



ROY CITY

Roy City Council Work Session Agenda
July 7, 2015 – 6:00p.m.
Roy City Council Chambers
5051 South 1900 West

Moment of Silence and Pledge of Allegiance: Councilmember Hilton

1. Approval of June 16, 2015 City Council Minutes
2. Swearing in of Roy City Youth Council Members
3. Consideration of Resolution 15-8 Supporting House Bill 362 (2015)
4. Roy City Victim Services Annual Report
5. Open Public Meetings Act Training
6. City Managers Report
7. Public Comments
8. Mayor and Council Report
9. Adjourn

In compliance with the Americans with Disabilities Act, persons needing auxiliary communicative aids and services for these meetings should contact the Administration Department at (801) 774-1020 or by email: admin@royutah.org at least 48 hours in advance of the meeting.

Certificate of Posting

The undersigned, duly appointed City Recorder, does hereby certify that the above notice and agenda was posted in a public place within the Roy City limits on this 1st day of July, 2015. A copy was also provided to the Standard Examiner and posted on the Roy City Website on the 1st day of July, 2015.

AMY MORTENSON,
ROY CITY RECORDER

Visit the Roy City Web Site @ www.royutah.org
Roy City Council Agenda Information – (801) 774-1020

MINUTES OF THE JUNE 16, 2015, ROY CITY COUNCIL MEETING

1. Approval of the June 2, 2015, minutes
2. Public hearing to amend Fiscal Year 2015 Budget
3. Consideration of Resolution No. 15-7 approving adjustments to the Fiscal Year 2015 Budget
4. Consideration of Resolution No. 15-5 adopting the Fiscal Year 2016 City Budget and levying a property tax revenue rate
5. Consideration of Resolution No. 15-6 approving a development agreement for the West Park Subdivision
6. Consideration of a request for approval of a conditional use for a drive-up window for East Roy Retail Development within an existing strip mall type building located at 4860 South 1900 West
7. Consideration of a request for approval of a conditional use for a drive-up window for SH & Sons Sinclair Convenience Store, an existing vacant building, located at 5190 South 1900 West
8. Consideration of Roy City Contract No. 2015-8 an agreement between Roy City Corporation and Ferguson Waterworks Meter and Automation Group for Roy City Water Meter Upgrade Project - Phase 1
9. Presentation by Anderson Development regarding possible development of property located at approximately 4300 South 2700 West
10. City Manager's report
11. Public comments
12. Mayor and Council reports
13. Adjourn

Minutes of the Roy City Council Meeting held June 16, 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
Councilwoman Marge Becraft
Councilman John Cordova
Councilman Brad Hilton
Councilman Dave Tafoya
Councilwoman Karlene Yeoman

City Manager Andy Blackburn
Secretary Michelle Drago

Excused: City Attorney Clint Drake

Also present were: Ross Oliver, Public Works Director; Carl Merino, Police Chief; Cathy Spencer, Management Services Director; Steve Parkinson, Planner; Elizabeth Brown; Rachel Trotter; Cary Empey; Marnae Bowden; Todd Sheffield; Kirk Smith; Carolyn Bennett; Ed Anderson; Judy Anderson; Robert H. Drysdale; Susanna Drysdale; Richard Vandenberg; Marian Vandenberg; JaNae Penrod; Greg Sagen; Jeff Burton; Daniel Burton; Jennifer Griffiths; Ryan Anderson; and Dave Morton.

Moment of Silence: Councilwoman Becraft

Pledge of Allegiance: Councilwoman Becraft

1. APPROVAL OF THE JUNE 2, 2015, MINUTES

Councilman Hilton moved to approve the minutes of May 5, 2015, as written. Councilman Tafoya seconded the motion. Council members Becraft, Cordova, Hilton, Tafoya, and Yeoman voted “aye.” The motion carried.

2. PUBLIC HEARING TO AMEND FISCAL YEAR 2015 BUDGET

Cathy Spencer, Management Service Director, stated that during a work session held in May the Council discussed whether the fund balance should be at the State’s maximum level of 25%. The Council decided that an 18% fund balance level was sufficient. The staff proposed budget adjustments to lower the fund balance level to 18%. The adjustments included some capital and beautification items, radios for the Fire Department, slurry seal for municipal facility parking lots, and a transfer for George Wahlen North Park. The transfer amount for North Park was a maximum number. The final transfer amount would be adjusted after the audit was complete and the final revenue numbers were in. The actual amount might be a little lower. Ms. Spencer said there was also \$85,000 in revenue and expenditure adjustments. Some franchise taxes

were a little lower due to the mild winter, and some construction costs for the Weber County Library were higher than anticipated. In the Utility Enterprise Fund, \$185,000 was adjusted from a capital item to an expense. Ms. Spencer asked that the Council approve Resolution No. 15-7 approving the adjustment for FY2015.

Mayor Cragun complimented the staff. The FY2015 Budget was very austere. The State allowed cities to have a maximum of 25% surplus in the budget. The City Council felt that 18% was an adequate surplus to carry. The staff had done an outstanding job in keeping Roy City financially sound.

Councilman Hilton asked about the status of the water meter upgrade. Ms. Spencer stated that later in the meeting the Council would consider a contract for the Phase One of the meter upgrade project. The budgeted amount would cover one-fifth of the total project. It would take five years to complete the entire project.

Mayor Cragun opened the floor for public comments.

Greg Sagen, 4027 West 4900 South, stated that at the last meeting a 3% increase in sales tax was discussed. Cathy Spencer said the City was expecting a 3% increase in sale tax revenue. The Council was not considering a sales tax increase.

Andy Blackburn stated that the Council was considering adjustments to the FY2015 Budget, not the FY2016.

Councilman Cordova moved to close the public hearing at 6:05 p.m. Councilman Tafoya seconded the motion. Council members Becraft, Cordova, Hilton, Tafoya, and Yeoman voted “aye.” The motion carried.

3. CONSIDERATION OF RESOLUTION NO. 15-7 APPROVING ADJUSTMENTS TO THE FISCAL YEAR 2015 BUDGET

Councilman Cordova moved to approve Resolution No. 15-7 approving adjustments to the Fiscal Year 2015 Budget. Councilman Hilton seconded motion. A roll call vote was taken: Council members Yeoman, Hilton, Becraft, Tafoya, and Cordova voted “aye.” The motion carried. (Copy filed for record).

4. CONSIDERATION OF RESOLUTION NO. 15-5 ADOPTING THE FISCAL YEAR 2016 CITY BUDGET AND LEVYING A PROPERTY TAX REVENUE RATE

Cathy Spencer stated that the Council held a public hearing for the FY2016 Budget at its last meeting. If the recycling participation rate fell below 75% by the end of June, the cost of a garbage can for those who opted out would increase by \$0.60. If the participation rate remained above 75%, the cost of a can would increase by \$0.18.

Councilman Tafoya asked how close the City was to falling below 75%. Ms. Spencer said the City could lose about 200 recycling participants and still be okay. About 140 residents had opted out so far.

Ms. Spencer said that since the last meeting, \$16,506 had been transferred from the Fire Department to the Capital Projects Fund for additional costs for the ambulance upgrades. The City had received a certified tax rate from Weber County.

Councilman Tafoya moved to approve Resolution No. 15-5 adopting the Fiscal Year 2016 City Budget and levying a property tax revenue rate. Councilwoman Becraft seconded the motion. A roll call vote was taken: Council members Tafoya, Cordova, Hilton, Yeoman, and Becraft voted “aye.” The motion carried. (Copy filed for record).

5. CONSIDERATION OF RESOLUTION NO. 15-6 APPROVING A DEVELOPMENT AGREEMENT FOR THE WEST PARK SUBDIVISION

Steve Parkinson said the key issue of the agreement was the developer’s \$60,000 participation in the construction of the roundabout. At the last meeting, the Council had questions about how traffic from 2700 West would interact with the entrance of the subdivision. He presented the Council with a rendering of the traffic movements to and from the entrance to the proposed West Park Subdivision. There was an existing median at 2700 West 4800 South, and there would be a separate lane for westbound traffic from 2700 West that would extend beyond the entrance to the subdivision. A new concrete median would be constructed to restrict left turn movements to and from the subdivision. The roundabout would be constructed with the space for two westbound traffic lanes. Right now it would only have one lane now because there wasn’t enough traffic for two lanes.

Councilman Cordova felt the drawing answered his questions. There was a lane for westbound traffic as well as one for traffic attempting to enter the subdivision.

Steve Parkinson stated that the drawing would be attached to the agreement as Exhibit “C.”

Councilman Cordova asked if there would still be a right hand turn lane at 2700 West 4800 South. Mr. Parkinson said the existing right hand turning lane would remain.

Councilman Cordova moved to approve Resolution No. 15-6 approving a development agreement for the West Park Subdivision. Councilman Hilton seconded the motion. A roll call vote was taken: Council members Cordova, Hilton, Tafoya, Becraft, and Yeoman voted “aye.” The motion carried. (Copy filed for record).

6. CONSIDERATION OF A REQUEST FOR APPROVAL OF A CONDITIONAL USE FOR A DRIVE UP WINDOW FOR AN EAST ROY RETAIL DEVELOPMENT WITHIN AN EXISTING STRIP MALL TYPE BUILDING LOCATED AT 4850 SOUTH 1900 WEST

Steve Parkinson stated that the City had received a request for approval of a conditional use for a drive-up window in a retail development located at 4860 South 1900 West.

The development contained a Jiffy Lube and a small strip mall. The north unit of the strip mall was currently vacant. The proposed tenant was requesting a drive-up window. There would not be exterior changes to the building. One of the panes of glass on the north side would be changed to a window. A steel plate would be installed at the bottom of the window to prevent vehicles from breaking the glass. The steel plate would be the same color as the window. The Planning Commission held a public hearing and recommended that the Council approve the conditional use.

Councilman Tafoya asked about access to the drive lane. Mr. Parkinson said vehicles would enter the drive lane on the south side of the strip mall. The business would not have a squawk box. All orders would be placed at the window. Councilman Tafoya asked if there was enough room behind the mall for vehicles to drive without conflict. Mr. Parkinson said there was. The property owner planned to change the existing parking stalls behind the building to diagonal to leave a few extra feet. The parking stalls nearest the northeast corner of the building would be labeled for compact cars only to allow for the needed turning radius. Councilman Tafoya asked if the tenant was a soda shop. Mr. Parkinson said it was.

Councilman Hilton asked if the fire lane would be clearly marked. Mr. Parkinson said the Fire Department was requiring that the fire lane be marked.

Councilman Hilton moved to approve a conditional use for a drive-up window for an east Roy retail development within an existing strip mall type building located at 4860 South 1900 West based on the staff's findings and subject to the recommendations from the staff and Planning Commission. Councilwoman Yeoman seconded the motion. Council members Becraft, Cordova, Hilton, Tafoya, and Yeoman voted "aye." The motion carried.

7. CONSIDERATION OF A REQUEST FOR APPROVAL OF A CONDITIONAL USE FOR A DRIVE UP WINDOW FOR SH & SON'S SINCLAIR CONVENIENCE STORE, AN EXISTING VACANT BUILDING, LOCATED AT 5190 SOUTH 1900 WEST

Steve Parkinson stated that the convenience store located at 5190 South 1900 West had been vacant for some time. The City has received a request for approval of a conditional use for a drive up window. The applicant owned a convenience store in Clearfield and noticed that 80% of its business came from the drive-up window. The applicant felt a drive-up window was critical for the success of the convenience store in Roy. Due to the sidewalk that surrounded the existing building, it would be necessary to construct a small addition for the drive-up window. The addition would be constructed of the same material as the existing building. Mr. Parkinson said there were still a few issues the applicant was working on, such as the location of the drive lane and how it would interact with the existing parking stalls. Based on the size of the building, only four parking stalls were needed. There were nine parking stalls shown on the site plan so the applicant had room to work with. Mr. Parkinson said the staff and Planning

Commission recommended that the conditional use be approved subject to the applicant resolving the staff's concerns about the site.

Councilman Tafoya asked which side of the building the drive-up window would be located on. Mr. Parkinson said it would be on the north side.

Councilwoman Yeoman moved to approve a conditional use for a drive-up window for SH & Son's Sinclair Convenience Store, an existing vacant building, located at 5190 South 1900 West subject to the staff and Planning Commission recommendations. Councilwoman Becraft seconded the motion. Commission members Becraft, Cordova, Hilton, Tafoya, and Yeoman voted "aye." The motion carried.

8. CONSIDERATION OF ROY CITY CONTRACT NO. 2015-8 AN AGREEMENT BETWEEN ROY CITY CORPORATION AND FERGUSON WATERWORKS METER AND AUTOMATION GROUP FOR THE ROY CITY WATER METER UPGRADE PROJECT PHASE 1

Ross Oliver, Public Works Director, stated that Roy City sent out a Request for Proposals for the Roy City Water Meter Upgrade Project. The proposals were opened on May 11th. The three proposals ranged from \$241,771 to \$349,618.75. The staff asked that the Council approve a contract with Ferguson Waterworks Meter and Automation Group for \$241,771.

Councilman Tafoya moved to approve Roy City Contract No. 2015-8 an agreement between Roy City Corporation and Ferguson Waterworks Meter and Automation Group for the Roy City Water Meter Upgrade Project Phase 1 in the amount of \$241,771 and to authorize the Mayor to sign the Notice of Award and Contract Agreement. Councilman Cordova seconded the motion. A roll call vote was taken: Council members Hilton, Tafoya, Yeoman, Becraft, and Cordova voted "aye." The motion carried. (Copy filed for record).

*See comments from Ken Sheffield under Public Comments.

9. PRESENTATION BY ANDERSON DEVELOPMENT CONCERNING POSSIBLE DEVELOPMENT ON PROPERTY LOCATED AT 4300 SOUTH 2700 WEST

Ryan Anderson, Anderson Development, stated that his company had been in business for over 20 years and was currently developing the former Geneva Steel site in Utah County. They were looking at two parcels located at approximately 4300 South 2700 West for a possible TOD (transit oriented development) because of their proximity to the Front Runner Station. The two parcels in question were located north of the proposed West Park Subdivision near the Hooper Water tank. The two parcels were currently zoned for an agricultural use. The Future Land Use Map designation was manufacturing.

Mr. Anderson said his company was proposing a density of about 25 units per acre. In order to make the project really viable, they felt a pedestrian bridge was needed over the Union Pacific right-of-way. A pedestrian bridge would mean a short walk from the development to the Front Runner Station. UTA was encouraging walkable communities. They would ask for the City's help to get storage facilities and property north of the proposed project cleaned up. Mr. Anderson said a possible source of funding for the bridge and cleaning up the adjoining properties was a redevelopment area.

Councilman Hilton asked how they would like the area cleaned up. Mr. Anderson said the property use could be changed. A parking lot for the Front Runner could be built.

Councilman Tafoya said the City would have to purchase the property. He asked if the project would include a mix of residential and commercial. Mr. Anderson said it would just be residential. There wouldn't be any commercial because the property wasn't on a main road. Councilman Tafoya asked how much a pedestrian bridge would cost. Mr. Anderson said it would be about \$1 million. Some possible funding sources were a match from UTA or a grant. Councilman Tafoya asked if Anderson Development had contacted UTA about access for a bridge. Mr. Anderson said they had not. They wanted to see if the City Council was interested in the project before pursuing anything further. Councilman Tafoya said the City did not have \$1 million.

Mr. Anderson felt this property was unique because it was situated between an old railroad turned walking trail and an existing railroad right-of-way. The topography lent itself to high density housing.

Councilman Tafoya felt the biggest issue was access. It would be a major hurdle to overcome. The key was to have access from both 4000 and 4800 South.

Dave Morton, Anderson Development, felt access could be resolved. They did not want to put time and money into this project if the City wasn't interested.

Councilwoman Becraft asked if the property on 4000 South was still unincorporated. Ryan Anderson said it was.

Councilman Cordova felt having the road punched through to 4000 South made the project more appealing. The City was struggling with the West Park Subdivision because its only access was 4800 South. He felt it would take work to provide access to 4000 South, but it would be a better solution.

Ryan Anderson stated that there the properties to the north had an existing 30-foot right-of-way easement. In order to put in a road, property would have to be purchased, or the City would have to agree to allow a narrower road for a period of time. When properties to the north developed, the City could require a full width road.

Steve Parkinson did not want to tell them to move forward with the project unless the Council was amenable. They would have to apply for an amendment to the Future Land Use Map, a rezone and RIO (to allow for increased density), and a conditional use.

Andy Blackburn said the Council could not give Anderson Development any guarantees, but it could ask the staff to explore possibilities.

Mayor Cragun, Councilman Cordova, and Councilwoman Yeoman all felt the City should look at the project.

Councilwoman Yeoman felt this was a good use for the property. No one had ever been interested in doing anything with it this area.

Councilman Tafoya felt the project faced tremendous hurdles.

Mayor Cragun asked the staff to work with the developer. It might come to fruition, but there might be hurdles that could not be overcome. He wanted to look at the project to see if the developer could make it happen.

10. CITY MANAGER'S REPORT

Andy Blackburn reminded the City Council members that their online registration was needed by June 17th for any insurance they might have through the City.

Andy Blackburn scheduled a meeting with the Beautification Committee for Tuesday, June 23rd, at 8:00 a.m.

Andy Blackburn stated that Staker Parson had started overlaying 5950 South to 2200 West. There would be a pre-construction meeting for the 4000 South Roundabout on Thursday, June 18th.

Andy Blackburn stated that the City had received complaints about the weeds along the D&RG Trail. Ross Oliver had the entrances cleared. The City had to wait for things to get dryer before it could burn or spray.

Andy Blackburn stated that UDOT was putting in a light on 5600 South in front of Roy Elementary School. It was also putting in a pedestrian light at the D&RG Trail. Both lights would be timed with the semaphore at 2700 West 5600 South.

Andy Blackburn said Darren Calcut's last day with the City would be Friday, June 26th.

Andy Blackburn said the Economic Development Committee would be meeting with Randy Sant on Wednesday, June 24th at 3:00 p.m.

11. PUBLIC COMMENTS

JaNae Penrod, 2058 West 4550 South, said she had lived in Roy for over 56 years and planned to die here. It had been a wonderful place to live. She thanked the Council for all it did to make Roy a great place to live. In 2008, she became a widow. There were many widows and widowers in Roy. Some of the elderly were concerned about the recycling issue. Twenty-five percent (25%) of the residents did not have a recycling can. One of her neighbors requested that the City pick up her recycling can. She was told by

a City employee that she would pay for the can anyway. Another neighbor could barely make ends meet on Social Security. A \$0.60 increase was a lot of money for someone on a strict income. Some citizens did not want to be forced to recycle. Even though she did not have a recycling can, she chose to recycle. She took her paper to the bin at North Park Elementary and her grass clippings and metal to the bins at the Public Works Department. She asked what Waste Management did with the recyclables

Cathy Spencer said Waste Management took the recyclable materials to Weber County. Roy City did not make any money from the recycling program. It did save money on tipping fees.

Councilman Tafoya stated that Waste Management would not pick up the recycling if they didn't make money.

Ms. Penrod did not feel it was right for those who did not have a recycling can to pay for a service they did not receive or want

Marnae Bowden, 2067 West 4300 South, stated that many residents were not aware of the recycling increase until an article appeared in the *Standard Examiner*. The fact that the Council was increasing the fees of those who did not recycle was appalling. The Council did not know why citizens had opted out of the program. In her case, she chose not to have a recycling can in order to allow her special needs child to have a way to earn spending money. She did not have a can, but she recycled. She recycled for a greater purpose. Her mother was now being charge for something she could not afford and could not do. She felt the City Council should have collected additional information before making the decision it had.

Ken Sheffield, with Meter Works, stated that his company submitted a proposal for the Water Meter Upgrade Project but not been selected. The company awarded the contract submitted a proposal 30% lower than everyone else. This company's proposals was always 30% lower, but were never selected if the entity tried to use their equipment. Usually they had an opportunity to review their proposal with an entity. They had not been able to do so in Roy. He asked that Roy check out Ferguson's equipment to make sure it was getting the best deal.

Mayor Cragun stated that the City had a lot of faith in its staff. The Council members were not experts. They depended greatly on the staff's recommendation. The staff was usually very thorough in the bid review process.

12. MAYOR AND COUNCIL REPORTS

Mayor Cragun commended the staff. They had done a tremendous amount of work in the last few years. He commended the Council members who were very involved in what was going on in the City. The beautification project was moving forward and there had been work on economic development. He felt the citizens would see some positive things happen in the next few years. The Council members were dedicated to the City.

Councilwoman Becraft pointed out that there was now a name plaque for the Youth City Council. New members would be sworn at the next meeting so they could be on board to help with Roy Days.

13. ADJOURN

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

Attest:

Willard Cragun
Mayor

Amy Mortenson
Recorder

OATH OF OFFICE
STATE OF UTAH

I, Samantha Jensen, *having been appointed to the office of*
Print Name

Youth Council

*do solemnly swear or affirm that I will support, obey and defend the
Constitution of the United States and the Constitution of this State, and
that I will discharge the duties of my office with fidelity.*

Signature

State of Utah,
County of Weber

Subscribed and sworn to before me this 7 day of July, 2015

*Person Administering Oath

Recorder

Title

*Utah Code § 78B-1-142: "Every court, every judge, clerk and deputy clerk of any court, every justice, every notary public, and every officer or person authorized to take testimony in any action or proceeding, or to decide upon evidence, has the power to administer oaths or affirmations."

File oath by sending to: Oath of Office, Utah State Archives, 346 Rio Grande, Salt Lake City, UT, 84101

OATH OF OFFICE
STATE OF UTAH

I, Elizabeth Beeli, *having been appointed to the office of*
Print Name

Youth Council

*do solemnly swear or affirm that I will support, obey and defend the
Constitution of the United States and the Constitution of this State, and
that I will discharge the duties of my office with fidelity.*

Signature

State of Utah,
County of Weber

Subscribed and sworn to before me this 7 *day of* July *, 2015*

*Person Administering Oath

Recorder

Title

*Utah Code § 78B-1-142: "Every court, every judge, clerk and deputy clerk of any court, every justice, every notary public, and every officer or person authorized to take testimony in any action or proceeding, or to decide upon evidence, has the power to administer oaths or affirmations."

File oath by sending to: Oath of Office, Utah State Archives, 346 Rio Grande, Salt Lake City, UT, 84101

ROY CITY RESOLUTION NO. 15-8

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ROY, UTAH,
SUPPORTING THE HB 362 (2015) AUTHORIZED 0.25% LOCAL OPTION GENERAL
SALES TAX DEDICATED TO TRANSPORTATION, ENCOURAGING THE COUNTY
OF WEBER TO SUBMIT THE PROPOSAL TO VOTERS IN NOVEMBER 2015, AND
ENCOURAGING VOTERS TO SUPPORT THE PROPOSAL.**

WHEREAS, a safe and efficient transportation system creates the foundation for economic growth, improved air quality and public health, and enhanced quality of life; and

WHEREAS, the creation and maintenance of transportation infrastructure is a core responsibility of local government; and

WHEREAS, Utah's population is expected to grow by 2 million residents by 2040; and

WHEREAS, Roy City's residents demand new comprehensive transportation options such as bike lanes, multi-use paths, off-road trails, and transit in addition to traditional roads; and

WHEREAS, research from the Utah Department of Transportation indicates that road rehabilitation costs six times as much as road maintenance, and road reconstruction costs ten times as much as road maintenance, and

WHEREAS, investing in transportation results in economic development for Roy City and Weber County and accessible good-paying jobs for our residents; and

WHEREAS, improving comprehensive transportation in Roy City and Weber County will reduce private vehicle usage which will in turn lead to improved air quality; and

WHEREAS, poor air quality discourages economic development, business recruitment and tourism visits, and contributes to asthma and other health ailments; and

WHEREAS, nearly 1 in 10 Utah adults suffer from asthma and struggle to breathe during poor air quality days; and

WHEREAS, nearly 57% of Utah adults are overweight, nearly 200,000 Utahans have diabetes, and diabetes and obesity related health care costs in Utah exceed \$700 million; and

WHEREAS, investing in safe and connected trails, bike lanes, sidewalks, and multi-use paths will encourage our residents to be more active, enable them to spend more time with their families via active transportation, and result in improved personal and community health; and

WHEREAS, Utah has created a Unified Transportation Plan to address these comprehensive transportation and quality of life issues; and

WHEREAS, the Utah State Legislature recognized the local transportation needs and enacted HB 362 which authorized counties to impose and voters to approve a 0.25% local option general sales tax dedicated to local transportation; and

WHEREAS, Roy City will, upon county imposition and voter approval, receive 0.10 of the 0.25% sales tax to invest in critical local transportation needs.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF ROY CITY, UTAH:

SECTION 1. Support the 0.25% Local Option General Sales Tax. The City Council supports the proposed 0.25% Local Option General Sales Tax that the Weber County governing body may submit to voters in Weber County in November.

SECTION 2. Encourage Submission of Proposal to the Voters of Weber County. The City Council urges the county governing body to submit the 0.25% local option general sales tax dedicated to transportation to the voters of the county for the November 2015 election. The City Council also publicly supports the county governing body in submitting the 0.25% local option general sales tax dedicated to transportation to the electorate of the county.

SECTION 3. Encourage Voters to Enact the 0.25% Local Option General Sales Tax. The City Council encourages voters to carefully consider the potential impact from the 0.25% general sales tax local option and to support the enactment of the 0.25% local option general sales tax because of the potential impact explained below.

SECTION 4. Road and Street Needs in Roy City. The City has significant traditional transportation needs that the municipal 0.10 portion could address. For example, the city has a backlog of road maintenance projects such as (insert as much information about potential projects as city sees fit). Adoption of the municipal 0.10 would enable the city to invest in the critical projects that our residents expect.

SECTION 5. Active and Alternative Transportation Infrastructure Needs in Roy City. The City has significant active and alternative transportation needs that the municipal 0.10 portion could address. For example, our residents are demanding improved sidewalks and pedestrian safety modes, enhanced bike lanes, better connectivity with transit, more traffic calming devices, and other modern transportation infrastructure (insert as much information about potential projects as the city sees fit). Investment in active transportation options will encourage residents to travel via walking, biking, and transit, result in a healthier population, reduced emissions, decreased health care costs, and improved quality of life. Adoption of the municipal 0.10 would enable the city to invest in the critical projects that our residents expect.

SECTION 6. Investment in Transit (if applicable). The City supports continued investment in public transit because transit can help relieve traffic, promote walkable communities, and improve air quality. The transit system will receive 0.10 of the county imposed and voter approved 0.25% local option general sales tax. The City expects the transit system to utilize the

revenues collected within the City for projects that will expand local bus service, foster local and regional connectivity, and benefit the residents of the City.

SECTION 7. Distribution of this Resolution. A copy of this resolution shall be sent to the Weber County governing body, the Utah League of Cities & Towns, the Utah Association of Counties, the Speaker of the Utah House of Representatives, the President of the Utah State Senate, State Representatives and Senators who represent the City, and the Governor of Utah.

SECTION 8. Effective Date. This Resolution shall become effective upon passage.

APPROVED BY THE CITY COUNCIL OF THE CITY OF ROY CITY, UTAH, ON THIS 7th DAY OF JULY, 2015 BY THE FOLLOWING VOTE:

	YES	NO	ABSTAIN	ABSENT
City Council Member	_____	_____	_____	_____
City Council Member	_____	_____	_____	_____
City Council Member	_____	_____	_____	_____
City Council Member	_____	_____	_____	_____
City Council Member	_____	_____	_____	_____

Willard Cragun, Mayor

Attest:

Amy Mortenson, Recorder

Approved as to form:

Clint Drake, City Attorney

January 6, 2015

Open Meeting Law – Training for City Council

Statutory Obligation to Train (Utah Code § 52-4-104)

The “presiding officer of the public body shall ensure that all members of the public body are provided with annual training on the requirements” of the Open and Public Meetings Act (the “Act”).

A. Basic Principle (§ 52-4-201(1))

A “meeting” of a public body must be open to the public, unless an exception is available under the Act allowing the meeting to be closed.

B. Definitions (§ 52-4-103)

1. “Public Body”

The City Council (the “Council”) is a public body for purposes of the Act.

2. “Meeting”

A meeting is the convening of at least a quorum of a public body for the purpose of (a) discussing, (b) receiving comments from the public about, or (c) acting upon a matter over which the body has jurisdiction or advisory power.

Chance gatherings or social gatherings are not subject to the open meeting law. However, they may not be used to circumvent the Act. (§ 52-4-208)

Electronic meetings may be held subject to the Act and as described below.

3. "Convening"

The calling together of a public body by a person authorized to do so for the express purpose of discussing or acting upon a subject over which that public body has jurisdiction or advisory power.

[Because a gathering of Council members is not a "meeting" unless it is "convened," and "convening" requires an authorized person to "call together" the Council for the express purposes of discussing or acting upon a matter of business, it seems that gatherings such as group photos or ceremonial appearances are not meetings subject to the Act.]

C. Notice of Meetings (§ 52-4-202)

The Council must give not less than 24 hours public notice of each meeting. The notice must include the:

1. agenda;
2. date;
3. time; and
4. place.

The notice must be:

1. posted (a) at the principal office of the Council and (b) on the Utah Public Notice Website created under Utah Code § 63F-1-701; and
2. provided either (a) to a newspaper of general circulation in Salt Lake City or (b) to a local media correspondent. This requirement is deemed satisfied by providing notice to a newspaper or local media correspondent under Utah Code § 63F-1-701(4)(d) [that may be a bad cross-reference].

In addition, the Council must give annual notice of its annual meeting schedule, specifying the date, time, and place of its scheduled meetings.

The Council is encouraged to develop and use additional electronic means of providing notice of its meetings.

The notice requirement does not apply to emergency meetings, as long as the Council gives the best notice practicable of the time and place of the emergency meeting and the topics to be considered at the emergency meeting. However, an emergency meeting may not be held unless the Council attempts to notify all Council members and a majority of the Council members approve holding the meeting.

D. Agendas (§ 52-4-202)

1. Degree of Specificity

A meeting notice that is required to include an agenda must provide reasonable specificity to notify the public as to the topics to be considered at the meeting. Each topic must be listed under an agenda item on the agenda. (§ 52-4-202(6)(a))

2. Consideration of Matters Not On the Agenda

Generally, the Council may not take final action on a topic in an open meeting unless the topic is (a) listed under an agenda item and (b) included in the advance public notice. (Note: This limitation does not apply to emergency meetings. (§ 52-4-202(6)(c))

Except with respect to emergency meetings, and at the discretion of the presiding member of the Council, a topic raised by the public may be discussed during an open meeting, even if the topic raised by the public was not included in the agenda or advance public notice for the meeting, but final action on the topic may not be taken by the Council at that time. (§ 54-2-202(6)(b))

E. Open Meetings (§ 52-4-201)

1. A meeting is open to the public unless closed pursuant to the Act. (Closed meetings are discussed in the next section.)

2. (a) An open meeting includes a workshop or an executive session in which a quorum is present, unless closed in accordance with the Act.

(b) A workshop or an executive session in which a quorum is present that is held on the same day as a regularly scheduled public meeting may only be

held at the location where the Council is holding the regularly scheduled public meeting unless:

(i) the workshop or executive session is held at the location where the Council usually holds its regularly scheduled public meetings but, for that day, the regularly scheduled public meeting is being held at different location;

(ii) any of the meetings held on the same day is a site visit or a traveling tour and proper public notice is given;

(iii) the workshop or executive session is a properly conducted electronic meeting; or

(iv) it is not practicable to conduct the workshop or executive session at the regular location of the Council's open meetings due to an emergency or extraordinary circumstances.

F. Closed Meetings (§ 52-4-204, 205)

(Practice point – please note the distinction between “executive session” and “closed session”: The Act uses the term “executive session” to refer to a type of open meeting. See the definition of “meeting” in 52-4-103 and the statement in 52-4-201 that “[a] meeting that is open to the public includes a workshop or an executive session” The latter reference explicitly includes an executive session as a kind of open meeting (without saying what it means by “executive session”). Therefore, we recommend that the Council refer to its closed meetings as “closed sessions” or “closed meetings.”

1. Purposes of Closed Meetings (§ 52-4-205)

a. Discussion of the character, professional competence, or physical or mental health of an individual;

b. Strategy sessions to discuss collective bargaining;

c. Strategy sessions to discuss pending or reasonably imminent litigation;

d. Strategy sessions to discuss the purchase, exchange, or lease of real property, including any form of water right or water shares, if public discussion of the transaction would:

(i) disclose the appraisal or estimated value of the property

- under consideration; or
 - (ii) prevent the City from completing the transaction on the best possible terms;
- e. Strategy sessions to discuss the sale of real property, including any form of water right or water shares, if:
 - (i) public discussion of the transaction would:
 - (A) disclose the appraisal or estimated value of the property under consideration; or
 - (B) prevent the City from completing the transaction on the best possible terms;
 - (ii) the City previously gave public notice that the property would be offered for sale; and
 - (iii) the terms of the sale are publicly disclosed before the City approves the sale;
- f. Discussion regarding deployment of security personnel, devices, or systems; and
- g. Investigative proceedings regarding allegations of criminal misconduct.

Closed meetings are also authorized for the Council to receive the advice of its legal counsel. See Utah Code § 78B-1-137(2) (attorney-client privilege).

2. Procedure for Closing Meetings (§ 52-4-204)

- a. An open meeting must be in session with a quorum present.
- b. Two-thirds of the Council members present must vote to approve closing the meeting.
- c. The meeting may be closed only to discuss a matter listed in § 52-4-205.
- d. The following information must be publicly announced and entered on the minutes:
 - (i) the reason or reasons for closing the meeting
 - (ii) the location of the closed meeting
 - (iii) the vote, by name, of each Council member, either for or against the motion to close the meeting.

G. Record of Meetings (§ 52-4-203, 206)

1. Open Meetings (§ 52-4-203)

Both written minutes and a recording (i.e., an audio or an audio and video record) must be kept of all open meetings.

[The Council has treated its dinners before or during Council meetings as “meetings,” at least to the extent of providing public notice of the dinners. If those dinners really are meetings, they must comply with the minutes and recording requirement.]

However, either written minutes or a recording is adequate if the meeting is a site visit or a traveling tour, if no vote or action is taken. Therefore, unless the Council is keeping both written minutes and a recording during a site visit or traveling tour, it should not take a vote or official action during that site visit or traveling tour.

The recording and minutes must include:

- (a) the date, time, and place of the meeting;
- (b) the names of the Council members present and absent;
- (c) the substance of all matters proposed, discussed, or decided by the Council which may include a summary of comments made by members of the Council;
- (d) a record, by individual Council member, of each vote taken by the Council;
- (e) the name of each person who is not a member of the Council and who, upon recognition by the presiding member of the Council, provided testimony or comments to the Council;
- (f) the substance, in brief, of the testimony or comments provided by the public under (e); and

(g) any other information that any Council member requests be entered in the minutes or recording.

The recording must be a complete and unedited record of all open portions of the entire meeting and be properly labeled or identified with the date, time, and place of the meeting.

The Council must require an individual who publicly presents or provides electronic information relating to an item on the agenda, to provide to the Council, at the time of the meeting, an electronic or hard copy of the electronic information for inclusion in the public record. “Electronic information” means information presented or provided in an electronic format. (This was added by the 2014 Legislature.)

Approved written minutes (not the recording) are the official record of the meeting.

Approval of Minutes

The Council must make pending minutes (i.e., draft minutes that haven’t yet been approved by the Council) available to the public within 30 days after holding the open meeting.

Within three business days after approving written minutes of an open meeting, the Council must post to the Utah Public Notice Website (created under Utah Code § 63F-1-701) and make available at the Council’s primary office a copy of the approved minutes and any public materials distributed at the meeting.

Within three business days after holding an open meeting, the Council must make an audio recording of the open meeting available to the public for listening.

The Council must establish and implement procedures for the approval of the written minutes of each meeting. The written minutes or the recording of an open meeting that are required to be retained permanently must be maintained in or converted to a format that meets long-term records storage requirements.*

*According to the municipal retention schedule, the written minutes must be retained permanently, and the recording must be retained for at least one year.

2. Closed Meetings (§ 52-4-206)

Except when a meeting is closed to discuss (a) the character, professional competence, or physical or mental health of an individual or (b) the deployment of security personnel, devices, or systems, the Council *must* make a recording of the closed meeting and *may* keep detailed written minutes that disclose the content of the closed meeting.

The recording and any minutes must include:

- (a) the date, time, and place of the meeting;
- (b) the names of the Council members present and absent; and
- (c) the names of all others present unless disclosure would infringe on the confidentiality necessary to fulfill the original purpose of closing the meeting.

The recording and the written minutes are protected records under GRAMA.

No recording or written minutes are required for a closed meeting to discuss (a) the character, professional competence, or physical or mental health of an individual or (b) the deployment of security personnel, devices, or systems.

The person presiding at such a meeting must sign a sworn statement affirming that the sole purpose for closing the meeting was to discuss those matters.

According to the municipal retention schedule, the written minutes must be retained permanently, and the recording must be retained for at least one year.

H. Electronic Meetings (§ 52-4-207)

1. Resolution, Rule, or Ordinance

The Council may not hold an electronic meeting unless it has adopted a resolution, rule, or ordinance governing the use of electronic meetings. *City Code § 2.06.030E satisfies this requirement.*

The resolution, rule, or ordinance may:

- a. prohibit or limit electronic meetings based on budget, public policy, or logistical considerations;
- b. require a quorum of the Council to: (i) be present at a single anchor location for the meeting; and (ii) vote to approve establishment of an electronic meeting in order to include other Council members through an electronic connection;
- c. require a request for an electronic meeting to be made by a Council member up to three days before the meeting to allow for arrangements to be made for the electronic meeting;
- d. restrict the number of separate connections for Council members that are allowed for an electronic meeting based on available equipment capability; or
- e. establish other procedures, limitations, or conditions governing electronic meetings not in conflict with § 52-4-207.

City Code § 2.06.030E provides that, generally, the Council may hold an electronic meeting only if a majority of a quorum of the Council is physically present at the physical location from which the electronic meeting originates or from which the Council members are connected to the electronic meeting.

2. Notice

The Council must:

- a. give public notice of the meeting in the usual way; and
- b. post written notice at the anchor location;
- c. in addition to giving such public notice, provide:
 - (i) notice of the electronic meeting to the Council members at least 24 hours before the meeting so that they may participate in and be counted as present for all purposes, including the determination that a quorum is present; and
 - (ii) a description of how the Council members will be

connected to the electronic meeting.

3. Anchor Locations

The Council must establish one or more anchor locations for the meeting, at least one of which is in the City & County Building (i.e., the building in which the Council normally meets).

The Council must provide space and facilities at the anchor locations so that interested persons and the public may attend and monitor the open portions of the meeting.

If comments from the public will be accepted during the meeting, the Council must provide space and facilities at the anchor location so that interested persons and the public may attend, monitor, and participate in the open portions of the meeting.

Electronic Messages

The Act does not restrict a Council member from transmitting an electronic message (such as email, instant messaging, or a text message) to other Council members at a time when the Council is not convened in an open meeting. (52-4-210)

I. Disruption of Meetings (§ 52-4-301)

The Act does not prohibit the removal of any person from a meeting if the person willfully disrupts the meeting to the extent that orderly conduct is seriously compromised.

J. Consequences of Violating Open Meeting Law (§§ 52-4-302 to 52-4-305)

Any final action taken in violation of certain provisions of the Act is voidable by a court. The suit must be commenced within 90 days after the date of the action (or 30 days in the case of the issuance of bonds, notes, or other evidence of indebtedness).

A court may not void final action for failure to post notice on the Utah Public Notice Website if the failure was the result of unforeseen Internet

hosting or communication technology failure and the Council otherwise complied with the public notice requirements.

The Attorney General and county attorneys shall enforce the Act. At least annually, the Attorney General's Office must give notice to the Council of any material changes to the requirements for the conduct of meetings.

A person denied a right under the Act may sue to compel compliance with or to enjoin violation of the Act, or to determine the Act's applicability to discussions or decisions of the Council.

A Council member who knowingly and intentionally violates or who knowingly or intentionally abets or advises a violation of the closed meeting provisions of the Act is guilty of a class B misdemeanor.

K. Relevant 2014 Changes

With respect to meetings, the definition of "convening" was slightly changed.

The requirement regarding the presentation of electronic information by an individual was added.