

Minutes of the Roy City Council Meeting held in the City Council Chambers of the Roy City Municipal Building on October 15, 2019 at 5:30 p.m.

Notice of the meeting was provided to the Utah Public Notice Website at least 24 hours in advance. A copy of the agenda was posted.

The following members were in attendance:

Mayor Robert Dandoy
Councilmember Burrell
Councilmember Paul
Councilmember Tafoya

City Manager, Matt Andrews
City Attorney, Andy Blackburn

Also present were: Police Captain, Danny Hammond; Fire Chief, Jeff Comeau; Public Works Director, Ross Oliver; City Recorder, Morgan Langholf, Aven Mueller, Rick Kirk, Glenda Moore, Jason Sphar, Chris McCandless, Stephen Smith, Clinton Robert, Heather Morse, Derric Morse, Bobbi McGraw, Andrea Sanders, Nicole Watkins, Trisha Clark, Ronnie Maughan, Alan Heiner, Rylee Judkins, Mardji Franco, Elias Trujillo, Lance Hacock, Byron Burnett, Chris Lewis, Ann Jackson, Nicole James, Alexis James, Danielle Halverson, Dustin Kohli, Arianna Monson, Hope Ellison, Brandy Clydesdale, Jason Clydesdale, Jon Grover, James Thor, Mary Hirsbrunner, Julie Bashford, Yishur Mendoza, Jed Porter, Scott Lewis, Mercedes DeJong, Alejandra Ochoa, Jennifer Lopez, Ashley Ross, Kyler Branch, D. Wilson, B. Sander, Hansen Roetzche, Susan Boyce, Taylor Mantz, Michelle Johnson, Hecter Jimenez, Robert Clark, Kevan Jensen, Devin Jensen, Trude Crossley, Lisa & Trent Leaveitt, Tanner, Joan Peterson, Roger Peterson

A. Welcome & Roll Call

Mayor Dandoy welcomed those in attendance and noted Councilmembers Burrell, Paul, Tafoya were present. Councilmembers Saxton and Yeoman were excused.

B. Moment of Silence

Councilmember Paul invited the audience to observe a moment of silence.

C. Pledge of Allegiance

Local Boy Scout Troop 474 led the audience in reciting the Pledge of Allegiance.

D. Consent Items

(These items are considered by the City Council to be routine and will be enacted by a single motion. If discussion is desired on any particular consent item, that item may be removed from the consent agenda and considered separately.)

1. Approval of the September 17, 2019 City Council Minutes

Councilmember Burrell motioned to approve the September 17, 2019 City Council Minutes. Councilmember Paul seconded the motion. All Councilmembers voted "Aye." The motion carried.

E. Action Items

Mayor Dandoy changed the order of Action Items to accommodate the Judge's schedule.

1. Consideration of Resolution No. 19-26 A Resolution requesting the Recertification of the Roy Weber Justice Court.

City Attorney, Andy Blackburn, explained that every four years the Council must submit a recertification request with the State. This resolution, he explained, would send the recertification process back to the administrative court. Mr. Blackburn presented an attorney's letter detailing the requirements to be recertified. He added that the resolution needed to be approved in order to begin the process. Staff requested approval of the above-listed Resolution.

Councilmember Paul motioned to approve Resolution No. 19-26 requesting the Recertification of the Roy/Weber Justice Court. Councilmember Tafoya seconded the motion. A roll call vote was taken. All Councilmembers voted "Aye." The motion carried.

PUBLIC HEARING: Consideration of the following:

2. Ordinance 19-12 To amend the General Plan (future Land Use Map) from Commercial & Medium Density Single Family Residential to Very High Density Multi-Family Residential
3. Ordinance 19-13 To amend the Zoning Map from CC (community Commercial) to R-4 (Multi-Family Residential)

Mayor Dandoy directed Developers Steve Smith and Chris McCandless to do their presentation followed by City Planner Steve Parkinson's presentation. Then, he added, he would open the Public Hearing to the residents. The Council's questions would then follow.

Steve Smith, from Sandy, Utah, started his presentation. Mr. Smith provided a historical overview of the property in question. He explained that he had begun acquiring the eight or nine properties that comprised the parcel in 2005. He added that it had taken three years to get a sample of what he was now presenting because of application concerns. Mr. Smith subsequently identified on an aerial map the houses that had been purchased. He explained that he had originally wanted to develop the property himself. He explained that he had put several plans onto the marketplace and had gotten some responses from several companies. Originally, he explained, he had not wanted to piece out the property. He explained that he had seen pieced out developments ending up with orphaned properties.

Mr. Smith mentioned that he wanted to develop a project that would benefit the community and that with the downturn of 2009, the situation had become more difficult for him: finding a sustainable project had become challenging. He added having been distraught to read on social media that he, as a landowner, did not care about community. He stated that this was not the case for him as he had carried the land for 15 years hoping to find a project that would be an asset to the community. Mr. Smith added that he had been stung by suggestions that, as a developer, he was influencing the Council. He explained that this was not the case as there had been no contact, contributions, or quid pro quo.

Mr. Smith explained that under the Community Commercial zoning, he had many different options open to him. He pointed to the slide explaining the permitted uses. He continued that retail had struggled over the past few years and pointed to local examples showing the difficulties retail was experiencing. He further stated that building another retail center would not be viable. He pointed to a possible big box store but continued that this might be an issue as many customers were now shopping online. With those difficulties, he explained wanting to work with a management company (namely, Chris McCandless) to

assist him in finding the right land use. He explained that Chris McCandless had 30-40 years of real estate experience. He mentioned that one of the concerns the community had raised had been that he could build 30 to 40 units per acre of land. He explained that he had worked to build consensus between Staff, Community, and Council. Mr. Smith further mentioned that Chris McCandless would present ideas on how to have a project that would fit this consensus. He also explained that there had been concerns about traffic. He added that traffic everywhere in Utah was failing but added that while his project would add traffic, since it was not going in the same direction, it would alleviate the overall traffic load.

Chris McCandless mentioned that he had family members living in the area, and, as a result, he came to Roy on a regular basis. He decided to discuss a couple of difficult projects to show the Council his ability to better specific issues. He described two specific projects where both elected officials and the landowner were satisfied. One such project, he continued, had taken 15 years to be accomplished. He further discussed a park he worked on near Primary Children's Hospital, a project in Cottonwood Heights, the Southtown Bend Center, the Hale Center Theater, and Center Park. Chris McCandless emphasized that he stuck with projects even when they were challenging. He explained that he had been approached to have the land used for a Charter School which would take half of the parcel. The remaining 3.5 acres, he continued, would be a good fit for senior housing which was considerably denser. Another concept, he continued, would be to create townhouses, which was permitted under the R4 zoning. These townhouses, he continued, would offer ten units per acre and would not be offered for purchase. He added that trees would be planted along the side of the street. Mr. McCandless further explained that he hoped to have the units be available in the low \$200,000.00. He added this would be a challenge but continued that his own children were finding it difficult to house themselves in Utah. With this mind, he felt affordable housing was needed in Utah. Another part of the project would be a care facility, which was also a permitted use in the zone.

Chris McCandless continued that there was an open area which he pointed to on the map. He added this might be a good area for a parking. He explained that there would also be a park area. If the area were sold to a big box store, he continued, this area would be filled with grass. He explained that he wished to protect the Wasatch Area. He further informed the Council that an access road would be built between 3500 and Midland, which would require permission from the Utah Department of Transportation. He continued that a detailed traffic impact study would need to be performed as most of community comments centered on traffic issues.

Chris McCandless began discussing community comments. He explained that traffic impact had been the main concern. Second, he continued were concerns of property values, with infrastructure next. Townhomes developer commitment had, in the past, also shown to be a concern. Chris McCandless explained having hired Brian Hales, from Hales engineering, as a traffic consultant. He had been told that traffic from a commercial site would create 7,200 cars per day. A residential project, on the other hand, would create traffic of 886 cars per day, he added. Mr. McCandless added that if traffic was the issue, he wished to offer his services to property owners. He explained that he was familiar with the State Board of Transportation and that he would love to help the community resolve traffic issues. He continued that he wished to help the City fund a traffic study, as it would require at least \$1 million to do so. He reiterated his experience with such matters. Creating a residential area, he continued, would not add to the traffic concerns. He discussed other key players in the project.

Mr. McCandless explained that one of the residents' fears was property value. He mentioned that building residential areas did not affect property prices if but modestly. Industrial and retail uses, however, did have an impact, he added. Mr. McCandless then discussed infrastructure. He explained that some of the sewer development would require an investment that the development was willing to cover. He continued that in terms of utilities, there would be little off-site work to be completed. He mentioned that sidewalks would need to be developed whether the chosen project was commercial or residential. He

discussed the 3500 West expansion to create a corridor. He explained that the development would include a pedestrian bridge over the canal. The prefabricated bridge, he added, would be an inexpensive way to move pedestrian through the traffic choke point. He continued that the Charter School “The Bridge Academy” was committed to the location. The School would also need to do a traffic impact study, he pointed out. Mr. McCandless stated that he wished to put on the record that the density for this project would be kept to 12 units or less per acre. He added being known for doing what he had committed to and emphasized that the company’s word was very important to him. Mr. McCandless continued with details of the townhomes. He added that, for a long time, commercial tax dollars had been chased in Roy. However, he pointed out, that had changed as current businesses had to keep in business. He explained that he liked the idea of providing elementary education in the area; therefore, the school was his first choice. Furthermore, he explained that a lot of people had already signed up for attendance at this new school. Affordable housing opportunity, he continued, was a priority across the state. He pointed that the site plan met the policies of the general plan.

City Planner Steve Parkinson stated that there was a request to amend the general plan. The zoning map, he continued, had to be amended to R4. He displayed an aerial map of the location and explained that it was only some portions of the parcel that had to be rezoned, not the whole property. These areas were shown in yellow on the displayed map.

Mr. Parkinson explained that the Planning Commission had held a public hearing the week prior. He explained that the main concerns had been listed in the Staff report. The Staff, he continued, recommended approval for both the general plan amendment and the rezone of the zoning map.

Councilmember Burrell made a motion to go into Public Hearing. Councilmember Paul seconded the motion. All Councilmembers voted “Aye.” The Motion carried.

Jason Sphar, 4400 South 1650 West, explained that he was the sole Planning Commissioner who voted against the plan. He explained that the State was pushing the City to increase its high-density housing. He pointed that most residents, on the other hand, did not want high-density housing. He explained that he believed the location of this project was important and that the project should not be accepted as a whole. He explained that he felt the area would be better being maintained as a community commercial zone and not have the school built. He mentioned that this space would be great for businesses to bring services to residents. He added not being sure when the lighting would be updated in the area. He argued that if the school were to be built, the space would no longer be appropriate to add retail later. While most residents did not oppose living next to a school, he continued, most opposed living next high-density housing. He explained that if the school were built, the rest of the land should be used for single family housing.

Jon Grove, 5011 South 3550 West, stated that his main concern was traffic in the area as he knew the situation was already dire. He explained that turning on 3500 from the West was challenging. He explained often taking another route to avoid the turn. The school, he added, would compound the issue. He explained that school drop-offs and pick-ups would bring a lot of traffic. As a teacher, he explained that he was well aware of the challenges of school generated traffic. He continued stating that multi-unit, high density housing would also create traffic issues. He continued that the proposed road would not alleviate the traffic. He added that the traffic on Midland drive was already very problematic. He explained attending many City Council meetings and added that he felt that whatever added taxes for the City would be voted. He explained that it was more important to consider quality of life. He added that high density housing would lower his property value. He mentioned that single family housing should be considered.

Susan Boyce, 5123 South 3500 West, explained that it had taken her 15 min to get onto the main road

from her house. She continued that her alternative was to take a different path altogether and added that freeway exits were also problematic with traffic sometimes backed for 4 hours. School traffic would only increase the issue, she added. She explained that the past years had brought exponential traffic issues.

Diane Wilson, 4302 South 2675 West, explained that the biggest concern for citizens was the traffic impact. She added that current traffic data showed that townhomes were not the largest issue when it came to traffic, but rather schools were. Since the school was depending on the zoning change, she mentioned that change should be reconsidered. With the new traffic impact studies, she asked whether the Council would reconsider if the study showed a detrimental traffic impact. She added that the infrastructure had to be prepared for the change.

Byron Burnett, 4375 South 2675 West, explained that he had been in front of the Planning Commission in 2015, as there had been an attempt to build apartments in front of his house. The Residential Inlay ordinance, he continued, was supposed to protect residents from such structures. He explained that he had also seen the proposal that would be sent to the State by December 1st. He found the proposal concerning. In 2015, he continued, he had fought the apartment complex with the Inlay ordinance as it would have ruined his view of the sunset, a view he had been enjoying for 47 years. He added that his privacy would also have been compromised. His concern, he continued, was that high-density housing was a trend along the Wasatch Front. He continued that the trend was fueled by the State through State Bill 34. In Ogden, he continued, there was no mixed-use proposal. He continued that SB 34 also called for moderate single home housing. This type of housing, he continued, would be better for the location. He continued that he did not want to see the Council do anything that would negatively impact the City residents. He explained that he did not want to see the State's one size fit all solution be detrimental to Roy. Finally, Mr. Burnett explained that he had sent the Mayor a letter about his concerns.

Tim Roberts, 3613 West, explained he had not planned on talking that evening. He explained that he had been in Utah for 20 years and had lived in a number of areas. He continued that he was watching the Council do what other towns and councils had done: the Council was about to destroy the area. He asked how many people had traveled to California and complained that all they saw was cars, industrial areas, and houses. He explained having been raised there. The drive to build had caused annexations and development in cities. Mr. Roberts pointed to different areas that had been overdeveloped. He explained that overdeveloping was no worth the attendees' souls.

Paul Carter, 5600 South 4975 West, explained that he used Midland every day to go to work. While not opposed to townhomes, he asked the City to make sure it did the necessary changes for traffic. He explained that he had bought his house because it was only 15 min away from his work. Adding a school in the property would impact the community and add a lot of time to commute.

Dustin Kohli, 4044 South 3600 West, explained that while he preferred single family homes, he was not opposed to townhomes. He explained that he was under the impression that the school had already been agreed upon. He added that the aforementioned left turn was near impossible to make. On the commute back to Roy, he continued, there was also a difficult left turn make. He explained that his biggest concern was the traffic in the area. He added also being concerned about the parking for the assisted living facility.

Shawn Henderson, 4833 South 4150 West, stated he lived of the property in question. He wanted to point that hundreds of houses to the West would be affected by this development. He asked whether the rezoning to R4 was contingent with the placing of the school on the property. Mayor Dandoy stated that the approval of the City for the school was to take place that day, as the use was permitted. The question before the Council on that day, he explained, was whether the land highlighted in yellow on the map could be zoned for high density housing. Mr. Henderson explained he had concerns about the intersection

and its ability to withstand more traffic. While glad to know the developer seemed to be true to his promises, the intersection was a crossroads, and many would be affected. He added the intersection was already busy and that more traffic would make it dangerous for children crossing. He explained that a walking bridge or some other consideration had to be offered to increase safety.

Trisha Clark, 4839 South 3600 West, explained she also was concerned about traffic. She stated that this parcel was one of the last large parcels in the City. She continued that a lot of the candidates for Council had mentioned wanting to bring more business to the City. From this standpoint, she added, the City was missing an opportunity. She continued that traffic had to be addressed regardless. She continued that Roy was lacking in restaurants and that building a school would dramatically increase traffic as there was no bus service in the area. She explained having to sometimes wait 15 minutes to make her left turn at the aforementioned intersection and that, as a result, people cut through residential areas. She continued that townhouses would impact property value.

Randy Clydesdale, 4881 Midland Drive, explained that there were no sidewalks across the street from the property to walk to the canal. She added that a walkway would have to be built to protect children from speeding cars. She explained that she had bought her house recently when her street, while a little busy, still felt like a neighborhood. She mentioned being in favor of single-family homes and gave traffic layout recommendations.

Trent Leavitt, 4844 South Midland Drive, explained that there had to be a buffer zone between houses and commercial. He added that his privacy would be voided without a buffer zone. The traffic, he continued, would be an issue regardless of how little it would increase. He explained that he had seen individuals go as fast as 64 mph. He asked whether there was any way to slow traffic down on this street.

Rick Kirk, 4852 South 3500 West, explained that he had lived in his house for 32 years, when the street was a two-lane rural road. Adding more housing, he continued, would compound the problem, bringing all kinds of people in the area. He voiced similar time concerns about the aforementioned intersection. He continued that adding a school would increase traffic but only during certain hours and explained that since the lot had been vacant for 15 years, the owner must have been having a hard time selling it. He expressed that now that a school had shown interest, the owner wanted to maximize his profit by having the remainder of the lot be zoned for high density housing. He explained that any kind of high-density housing would need to be built away from the thorough fare.

Councilmember Paul made a motion to go out of Public Hearing. Councilmember Burrell seconded the motion. All Councilmembers voted "Aye." The motion carried.

Councilmember Paul explained that regardless of the Council's decision, the school would be built as it was one of the allowed uses.

Mayor Dandoy discussed the widening of 3500, which, he explained, had been planned. The project, he continued had been estimated at \$81 million. The project was connected to another widening North of Midland. He explained that the project was in phase 1 (2019-2030). The project was planned, he continued, but not funded. He added that the best estimate was that the road would not be widened until 2024. In terms of taxes, he continued, public schools and charter schools did not pay sales tax. The City would also not get property tax on the school. He added that the school was, however, a great addition to the community, that it was a permitted use, and that the owners felt it was a good choice for the location. The infrastructure, he continued would not be built until 2024. He pointed that 3500 was a UDOT road and that the question could be asked whether there should be a delay to build the school so it came at the same time as the new infrastructure.

Mayor Dandoy stated that SB 34 was important because the State required that Roy had 4 of the 23 elements outlined in the bill. He explained that this was a State law and that things became more complicated when it came to the Transit Station as it forced the City to be compliant. A lack of compliance could mean a loss of transportation investment funds. He explained that this fund was allowing the widening 3500 and 5600. He added that the City could not survive without this funding and explained that the development and building out of West Haven would affect Roy City as it was being used as a transit.

Mayor Dandy addressed the buffer zone as it would be discussed later. He added that the developers could put assisted living on the property as it was a permitted use. He added that speed bumps could be added to 4800.

Mayor Dandoy called for a motion to approve Ordinance 19-12 to amend the general plan (Future Land Use Map) from Commercial and medium density single family to very high density multifamily residential. There was no motion made. The motion died.

With Ordinance 19-12 dying, Ordinance 19-13 also dies due to lack of 19-12.

PUBLIC HEARING

4. Consider Ordinance 19-14 to amend Title 10 Zoning Regulations; Amending CH 10-General Property Development Standards; CH 17 Table of Uses; and CH 31-Definitions

City Planner Steve Parkinson presented Ordinance 19-14 to the Council as constructed by the Planning Commission. He added that the requirements between a non-residential and residential zone were different and continued that there had been a public hearing the week prior: the Staff had been working on the issue for the past three months. He mentioned that six different cities had been studied, including cities both in and outside of Utah to explore different options for screening and landscaping. He explained the table that had been handed to the Council and how to read it. The minimum setback requirement, he continued, was 20 feet, or 1 foot per 1-foot height of building (the greater number would apply). He added that the ambiguity came from the type of material used as screen. He explained that the change in the ordinance had allowed cleaning the language. He added that the ordinance the Council now had presented four different options. Once a developer made a choice, Mr. Parkinson stated, the rest of the process had been set into place. He explained that there was no requirement as to what was considered landscaping. As a result, he continued, the Planning Commission chose to require landscaping. He added that the goal had been to adapt the landscaping and the kinds of screen developers would choose. While the ordinance was complex, it was not as complex as that of other cities. He continued that the ambiguity had been eliminated. The ordinance as it had been added in 2014 only gave partial clarity. He explained that looking at a city in Arizona has given the Planning Commission the idea of offering four options of fencing. Mr. Parkinson pointed to different pictures to illustrate the options and describe their details. He stated that he hoped these options would be better options for the residents. He continued that both the Staff and the Planning Commission recommended approval.

Mr. Parkinson explained that the ordinance took into consideration the Fire Department's requirement and that the ordinance was meant to be applied to one specific area. Councilmember Paul asked if other areas might be considered unique, like the one presently discussed. Mr. Parkinson answered that it might be the case. Councilmember Paul stated that it was important to know which community the Planning Commission had looked at when evaluating screens. Mr. Parkinson mentioned that the developer for Wal-Mart had picked a 50 feet setback.

Councilmember Paul made a motion to go into Public Hearing regarding Ordinance 19-14. Councilmember Burrell seconded the motion. All Councilmembers voted “Aye.” The motion carried.

Braeden Stander, 5044 South 3600 West, explained that he had attended the Planning Commission meeting. He wished to ask why the setback had been changed from 20 to 15 feet and why it did not address issues of height, which continued to be an issue. He continued that the opaque fencing allowed privacy but that if the building was higher, privacy would be foiled. He added the ambiguity had not been fully addressed. He explained that one specific code should supersede the general code.

Jason Sphar, 4400 South 1650 West, explained that when the Planning Commission had worked on this ordinance, it had attempted to give the City more options for screens. He continued that if more work was needed, the Commission would be open to feedback and suggestions.

Kory Crossley, 5552 South 3750 West, asked how the ordinance would affect prior developments. Mayor Dandoy and Councilmember Paul stated that the ordinance would not be retroactive. Mr. Crossley continued that if an area had been built for a retaining wall, the ordinance would allow a fence to be built to at least 6 feet in height. The information was confirmed to be correct: the difference in height had to be accounted for. Mayor Dandoy explained that with any height difference, the fence had to be placed on the higher portion. Mayor Dandoy explained that some engineering approach would have to be used and added the discussion had to be about what was on the property line. Mr. Crossley explained he still was not fully understanding this portion of the code. Mayor Dandoy mentioned that a fence could not be higher than 6 feet. He stated that the Planning Commission had tried to find some mitigation to the ambiguity.

Mayor Dandoy stated that there was an issue with assisted living. He mentioned that if the ordinance was passed as it was to take the ambiguity out of the prior ordinance. He explained that he had read through the new ordinance and could still see some ambiguity: different portions called for different kinds of screens. He continued that Mr. Crossley’s question could be answered. If the ordinance was approved today, it would change things moving forward. The question, he added, was how to grandfather prior fences: the issue, he added, still had to be resolved.

Mr. Crossley stated that he did not believe the current requirement addressed the grandfathering of prior fences and their ambiguity.

Mayor Dandoy stated that the masonry fences wall would have to be allowed to be 12 feet high to satisfy the issue. His opinion, he added, was that if the ordinance passed during the meeting, any project forward would have to follow the ordinance. Mayor Dandoy discussed the details of the different height and materials. He continued that modifying the ordinance to include a 12-foot requirement, any development forward would have to follow the same rules. He mentioned that landowners might want to change their fencing, but that they would not be forced to. If the ambiguity were to be taken out tonight, he added, it might have consequences for the senior living facility. His main concern, he continued, was that the Council had to make a decision to ensure that the ambiguity did not manifest itself again in new developments. He added that more developments were coming.

Mr. Crossley explained that there was no delineation between offers for residential and commercial. He added being concerned about the shortening of the buffer to 15-feet. Mayor Dandoy stated that the Council could approve the proposal with amendments.

Trudy Crossley, 5552 South 3750 West, stated that her concern was that the previous code had been tied to a CC and an R1310. The current ordinance, she pointed, stated that the change was for any non-

residential zoning. She stated that the ambiguity was coming from the lack of specifics for certain zones. She added being concerned about height differences on the property line. She pointed to the height of screen behind her property and explained the owners had been able to not do a 6 feet fence. She mentioned she was concerned about taking away a view for residents. She asked how that specific property had been able to build 3 feet off the property line. She stated that not measuring from the highest elevation was creating the issue and continued that she did not like how so much language had been struck out.

Councilmember Paul made a motion to close the Public Hearing. Councilmember Tafoya seconded the motion. All Councilmembers voted “Aye.” The motion carried.

Mr. Parkinson stated that if the Council had any concerns, the ordinance could be turned back to the Planning Commission to make changes. All Councilmembers agreed that the ordinance needed to be tabled for a work session.

Councilmember Paul made a motion to table Ordinance 19-14 for a work session jointly with the Planning Commission. Councilmember Burrell seconded the motion. Councilmember Burrell and Paul voted “Aye.” The motion carried.

Councilmember Paul stated that there were different situations in the City when the City had to be able to change the requirements. He added that the Council had to have that flexibility. Mayor Dandoy stated that he had two “Ayes” to table, as a result the ordinance was tabled.

Mayor Dandoy asked for a joint meeting. City Manager Andrews stated that it was important to remember that the City management and the Council were separate forms of government. He added that as a result, the City had to be careful with having joint meetings so often. He explained that sometimes the Staff might feel that after all their work, the Council still did not vote in accordance. He added this was perfectly normal as things were being looked at independently. He explained that during the present meeting, the Council had looked at things differently from the Staff.

PUBLIC HEARING

1. Consider Ordinance 19-15 Amendments to Title 10 Zoning Regulations; amending CH 17 Tables of Uses; table 17-1 “outside storage of Recreational Vehicles (Limited)”

City Planner Steve Parkinson presented Ordinance 19-15 to the Council as constructed by the Planning Commission. He explained that at the time it was adopted, it was meant to limit the number of RVs stored on a property and the time they could be stored. Looking at the ordinance, he described an image projected for the Council. As long as RVs were parked legally on an approved surface, he added, the number should not matter. As a result, the Planning Commission had removed the number limitation. Councilmember Paul asked if an RV could be parked in front of a garage. Mr. Parkinson stated that this would not be possible. Mayor Dandoy pointed that many citations were issued for RV parking. He was answered that the number of citations was low if any. The details of how the RVs should be parked were discussed.

Mr. Parkinson stated that the ordinance was a result of the Staff’s research and thought process, but that anything could be changed if needed. The question, he added, was whether people should park in front of their two-car garage and eliminate the required parking. He continued that all RVs parked on a property had to be owned by the property owner or current person leasing. Councilmember Tafoya asked how long a visitor could stay parked. The question was whether someone could rent a portion of their land for someone to park an RV. Councilmember Burrell stated that family should be no exception. Mr.

Parkinson stated that every ordinance posed a difficulty in enforcement. Councilmember Paul stated that this ordinance had become an issue because someone was having trouble with visibility when backing out of their house. More guidelines, he added, might mean the City was too involved in property rights.

Mayor Dandoy read the ordinance. Embedded in the current language, he explained, was ambiguity about ownership, length of storage, and recreational vehicles v. trailer and snowmobiles. He explained that if storage had not been an issue, the language should have been struck from the ordinance. As it stood, he continued, the ordinance was unenforceable. He added that the government should not create a law that is unenforceable. He asked for a motion that would strike out the problematic language. The City should not have to interpret the language, he continued: the word storage was problematic as the so-called storage could be located in the back of a house. He concluded that the ordinance should be tabled or amended.

Councilmember Tafoya made a motion to go into Public Hearing regarding Ordinance 19-15. Councilmember Burrell seconded the motion. All Councilmembers voted “Aye.” The motion carried.

Glenda Moore, 2080 West 3825 South, stated she owned only one car. She argued that if she wished to park vehicles at her house in her empty driveway, she should be able to do so. She asked the Council to not make stupid laws, or unenforceable ones.

Sean Anderson, 4833 South 4150 West, explained that there were plenty of ways to allow citizens to use their property as a business with via apps and such. He added that this should be addressed.

Diane Wilson, 4302 South 2675 West, explained she agreed with what she had heard. She added being concerned about having her rights being limited by restrictions. As property owners, people had a say about their pursuit of happiness, she concluded.

Lance Hancock, 4490 South 1650 West, explained that he concurred with the rest of the comments. He added that he might have been in violation of the ordinance himself. He mentioned that things should be kept simple, and that there was no need to further restrict citizens.

Braeden Stander, 5544 South 3750 West, stated he agreed with the comments made. He explained that when the homes were initially built, driveways were not well thought out. He stated having seen his family’s trailers sometimes staying for a few weeks at their property.

Councilmember Paul made a motion to close the Public Hearing. Councilmember Tafoya seconded the motion. All Councilmembers voted “Aye.” The motion carried.

Councilmember Burrell asked if citizens would approve of their neighbors parking several vehicles that did not belong to them. Mr. Parkinson stated that this portion could be amended. Councilmember Burrell stated that she did not wish to see individuals with lots of land park numerous vehicles on it.

Staff had mentioned that the issue was trailers blocking the sidewalk. Councilmember Paul stated that nothing should block a sidewalk. Mr. Parkinson stated that the last bullet point was the same as the strike-out portion. Council members discussed different potential amendments.

Councilmember Paul made a motion to approve Ordinance 19-15 with amendments as stated. Councilmember Burrell seconded the motion. A roll call vote was taken. Councilmember Burrell voted “nay,” Councilmember Tafoya voted “nay,” and Councilmember Paul voted “Aye.” The motion died due to lack of votes.

Councilmember Tafoya then motioned to table Ordinance 19-15. Councilmember Paul seconded the motion. All Councilmembers vote “Aye.” The motion carried.

F. Public Comments

Mayor Dandoy opened the floor for public comments.

Mrs. Diane Wilson asked the purpose of having gravel or asphalt on concrete. Councilmember Tafoya stated that it had to do with ground waters and trenches. Mrs. Wilson was told to contact Engineering. Mr. Parkinson added this might have to do with the weight of vehicles as well as the overall look of Roy City. Mrs. Wilson asked why this was a City matter as opposed to a property owner matter. Councilmember Burrell explained that the choice of material might impact neighbors.

Mayor Dandoy closed the floor for public comments.

G. Reports and Discussion

1. City Manager Report

Mr. Andrews reported on the following:

- Mr. Andrews explained that elections were to take place on November 5, 2019. The City, he added, would offer snacks at 7:45 p.m. to watch the election results.
- Mr. Andrews explained that the Podium Speaker System was being worked on for a better solution. He added that two court dates were being canceled while the system was being reconfigured. The problem, he explained, was that often, when turned too high, the sound would echo back into the microphone.

2. Mayor and Council Report

Mayor reminded those in attendance of the Trunk or Treat event on October 25, 2019. He explained that the Council’s theme was Western.

H. Adjournment

Councilmember Burrell Motioned to Adjourn the City Council meeting at 8:15 p.m. Councilmember Tafoya seconded the motion. All Councilmembers voted “Aye.” The motion carried.

Robert Dandoy
Mayor

Attest:

Morgan Langholf
City Recorder

dc: