and let Central Weber deal directly with the customers, would Central Weber choose to not to have Roy City's wastewater?

Chris Davis stated that the City owned its lines. Central Weber owned the trunk lines and the sewage treatment plants. Their costs were no higher than other districts.

Councilman Tafoya stated that the City could ask Central Weber Sewer to amend its bylaws.

Councilman Stokes felt it would be good to get a firm answer from Central Weber. If the answer was no, then the Council had some decisions to make.

Councilman Tafoya stated that if Central Weber did their own billing, residents would receive two bills.

Councilman Tafoya moved to table consideration of the Wholesale Wastewater Treating Contract with Central Weber Sewer Improvement District until Central Weber Sewer had answered the City's request to amend their bylaws. Councilman Cragun seconded the motion. Council members Becraft, Cragun, Stokes, and Tafoya voted "aye." The motion carried.

9. CITY MANAGER'S REPORT

Chris Davis stated that the City Council wanted to hold a work session. The work session could be held on August 19th or 26th at 6:00 p.m. in the Municipal Building. Either date worked for the Council members. Mr. Davis said he would check with the staff and let the Council know when the work session would be held.

Chris Davis stated that Roy Days 2009 had ended. It had gone extremely well. He had heard a lot of compliments.

Chris Davis stated that the Hope Community Center was ahead of schedule and was staying on budget.

10. MAYOR AND COUNCIL REPORTS

Councilman Tafoya stated that new events added to Roy Days - the car show, soccer fest, dodge ball, and stomp - had turned out great. The turnout for the parade was larger than normal.

Councilman Cragun complimented the staff for addressing some of the problems he had pointed out a few weeks ago.

11. MOTION FOR CLOSED MEETING TO DISCUSS PENDING LITIGATION

Councilwoman Becraft moved to hold a closed meeting at 6:53 p.m. to discuss pending litigation. Councilman Cragun seconded the motion. A roll call vote was taken: Council members Becraft, Stokes, Cragun, and Tafoya voted "aye." The motion carried.

12. CLOSED MEETING

A closed meeting was held in the City Manager's Conference Room to discuss pending litigation. Those in attendance were Mayor Ritchie, Councilwoman Becraft, Councilman Cragun, Councilman Stokes, Councilman Tafoya, Chris Davis, Andy Blackburn, Jody Burnett, Tony Reynolds, and Ross Oliver.

13. ADJOURN

Councilman Stokes moved to adjourn at 7:28 p.m.

14. SUMMARY OF ACTIONS CHARGED

1. Chris Davis to let Council members know when the work session would be held.

Attest:

Joe H. Ritchie
Mayor

Michelle Drago
Secretary