



## ROY CITY

### Roy City Council Work Session Agenda

June 16, 2015 – 6:00p.m.

Roy City Council Chambers

5051 South 1900 West

Moment of Silence and Pledge of Allegiance: Councilmember Becraft

1. Approval of June 2, 2015 City Council Minutes
- 6:00 p.m. 2. Public Hearing to Amend Fiscal Year 2015 Budget
3. Consideration of Resolution 15-7 Approving Adjustments to the Fiscal Year 2015 Budget
4. Consideration of Resolution 15-5 Adopting the Fiscal Year 2016 City Budget and Levying a Property Tax Revenue Rate
5. Consideration of Resolution 15-6 Approving a Development Agreement for the West Park Subdivision
6. Consideration of a Request for Conditional Use Approval for a Drive Up Window for an East Roy Retail Development Within an Existing Strip-Mall Type Building Located at 4800 S. 1900 W.
7. Consideration of a Request for Conditional Use Approval for a Drive Up Window for SH and Son's Sinclair C-Store, an Existing Vacant Building Located at 5190 S. 1900 W.
8. Consideration of an Agreement between Roy City Corporation and Ferguson Waterworks Meter and Automation Group for the Roy City Water Meter Upgrade Phase 1 Project – Roy City Contract Number 2015-8
9. City Managers Report
10. Public Comments
11. Mayor and Council Report
12. Adjourn

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AMY MORTENSON,  
ROY CITY RECORDER

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## MINUTES OF THE JUNE 2, 2015, ROY CITY COUNCIL MEETING

1. Approval of the May 19, 2015, minutes
2. Public hearing on the proposed Fiscal Year 2016 Budget
3. Consideration of Resolution No. 15-5 adopting the Fiscal Year 2016 Budget and levying a property tax revenue rate - tabled
4. Swearing in of new Police Officer Benjamin Pearson
5. Introduction of the Police Chief's Citizen Advisory Board
6. Consideration of Resolution No. 15-4 approving an amendment to the Interlocal Agreement between Weber County law enforcement agencies for the Ogden/Weber Civil Disorder Unit
7. Consideration of a request for approval of an alcoholic beverage license for Roy Sinclair located 5608 South 1900 West
8. Consideration of a request for approval of an alcoholic beverage license for Roy SH & Sons, Inc. located at 5190 South 1900 West
9. Consideration of a request for a conditional use to allow a pole sign with an EMC component at City Hall at 5051 South 1900 West
10. Consideration of Resolution No. 15-6 approving a development agreement for the West Park Subdivision – tabled
11. City Manager's report
12. Public comments
13. Mayor and Council reports
14. Adjourn

Minutes of the Roy City Council Meeting held June 2, 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 Pro-Tem Dave Tafoya  
Councilwoman Marge Becraft  
Councilman John Cordova  
Councilman Brad Hilton

City Manager Andy Blackburn  
City Attorney Clint Drago  
Secretary Michelle Drago

Excused: Mayor Willard Cragun and Councilwoman Karlene Yeoman

Also present were: Ross Oliver, Public Works Director; Cathy Spencer, Management Services Director; Amy Mortenson, City Recorder; Carl Merino, Police Chief; Jason Poulsen, Fire Chief; Steve Parkinson, Planner; Travis Flint, Parks & Recreation Director; Rachel Trotter; Benjamin Pearson; Jessica Pearson; Curtis Mortenson; Masyn Nay; Torres Brand; Connie Brand; Brian Fowers; Brooke Stewart; Ron Nichols; Jim Smith; Michael Buckley; Ken Johnson; D.L. Thurman; and Boy Scout Troop 21.

Moment of Silence: Councilman Cordova

Pledge of Allegiance: Boy Scout Troop 21.

1. APPROVAL OF THE MAY 19, 2015, MINUTES

**Councilwoman Becraft moved to approve the minutes of May 19, 2015, as written. Councilman Hilton seconded the motion. Council members Becraft, Cordova, Hilton, and Tafoya voted “aye.” The motion carried.**

2. PUBLIC HEARING ON THE PROPOSED FISCAL YEAR 2016 BUDGET

**Councilman Hilton moved to open the public hearing at 6:02 p.m. Councilman Cordova seconded the motion. Council members Becraft, Cordova, Hilton, and Tafoya voted “aye.” The motion carried.**

Cathy Spencer, Management Services Director, stated that the tentative Fiscal Year 2016 Budget was presented to the City Council on May 5<sup>th</sup>. The operating and debt service budgets for FY 2016 were:

General Fund	\$15,125,107
Class C Roads	\$1,463,000
Capital Projects	\$257,025

Water & Sewer Fund	\$7,901,605
Storm Water Utility Fund	\$1,332,000
Solid Waste Fund	\$2,131,500
Storm Sewer Development Fund	\$20,740
Park Development Fund	\$20,600
Cemetery Perpetual	-

The budget did not have a lot of changes from prior years. The 2015 Budget did include a 3% increase in sales tax revenue, but did not include a property tax increase or fee schedule changes. There would be a little less revenue from the recreation programs as participation in those programs had decreased. The staff was working to keep the recreational programs viable. The City would no longer receive revenue from the sale of cemetery lots as all of the lots had been sold. The City would still receive revenue from burials. There was not an increase in health insurance rates for the employees. The budget included three part-time positions in Public Works and Finance, a 2.5% COLA and a 1% merit increase. Ms. Spencer said the Water and Sewer Fund had rate increases for both water and sewer due to increases from North Davis Sewer and the City's water carrier. Those increases were being passed on. There was a rate increase being projected in the Solid Waste Fund as recycling would probably fall below the required 75% participation rate. Rates from Waste Management would increase, as well as tipping fees. The fee for the first garage can would be increasing \$0.17; recycling cans were increasing \$0.23. The City could potentially change the rate structure and place the brunt of the increase in the first cans for those who did not participate in the recycling program. Then the increase would not fall back on those who were participating in recycling and keeping landfill costs down. Ms. Spencer said most of the request capital was funded. The City was trying to fund the exceptions in the current fiscal year.

Councilman Cordova stated that the whole purpose of the recycling program was to reduce the City's landfill costs. The reason Waste Management was increasing its fees was due to citizens opting out of the recycling program. He proposed that those who chose to not participate in the recycling program bear the brunt of the increase.

Cathy Spencer stated that in the first two days of June 41 people had opted out of the recycling program. There were still 3½ weeks left in the month. Councilman Cordova said the response to the recycling program had been the opposite of what the Council hoped would happen. There wasn't a penalty for opting out.

Councilman Hilton agreed with Councilman Cordova. Those who were participating in recycling should not be penalized.

Mayor Pro-Tem Tafoya asked about Waste Management's contract. Andy Blackburn said Waste Management's contract spelled out the rates if recycling participation dropped

below 75%. Mayor Pro-Tem felt the Council should discuss Waste Management's contract.

Councilman Hilton was concerned that the only increase projected in the budget was a 3% sales tax increase, and there was a decrease projected in Recreation. He felt the Council needed to really look at the future, especially regarding raises. The budget predicted a 3% sales tax increase, but included a 3.5% increase in raises. He would like to discuss the future before approving the budget.

Cathy Spencer stated that the decrease in Recreation revenue was not as significant as the increase projected in sales tax revenue. New homes were being built in Roy. Property taxes revenue would increase. Ongoing sales tax revenue was not a large part of the budget.

Councilman Hilton understood that the Recreation fees were not a major player, but he wanted to make sure where the City was headed before it go too far down the path.

Cathy Spencer did not feel the ongoing tax revenues would decrease unless there was another recession, which no one could predict. Property taxes would not increase significantly, but neither would wages. The COLA and merits would not be in the budget if the expense could not be covered.

Mayor Pro-Tem Tafoya stated that Roy City had the most conservative budget in the State. He trusted Cathy Spencer implicitly with the City's funds. The City needed to take care of the people who took care of the City. When times were tough, the employees were the first to get dinged. Times were better, and the expert in the field said there were funds to cover wage increases. Ms. Spencer had been with the City for over 20 years. She had always kept the City very fiscally responsible.

Councilman Cordova said the employees understood what happened during the tough years of the recession. Some said they knew the City would take care of them when it could.

Councilman Cordova asked how long it had been since the employees had a raise. Cathy Spencer said the last full raise and COLA was in 2008. Last year the City approved a 1% COLA. There were some bonuses between 2008 and 2016. Councilman Cordova said the City needed to make sure it was retaining its employees.

Mayor Pro-Tem opened the floor for public comments. There were none.

**Councilman Cordova moved to close the public hearing at 6:13 p.m. Councilwoman Becraft seconded the motion. Council members Becraft, Cordova, Hilton, and Tafoya voted "aye." The motion carried.**

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

**Councilman Cordova moved to table consideration of Resolution No. 15-5 until June 16<sup>th</sup> when the full Council would be in attendance. Councilman Hilton seconded the motion. Council members Becraft, Cordova, Hilton, and Tafoya voted “aye.” The motion carried.**

4. SWEARING IN OF NEW POLICE OFFICER – BENJAMIN PEARSON

Police Chief Carl Merino introduced the Police Department's newest officer - Benjamin Pearson. Benjamin was fresh from the Police Academy. He was an Afghanistan veteran from the Army.

Benjamin Pearson stated that he was from Ogden. He was very excited to join the Roy Police Department and was ready to get to work. He introduced his wife Jessica and other family members.

Amy Mortenson, City Recorder, swore in Benjamin Pearson.

5. INTRODUCTION OF THE POLICE CHIEF'S CITIZEN ADVISORY BOARD

Police Chief Merino stated that during his interview he discussed setting up a citizen's advisory board. It was not a disciplinary committee; it was an advisory board. It was a community policing initiative. It was something to help the Police Department keep in closer contact with the community, and to get their input on what the Police Department did. He asked Council members to submit names for the board. Chief Merino introduced members of the Citizen Advisory Board: Brian Fowers, Bill Fuchs, Torres Brand, Brooke Stewart, Ron Nichols, Jim Smith, Michael Buckley, and Kent Johnson.

The Council greeted members of the Citizen Advisory Board who were in attendance.

Mayor Pro-Tem felt the advisory board was an exciting thing. It involved the general public in something positive.

6. CONSIDERATION OF RESOLUTION NO. 15-4 APPROVING AN AMENDMENT TO THE INTERLOCAL AGREEMENT BETWEEN WEBER COUNTY LAW ENFORCEMENT AGENCIES FOR THE OGDEN/WEBER CIVIL DISORDER UNIT

Police Chief Merino stated that shortly after the Council approved the interlocal agreement establishing the Ogden/Weber Civil Disorder Unit, he received notification of a minor change. The requested change gave the agencies involved more flexibility.

**Councilwoman Becraft moved to approve Resolution No. 15-4 approving an amendment to the interlocal agreement between Weber County law enforcement agencies for the Ogden/Weber Civil Disorder Unit. Councilman Hilton seconded the motion. A roll call vote was taken: Council members Cordova, Tafoya, Becraft, and Hilton voted “aye.” The motion carried. (Copy filed for record).**

7. CONSIDERATION OF A REQUEST FOR APPROVAL OF AN ALCOHOLIC BEVERAGE LICENSE FOR ROY SINCLAIR LOCATED AT 5608 SOUTH 1900 WEST

**Councilman Cordova moved to approve an alcoholic beverage license for Roy Sinclair located at 5608 South 1900 West. Councilman Hilton seconded the motion. Council members Becraft, Cordova, Hilton, and Tafoya voted “aye.” The motion carried.**

8. CONSIDERATION OF A REQUEST FOR APPROVAL OF AN ALCOHOLIC BEVERAGE LICENSE FOR ROY SH & SONS, INC. LOCATED AT 5190 SOUTH 1900 WEST

**Councilman Cordova moved to approve an alcoholic beverage license for SH & Sons, Inc. located at 5190 South 1900 West. Councilman Hilton seconded the motion. Council members Becraft, Cordova, Hilton, and Tafoya voted “aye.” The motion carried.**

9. CONSIDERATION OF A REQUEST FOR APPROVAL OF A CONDITIONAL USE TO ALLOW A POLE SIGN WITH AN EMC COMPONENT AT CITY HALL LOCATED AT 5051 SOUTH 1900 WEST

Steve Parkinson stated that Roy City was requesting approval of a conditional use for a pole sign with an EMC component. The new sign would be located in front of the Municipal Building located at 5051 South 1900 West. Part of the City’s sign regulations said that a sign for a public and quasi-public use was exempt; another part said an EMC component for a public or quasi-public use was a conditional use. On May 26<sup>th</sup>, the Planning Commission held a public hearing to consider the City’s conditional use request. The Planning Commission recommended that the City Council approval a conditional use for an EMC component for Roy City based on the staff’s findings and subject to the conditions recommended by the staff.

Councilman Cordova stated that the sign had to be at least 10 feet from the power lines running in front of the Municipal Building. He asked Mr. Parkinson to make sure the sign was not in violation of the distance requirements. Steve Parkinson said he would double check. The sign was 17 feet 6 inches, which was short of the 20 feet allowed. The sign also had to be located 15 feet from the back of sidewalk.

Councilman Hilton felt the new sign would be a great addition to the City.

Mayor Pro-Tem Tafoya explained to the audience that the City was replacing the existing sign in front of the Municipal building with a new sign that contained an EMC component. The EMC could be read from either direction. The City felt the EMC would be a great information tool.

**Councilman Hilton moved to approve a conditional use for a pole sign with an EMC component located at 5051 South 1900 West based on the staff’s findings and**

**subject to the conditions recommended by the staff and Planning Commission. Councilwoman Becraft seconded the motion. Council members Becraft, Cordova, Hilton, and Tafoya voted “aye.” The motion carried.**

Councilwoman Becraft asked how soon the sign would be installed. Ross Oliver said it would be done within 45 days.

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

Steve Parkinson stated that the City entered into a development agreement with D. R. Horton for the West Park Crossing Subdivision. Now a new developer was proposing to complete the subdivision, the City needed to enter into a development agreement. The only changes to the agreement were the name of the developer, the number of lots, and the exhibits at the end of the agreement. The rest of the language would remain the same. The agreement still specified that the developer would pay the City \$60,000 toward the construction of a roundabout.

Councilman Cordova was concerned about the traffic movements discussed in Item 6.1. He wanted to make sure the agreement reflected the turning movements as discussed during the subdivision's approval. He wanted to make sure the City did this right and did not cause additional obstacles on 4800 South.

Steve Parkinson stated that the three-quarter subdivision entrance was the one proposed in the traffic study. The subdivision would have right in, right out, and left in turning movements. There would be a concrete meridian in 4800 South to help traffic from 2700 West to merge with westbound traffic. The meridian would also prevent traffic from turning left into and out of the subdivision.

Councilman Cordova felt the traffic movements described by Mr. Parkinson were different than what was approved by the City Council. He asked to see a rendition of the traffic movements. Mr. Parkinson said Exhibit C of the agreement would show the traffic movements.

Clint Drake, City Attorney, stated that the only changes to the development agreement were the name of the developer from D.R. Horton to KW Advisors; the number of residential units from 155 to 72; and the exhibits.

Mayor Pro-Tem asked how the agreement addressed the Council's traffic concerns. Mr. Drake said the agreement was subject to approval by the City Council. The staff would make sure there was an exhibit attached to the agreement reflecting the approved traffic movements.

Clint Drake stated that the Council could change the language of the development agreement if it chose. If the Council was comfortable with the approved traffic movement and proper signage, it could approve the agreement.

Councilman Cordova wanted to see an aerial of the traffic movements before the agreement was approved. He wanted to make sure the traffic movement was what was originally approved.

Steve Parkinson said he would bring back a rendition of the traffic movements.

**Councilman Cordova moved to table consideration of Resolution No. 15-6 until the next Council meeting in order to allow the staff to present an exhibit of the traffic movement. Councilwoman Becraft seconded the motion. Council members Becraft, Cordova, Hilton, and Tafoya voted “aye.” The motion carried.**

#### 11. CITY MANAGER’S REPORT

Andy Blackburn felt the Council needed to hold another budget work session before the next Council meeting. The Council agreed to hold a work session on Tuesday, June 9<sup>th</sup>, at 5:30 p.m. at the Hope Center.

Andy Blackburn reported that work had begun to add water and power to West Park for Roy Days. Staker Parson was overlaying 5950 South 2000 West. The City was still projecting that work would start on the 4800 South roundabout on August 3<sup>rd</sup>.

Andy Blackburn stated that Randy Sant wanted to meet with the Economic Development Committee to go over ideas. He asked that the committee members forward him available dates so he could get a meeting scheduled.

Andy Blackburn stated that a girl’s softball tournament would be held at West Park on June 11<sup>th</sup>, 12<sup>th</sup>, and 13<sup>th</sup>.

Andy Blackburn stated that Saturday, June 13<sup>th</sup> would be RAMP Day at the Roy Aquatic Center. All entrance fees during the regular house from 11:00 a.m. to 5:00 p.m. day would be provided by RAMP.

Andy Blackburn stated that he wanted to get Employee of the Month recognition back on track by recognizing Amy Mortenson, the City Recorder. She was always pleasant to be around and made everyone feel better about their job. She drew people to her because of her positive attitude and her pleasant demeanor. She never questioned what she was asked to do. When she was given a task, she did it immediately. Because of her position, she was in regular contact with the public, the news media, Council member, department heads, and employees. Sometimes she got in pretty heated situations, but she listened and treated everyone with dignity and respect, regardless of who they were. Recently Comcast asked Roy City to participate in Comcast Cares Day, which was the third time in the last five years. Comcast had problems with another city that was participating, so they approached Roy City at the last minute. Amy Mortenson assured Comcast that the City could handle it. She organized everything and put it all together. It was a great success. When the *Standard Examiner* did the transparency audit of cities, Roy City did not do to well. Amy looked into their complaints and immediately responded. The newspaper said Roy’s response to criticism should earn it an A+ for effort. Amy’s

recognition was long overdue. Everyone was better for working with her. She really made Roy City look good.

Mr. Blackburn presented Amy Mortenson with a recognition plaque.

Mayor Pro-Tem stated that Amy's recognition couldn't be placed on the agenda as she prepared the agenda. The Council would have unanimously approved Amy's recognition if it had been an agenda item. The Council appreciated all she did for the City.

Amy Mortenson introduced her husband Curtis, her son Masyn, and other family members in attendance.

#### 12. PUBLIC COMMENTS

D.L. Thurman, 4958 South 3100 West, stated that he owned the barn and home located at 2730 West 4800 South. He asked the Council to really, really look at the traffic movement for the West Park Subdivision. He didn't have a problem with the subdivision, but he felt access to the subdivision was unsafe. Mayor Pro-Tem Tafoya said the City had the same concerns. It was reviewing the traffic movement again before it approved the development agreement.

#### 13. MAYOR AND COUNCIL REPORTS

Councilman Cordova stated that the City had a dog park around 5800 South and 3260 West. He suggested that the City consider making the detention pond on 4800 South into a dog park as well. He didn't feel the City would have to invest a lot of money to do so; possibly a gate. Mr. Blackburn said the staff would look into it and report back to the Council.

#### 14. ADJOURN

**Councilman Cordova moved to adjourn the Council meeting at 6:46 p.m. and convene a Redevelopment Agency Meeting. Councilwoman Becraft seconded the motion. Council members Becraft, Cordova, Hilton, and Tafoya voted "aye." The motion carried.**

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Dave Tafoya, Mayor Pro-Tem

Attest:

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Amy Mortenson, Recorder



# Memorandum

**To:** Mayor Cragun, and Members of the Roy City Council  
**From:** Cathy Spencer  
**Date:** 6/11/2015  
**Re:** Budget Adjustments

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The City Administration and City Council met in a work session in May to discuss the financial status of the City. One topic was the amount available in fund balance reserves and what level the City Council would like to see the balance set at. The maximum level allowed by State statute is 25%, and it seemed to be the feeling of the Council that a level of 18% would be reasonable to try and maintain.

The following adjustments are being proposed to the FY 2015 budget to lower the General Fund reserved to 18%. In addition, there are a few adjustments related to personnel, revenue estimates, and operating expenditures.

## General Fund

FY 2015 revenue estimates were reviewed to determine if changes were needed as the year comes to a close. Adjustments are proposed to better reflect revenue expected for the year, including:

- \$15,000 reduction in Telecom Gross Receipts.
- \$15,000 reduction in Questar Franchise Tax; likely due to the mild winter.
- \$15,000 reduction in Weber County Paramedic Tax; estimate was based on the higher revenue received in 2014, which was not renewed for 2015.
- \$40,000 increase in Pacificorp Franchise Tax; original estimate low.
- \$14,000 increase in Business Licenses; collecting on past due landlord fees.
- \$28,000 increase in Building Permits; commercial construction including the Weber County Library.
- \$10,000 increase in Plan Check Fees; includes the Weber County Library.
- \$3,500 increase in Code Enforcement Fines; taking more cases to court.
- \$5,500 reduction in Parking Violations; fewer winter parking tickets written.
- \$30,000 reduction in Aquatic Center Admissions and Concessions; fewer customers.
- \$15,000 reduction in Recreation Complex Admissions; fewer customers.
- \$15,000 increase in Justice Court Fines; increased efforts to collect outstanding amounts.
- \$5,000 increase in Interest Earned; higher cash balance.
- \$7,500 reduction in Facility Rental.

- \$7,700 increase in Sale of Fixed Assets; sold a Police Department motorcycle which will no longer be used.
- \$9,875 increase in Weber School District funding for resource officer; contract amount increased in FY 2014.
- \$108,000 reduction in RAMP funding for George Wahlen North Park; grant not awarded to the City.
- \$3,300 reduction in EMS and Per Capital Grant funding for the Fire Department; grants not awarded or awarded at different amounts.
- \$7,000 reduction in Cemetery Lot Sales; no more lots available.

The net effect of the revenue adjustments is a decrease of \$85,858.

In order to reduce the fund balance reserves for the General Fund to approximately 18%, the following adjustments are proposed:

- \$100,000 transfer to the Capital Projects Beautification Fund to landscape the freeway entrances and exits.
- \$123,000 to purchase radios for the Fire Department to comply with new communications requirements.
- \$6,000 to upgrade the recording system in the City Council Chambers.
- \$5,000 to upgrade the electrical system at West Park to allow for Roy Days activities this summer.
- \$20,000 for cameras in the Parks.
- \$80,000 to slurry seal parking lots at the Municipal and Public Works buildings.
- \$22,000 to repair and upgrade the camera system at the Aquatic Center.
- \$28,000 transfer to the Capital Projects Beautification Fund to replace the fencing along 1900 West and the Ogden Airport.
- \$70,750 to pay a 1% bonus to full-time and permanent part-time employees. The bonus will be calculated on regular wages from 07/12/14 to 06/12/15 and will be paid on the July 3, 2015 payroll.
- \$600,000 transfer to the Capital Projects Parks & Recreational Facilities Fund for construction of Phase II of the George Wahlen North Park relocation.

The total reduction in fund balance reserves for the above items is \$1,054,750.

The expenditures of the General Fund were also reviewed for year end. Proposed funding changes include:

- \$19,900 increase in employee benefits (worker's compensation, health insurance, K-9 stipend) not previously budgeted for.
- \$22,400 decrease in wages and benefits previously budgeted for an employee retirement. The employee changed their retirement date to next fiscal year.
- \$22,000 to replace an Animal Control vehicle for which repair costs exceed vehicle value.
- \$7,700 from the sale of a motorcycle used partially fund a new unmarked vehicle.
- \$3,700 reduction in grant expenditures for the Fire Department; grants not awarded or awarded for different amounts.
- \$4,000 additional funding for utilities at the Recreation Complex.
- \$3,700 additional funding for property leases in the Parks Department.
- \$114,800 reduction in funds set aside for the FY 2015 merit and COLA. The original budget estimate was greater than the actual amount needed for the compensation to employees.
- \$108,000 reduction in RAMP expenditures in the Parks Department; grant not awarded.

The net change in expenditures is a decrease of \$86,775, and covers the decrease in revenues of \$85,858.

#### Capital Projects Fund

The changes to the Capital Projects Fund reflect transfer from the General Fund. The adjustments include:

- \$600,000 for Phase II of the George Wahlen North Park realignment.
- \$100,000 to landscape the freeway entrances and exits at I-15 and 5600 South.
- \$28,000 to replace the fencing on 1900 West and the Ogden Airport.

These projects will likely not be engineered and underway until later in FY 2016. Should projects of a higher priority be determined, the funds could be moved within the various capital projects for use.

#### Utility Enterprise Fund

The revenue projections for the Water and Sewer Utility Enterprise Fund were reviewed. Some adjustment are proposed to better reflect revenue flows for the year and include:

- \$50,000 reduction in Metered Water Sales; usage down.
- \$30,000 increase in Sewer Service Charges; new fees charged by Central Weber and North Davis Sewer Districts.
- \$5,000 increase in Miscellaneous Revenue; shut off fees and ownership transfers are up.
- \$8,000 increase in Capital Improvements Fees.
- \$7,500 increase in Water Impact Fees; construction of the Weber County Library.
- \$2,500 reduction in Water Connection Fees; new home construction is low.

The net effect of the revenue adjustments is a decrease of \$2,000.

The fund expenses were also reviewed for the end of the year. Proposed adjustments to the Water and Sewer Fund expenses include:

- \$185,000 reclassification of the cost of installing new meter with radio read technology from Capital to Meters. It was anticipated that the software costs would be higher and was the reason the initial budget was put in capital. With the bid process complete, only a small portion represents capital, the remainder is for meters and installation, which is considered an expense.
- \$3,100 increase in employee compensation for transfers of personnel and an adjustment for retirement benefits.
- \$3,900 increase in employee compensation for a 1% bonus to full-time and permanent part-time employees.
- \$37,000 decrease in depreciation due to the reclassification of capital expenses noted above.

The change in expenses will be covered by a transfer from retained earnings of \$155,081.

#### Storm Water Utility Enterprise Fund

The revenue projections for the Storm Water Utility Enterprise Fund were reviewed for the fiscal year. An additional \$7,000 is proposed to the Charges for Services.

On the expense side, and increase of \$1,885 in employee compensation for an adjustment to retirement benefits and a 1% bonus to full-time and permanent part-time employees is proposed.

The net effect of the adjustments is an increase to retained earnings of \$5,115.

Solid Waste Utility Enterprise Fund

The revenue estimates were reviewed for the end of the year. The budget appears high for both Solid Waste Collection and Recycling. The accounts were adjusted downward by \$3,000 and \$7,000 respectively.

The net effect of the adjustments is a decrease to retained earnings of \$10,000.

Internal Service Fund

The proposed budget adjustments include a transfer from the General Fund's Justice Court to Information Technology of \$2,100.

Adjustments to the expenses of the Information Technology Fund include:

- \$2,100 to purchase document imaging software for the Justice Court.
- \$1,554 increase in employee compensation for an adjustment to retirement benefits and a 1% bonus for full-time employees.
- \$700 increase in depreciation for the document imaging software.

The adjustment noted above will require a draw from retained earnings of \$154.

Storm Sewer Development Fund

A review of the revenue was performed and an increase of \$45,000 in proposed. This is the result of the construction of the Weber County Library.

The increase in revenue will reduce the amount of fund balance budgeted for use on projects.

Cemetery Perpetual Fund

The revenue of the Cemetery Fund was reviewed. The City has no more lots available for sale, therefore revenue should be reduced. An adjustment of \$4,500 is proposed.

The revenue reduction will result in a reduction of funds added to fund balance reserves.

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If you have any question with regard to the budget adjustments proposed, please give me a call. Resolution No. 15-\_\_ has been prepared for your consideration in regards to the adjustments.

ROY CITY CORPORATION  
 INTERIM BUDGET ADJUSTMENT REPORT  
 GOVERNMENTAL FUND TYPES  
 For the Period Ended June 30, 2015

GENERAL FUND INCLUDING CLASS C ROADS

	Beginning Fiscal Budget	Proposed Adjustments	Adjusted Fiscal Budget	YTD Actual	% of Budget
Revenue and other financing sources:					
Taxes	10,465,460.00	( 5,000.00)	10,460,460.00	8,501,169.37	81.27
Licenses and Permits	320,200.00	42,000.00	362,200.00	371,856.48	102.67
Intergovernmental	1,431,782.76	( 98,558.00)	1,333,224.76	949,478.96	71.22
Charges for services	2,708,775.00	( 42,000.00)	2,666,775.00	2,313,693.39	86.76
Fines and forfeitures	743,000.00	12,500.00	755,500.00	752,559.48	99.61
Miscellaneous revenue	344,364.00	5,200.00	349,564.00	331,879.29	94.94
Contributions	.00	.00	.00	.00	.00
Transfer in from other funds	304,700.00	.00	304,700.00	304,700.00	100.00
Budgeted use of fund balance	1,416,864.00	949,821.16	2,366,685.16	.00	.00
Total revenue and other financing sources	<u>17,735,145.76</u>	<u>863,963.16</u>	<u>18,599,108.92</u>	<u>13,525,336.97</u>	<u>72.72</u>
Expenditures and other financing uses:					
General government	2,872,619.00	( 126,941.84)	2,745,677.16	2,442,169.18	88.95
Public safety	7,858,296.41	39,693.00	7,897,989.41	6,926,594.07	87.70
Highways and public improvements	1,831,914.11	31,016.00	1,862,930.11	1,232,819.58	66.18
Parks and recreation	2,170,698.02	16,893.00	2,187,591.02	1,780,007.54	81.37
Economic development	353,683.22	1,873.00	355,556.22	300,456.14	84.50
Principal and interest	118,509.00	.00	118,509.00	118,390.50	99.90
Capital outlay	1,088,234.00	91,330.00	1,179,564.00	721,232.16	61.14
Transfers out to other funds	1,439,692.00	730,100.00	2,169,792.00	1,390,164.20	64.07
Other	1,500.00	.00	1,500.00	.00	.00
Total expenditures and other financing uses	<u>17,735,145.76</u>	<u>783,963.16</u>	<u>18,519,108.92</u>	<u>14,911,833.37</u>	<u>80.52</u>
Excess (deficiency) of revenues and other financing sources over expenditures and other financing uses	<u>.00</u>	<u>80,000.00</u>	<u>80,000.00</u>	<u>( 1,386,496.40)</u>	

ROY CITY CORPORATION  
 INTERIM BUDGET ADJUSTMENT REPORT  
 GOVERNMENTAL FUND TYPES  
 For the Period Ended June 30, 2015

CAPITAL PROJECTS FUND

	Beginning Fiscal Budget	Proposed Adjustments	Adjusted Fiscal Budget	YTD Actual	% of Budget
Revenue and other financing sources:					
G/F transfer - Fire and rescue	185,500.00	.00	185,500.00	185,500.00	100.00
G/F transfer - Parks and recreation	340,025.00	600,000.00	940,025.00	340,025.00	36.17
G/F transfer - Aquatic center	.00	.00	.00	.00	.00
G/F transfer - Administrative	.00	.00	.00	.00	.00
Transfer from other project fund	.00	.00	.00	.00	.00
G/F contribution - capital improvements plan	617,000.00	128,000.00	745,000.00	617,000.00	82.82
Budgeted use of fund balance	632,000.00	.00	632,000.00	.00	.00
<hr/>					
Total revenue and other financing sources	1,774,525.00	728,000.00	2,502,525.00	1,142,525.00	45.65
<hr/>					
Expenditures and other financing uses:					
Capital facilities expansion	617,000.00	128,000.00	745,000.00	132,707.38	17.81
Fire & rescue equipment & facilities	185,500.00	.00	185,500.00	177,513.53	95.69
Parks & recreation equipment & facilities	900,500.00	600,000.00	1,500,500.00	5,269.51	.35
Aquatic center equipment replacement & exp	.00	.00	.00	.00	.00
Transfer to other project fund	.00	.00	.00	.00	.00
Residual equity transfer to general fund	.00	.00	.00	.00	.00
Budgeted increase in administrative capital b	.00	.00	.00	.00	.00
Budgeted increase in fire & rescue capital bal	.00	.00	.00	.00	.00
Budgeted increase in parks & recreation capit	71,525.00	.00	71,525.00	.00	.00
Budgeted increase in aquatic center capital b	.00	.00	.00	.00	.00
<hr/>					
Total expenditures and other financing uses	1,774,525.00	728,000.00	2,502,525.00	315,490.42	12.61
<hr/>					
Excess (deficiency) of revenue and other financing sources over expenditures and other financing uses	.00	.00	.00	827,034.58	

ROY CITY CORPORATION  
 INTERIM BUDGET ADJUSTMENT REPORT  
 ENTERPRISE FUND  
 For the Period Ended June 30, 2015

WATER AND SEWER UTILITY

	Beginning Fiscal Budget	Proposed Adjustments	Adjusted Fiscal Budget	YTD Actual	% of Budget
Revenue:					
Operating revenue:					
Charges for services	5,305,000.00	( 20,000.00)	5,285,000.00	4,528,822.33	85.69
Connection, lift and improvement fees	866,000.00	5,500.00	871,500.00	741,039.12	85.03
Impact fees	7,800.00	7,500.00	15,300.00	16,760.00	109.54
Grant revenue	.00	.00	.00	.00	.00
Miscellaneous revenue	188,000.00	5,000.00	193,000.00	169,790.57	87.97
Contributions and transfers	.00	.00	.00	.00	.00
Budgeted use of retained earnings	51,050.25	157,081.00	208,131.25	.00	.00
Non-operating revenue:					
Interest income	.00	.00	.00	74.36	.00
Gain (loss) on sale of assets	.00	.00	.00	.00	.00
<hr/>					
Total operating and non- operating revenue	6,417,850.25	155,081.00	6,572,931.25	5,456,486.38	83.01
<hr/>					
Expenses:					
Operating expenses:					
Personnel	1,284,100.25	7,081.00	1,291,181.25	1,128,970.86	87.44
Materials and supplies	4,117,810.00	185,000.00	4,302,810.00	3,326,810.87	77.32
Depreciation	768,200.00	( 37,000.00)	731,200.00	582,986.14	79.73
Non-operating expenses:					
Interest and fees on bonds	247,740.00	.00	247,740.00	247,740.00	100.00
Budgeted increase in retained earnings	.00	.00	.00	.00	.00
<hr/>					
Total operating and non- operating expenses	6,417,850.25	155,081.00	6,572,931.25	5,286,507.87	80.43
<hr/>					
Net Income	.00	.00	.00	169,978.51	

ROY CITY CORPORATION  
 INTERIM BUDGET REPORT  
 ENTERPRISE FUND  
 For the Period Ended June 30, 2015

STORM WATER UTILITY

	Beginning Fiscal Budget	Proposed Adjustments	Adjusted Fiscal Budget	YTD Actual	% of Budget
Revenue:					
Operating revenue:					
Charges for services	828,000.00	7,000.00	835,000.00	718,800.44	86.08
Grants from local sources	.00	.00	.00	.00	.00
Contributions and transfers	.00	.00	.00	.00	.00
Total operating revenue	<u>828,000.00</u>	<u>7,000.00</u>	<u>835,000.00</u>	<u>718,800.44</u>	86.08
Expenses:					
Operating expenses:					
Personnel	186,088.37	1,885.00	187,973.37	160,053.92	85.15
Materials and supplies	241,905.00	.00	241,905.00	188,347.08	77.86
Depreciation	101,105.00	.00	101,105.00	68,843.49	68.09
Non-operating expenses:					
Budgeted increase in retained earnings	298,901.63	5,115.00	304,016.63	.00	.00
Total operating and non- operating expenses	<u>828,000.00</u>	<u>7,000.00</u>	<u>835,000.00</u>	<u>417,244.49</u>	49.97
Net Income	<u>.00</u>	<u>.00</u>	<u>.00</u>	<u>301,555.95</u>	

ROY CITY CORPORATION  
 INTERIM BUDGET REPORT  
 ENTERPRISE FUND  
 For the Period Ended June 30, 2015

SOLID WASTE UTILITY

	Beginning Fiscal Budget	Proposed Adjustments	Adjusted Fiscal Budget	YTD Actual	% of Budget
Revenue:					
Operating revenue:					
Charges for services	1,658,000.00	( 3,000.00)	1,655,000.00	1,379,961.78	83.38
Recycling revenue	450,000.00	( 7,000.00)	443,000.00	369,839.81	83.49
Other revenue	1,500.00	.00	1,500.00	3,469.43	231.30
Total operating revenue	2,109,500.00	( 10,000.00)	2,099,500.00	1,753,271.02	83.51
Expenses:					
Operating expenses:					
Personnel	138,065.47	.00	138,065.47	109,466.23	79.29
Materials and supplies	1,631,124.00	.00	1,631,124.00	1,331,377.84	81.62
Depreciation	84,000.00	.00	84,000.00	69,994.59	83.33
Non-operating expenses:					
Budgeted increase in retained earnings	256,310.53	( 10,000.00)	246,310.53	.00	.00
Total operating and non- operating expenses	2,109,500.00	( 10,000.00)	2,099,500.00	1,510,838.66	71.96
Net Income	.00	.00	.00	242,432.36	

ROY CITY CORPORATION  
INTERIM BUDGET ADJUSTMENT REPORT  
INTERNAL SERVICE FUNDS  
For the Period Ended June 30, 2015

	Beginning Fiscal Budget	Proposed Adjustments	Adjusted Fiscal Budget	YTD Actual	% of Budget
<b>INFORMATION TECHNOLOGY</b>					
Operating revenue:					
Charges for services	371,458.00	2,100.00	373,558.00	309,548.30	82.86
Miscellaneous revenue	.00	.00	.00	.00	.00
Budgeted use of retained earnings	.00	.00	.00	.00	.00
Non-operating revenue:					
Gain (loss) on sale of assets	.00	.00	.00	.00	.00
Total revenue	<u>371,458.00</u>	<u>2,100.00</u>	<u>373,558.00</u>	<u>309,548.30</u>	<u>82.86</u>
Operating expenses:					
Personnel	165,698.11	1,554.00	167,252.11	151,370.95	90.50
Materials and supplies	127,143.00	.00	127,143.00	116,567.33	91.68
Depreciation	70,400.00	700.00	71,100.00	54,046.17	76.01
Non-operating expenses:					
Budgeted increase in retained earnings	8,216.89	( 154.00)	8,062.89	.00	.00
Total expenses	<u>371,458.00</u>	<u>2,100.00</u>	<u>373,558.00</u>	<u>321,984.45</u>	<u>86.19</u>
Net Income	<u>.00</u>	<u>.00</u>	<u>.00</u>	<u>( 12,436.15)</u>	
<b>RISK MANAGEMENT</b>					
Operating revenue:					
Charges for services	308,725.00	.00	308,725.00	257,270.80	83.33
Miscellaneous revenue	.00	.00	.00	.00	.00
Budgeted use of retained earnings	.00	.00	.00	.00	.00
Total revenue	<u>308,725.00</u>	<u>.00</u>	<u>308,725.00</u>	<u>257,270.80</u>	<u>83.33</u>
Operating expenses:					
Materials and supplies	187,350.00	.00	187,350.00	171,595.52	91.59
Claims	121,375.00	.00	121,375.00	82,752.42	68.18
Non-operating expenses:					
Residual equity transfer to general fund	.00	.00	.00	.00	.00
Budgeted increase in retained earnings	.00	.00	.00	.00	.00
Total expenses	<u>308,725.00</u>	<u>.00</u>	<u>308,725.00</u>	<u>254,347.94</u>	<u>82.39</u>
Net Income	<u>.00</u>	<u>.00</u>	<u>.00</u>	<u>2,922.86</u>	

ROY CITY CORPORATION  
 INTERIM BUDGET ADJUSTMENT REPORT  
 GOVERNMENTAL FUND TYPES - SPECIAL REVENUE FUNDS  
 For the Period Ended June 30, 2015

	Beginning Fiscal Budget	Proposed Adjustments	Adjusted Fiscal Budget	YTD Actual	% of Budget
<b>STORM SEWER FUND</b>					
Revenue and other financing sources:					
Storm sewer impact fees	30,000.00	45,000.00	75,000.00	74,660.44	99.55
Miscellaneous revenue	750.00	.00	750.00	866.37	115.52
Budgeted use of fund balance	109,250.00	( 45,000.00)	64,250.00	.00	.00
Total revenue	140,000.00	.00	140,000.00	75,526.81	53.95
Expenditures and other financing uses:					
Storm sewer expansion and maintenance	140,000.00	.00	140,000.00	22,550.11	16.11
Storm sewer equipment	.00	.00	.00	.00	.00
Budgeted increase in fund balance	.00	.00	.00	.00	.00
Total expenditures	140,000.00	.00	140,000.00	22,550.11	16.11
Excess (deficiency) of revenue over expenditures	.00	.00	.00	52,976.70	
<b>PARK DEVELOPMENT FUND</b>					
Revenue and other financing sources:					
Park development impact fees	20,000.00	.00	20,000.00	21,000.00	105.00
Land & water conservation grant	.00	.00	.00	.00	.00
RAMP tax	.00	.00	.00	.00	.00
Miscellaneous revenue	1,200.00	.00	1,200.00	573.99	47.83
Contribution from other gov't units	.00	.00	.00	.00	.00
Budgeted use of fund balance	92,150.00	.00	92,150.00	.00	.00
Transfers in from other funds	.00	.00	.00	.00	.00
Total revenue	113,350.00	.00	113,350.00	21,573.99	19.03
Expenditures and other financing uses:					
Park development, expansion, and maintenance	113,350.00	.00	113,350.00	55,557.20	49.01
Park equipment	.00	.00	.00	.00	.00
Transfers out to other funds	.00	.00	.00	.00	.00
Budgeted increase in fund balance	.00	.00	.00	.00	.00
Total expenditures	113,350.00	.00	113,350.00	55,557.20	49.01
Excess (deficiency) of revenue over expenditures	.00	.00	.00	( 33,983.21)	

ROY CITY CORPORATION  
INTERIM BUDGET ADJUSTMENT REPORT  
GOVERNMENTAL FUND TYPES - SPECIAL REVENUE FUNDS  
For the Period Ended June 30, 2015

	BEGINNING Fiscal Budget	PROPOSED Adjustments	ADJUSTED Fiscal Budget	YTD Actual	% OF Budget
<b>BEAUTIFICATION FUND</b>					
Revenue and other financing sources:					
Budgeted use of fund balance	.00	.00	.00	.00	.00
Total revenue	.00	.00	.00	.00	.00
Expenditures and other financing uses:					
Beautification projects	.00	.00	.00	.00	.00
Total expenditures	.00	.00	.00	.00	.00
Excess (deficiency) of revenue over expenditures	.00	.00	.00	.00	
<b>CLOCK MAINTENANCE FUND</b>					
Revenue and other financing sources:					
Budgeted use of fund balance	.00	.00	.00	.00	.00
Total revenue	.00	.00	.00	.00	.00
Expenditures and other financing uses:					
Repairs and maintenance	.00	.00	.00	.00	.00
Total expenditures	.00	.00	.00	.00	.00
Excess (deficiency) of revenue over expenditures	.00	.00	.00	.00	
<b>CEMETERY FUND</b>					
Revenue and other financing sources:					
Sale of lots	5,000.00	( 4,500.00)	500.00	135.00	27.00
Total revenue	5,000.00	( 4,500.00)	500.00	135.00	27.00
Expenditures and other financing uses:					
Budgeted increase in fund balance	5,000.00	( 4,500.00)	500.00	.00	.00
Total expenditures	5,000.00	( 4,500.00)	500.00	.00	.00
Excess (deficiency) of revenue over expenditures	.00	.00	.00	135.00	

**RESOLUTION NO. 15-7**  
**A Resolution of the Roy City Council**  
**Approving Adjustments to the Fiscal Year 2015 Budget**

Whereas, a public hearing has been noticed and held on June 16, 2015 regarding adjustments to the fiscal year 2015 budget, and

Whereas, the City Council has received information regarding recommended modifications and adjustments to the budget, and

Whereas, the City Council finds it is in the best interest of the citizens of Roy to make the following adjustments,

Now, therefore, be it resolved by the Roy City Council that the following adjustments be made to the fiscal year 2015 budgets which includes operations, debt service and capital improvements;

Fund	Previously Approved Budget	Budget Adjustments	Adjusted Budget
General Fund	\$16,240,286	\$863,963	\$17,104,249
Class C Road Fund	1,494,860	0	1,494,860
Capital Projects Fund	1,774,525	728,000	2,502,525
Water & Sewer Utility	7,697,037	(29,919)	7,667,118
Storm Water Utility	1,206,000	7,000	1,213,000
Solid Waste Utility	2,109,500	(10,000)	2,099,500
Storm Water Development	140,000	0	140,000
Park Development Fund	113,350	0	113,350
Cemetery Perpetual Fund	5,000	(4,500)	500
Total	<u>\$30,780,558</u>	<u>\$1,554,544</u>	<u>\$32,335,102</u>
Internal Service Funds:			
Information Technology	\$453,505	\$4,200	\$457,705
Risk Management	308,725	0	308,725
Total	<u>\$762,230</u>	<u>\$4,200</u>	<u>\$766,430</u>

Be it further resolved that the Roy City Council has determined the unappropriated fund balance reserves of the General Fund should approximate 18% of budgeted General Fund Revenues;

Be it further resolved that the non-spendable, restricted for, and assigned fund balance reserves for June 30, 2015 be determined by the Management Services Director in conjunction with the annual audit.

Passed this 16<sup>th</sup> day of June, 2015.

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Willard S. Cragun, Mayor

Attested and Recorded:

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Amy Mortenson, City Recorder

City Council Members Voting "Aye"

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City Council Members Voting "Nay"

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**RESOLUTION NO. 15-5**  
**A Resolution Adopting the Fiscal Year 2016**  
**City Budget and Levying a Property Tax Revenue Rate**

Whereas, the Roy City Council on June 2, 2015, held a public hearing to determine the revenue and expenditure budgets for all budgetary funds; and

Whereas, the City has followed all procedures required by the Utah State Code in adopting a final budget; and

Whereas, the City has not received the certified tax rate from the Weber County Auditor and will estimate tax revenue for the fiscal year 2016 budget;

Now, Therefore, Be It Resolved by the Roy City Council that the operating debt service and capital budgets for Roy City be hereby adopted for the fiscal year ending June 30, 2016, in the amounts as follows:

Fund	Operations	Debt Service	Capital	Increase Fund Balnc	Total
General	\$14,434,678	\$120,080	\$ 570,349	\$ -	\$15,125,107
Class C Roads	1,010,084	-	452,916	-	1,463,000
Capital Projects	-	-	-	257,025	257,025
Water & Sewer Utility	6,909,800	574,740	417,065	-	7,901,605
Storm Water Utility	549,725	-	497,000	285,275	1,332,000
Solid Waste Utility	1,924,038	-	-	207,462	2,131,500
Storm Sewer Development	-	-	-	20,750	20,750
Park Development	-	-	20,000	600	20,600
Cemetery Perpetual	-	-	-	-	-
	<u>\$24,828,325</u>	<u>\$694,820</u>	<u>\$1,957,330</u>	<u>\$771,112</u>	<u>\$28,251,587</u>

Be It Further Resolved that the Information Technology and Risk Management Funds, which are Internal Service Funds and are budgeted as transfers out of the General and Utility Enterprise Funds be allocated \$360,521 and \$304,700, respectively, and

Be It Further Resolved by the Roy City Council that capital expenditures within the Information Technology Fund be established and allocated \$55,100, and

Be It Further Resolved that the property tax levy for the fiscal year ending June 30, 2016 is anticipated to be \$2,575,000, and

Be It Further Resolved that utility rates for water, sewer and solid waste collection will increase as a result of increase from contractors providing the services to Roy City, and

Be It Further Resolved that the City add five part-time positions; one in the Finance Department and two each in the Street Division and Water & Sewer Utility Enterprise Fund. The positions include an Accounting

Technician and four Laborers, and

Be It Further Resolved that eligible employees be given up to a 1.0% merit upon passing their annual evaluation, and

Be It Further Resolved that employees receive a 2.5% cost of living adjustment effective July 11, 2015, and

Be It Further Resolved that a copy of the budget as herein adopted be attached hereto, and that the budget and resolution be certified and filed with the State Auditor, and the required certification of tax rate along with a copy of this resolution and budget be filed with the County Auditor in accordance with the applicable provisions of State Law.

Approved and adopted by the Roy City Council on the 16<sup>th</sup> day of June, 2015.

\_\_\_\_\_  
Willard S. Cragun, Mayor

Attested and Recorded:

\_\_\_\_\_  
Amy Mortenson, City Recorder

Council Members Voting "Aye"

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Council Members Voting "Nay"

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## DEVELOPMENT AGREEMENT FOR THE WEST PARK SUBDIVISION

### ROY CITY, UTAH

This Development Agreement ("Agreement") is made and entered into as of this 26 day of May, 2015, by and between K.W. Advisory Group LLC, a Utah corporation ("K.W. Advisory"); and Roy City, a municipality and political subdivision of the State of Utah (the "City").

#### RECITALS:

A. K.W. Advisory is the owner of approximately 16.2 acres of property located north of 4800 South in Roy City, Weber County, Utah, as more particularly described in Exhibit A which is attached hereto and by this reference made a part hereof (the "Property"), on which it proposes the development of a single family subdivision known as West Park Subdivision (the "Project");

B. K.W. Advisory is willing to design the Project and enter into this Agreement in order to address certain transportation issues and concerns as more fully set forth below;

C. The City acting pursuant to its authority under Utah Code Ann. § 10-9a-101, *et seq.* and its land use regulations, has made certain determinations with respect to the proposed Project and has elected to approve this Agreement.

NOW THEREFORE, in consideration of the mutual covenants contained herein and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, K.W. Advisory and the City hereby agree to as follows:

1. **Agreement Subject to Approval of Amendment of Future Land Use Map and Amendment of Zoning Map.** This Agreement is contingent upon and will only become effective at such time, and in the event that, the Roy City Council, in the independent exercise of its legislative discretion, elects to approve the proposed Amendment of the Future Land Use Map and Amendment of the Zoning Map to rezone the designation of the Property from Light Manufacturing to R-3 Multi-Family and RIO Residential Infill Overlay, based upon the prior affirmative recommendation of the Roy City Planning Commission, following all necessary public hearings, and subject to the other provisions of this Agreement as more fully set forth below. This Agreement is not intended to and does not bind the Roy City Council in the independent exercise of its legislative discretion with respect to the Amendment of the Future Land Use Map and Amendment of the Zoning Map.

2. **Property Affected by this Agreement.** The legal description of the Property contained within the Project boundaries to which this Agreement applies is attached and specifically described in Exhibit A.

3. **Project Site Plan Approval.** K.W. Advisory shall have the vested right to have preliminary and final subdivision plats approved and to develop and construct the Project for the use, density and configuration of up to a maximum not to exceed 72 single family residential units as generally depicted on the Subdivision Plat attached as Exhibit B to this Agreement and incorporated herein by this reference.

4. **Reserved Legislative Powers.** K.W. Advisory acknowledges that the City is restricted

in its authority to limit its police powers by contract, and the limitations, reservations and exceptions set forth herein are intended to reserve to the City all of its police power that cannot be so limited. Notwithstanding the retained power of the City to enact such legislation under the police powers, such legislation shall only be applied to modify the vested rights of K.W. Advisory, as, referenced in Section 3 above under the terms of this Agreement based upon policies, facts and circumstances meeting, the compelling, countervailing public interest exception to the vested rights doctrine in the State of Utah as set forth in Utah Code Ann. § 10-9a-509. Any such proposed change affecting the vested rights of the Project shall be of general application to all applicable and reliant development activity within the City; and unless in good faith the City declares an emergency, K.W. Advisory shall be entitled to prior written notice and an opportunity to be heard with respect to, any such proposed change and its applicability to the Project under the compelling, countervailing public interest exception to the vested rights doctrine.

**5. Subdivision Plat: Approval and Compliance With Roy City Development Standards.** K.W. Advisory expressly acknowledges and agrees that nothing in this Agreement shall be deemed to relieve it and the Project from the obligation to comply with all of the requirements of Roy City necessary for approval and recordation of one or more subdivision plats for the Project, including the payment of fees and compliance with all other applicable land use, regulations of Roy City. K.W. Advisory and/or its successors and assigns may develop the Project in phases as long as each phase provides for a logical extension of infrastructure and utilities that will be necessary to service the Project. Because of the unique location and configuration of the Property and taking into account the general, health and safety and welfare of the citizens of Roy City, K.W. Advisory understands and agrees that additional requirements of the subdivision may be required in order to address and mitigate the health, welfare and safety impacts upon the City and surrounding area. Such conditions include but are not limited to landscape, buffering, fencing or traffic control devices.

**6. Transportation Improvements and Roundabout.** As an integral part of this Agreement, the parties acknowledge and agree that in order to address traffic safety and engineering concerns with respect to access to the Project from 4800 South and make that intersection function in a safer manner, a roundabout maybe installed by the City on 2900 West and 4800 South as generally depicted on Exhibit C which is attached hereto and incorporated herein by this reference (the "Roundabout"). The parties agree to the following provisions with respect to the entrance to the Project from 4800 South and the proposed Roundabout on 2900 West and 4800 South;

6.1 West Park Crossing Entrance. The entrance to the Project from 4800 South shall be a three-quarter (3/4) access with right turn access heading to the west going into the Project, left turn access heading to the east going into the Project and right turn access heading to the west going out of the Project. The parties acknowledge and agree that there will be no left turn access heading out of the Project and going east.

6.2 Contribution Roundabout. K.W. Advisory voluntarily agrees to contribute a total of Sixty Thousand Dollars (\$60,000) to compensate, the City for a portion of the costs to be incurred by the City for the design and construction for the Roundabout on 2900 West and 4800 South. The \$60,000 shall be placed into escrow within five (5) business days following final plat approval by the City for any initial phase of the Project. Any interest accrued on the escrowed funds prior to distribution of such funds to Roy City shall be due and returned to K.W. Advisory. The City may require the escrowed funds to be released to the City upon the first to occur of the following: (1) completion of construction by the City of the Roundabout; or (2) one (1) year following final plat approval of any initial phase of the Project, so long as construction of the

Roundabout is more than 50% complete at that point in time and so long as the City covenants to complete the construction of the Roundabout no later than \_\_\_\_\_ months following the receipt by the City of the escrowed funds.

6.3 Party's Responsibilities. Except for the payment to the City by K.W. Advisory of \$60,000 as provided in Section 6.2 above, the City shall be responsible for all of the costs and expenses to design and construct the proposed Roundabout and any work required on 4800 South as the result of the construction of the Roundabout, including, but-not limited to restriping of the public streets and any public signage. Any road cuts and improvements required at the entrance to the Project that are necessary for the Project shall be the responsibility of K.W. Advisory.

7. **No Joint Venture, Partnership or Third-Party Rights.** This Agreement does not create any joint venture, partnership, undertaking or business arrangement between the parties hereto, and does not create any rights or benefits to third parties.

8. **Agreement to Run with the Land.** This Agreement shall be recorded against the Property as described in Exhibit A hereto and shall be deemed to run with the land and shall be binding on all successors and assigns of K.W. Advisory in the ownership and development of any portion of *the* Project:

9. **Assignment.** Neither this Agreement nor any of the provisions hereof can be assigned to any other party, individual nor entity without assigning the rights as well as the responsibilities under this Agreement and without the prior written consent of Roy City, which consent is intended to assure the financial capability of any assignee. Such consent shall not be unreasonably withheld. This requirement shall not apply to the sale of approved and platted lots within any phase of the Project.

10. **Integration.** This Agreement contains the entire Agreement with respect to the subject matter hereof and integrates all prior conversations, discussions or understandings of whatever kind or nature and may only be modified by a subsequent writing duly executed by the parties hereto.

11. **Severability.** If any part or provision of the Agreement shall be adjudged unconstitutional, invalid or unenforceable by a court of competent jurisdiction, then such a decision shall not affect any other part or provision of this Agreement except that specific part or provision determined to be unconstitutional, invalid or unenforceable. If any condition, covenant or other provision of this Agreement shall be deemed invalid due to its scope or breadth, such provision shall be deemed valid to the extent of the scope or breadth permitted by law.

12. **Notices:** Any notices, requests and demands required or desired to be given hereunder shall be in writing and shall be served personally upon the party for whom intended, or if mailed, be by certified mail, return receipt requested, postage prepaid, to such party at its address shown below.

To Developer:	K.W. Advisory Group, LLC 360 South Fort Lane; L-111 Layton, UT 84041 Attention: <u>Colby W. Bond</u> Name	<u>Manager</u> Title
To the City:	Roy City Attention: <u>Andy Blackburn</u> Name Roy, Utah	<u>City Manager</u> Title

Any party may change its address for notice: by *giving* written notice to the other party in accordance with the provisions of this section.

**13. General Terms and Conditions.**

13.1 Term of Agreement. The term of this Agreement shall be for a period of two (2) years or until fulfillment of the obligations of the parties, whichever occurs first, unless earlier terminated or modified by a written amendment agreed to and approved by the parties

13.2 Default. If either K.W. Advisory or the City fails to perform their respective obligations under the terms of this Agreement, the party believing that a default has occurred shall provide written notice to the other party specifically identifying the claimed event of default and the applicable provisions of this Agreement that are claimed to be in default. The parties shall meet and confer in an attempt to resolve the default, but in the event they are not able to do so, the parties shall have the rights and remedies available at law and in equity, including injunctive relief and specific performance, but not damages:

13.3 Non-liability of City Officials or Employees. No officer, representative, agent, or employee of the City shall be personally liable to K.W. Advisory or any successor-in-interest or assignee of K.W. Advisory, in the event of any default or breach hereunder by the City or for any amount which may become due; to K.W. Advisory, or its successors or assignees, for any obligation arising out of the terms of this Agreement.

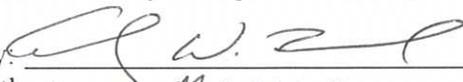
13.4 Non-Liability of K.W. Advisory Officers or Employees. No officer; representative, agent or employee of K.W. Advisory shall be personally liable to the City or any successor-in-interest or assignee of the City, in the event of any default or breach hereunder by K.W. Advisory or for any amount which may become due to the City, or its successors or assignees, for any obligation arising out of the terms of this Agreement.

13.5 Governing Law. This Agreement and the performance hereunder shall be governed by the laws of the State of Utah.

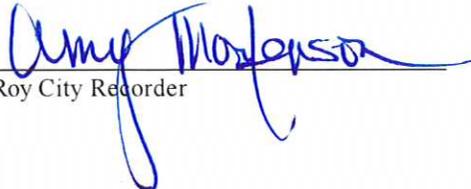
13.6 This Agreement supersedes the Development Agreement for West Park Crossing project Roy City, Utah, dates October 15, 2013.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement by and through their respective duly authorized representatives as of the day and year first written above.

K.W. Advisory Group, LLC, a Utah corporation

By:   
Title: Manager

Attest:

  
Roy City Recorder

ROY CITY

By:   
Willard S. Cragun, Mayor



STATE OF UTAH )  
 )  
 ) :ss  
COUNTY OF Davis )

On this 26 day of May, 2015, personally appeared before me \_\_\_\_\_  
Colby Bond, the Manager  
of **K.W. Advisory Group, LLC** a Utah corporation, whose identity is personally known to me, or  
proven on the basis of satisfactory evidence, to be the person who executed the Development  
Agreement on behalf of said corporation and who duly acknowledged to me that he/she executed the same  
for the purposes therein stated.

  
\_\_\_\_\_  
NOTARY PUBLIC  
Residing at: 999 Hillfield rd, Layton ut, 84041

My Commission Expires: 10/07/2018

## EXHIBIT " A "

Parcel 1: (08-052-0010)

Part of the West 1/2 of the Southwest quarter of Section 11, Township 5 North, Range 2 West, Salt Lake Meridian: U.S. Survey: Beginning at a point 3397 feet South on the West section line of said Section 11 from the Northwest corner of said Section 11, and running thence East 256 feet, more or less, to the O.S.L.R.R. Co. right-of-way; thence Southwesterly along said right-of-way 932 feet, more or less, to its intersection with the West line of said section: thence North along the West line of said Section 898 feet, more or less, to the point of beginning.

Parcel 2: (08-051-0045)

Part of the Southeast quarter of Section 10, Township 5 North, Range 2 West, Salt Lake Base and Meridian, U.S. Survey: Beginning at a point on the North line of 4800 South Street, said point being North  $89^{\circ}14'58''$  West along the section line 249.51 feet and North  $00^{\circ}15'02''$  East 33.00 feet from the West County Survey Monument marked as being the Southeast corner of said Section 10 and running thence West along the North line of 4800 South Street 130 feet, more or less; thence North  $03^{\circ}34'$  East 891 feet; thence West 156 feet to the D.&R.G.R.R. right-of-way line; thence Northeasterly along said line to a point 653 feet South from the North line of said quarter section; thence East 264 feet to the East section line; thence South along said line to West line or O. S. L.R.R.; thence Southerly along said line of the Northeast corner of property deed to Hansens in Book 1600, Page 2115; thence North  $89^{\circ}44'58''$  West 155.43 feet, more or less; thence South  $0^{\circ}46'26''$  West 455.00 feet to the point of beginning.

Parcel 3: (08-051-0190)

Part of the Southeast" quarter of Section 10, Township 5 North, Range 2 West, Salt Lake Base and Meridian, U.S. Survey: Beginning at a point on the North line of 4800 South Street; said point being North  $89^{\circ}44'58''$  West 249.51 feet, along the section line and North  $00^{\circ}15'02''$  East 33.00 feet and North  $02^{\circ}46'26''$  East 1382.9 feet from the Southeast corner of said Section 10; running thence North  $02^{\circ}46'26''$  East 316.71 feet; thence South  $89^{\circ}44'58''$  East 155.43 feet to the apparent West line of the Oregon Short Line Railroad; thence along said line and through a curve to the right having a radius of 6109.54 feet and central angle of  $02^{\circ}42'49''$  for a distance of 289.35 feet; thence North  $89^{\circ}44'58''$  West 62.96 feet: thence South  $01^{\circ}21'33''$  West 28.33 feet. thence North  $89^{\circ}44'58''$  West 79.09 feet to the point of beginning.



**SYNOPSIS****Application Information**

Applicant: Steven Smoot  
Scott Kjar

Request: Request for Conditional Use approval for a drive up window for East Roy Retail Development within an existing strip-mall type building.

Address: 4860 S. 1900 W.

**Land Use Information**

Current Zoning: CC, Community Commercial

Adjacent Land Use: North: Commercial; CC zoning      South: Commercial; CC zoning.  
East: Residential; R-4 zoning      West: Commercial; CC zoning.

**Staff**

Report By: Steve Parkinson

Recommendation: Recommends approving with conditions

**APPLICABLE ORDINANCES**

- Roy City Zoning Ordinance Title 10, Chapter 15 (Conditional Uses)
- Roy City Zoning Ordinance Title 10, Chapter 17 (Table of Uses)

**PLANNING COMMISSION ACTION**

The Planning Commission held a Public Hearing on June 9, 2015,

It was opened at 18:04 – No one from the public spoke and it was closed at 18:05.

The applicant did mention that the proposed metal panel under the window would be the same color as the existing window frames. He also mentioned that the parking in the rear will be angled to give more space for the drive-up window lane.

The Commission did have a few questions, for the applicant and staff.

- Commissioner Paul; had a concern with exiting! – staff informed him that there is an existing exit onto 1900 West and with the building already in existence there's nothing the city can do to change it now.
- Commissioner Dandoy; asked if large trucks could make the turn to the window? – the applicant stated that their engineer looked at that issue and make modifications to the drive-up window lane to accommodate large trucks.
- Commissioner Paul; also asked about directional signs? Staff stated that they can have directional signs they will need to provide locations and details about the signs.
- Chair Kirch; asked if there would be a microphone for ordering? – The applicant stated that there would not, it would be order, pay and receive all at the same window.

After their discussion, the Commission voted of 5-0 to forward to the City Council a recommendation to grant Conditional Use approval of a drive up window for the East Roy Retail Development located at 4860 S. 1900 W., with the conditions as outlined in report.

## BACKGROUND

The applicant is requesting approval for a drive up window on the North of the existing strip-mall type building. The proposed drive up window will not change the dynamics between the surrounding commercial businesses or the residential to the east.

**Elevations:** Originally there was no elevations given for staff to review. On June 4<sup>th</sup> the applicant sent an elevation drawing (see exhibit "C") and it appears that the proposed change to the northern elevation will be to convert a single glass panel into a sliding window, plus the adding of a metal plate on the bottom covering some existing glass. Staff is unsure of 1<sup>st</sup> if the glass will be removed or just covered? And 2<sup>nd</sup> what color the metal will be and if there will be any texture to the metal plate.

**Site Plan:** Because of the inclusion of a drive up window lane, staff had identified a issues that need to be addressed, see exhibit "D", however since the DRC memo was sent to the applicant on May 20<sup>th</sup>, the applicant has resubmitted a site plan (June 4<sup>th</sup>) and it appears that the applicant has incorporating the issues into the new site plan.

**Landscaping:** Because this is an existing building that hasn't been vacant, no increase in landscaping is required.

## CONDITIONS OF APPROVAL

1. Mitigate all mentioned and any potential impacts to the residential neighborhood to the east
2. Compliance with any potential Department requirements upon complete review of newly submitted site plan.

## FINDINGS

1. The proposed Exterior changes can meet the minimum building standards as established in the Zoning Ordinance.
2. The proposed site plan improvements can meet the site design standards as established in the Zoning Ordinance with the conditions as outlined within this report.

## ALTERNATIVE ACTIONS

Approve, Approve with conditions, Table or Deny.

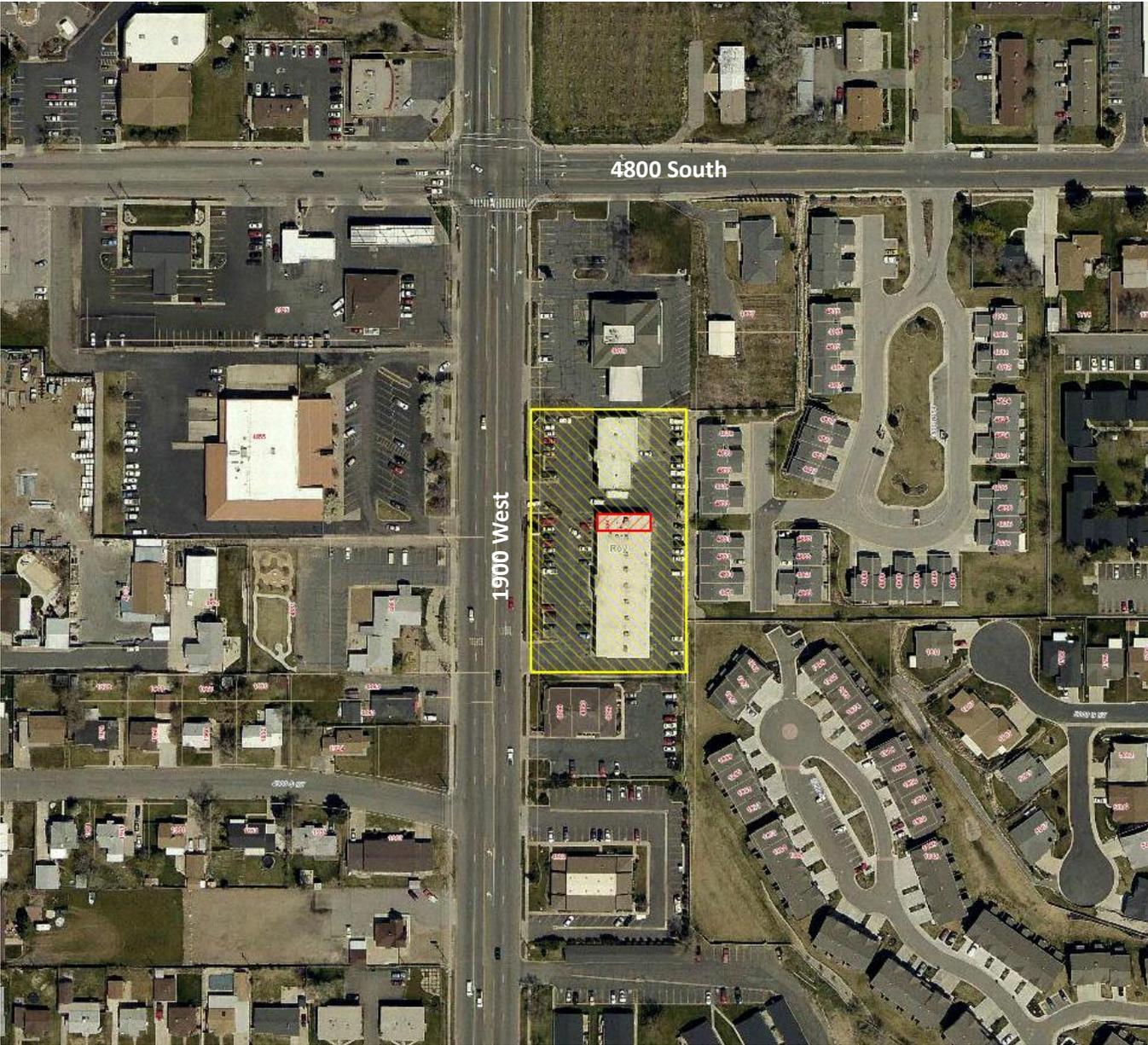
## RECOMMENDATION

Staff recommends that the Planning Commission recommend approval of the request for a Drive up window for the East Roy Retail Development located at 4860 S. 1900 W.

## EXHIBITS

- A. Aerial Map
- B. Proposed Site Plan,
- C. Proposed Elevation
- D. DRC Review Memo – May 20, 2015

**EXHIBIT "A" – AERIAL MAP**





**EXHIBIT "C" – PROPOSED ELEVATION**

Existing



Proposed





established 1937

## DEVELOPMENT REVIEW COMMITTEE

### REVIEW MEMO

Date: 20 May 2015

To: Steven Smoot  
Scott Kjar

From: Steve Parkinson – Planning & Zoning Administrator   
Mark Miller – City Engineer  
Jeff Comeau – Deputy Fire Chief  
Ed Pehrson – Building Official  
Ross Oliver - Public Works Director  
Clint Drake – City Attorney

Subject: East Roy Retail Development [4860 So. 1900 We.]

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We have tried to address all items of concern with reference to all applicable City codes or for the general Health, Safety and Welfare of the public, however, this review does not forego any other items of concern that may come to our attention during additional reviews.

#### **Engineering-Fire-Legal-Building-Public Works**

- I. No Comment

#### **Planning**

- A. *General Comments*
  - I. The scale on the drawing is incorrect.
- B. *Building Design Standards*
  - I. No building elevations were given to show the proposed drive-up window and how it changes the existing northern façade.
- C. *Site Design Standards*
  - I. What's the distance between the proposed drive through lane and the parking stalls to the east of the building? A minimum of 24' is required.
  2. Can two vehicles pass between the parking stalls and the drive through lane?
  3. Can a truck make the 90° turn?
- D. *Site Lighting Standards*
  - I. No new lighting is proposed.
- E. *Site and Building Sign Standards*
  - I. No new signage has been proposed. All signage requires a separate permit.

## SYNOPSIS

### Application Information

Applicant: Saraj Haq  
Request: Request for Conditional Use approval for a drive up window for SH & Sons Sinclair C-Store an existing vacant building.  
Address: 5190 S. 1900 W.

### Land Use Information

Current Zoning: RC, Regional Commercial  
Adjacent Land Use: North: Commercial; RC zoning      South: Commercial; RC zoning.  
East: Commercial; RC zoning      West: Commercial; RC zoning.

### Staff

Report By: Steve Parkinson  
Recommendation: Recommends approving with conditions

## APPLICABLE ORDINANCES

- Roy City Zoning Ordinance Title 10, Chapter 15 (Conditional Uses)
- Roy City Zoning Ordinance Title 10, Chapter 17 (Table of Uses)

## PLANNING COMMISSION ACTION

The Planning Commission held a Public Hearing on June 9, 2015,

It was opened at 18:20 – No one from the public spoke and it was closed at 18:21.

The applicant did mention that the proposed drive-up window will help with the success of the new business, and that the propane tank will be encompassed within the landscape area.

The Commission did have a few questions, for the applicant and staff.

- Commissioner Dandoy; asked about the car wash? – The applicant mentioned that the existing car wash will be used, but in the future may be refurbished inside.
- Chair Kirch; asked if the applicant had any question on the DRC memo requirements? – The applicant stated that they would complete and comply with all that was mentioned within the memo.

After their discussion, the Commission voted of 5-0 to forward to the City Council a recommendation to grant Conditional Use approval of a drive up window for the SH & Sons Sinclair C-Store located at 5190 S. 1900 W., with the conditions as outlined in report.

## BACKGROUND

The applicant is requesting approval for a drive up window on the North elevation of the exiting vacant C-Store building. The proposed drive up window will not change the dynamics between the surrounding commercial businesses, however, it will have significant effect on the site itself. They are also looking to install a propane tank, even though it is an allowed type of use, concerns come with the manner on which they are proposing to install it. They want to install it vertically making it a tall rather than low to the ground.

**Elevations:** The proposed change to the northern elevation will use similar materials as currently exists. Once completed no one should know there was a change to the building itself.

**Site Plan:** Because of the inclusion of a drive up window lane, staff has identified several issues that need to be addressed, see exhibit “D”.

**Landscaping:** Currently there are a few areas of landscaping, most of which is currently dead or dying. Also because the site has been vacant for longer than a year, the City can look for ways to bring the property up to today’s standards as much as possible. There are areas on which can be landscaped within the parking area that will enhance the site.

## **CONDITIONS OF APPROVAL**

1. Compliance with all Department requirements as outlined within the DRC Review Memo dated June 1, 2015.
2. Compliance with any potential future comments on revised drawings.

## **FINDINGS**

1. The proposed Exterior changes can meet the minimum building standards as established in the Zoning Ordinance.
2. The proposed site plan improvements can meet the site design standards as established in the Zoning Ordinance with the conditions as outlined within this report.

## **ALTERNATIVE ACTIONS**

Approve, Approve with conditions, Table or Deny.

## **RECOMMENDATION**

Staff recommends that the Planning Commission recommend approval of the request for a Drive up window for the East Roy Retail Development located at 5190 S. 1900 W.

## **EXHIBITS**

- A. Aerial Map
- B. Proposed Site Plan,
- C. Proposed Elevations
- D. DRC Review Memo – June 1, 2015

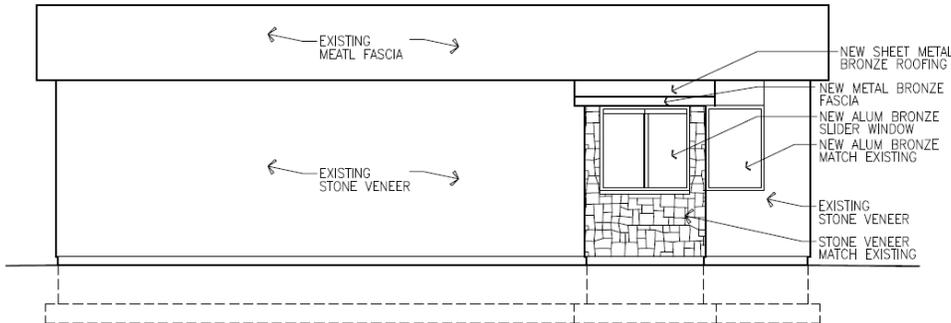
**EXHIBIT "A" – AERIAL MAP**



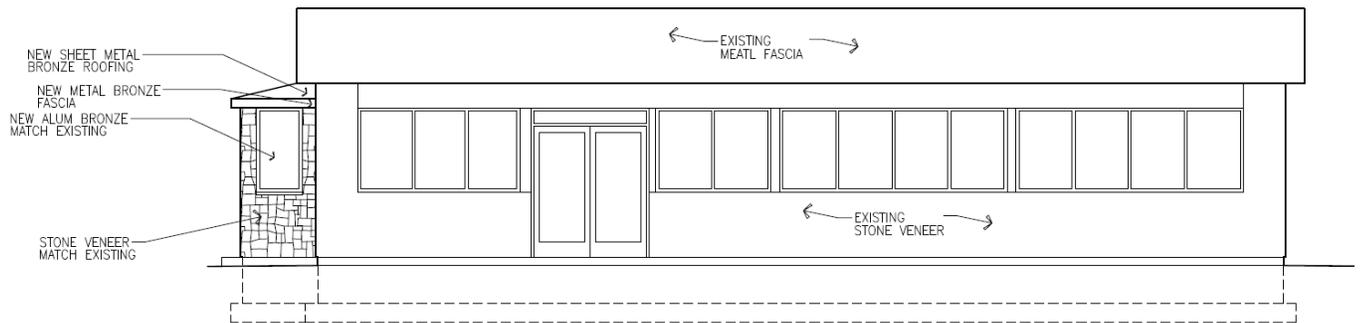


# EXHIBIT "C" – PROPOSED ELEVATION

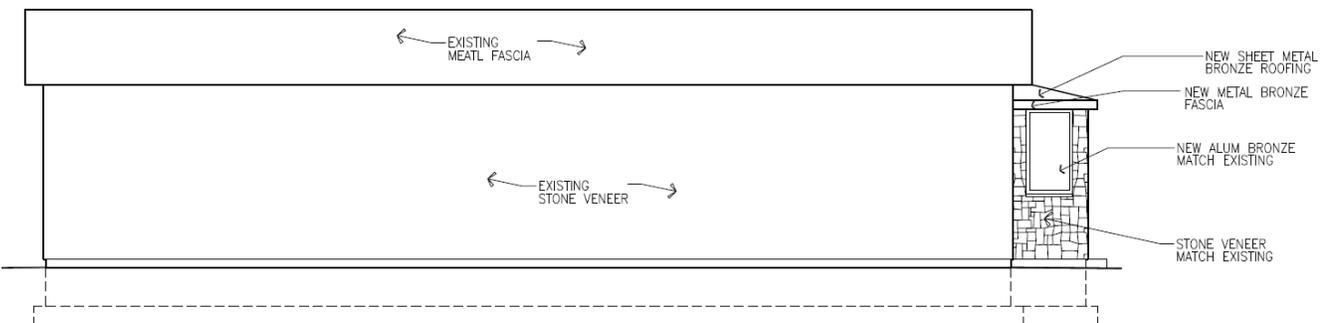
## North Elevation



## West Elevation



## East Elevation





established 1937

## DEVELOPMENT REVIEW COMMITTEE

### REVIEW MEMO

Date: June 1, 2015  
To: Saraj Haq  
From: Steve Parkinson – Planning & Zoning Administrator   
Mark Miller – City Engineer  
Jeff Comeau – Deputy Fire Chief  
Ed Pehrson – Building Official  
Clint Drake – City Attorney  
Subject: Roy SH & Sons – Sinclair at 5190 South 1900 West

We have tried to address all items of concern with reference to all applicable City codes or for the general Health, Safety and Welfare of the public, however, this review does not forego any other items of concern that may come to our attention during additional reviews.

#### Engineering –

1. The handicap access must meet current A.D.A. standards. Insufficient detail has been provided to determine if the stall and aisle are acceptable.
2. Storm drainage and detention has not been addressed.
3. Existing utility services should be shown.
4. Entry, aisle and parking stall widths should be indicated.
5. Proposed signs, fencing, lighting, landscaping and dumpster enclosure details are usually provided for review.

#### Fire

1. No comments at this time above the requirements for the State Fire Marshall on the propane tank

#### Building

1. Provide information on the electrical that will be serving the propane tank pump station.
2. Provide the location of the emergency shut off for the propane pump station.
3. Clarify which factor, wind or seismic, governs the design in the structural calculations for the propane tank.
4. Need to provide plans for the new portion that will be built on the North side of the building.
5. Accessible aisle shall be directly in line with the curb ramp and shall be marked.
6. Accessible parking signs will be required to be installed and the accessible parking stalls shall be marked.
7. Accessible parking stalls shall be located on each side of the access aisle way.

#### Legal – Public Works

1. No comments at this time.

#### Planning

##### *A. General Comments*

1. The scale on the draw is incorrect.
2. The site plan and the actual site don't match
3. Does the current dumpster enclosure have solid gates? If not there will need to be gates installed that block the view of the dumpster from public view.

##### *B. Site Design Standards*

1. The currently landscaping is dead, need a landscaping plan along with an irrigation plan.

2. Will the areas between the sidewalk and the curb be landscaped? Plans don't show these areas.
3. 5% of the parking area needs to be landscaped
4. There is currently a five (5) foot walkway around the entire building but it is not shown on the drawings.
5. The site is lacking landscaping, especially within the parking area. 5% of the parking area needs to be landscaped.
6. Where is the drive-up window lane? Where is the stacking area? How will this interact with the rest of the site?
7. Parking stalls are required to be 9' x 20' for perpendicular stalls, angled stalls must meet industry standards for size of stall and back-up area. Show distance on plans.
8. Why is the proposed propane tank concrete pad outside the existing landscaped area? If the tank has to be at that location increase the size of the landscaped area to encompass the pad.
9. What is the relationship between the ADA stall and the drive-up window lane?

*C. Site Lighting Standards*

1. The site plan shows seven (7) light poles, six (6) of which are existing and 12' in height. What does the one (1) new one look like and what is the height of it?

*D. Site and Building Sign Standards*

1. No signage was proposed, but will require a separate permit.

# CONTRACT AGREEMENT

THIS AGREEMENT is by and between ROY CITY CORPORATION (hereinafter called OWNER) and Ferguson Waterworks Meter and Automation Group, (hereinafter called CONTRACTOR).

OWNER and CONTRACTOR, in consideration of the mutual covenants hereinafter set forth, agree as follows:

## ARTICLE 1- WORK

1.01 CONTRACTOR shall complete all Work as specified or indicated in the Contract Documents. The Work is generally described as follows:

The work consists of furnishings and installing water meters in various sizes, meter interface units (radios) on existing meters, meter reading software, meter reading devices, and providing training.

## ARTICLE 2-THE PROJECT

2.01 The Project for which the Work under the Contract Documents may be the whole or only a part is generally described as follows:

**ROY CITY WATER METER UPGRADE PROJECT - PHASE 1**

## ARTICLE 3- ENGINEER

3.01 The Project has been designed by Wasatch Civil Consulting Engineering, who is hereinafter called ENGINEER and who is to act as OWNER's representative, assume all duties and responsibilities, and have the rights and authority assigned to ENGINEER in the Contract Documents in connection with the completion of the Work in accordance with the Contract Documents.

## ARTICLE 4- CONTRACT TIMES

4.01 *Time of the Essence:* All time limits for completion and readiness for final payment as stated in the Contract Documents are of the essence of the Contract.

4.02 *Dates for Completion and Final Payment:* The Work will be completed by **within 365 days from the Notice to Proceed**. This agreement shall be for a one-year time period and may be extended, solely at OWNER's option, for four additional one-year time periods on the same terms and conditions as provided in the contract documents.

4.03 *Liquidated Damages:* CONTRACTOR and OWNER recognize that time is of the essence of this Agreement and that OWNER will suffer financial loss if the Work is not completed within the times specified in paragraph 4.02 above, plus any extensions thereof allowed in accordance with Article 12 of the General Conditions. The parties also recognize the delays, expense, and difficulties involved in proving in a legal or arbitration proceeding the actual loss suffered by OWNER if the Work is not completed on time. Accordingly, instead of requiring any such proof, OWNER and CONTRACTOR agree that as liquidated damages for delay (but not as a penalty), CONTRACTOR shall pay OWNER \$200.00 for each day that expires after the time specified in paragraph 4.02 for Completion until the Work is accepted.

## ARTICLE 5- CONTRACT PRICE

5.01 OWNER shall pay CONTRACTOR for completion of the Work in accordance with the Contract Documents an amount in current funds and at the prices shown in the schedule below:

<u>No.</u>	<u>Item</u>	<u>Quantity</u>	<u>Unit</u>	<u>Unit Price</u>	<u>Amount</u>
1	Furnish 5/8" x 3/4" Water Meter	250	Each	\$135.00	\$33,750.00
2	Install 5/8" x 3/4" Water Meter	200	Each	\$36.00	\$7,200.00
3	Furnish 1-1/2" Water Meter	10	Each	\$500.00	\$5,000.00
4	Install 1-1/2" Water Meter	10	Each	\$126.00	\$1,260.00
5	Furnish 2" Water Meter	5	Each	\$650.00	\$3,250.00
6	Install 2" Water Meter	5	Each	\$126.00	\$630.00
7	Furnish and Install Meter Interface Unit (Radio) on Existing Sensus Touch Read Meter	2,300	Each	\$70.00	\$161,000.00
8	Provide Meter Reading Software	1	Each	\$1,200.00	\$1,200.00
9	Provide Mobile Meter Reading Units	2	Each	\$7,000.00	\$14,000.00
10	Provide Hand Held Meter Reading Units	1	Each	\$6,000.00	\$6,000.00
11	Setup and Training	1	L.S.	\$3,500.00	\$3,500.00
12	Yearly Customer Support Charge	1	L.S.	\$4,981.00	\$4,981.00
				Total	\$241,771.00

**Total Contract Price of two hundred forty-one thousand seven hundred seventy-one and 00/100's dollars (\$241,771.00).**

**For all Unit Price Work, the amount will equal measured units (field measurement) multiplied by the unit price.**

As provided in paragraph 11.03 of the General Conditions, estimated quantities are not guaranteed, and determinations of actual quantities and classifications are to be made by ENGINEER as provided in paragraph 9.08 of the General Conditions. Unit prices have been computed as provided in paragraph 11.03 of the General Conditions.

## ARTICLE 6- PAYMENT PROCEDURES

6.01 *Submittal and Processing of Payments:* CONTRACTOR shall submit Applications for Payment in accordance with Article 14 of the General Conditions. Applications for Payment will be processed by ENGINEER as provided in the General Conditions.

6.02 *Progress Payments; Retainage:* OWNER shall make progress payments on account of the Contract Price on the basis of CONTRACTOR's Applications for Payment on or about the **15th** day of each month during performance of the Work as provided in paragraphs 6.02.A. 1 and 6.02.A.2 below. All such payments will be measured by the schedule of values established in paragraph 2.07.A of the General Conditions (and in the case of Unit Price Work, based on the number of units completed) or, in the event there is no schedule of values, as provided in the General Requirements:

1. Prior to Completion, progress payments will be made in an amount equal to the percentage indicated below but, in each case, less the aggregate of payments previously made and less such amounts as ENGINEER may determine or OWNER may withhold, in accordance with paragraph 14.02 of the General Conditions:

A. 95% of Work completed (with the balance being retained). If the Work has been 50% completed as determined by ENGINEER, and if the character and progress of the Work have been satisfactory to OWNER and ENGINEER, OWNER, on recommendation of ENGINEER, may determine that as long as the character and progress of the Work remain satisfactory to them, there will be no retainage on account of Work subsequently completed, in which case the remaining progress payments prior to Substantial Completion will be in an amount equal to 100% of the Work completed less the aggregate of payments previously made; and

B. 25% of cost of materials and equipment not incorporated in the Work (with the balance being retained).

2. Upon Completion, OWNER shall pay an amount sufficient to increase total payments to CONTRACTOR to 100% of the Work completed, less such amounts as ENGINEER shall determine in accordance with paragraph 14.02.B.5 of the General Conditions.

6.03 *Final Payment:* Upon final completion and acceptance of the Work in accordance with paragraph 14.07 of the General Conditions, OWNER shall pay the remainder of the Contract Price as recommended by ENGINEER as provided in said paragraph 14.07.

#### **ARTICLE 7- INTEREST**

7.01 All moneys not paid when due as provided in Article 14 of the General Conditions shall bear interest at the rate of 1% per annum.

#### **ARTICLE 8- CONTRACTOR'S REPRESENTATIONS**

8.01 In order to induce OWNER to enter into this Agreement CONTRACTOR makes the following representations:

A. CONTRACTOR has examined and carefully studied the Contract Documents and the other related data identified in the Request for Proposal.

B. CONTRACTOR has visited the Site and become familiar with and is satisfied as to the general, local, and Site conditions that may affect cost, progress, and performance of the Work.

C. CONTRACTOR is familiar with and is satisfied as to all federal, state, and local Laws and Regulations that may affect cost, progress, and performance of the Work.

D. CONTRACTOR has carefully studied all: (1) reports of explorations and tests of subsurface conditions at or contiguous to the Site and all drawings of physical conditions in or relating to existing surface or subsurface structures at or contiguous to the Site (except Underground Facilities) which have been identified in the Supplementary Conditions as provided in paragraph 4.02 of the General Conditions and (2) reports and drawings of a Hazardous Environmental Condition, if any, at the Site which has been identified in the Supplementary Conditions as provided in paragraph 4.06 of the General Conditions.

E. CONTRACTOR has obtained and carefully studied (or assumes responsibility for having done so) all additional or supplementary examinations, investigations, explorations, tests, studies, and data concerning conditions (surface, subsurface, and Underground Facilities) at or contiguous to the Site which may affect cost, progress, or performance of the Work or which relate to any aspect of the means, methods, techniques, sequences, and procedures of construction to be employed by CONTRACTOR, including applying the specific means, methods, techniques, sequences, and procedures of construction, if any, expressly required by the Contract Documents to be employed by CONTRACTOR, and safety precautions and programs incident thereto

F. CONTRACTOR does not consider that any further examinations, investigations, explorations, tests, studies, or data are necessary for the performance of the Work at the Contract Price, within the Contract Times, and in accordance with the other terms and conditions of the Contract Documents.

G. CONTRACTOR is aware of the general nature of work to be performed by OWNER and others at the Site that relates to the Work as indicated in the Contract Documents.

H. CONTRACTOR has correlated the information known to CONTRACTOR, information and observations obtained from visits to the Site, reports and drawings identified in the Contract Documents, and all additional examinations, investigations, explorations, tests, studies, and data with the Contract Documents.

I. CONTRACTOR has given ENGINEER written notice of all conflicts, errors, ambiguities, or discrepancies that CONTRACTOR has discovered in the Contract Documents, and the written resolution thereof by ENGINEER is acceptable to CONTRACTOR.

J. The Contract Documents are generally sufficient to indicate and convey understanding of all terms and conditions for performance and furnishing of the Work.

## ARTICLE 9- CONTRACT DOCUMENTS

### 9.01 *Contents:*

- A. The Contract Documents consist of the following:
1. This Agreement;
  2. Engineering General Conditions noted as EJCDC No. 1910-8 (1996 Edition);
  3. Supplementary Conditions;
  4. Addendum Nos. (Not Applicable);
  5. Exhibits this Agreement;
    1. Notice to Proceed;
    2. CONTRACTOR's Proposal;
    3. Documentation submitted by CONTRACTOR prior to Notice of Award;
    4. CONTRACTOR's Schedule of Values;
  6. The following which may be delivered or issued on or after the Effective Date of the Agreement and are not attached hereto:

Written Amendments;  
Work Change Directives;  
Change Order(s).
- B. The documents listed in paragraph 9.01A are attached to this Agreement (except as expressly noted otherwise above).
- C. There are no Contract Documents other than those listed above in this Article 9.
- D. The Contract Documents may only be amended, modified, or supplemented as provided in paragraph 3.05 of the General Conditions.

## **ARTICLE 10- MISCELLANEOUS**

10.01 *Terms*: Terms used in this Agreement will have the meanings defined by Engineers Joint Contract Documents Committee STANDARD GENERAL CONDITIONS OF THE CONSTRUCTION CONTRACT (EJCDC No. 1910-8 (1996 Edition)).

10.02 *Assignment of Contract*: No assignment by a party hereto of any rights under or interests in the Contract will be binding on another party hereto without the written consent of the party sought to be bound; and, specifically but without limitation, moneys that may become due and moneys that are due may not be assigned without such consent (except to the extent that the effect of this restriction may be limited by law), and unless specifically stated to the contrary in any written consent to an assignment, no assignment will release or discharge the assignor from any duty or responsibility under the Contract Documents.

10.03 *Successors and Assigns*: OWNER and CONTRACTOR each binds itself, its partners, successors, assigns, and legal representatives to the other party hereto, its partners, successors, assigns, and legal representatives in respect to all covenants, agreements, and obligations contained in the Contract Documents.

10.04 *Severability*: Any provision or part of the Contract Documents held to be void or unenforceable under any Law or Regulation shall be deemed stricken, and all remaining provisions shall continue to be valid and binding upon OWNER and CONTRACTOR, who agree that the Contract Documents shall be reformed to replace such stricken provision or part thereof with a valid and enforceable provision that comes as close as possible to expressing the intention of the stricken provision.

IN WITNESS WHEREOF, OWNER and CONTRACTOR have signed this Agreement in duplicate. One counterpart each has been delivered to OWNER and CONTRACTOR. All portions of the Contract Documents have been signed or identified by OWNER and CONTRACTOR or on their behalf.

This Agreement will be effective on \_\_\_\_\_ (which is the Effective Date of the Agreement).

**OWNER:**

**CONTRACTOR:**

ROY CITY CORPORATION

FERGUSON WATERWORKS METER AND  
AUTOMATION GROUP

By: \_\_\_\_\_

By: \_\_\_\_\_

[CORPORATE SEAL]

[CORPORATE SEAL]

Attest \_\_\_\_\_

Attest \_\_\_\_\_

Address for giving notices:

Address for giving notices:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

(If CONTRACTOR is a corporation or a partnership, attach evidence of authority to sign)

Designated Representative:

Name: \_\_\_\_\_

Name: \_\_\_\_\_

Title: \_\_\_\_\_

Title: \_\_\_\_\_

Address: \_\_\_\_\_

Address: \_\_\_\_\_

Phone: \_\_\_\_\_

Phone: \_\_\_\_\_



## ROY CITY

### Roy City Council Work Session Agenda

June 16, 2015 – 6:00p.m.

Roy City Council Chambers

5051 South 1900 West

Moment of Silence and Pledge of Allegiance: Councilmember Becraft

1. Approval of June 2, 2015 City Council Minutes
- 6:00 p.m. 2. Public Hearing to Amend Fiscal Year 2015 Budget
3. Consideration of Resolution 15-7 Approving Adjustments to the Fiscal Year 2015 Budget
4. Consideration of Resolution 15-5 Adopting the Fiscal Year 2016 City Budget and Levying a Property Tax Revenue Rate
5. Consideration of Resolution 15-6 Approving a Development Agreement for the West Park Subdivision
6. Consideration of a Request for Conditional Use Approval for a Drive Up Window for an East Roy Retail Development Within an Existing Strip-Mall Type Building Located at 4800 S. 1900 W.
7. Consideration of a Request for Conditional Use Approval for a Drive Up Window for SH and Son's Sinclair C-Store, an Existing Vacant Building Located at 5190 S. 1900 W.
8. Consideration of an Agreement between Roy City Corporation and Ferguson Waterworks Meter and Automation Group for the Roy City Water Meter Upgrade Phase 1 Project – Roy City Contract Number 2015-8
9. Presentation by Anderson Development Concerning Possible Development of Property Located at 4300 South 2700 West
10. City Managers Report
11. Public Comments
12. Mayor and Council Report
13. 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](mailto: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 15<sup>th</sup> day of June, 2015. A copy was also provided to the Standard Examiner and posted on the Roy City Website on the 15<sup>th</sup> day of June, 2015.

AMY MORTENSON,  
ROY CITY RECORDER

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