



## **ROY CITY COUNCIL MEETING AGENDA**

**JULY 16, 2019 – 5:30 P.M.**

**ROY CITY COUNCIL CHAMBERS – 5051 SOUTH 1900 WEST**

**A. Welcome & Roll Call**

**B. Moment of Silence**

**C. 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 June 4, 2019 & June 18, 2019 Roy City Council Meeting Minutes
2. Re-appointment of Planning Commissioners
3. Consider a request for Preliminary Subdivision approval of Roywell Subdivision for properties located at approx. 2792 West 4000 South

**E. Presentation**

1. Employee of the Month- June & July
2. Boys & Girls Club- John Cordova
3. I15 UDOT Presentation

**F. Action Items**

1. **PUBLIC HEARING-** Consideration of Ordinance 19-9; to amend the Zoning Map from LM (Light Manufacturing) to RE-20 (Residential Estates) for properties located at approximately 5149 South 2700 West
2. **PUBLIC HEARING-** Consideration of Ordinance 19-10; to amend the Zoning Map from R-3 (Multi-Family Residential) to CC (Community Commercial for portion of a property located at approximately 3926 South Midland Drive.
3. **Resolution 19-16** Approving an Interlocal Cooperation Agreement with MIDA to Provide Certain Municipal Services to the Falcon Hill Project Area
4. **Resolution 19-17-** Approving Ambulance Transportation Rates and Charges

**G. Public Comments** *This is an opportunity to address the Council regarding concerns or ideas on any topic. To help allow everyone attending this meeting to voice their concerns or ideas, please consider limiting the amount of time you take. We welcome all input and recognize some topics may take a little more time than others. If you feel your message is complicated and requires a lot of time to explain, then feel free to email your thoughts to [admin@royutah.org](mailto:admin@royutah.org). Your information will be forwarded to all council members and a response will be provided.*

**H. City Manager**

**I. Mayor & Council Report**

1. Assisted Living Discussion

**J. Adjournment**



*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.*

***Pursuant to Section 52-4-7.8 (1)(e) and (3)(B)(ii) “Electronic Meetings” of the Open and Public Meetings Law, Any Councilmember may participate in the meeting via teleconference, and such electronic means will provide the public body the ability to communicate via the teleconference. The anchor location shall be the Roy City Council Chambers located at 5051 South 1900 West, Roy Utah.***

#### **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 12<sup>th</sup> day of July, 2019. A copy was also provided to the Standard Examiner and posted on the Roy City Website and Utah Public Notice Website on the 12<sup>th</sup> day of July, 2019.

**Morgan Langholf**  
City Recorder

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



**ROY CITY**  
**Roy City Council Meeting Minutes**  
**June 4, 2019 – 5:30 p.m.**  
Roy City Council Chambers  
5051 South 1900 West

Minutes of the Roy City Council Meeting held in the City Council Chambers of the Roy City Municipal Building on June 4, 2019 at 5:30 p.m.

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 Robert Dandoy  
Councilmember Tafoya  
Councilmember Paul \*  
Councilmember Saxton

City Manager, Matt Andrews  
City Attorney, Andy Blackburn

*\*Participated via electronic communication.*

Also present were: Fire Chief, Jeff Comeau; Parks and Recreation Director, Travis Flint; Public Works Director, Ross Oliver; City Planner, Steve Parkinson; City Recorder, Morgan Langholf, Mandie Worton, Trent Wilkins, Jody Call, Lizzie Badger, Glen Jenkins, Dean Cardwell, Al Gibson, Glenda Moore, Braeden Stander, David Ermer, Don Decker, Diane Wilson, Trudi & Tate Crossley, Gary Robinson

**A. Welcome & Roll Call**

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

**B. Moment of Silence**

Mayor Dandoy invited the audience to observe a moment of silence.

**C. Pledge of Allegiance**

Mayor Dandoy 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 April 16, May 1, and May 7, 2019 Roy City Council Minutes, and the May 1, 2019 Roy City Council Special Meeting Minutes.
2. Appointment of Councilmember Jan Burrell to OWCAP

**Councilmember Tafoya motioned to Approval of the April 16 & May 7, 2019 City Council Minutes, May 1, 2019 Roy City Council Special Meeting Minutes & the appointment of Councilmember Jan Burrell to OWCAP. Councilmember Paul seconded the motion. All Councilmembers voted “Aye.” The motion carried.**

**E. Presentations**

1. New Historical Markers

Parks and Recreation Director Travis Flint invited Marge Becraft and Elizabeth Badger to come before the Council. The Historical Markers projects was originally developed by Ms. Becraft, and it was a collaboration between the Arts Council, Beautification Committee, and City staff. Five historical signs had been installed so far, and they intended to do eight more at the rate of one or two per year. He briefly described the markers that had been installed and scavenger hunt that had more than 350 participants. He thanked Ms. Becraft and Ms. Badger for their efforts in making this project a reality and educating the public on the history of Roy City.

Ms. Becraft said that she had been involved with this project for over three years. The project would include signs for the canal, the canning factory, the first church, the first paved road, first gas station, first park, and first restaurant. Another sign would include the names of the first City Marshal, Mayor, Fire Chief, and Water and Sewer Superintendent. Ms. Becraft said that she was a member of a Daughters of the Utah Pioneer's group, and they were thrilled to see all of this history posted around the City.

Mr. Flint was proud of this project and what the group had done to bring the community together.

2. Employee of the Month - Travis Flint presented Lizzie Badger as May 2019 Roy City

Mr. Flint invited Elizabeth Badger to come back up to receive the Employee of the Month recognition. She was nominated by Jody Call. Mr. Flint read his nomination letter about Ms. Badger.

**Councilmember Tafoya motioned to approve Lizzie Badger as employee of the Month for May 2019. Councilmember Saxton seconded the motion. All Councilmembers voted "Aye." The motion passed.**

3. Red Cross Roy Fire Smoke Detector Installation Event

Fire Chief Jeff Comeau explained that the Fire Department would be teaming up with the Red Cross on its Smoke Detector Installation Event. The program had been done in other communities in northern Utah with great response.

Mike Small, the Disaster Program Manager for Northern Utah, briefly described the Sound the Alarm Program. The Red Cross would come into the City and install free smoke detectors in residential homes, with the help of the Fire Departments and community volunteers. Every eight minutes, someone died of a home fire in the United States. Having new smoke detectors in homes helped to prevent those deaths. The Red Cross would also speak to home owners about fire safety and how to get out of the house in two minutes or less. He presented flyers for potential volunteers.

Chief Comeau said that when the Red Cross held this event in Ogden, they installed over 300 smoke detectors. The date for the event in Roy City was Saturday, June 15<sup>th</sup>. Information would be posted on the Fire Department's and City's respective websites.

4. Service Award for Fire Department Crew

Chief Comeau explained that there was a home fire on April 12, 2019. The neighbors noticed smoke coming from the roof of the home and called in. They said that the home owner must have been home because her car was there. The fire fighters were able to respond to the call and rescue Kathy. She was taken to the hospital in critical conditions, but she was doing better and was present at the meeting.

Kathy (no last name given) briefly described her experience and thanked those who put their lives on the line to save hers.

Chief Comeau presented Service Awards to Austin Larsen, Shane Anderson, Rylin Jordan, and Nate Buchannan.

**F. Action Items**

1. Consideration of Resolution No. 19-11, A resolution approving animal control fee schedule changes.

Police Administrative Assistant Mandie Worton presented the resolution to the Council. The proposed resolution would adopt a new fee schedule for animal control. Currently, the fee scheduled allowed for first, second and third impounds, and boarding and quarantine fees. They offer euthanasia and disposal services, but they hadn't been able to charge for those services because of the fee schedule. The new fee schedule would allow animal control to recuperate funds that were spent on these services. The new fee schedule would reflect current animal control policies and procedures.

**Councilmember Saxton motioned to approve Resolution No. 19-11 Approving the Animal control fee schedule changes. Councilmember Paul seconded the motion. A roll call vote was taken. All Councilmembers voted "Aye." The motion carried.**

2. Ordinance 19-7 An Ordinance adopting certain restrictions on the use of fireworks within certain areas of the municipality.

Fire Chief Jeff Comeau presented the Ordinance to the Council. There had been some changes to the terminology that the State used when classifying Class C fireworks, so the proposed language would match State Code. They would also be increasing the area use distance from 20 feet to 30 feet, which was reflected in State Code. One other addition was the restriction of firework use in City parks. He noted that this proposal would not affect any uses that would require a permit for a commercial grade fireworks show, such as Roy Days.

**Councilmember Tafoya motioned to approve Ordinance No. 19-7 Adopting certain restrictions on the use of fireworks within certain areas of the Municipality. Councilmember Paul seconded the motion. A roll call vote was taken. All Councilmembers voted "Aye." The motion carried.**

3. **PUBLIC HEARING- 5:30 PM-** Consider a request for the following on the property located at 5713 South 3100 West-
  - a. **Ordinance 19-5-** To amend the General Plan (Future Land Use Map) from Low Density Single- Family Residential for Medium Density Single Family Residential.
  - b. **Ordinance 19-6-** To amend the Zoning Map from RE-20 (Residential Estates) to R-1-8 (Single Family Residential)
  - c. Preliminary Subdivision Approval of Glen Jenkins Subdivision.

**Councilmember Saxton motioned to open the public hearing. Councilmember Tafoya seconded the motion. All Councilmembers voted "Aye." The motion carried.**

Steve Parkinson presented the staff report regarding the two ordinances listed above. He noted that the ordinances were legislative requests, and Item 3c would normally be a consent item, but he wanted the Council to hear the two ordinances before approving the subdivision. The first request was to amend the General Plan Future Land Use Map from Low Density Single-Family to Medium Density Single-Family. The second request was to amend the Zoning Map from RE-20 to R-1-8. He presented a map of the area and identified the subject property. There was an existing single-family home on the property facing 3100

West. The Planning Commission held a public hearing for this request, and a few residents voiced their concerns. A gentleman from the subdivision to the north asked if the homes in this new development be subject to nine or ten of the CC&Rs of his HOA. Since this development won't be part of an HOA, they would only be restricted by the City Code. The Planning Commission and staff recommend approval of the application.

There were no public comments.

**Councilmember Saxton motioned to close the public hearing. Councilmember Tafoya seconded the motion. All Councilmembers voted "Aye." The motion carried.**

In response to a comment from Councilmember Tafoya, Mr. Parkinson explained that the applicant was requesting R-1-8 to get an extra lot based on frontage requirements. Most of the lots would be 9,000 square feet or more.

**Councilmember Tafoya motioned to approve Ordinance 19-5 to amend the General Plan (Future Land Use Map from Low Density Single Family Residential to Medium Density Single Family Residential. Councilmember Saxton seconded the motion. A roll call vote was taken. All Councilmembers voted "Aye." The motion carried.**

**Councilmember Paul motioned to approve Ordinance 19-6 to amend the Zoning Map from RE-20 (Residential Estates) to R-1-8 (Single Family Residential). Councilmember Saxton seconded the motion. A roll call vote was taken. All Councilmembers voted "Aye." The motion carried.**

**Councilmember Tafoya motioned to approve Preliminary Subdivision Approval of Glen Jenkins Subdivision. Councilmember Tafoya seconded the motion. All Councilmembers voted "Aye." The motion carried.**

#### **G. Public Comments**

Mayor Dandoy opened floor for public comments.

Marge Becraft, 1992 West 775 South, had compiled a list of businesses that would take junk cars, and many of them offered a tax write-off. They would also come and pick up cars from residents homes upon request.

Trudy Crossly, 5552 South 3750 West, expressed her concerns about the assisted living facility that was being constructed behind her home. The residents had noticed several code violations and tried to work with the developer and contractors to resolve the issues. She cited City Code 10-10-31-2 regarding the requirement for a screen wall between residential and non-residential uses. Currently, there was no screen wall. The development property was four feet higher than the residential properties, and the developer had chosen to do a four foot-vinyl fence on top of the retaining wall. The residents felt that they had no privacy with this kind of fencing, and it did not meet Code requirements. The Code also required a ten-foot landscape buffer between uses, but that did not exist on the development. Ms. Crossly said that the dumpster was enclosed but it was located four feet from her fence line, which was also a code violation. Lighting at the assisted living facility was also a nuisance and didn't meet Code requirements. She asked the City to enforce the existing City Code on the developer.

Braeden Stander, 5544 South 3750 West, echoed the concerns of Ms. Crossly. It seemed that the entire Code was ignored when the facility was approved. He added his concerns about the height of the building and the HVAC Systems. Mr. Stander spoke of his personal experience with drainage coming from the development onto his property. He said that all of the other businesses around their properties were able to

meet Code standards, and he wondered how the assisted living facility got away with its design. When the residents brought up these issues before, they had gotten the feeling that the City didn't care about their opinions.

Don Decker, 3129 West 5525 South, expressed his concerns about the Oshamira subdivision behind his home. He gave a brief history of the property and his conversations with the previous property owner about the use of the property. Since that time, the property was subdivided and sold, and now the outbuilding was being used for business purposes. This use was not allowed. Mr. Decker had discussed his concerns with the owner, but the tensions were escalating. He had three years-worth of documentation that he shared with the owner, but it wasn't received well. Mr. Decker gave examples of the equipment they were using in the building and described the noises that he was hearing in the middle of the night. He read the noise ordinance from Roy City Code and described how the owner was in violation.

Mr. Parkinson said that they would be meeting with Mr. Decker to look at this issue. The situation was that the property should not have been allowed to subdivide because it created a non-conforming use. Now the City was trying to deal with the aftermath of that approval. Staff had asked Mr. Decker to document the noise nuisance to strengthen his case.

Mr. Parkinson then addressed the concerns raised by Ms. Crossly and Mr. Stander. In some cases, staff had to determine which Code superseded another. For example, the City Code required the ten-foot landscape buffer between uses, but the Fire Code didn't allow. Due to the length of the building, they needed to have access in the rear. He had recently sent an email to the developer about the lighting issues, but hadn't received a response yet. Regarding drainage, he confirmed that staff had already tried to address this with the developer. The site plan that was reviewed and approved by the engineering department satisfied all drainage requirements, but the actual construction of the site did not meet that plan. Engineering had gone to the property to identify the drainage problems and sent a letter to the developer. Their bond would not be released to them until they resolve the drainage issue. Mr. Parkinson confirmed that the height of the building was 30 feet, which was within code. It just looked higher because they raised the grade of the site. The location of the dumpster enclosure was a new concern, and staff would look into that. Regarding fencing, the site plan originally called for a six-foot fence along the property. When the property was raised, the retaining wall was placed six to eight inches off the property line. If they had installed the six-foot fence as shown on the plan, the fence only would have been two feet tall on the development side. The developer chose to install a four foot fence on the retaining wall, which essentially gave the residents an eight foot wall on their side.

Mayor Dandoy commented that there seemed to be some conflicting language in their ordinances, which was the heart of the problem. He was concerned that the existing fencing really didn't provide that much privacy for the neighbors.

Mrs. Crossly said that the residents did see this coming. She and others attending the City meetings for this development from the beginning, and the site plan was approved contrary to City Code requirements. The plan should not have been approved.

Mayor Dandoy said that he would reach out to the property owner, not the contractor, to address these concerns. They would work together to see if the fencing issue could be resolved and the dumpster enclosure relocated. Staff and the Council should also work to address conflicting language in the City Code.

David Crossly, 5552 South 3750 West, was concerned that there had been a reconciliation of the conflicting ordinances. The Council should consider the purpose of the ordinances, which was to protect the residents that were established in the area. New development shouldn't take precedent over the existing neighbors.

Mayor Dandoy closed the floor for public comments.

## **H. Reports and Discussion**

### **1. City Manager Report**

City Manager Matt Andrews reported that former City Council Member Tommy Smith had passed away, and his funeral would be on June 8<sup>th</sup> at 12:20 p.m. at the Second Baptist Church. As previously discussed, temporary speed humps would be installed just west of 3700 West and by the LDS Church meetinghouse in that area. After 60 days, they would seek feedback from the community before moving forward with anything permanent. Movie in the Park would be starting on June 14<sup>th</sup> at Roy West Park. The film would be Ralph Breaks the Internet. The Golden Spike Softball Tournament would take place this weekend on Friday and Saturday. The City had received notification from UDOT that they would possibly starting construction on 5600 South on June 10<sup>th</sup>.

### **2. Mayor and Council Report**

#### **a. Ordinances regarding the number of personal RV/Vehicles you may have on a property.**

Mayor Dandoy said that there seemed to be a large number of people in Roy City who were violating the ordinance regarding vehicle storage on a property. He asked if the Council would like the Planning Commission to reexamine the ordinance to determine a good balance with the number of allowed vehicles.

Councilmember Tafoya requested that the Council revisit this during a work session when more Councilmembers were present. In the meantime, staff could pull ordinances from other municipalities and conduct other research that might be helpful in this discussion. He suggested that the Council and staff put together a proposal and then send it to the Planning Commission for review and feedback.

There was a discussion regarding the current fencing ordinances, and Mayor Dandoy was disturbed to find that the ordinance language available on the City website was not the same as the language being used by staff. It was highly important that this be rectified.

#### **b. At-will Employee Retention**

Councilmember Tafoya requested that this issue also be discussed during a future work session.

Council Member Saxton suggested that any termination of a department head be a unanimous vote from the Council. This would protect the at-will employees.

Councilmember Tafoya said that if they were required to have a unanimous vote in the past, there would be individuals working at the City that should not be. He firmly believed that they should maintain the majority rule. It has worked historically, and it was consistent with State Law.

Councilmember Saxton said that the public didn't vote for five City Council Members only for two of them to be silenced in these matters. Councilmember Tafoya argued that the majority rule still allowed all Council Members to vote in these situations.

Councilmember Paul said he could see both sides of the issue. It would be difficult to come to a full consensus on something like employee termination, but the employees deserved some sense of security. He wanted time to study the issue further.



Mayor Dandoy suggested including a “just cause” clause to the contracts for department heads. If this were in place, the employee couldn’t be terminated without documented just cause.

- c. Ordinances on fences or walls at highest ground level

Councilmember Tafoya requested that this issue also be addressed during a future work session.

**I. Adjournment**

**Councilmember Paul Motioned to Adjourn the City Council meeting at 7:22 p.m. Councilmember Saxton seconded the motion. All Councilmembers voted “Aye.” The motion carried.**

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Robert Dandoy  
Mayor

Attest:

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Morgan Langholf  
City Recorder

dc:



**ROY CITY**  
**Roy City Council Meeting Minutes**  
**June 18, 2019 – 5:30 p.m.**  
Roy City Council Chambers  
5051 South 1900 West

Minutes of the Roy City Council Meeting held in the City Council Chambers of the Roy City Municipal Building on June 18, 2019 at 5:30 p.m.

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 Robert Dandoy  
Councilmember Tafoya  
Councilmember Paul  
Councilmember Saxton  
Councilmember Burrell  
Councilmember Yeoman

City Manager, Matt Andrews  
City Attorney, Andy Blackburn

Also present were: Management Services Director, Camille Cook; Danny Hammon; Fire Chief, Jeff Comeau; Parks and Recreation Director, Travis Flint; Brandon Edwards; City Recorder, Morgan Langhold; Mandie Worton; Jason Poulsen; Trent Wilkins; Glenda Moore; Union Local 3584; Gary and Annette Mifflin; Marta Estes; Chris Montgomery; Union 3854; Trina Favero; Brendon Favero; Cory Crossley

**A. Welcome & Roll Call**

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

**B. Moment of Silence**

Councilmember Yeoman led the audience in observing a moment of silence.

**C. Pledge of Allegiance**

Councilmember Yeoman 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 May 14, 2019, Roy City Council Work Session Minutes.
2. Appointment of Annette Mifflin as Alternate Planning Commissioner

**A motion was made to approve the above consent items. The motion was seconded and approved by the unanimous consent of the Council.**

City Recorder, Morgan Langhold, administered the oath of office and swore in Annette Mifflin as an Alternate Planning Commissioner.

**E. Action Items**

1. **PUBLIC HEARING** – Consider Enterprise Fund Transfer
  - a. Resolution 19-12 of the Roy City Council Approving Enterprise Fund Transfers

**Councilmember Tafoya motioned to go into Public Hearing. Councilmember Burrell seconded the motion. All Councilmembers voted “Aye.” The motion carried.**

Management Services Director Camille Cook gave the presentation on Resolution 19-12. Ms. Cook explained that State Law required a public hearing to explain how Enterprise Funds were used to cover administrative overhead costs attributable to the operations throughout the City, and to receive public input on the proposed transfers. Ms. Cook explained that Roy City’s General Fund, Information Technology Fund, and Risk Management Fund all currently provide administrative, clerical, maintenance, and other support for the Utility Fund. She then enumerated the personnel that are included in those departments: City Manager; City Recorder; City Attorney; Legal and Risk Management Staff; Public Works Director and Staff; Management Services Director of Payroll, HR, Utility Billing Staff; IT professionals; and other equipment operators. Those positions are split between the General Fund and the Enterprise Funds to maximize the money that it costs for those positions. Ms. Cook noted that Roy City does not transfer money for any other expenses than those enumerated. In order to help cover the various administrative costs of the different enterprises, the following transfers were proposed:

- \$915,936 from Water and Sewer;
- \$126,017 from the Storm Water Fund;
- \$239,415 from the Solid Waste Fund;
- \$5,795 from the Storm Water Utility Fund;
- \$16,392 from the Solid Waste Utility Fund;
- \$2,566 from Solid Waste to cover the Storm Water Utility Fund for the summer cleanup.

Mayor Dandoy invited public comments. There were none.

**Councilmember Paul motioned to go out of Public Hearing. Councilmember Saxton seconded the motion. All Councilmembers voted “Aye.” The motion carried.**

**Councilmember Tafoya motioned to approve Resolution 19-12 of the Roy City Council Approving Enterprise Fund Transfers. Councilmember Paul seconded the motion. All Councilmembers voted “Aye.” The motion carried.**

2. **PUBLIC HEARING** – Consider Approving Adjustment to the Fiscal Year 2019 Budget
  - a. Resolution 19-13 Approving Adjustments to the Fiscal Year 2019 Budget

**Councilmember Burrell motioned to go into Public Hearing. Councilmember seconded the motion. All Councilmembers voted “Aye.” The motion carried.**

Management Services Director Camille Cook gave the presentation on Resolution 19-13. Ms. Cook said that the resolution would increase the previously approved FY 2019 budget by \$314,701. The revenues are from increased sales tax collections and grant awards, along with \$14,667 from fund balance reserves. The funds will be used to cover personnel accounts and any retirements that may be imminent. In addition, there will be a carry-forward of \$11,500 in prior-year revenue for Roy Days expenditures, miscellaneous adjustments to grant accounts, and moving an existing fund within the Community Development budget to

the Capital Line Item to allow purchase of a new Code Enforcement vehicle. This will bring the fund balance to approximately eighteen percent. In the Capital Projects Fund, there is a proposed increase of \$309 from Fund Balance to cover the final purchase cost of the 2019 ambulance and power load equipment. Also proposed is an increase of \$30,000 in the Water and Sewer Utility Enterprise Fund to cover additional water meters, along with \$88,000 to cover expenses on the 4000 South well, and \$20,000 to cover a sewer lift station pump. Increased interest earnings and revenues in the Solid Waste Utility Fund will cover \$20,000 for increased utilization of the City Neighborhood Clean-up Program. In addition, \$61,000 will cover increased costs at the Weber County Transfer Station.

Mayor Dandoy invited public comments. There were none.

**Councilmember Paul motioned to go out of Public Hearing. Councilmember Yeoman seconded the motion. All Councilmembers voted “Aye.” The motion carried.**

**Councilmember Burrell motioned to approve Resolution 19-13 Approving Adjustment to the Fiscal Year 2019 Budget. Councilmember Saxton seconded the motion. All Councilmembers voted “Aye.” The motion carried.**

3. **PUBLIC HEARING** – Consider Adopting the Fiscal Year 2020 Budget
  - a. Ordinance 19-7 Adopting the Fiscal Year 2020 Budget

**Councilmember Tafoya motioned to go into Public Hearing. Councilmember Paul seconded the motion. All Councilmembers voted “Aye.” The motion carried.**

City Manager Matt Andrews presented the FY 2020 Budget as previously discussed during workshops. Mr. Andrews reviewed the process involved with the development of the budget. He noted that a proposal had been considered to grant a 3.07 percent average merit increase to all City employees. The City Council said that they would rather see that percentage spent on the employees. That was the only financial change from the tentative budget: to re-allocate the funds to City-wide training in the HR training budget. That amount was \$2,225 total. The funds were re-allocated and the revised tentative budget was sent back. The proposed budget would include water rate increases as of January, 2020. Solid waste rates would also increase effective July 1, 2019.

Mayor Dandoy invited public comments.

Fire Chief Jeff Comeau addressed the City Council by reading a prepared letter. The letter addressed the issue of wage concerns and the need to increase wages. In particular, retention of fire fighters is a critical issue because they are leaving to take higher paying positions. They regret leaving their employment with Roy City because they like their jobs and they like Roy, but they need to pursue opportunities to increase their earning potential. His letter also addressed the importance of employee training, especially as it impacts safety. Well-trained employees need to be well-paid so that their training benefits the residents of Roy. Chief Comeau’s letter requested an amendment to the budget to include a two-percent increase pay scale adjustment to the Firefighter, Engineer, Paramedic, and Captain pay ranges. The amount of the adjustment would be approximately \$50,000. It would constitute an average wage increase of about forty-three cents per hour, with an average starting salary increase of \$895 per year at Step 1, and an average increase of \$1,342 per year at Step 12. The goal would be to reduce turnover to keep the much needed experience and training dedicated to the safety of the residents of Roy.

Fire Captain Jason Poulson also addressed the City Council. Captain Poulson expressed his support of what Chief Comeau had said. He reassured the City Council that regardless of that was decided, the firefighters would continue to be dedicated to serving and protecting the residents of Roy. He acknowledged that all

City departments play an integral role in serving Roy City. Thus, he conceded that the Fire Department might appear to be seeking favoritism of the City Council. Captain Poulson observed that four years ago, the City Council had taken care of the Police Department with raises, which were well deserved and vital to maintaining the viability of law enforcement in Roy. Captain Poulson stated that the Fire Department is in similar straits as the Police Department was four years ago. Captain Poulson noted that similar adjustments had been made over the years in other departments because there was an urgent need that needed to be addressed.

There were no further public comments.

**Councilmember Tafoya motioned to go out of Public Hearing. Councilmember Burrell seconded the motion. All Councilmembers voted “Aye.” The motion carried.**

Discussion ensued on the proposal presented by Chief Comeau. It was determined that Chief Comeau had done his due diligence in his comparative analyses and that he had made a reasonable proposal to address the acute need he had described. Discussion revolved around how the additional funds to the Fire Department might be covered. It was noted that the sales tax is trending up, even though it could fluctuate downward at some point. Chief Comeau clarified that the proposed two percent increase would not include administrative staff, including the Chief and Deputy Chief pay ranges. Even though the Chief and Deputy Chief pay ranges are low, the funds need to be focused on the entities he identified in his prepared letter. Discussion took place on the complexities associated with tax revenue collection Statewide. Discussion also took place regarding how the budget of the Fire Department would be managed by the Fire Chief. Mayor Dandoy stated that he believed the onus should fall on the Chief because budget management falls within the purview of his position and not on the Mayor or City Council. Chief Comeau stated that he and his management colleagues strive to make the most prudent use possible of the funds allocated to the Fire Department. Councilmember Saxton described a situation he had witnessed in which Fire Department personnel were exemplary in the way they responded to an injury incurred by an older gentleman who had fallen and hurt himself. Councilmember Saxton said he always wants to have first responders who are prepared, competent, and professional. Mayor Dandoy reviewed the options for the City Council to consider when making the motion for this agenda item. Discussion ensued on the current impact and potential future ramifications of the budget amendment proposed by Chief Comeau. It was noted that a precedent has been set with other departments.

**Councilmember Tafoya motioned to approve Ordinance 19-7 Adopting the FY 2020 Budget as presented, with the amendment to approve two-percent Cost of Living Adjustment (COLA) to the Fire Department, approximately \$50,000, as requested in the letter from the Fire Chief, with the majority to come out of Reserve Fund Balances, up to whatever the City receives from sales tax. Councilmember Burrell seconded the motion. All Councilmembers voted “Aye.” The motion carried.**

4. Consideration of Ordinance 19-8 Amending Roy City Code Title 3, Chapter 1 Section 11 (K) Changing the Definition of “Gaming Device.”

City Attorney Andy Blackburn addressed the City Council regarding the need to change the definition of “Gaming Device.” Mr. Blackburn said that the State Legislature had recently changed how they defined a “gambling device.” The proposed amendment would bring the City into alignment with the State Code. Mr. Blackburn said that he had assigned this text amendment proposal to Assistant City Attorney/City Prosecutor, Brody Flint. He reiterated that the change would bring the City into compliance with the State Code.

**Councilmember Tafoya motioned to approve Ordinance 19-8 amending the Roy City Code Title 3,**

**Chapter 1, Section 11 (K), changing the definition of “gaming device.” Councilmember Paul seconded the motion. All Councilmembers voted “Aye.” The motion carried.**

5. Consideration of Resolution 19-14 Approving a Job Description for a Laborer – Public Works Department

Brandon Edwards of Roy City Facilities addressed Resolution 19-14. Mr. Edwards stated that the City has three different seasonal positions in the Public Works Department: Storm water, Water, and Streets. The Public Works Department would like to consolidate three jobs into one job description because the employees are used throughout Public Works. Mr. Edwards clarified that the department was not asking for any more money. This change would allow the flexibility to use the seasonal employees wherever they are needed.

**Councilmember Yeoman motioned to approve Resolution 19-14, approving a job description for a Laborer – Public Works. Councilmember Paul seconded the motion. All Councilmembers voted “Aye.” The motion carried.**

6. Consideration of Resolution 19-15 Approving a Job Description for a Building Maintenance Tech

Brandon Edwards next addressed Resolution 19-15. Mr. Edwards said that this is a part-time position and would not require any additional funding. He said that a long-time employee at the Aquatic Center had retired, so Mr. Edwards would be assuming that area of maintenance. The seasonal employee would work four hours per day to supervise the cleaning of the facility. That would allow him to use a full-time employee in areas where there are greater needs. Mr. Edwards explained that he supervises four maintenance employees who take care of all the City buildings and street lights. If an urgent need were to arise, a full-time employee could be dispatched to the Aquatic Center within 10 to 15 minutes. The maintenance needs of City facilities are prioritized each day.

**Councilmember Paul motioned to approve Resolution 19-15, approving a job description for a Building Maintenance Tech. Councilmember Saxton seconded the motion. All Councilmembers voted “Aye.” The motion carried.**

7. Consideration of Resolution 19-16 Approving an Interlocal Cooperation Agreement with MIDA to Provide Certain Municipal Services to the Falcon Hill Project Area

**Mayor Dandoy stated that this agenda item would be tabled. He said the City was still waiting for some information from the MIDA Board. Mayor Dandoy confirmed with the City Attorney, Andy Blackburn, that no motion was needed to table this agenda item.**

**F. Public Comments**

Mayor Dandoy opened floor for public comments.

Cory Crossley, 5552 South 3750 West, stated that he was a neighbor of the newly constructed Sunridge Assisted Living of Roy facility, which is located at 3673 West 5600 South. Mr. Crossley then read a prepared statement. He said that his home shared a property line with the Sunridge Assisted Living facility. Mr. Crossley first acknowledged that he wanted the facility to be a huge success because the owners had invested heavily in the development and it would be a valuable long-term resource for the community. The development required a zoning change. Many area residents attended the Planning Commission meeting to speak in favor of the facility. They also related questions and concerns with regard to the development.

In the end, not one adjoining resident opposed the rezone. The applicant and City Planner provided reassurances to assuage the concerns of the residents, particularly with regard to fencing, lighting, and buffers. No variances were requested by the developer. Unfortunately, the same concerns that were brought up two years ago still exist for the facility at present because the building is not in compliance with Roy City's own zoning requirements. Specifically, the development does not comply with the requirements for a place where a commercially developed property intersects with residential properties. Remedies for such concerns are found in the Roy City Code, 10-10-31 *Required Compatibility Transitioning Between Residential and Nonresidential Districts*. Mr. Crossley stated that the Sunridge Assisted Living of Roy was not adhering to the specifications enumerated in 10-10-31, thereby disregarding residential property rights.

Mr. Crossley then identified two examples of non-compliance. First, the Roy Municipal Code requires six-foot- high barrier walls, not a four-foot-high fence on top of a retaining wall, which sits on his shared property line with Sunridge Roy. It provides no privacy between the facility and his back yard and home. In addition, the dumpster at Sunridge Roy is about 16 feet closer to his property line than what is stipulated in the Roy Municipal Code. The dumpster includes waste that is prone to generating strong, foul odors, thereby limiting his family's ability to enjoy their property. The win-win commitments that had been made are not taking place as previously assured, thus compromising property rights to which residents are legally entitled by the Roy Municipal Code. That said, Mr. Crossley clarified that he wanted Sunridge Roy to have all of the property rights to which they were entitled, but not at the expense of the residential rights. Mr. Crossley accordingly requested that an expeditious review of this situation be carried out and that a plan from the Roy City government be enacted immediately to ensure remedies for each of the current major violations of the Roy City Municipal Code and restore all residential property rights that have been claimed by this development.

City Manager, Matt Andrews, addressed the City Council with regard to Mr. Crossley's concerns. Mr. Andrews said that he had met with Mr. Crossley the previous Thursday. He then met with the people at the assisted living facility on Monday. Mr. Andrews said that the four-foot fence would go away and be replaced with a six-foot fence. The lighting will be shadowed so that it does not cross the fence line. Mr. Andrews addressed the cameras that are on the assisted living facility to monitor the residents, noting that the residential back yards were not picked up on the cameras. There is also a generator on the other side of the facility. Another resident brought to his attention the noise being created by the generator; therefore, a fence will be placed around the generator, as well. Mr. Andrews also noted that there were problems with drainage which would be remedied. He added that the City has a bond against the facility; however, the owners of the facility need to figure out how to fix their issues and not leave the solution up to the City. Once the issues are resolved, the City would release the bond. With regard to the dumpster issue, Mr. Andrews said Mr. Crossley was absolutely correct in that it is only four feet from the property line. The biggest problem with the dumpster is that finding a suitable location for it has been impossible thus far. Mr. Andrews said that if the dumpster was placed on the front parking lot, there might be a Code violation for reducing the number of parking spots. In response to the question as to which Code violation would be "the lesser of two evils," miscellaneous discussion ensued on how to properly locate and enclose a dumpster in order to minimize the odors that typically emanate from the dumpster.

Mr. Andrews invited Mr. Crossley to the microphone to provide his feedback on the remedies that had been discussed and how the dumpster issue might be addressed to his satisfaction. Mr. Crossley said that a year ago he had actually voiced his concerns with the developer about the placement of the dumpster and asked if there was any flexibility in the placement of it. At that point in time, he did not know fully what his legal rights were as a resident. The developer decided to make a bigger enclosure, which is a bigger eyesore, in addition to the odor problem. Mr. Crossley reiterated that if the developer was allowed to be out of compliance with the City Municipal Code, then his rights as a residential property owner would be compromised. He agreed to meet with City Staff to see if an amenable win-win solution could be determined. Mr. Andrews asked if the raising of the fence might mitigate the visual impact of the dumpster

enclosure. Mr. Crossley was uncertain as to whether it would make a significant difference. There was additional discussion on the potential of sacrificing two parking stalls to allow for a dumpster in a less intrusive location. Additional ideas were also discussed that would keep the facility in complete compliance with the Roy City Municipal Code.

Mayor Dandoy suggested that all of the impacted property owners be brought together to discuss and resolve the issues that were brought up in this meeting.

There were no further public comments. Mayor Dandoy closed the floor for public comments.

**G. Reports and Discussion**

**1. City Manager Report**

City Manager, Matt Andrews, reported that there had recently been a Movie in the Park, and it was well attended. The next Movie in the Park is scheduled for July 12. It will be *Spiderman* and will take place at Roy West Park. On July 11 will be the employee party at the Aquatic Center. It will begin at 6:00 p.m.

Mr. Andrews next noted that the Police and Fire Departments are recruiting to fill vacancies.

Mr. Andrews said that at the last City Council meeting, there had been discussion regarding a potential work session. The Planning Commission has been tasked with looking at City Ordinances regarding trailers and fences, among others. They are happy to meet with the City Council once they have reviewed the proposals. Mayor Dandoy explained that the Planning Commission would notice their meetings in order to solicit public input. The Planning Commission would then forward their recommendations to the City Council for consideration and adoption. A work session with the Planning Commission could be called if the City Council felt a need to dig deeper into the issues being addressed.

**2. Mayor and Council Report**

Councilmember Paul noted that that he had received some recommendations from the Business Advisory Board. He would review them and present them to the next City Council meeting.

Mayor Dandoy said that he had received favorable feedback regarding the speed humps that have been placed on 5700 South. After a 60-day window, feedback will be sought of the residents to determine if they are a permanent establishment or whether adjustments will be needed.

**a. At-will Employee Termination Policy**

Councilmember Saxton said that this issue had been discussed briefly two weeks prior to this meeting. He felt that it would be better if this topic was discussed with a full City Council present. Councilmember Saxton stated that his thoughts on this matter had come from happens at St. George. He observed that the current practice in Roy City is to allow termination with a majority vote of the City Council. However, in many other cities, a unanimous vote is required. It gives the at-will employees a lot more protection from any “political tornadoes that might blow through.” When this matter was discussed at the previous City Council meeting, Councilmember Saxton was asked to conduct additional research to verify the facts. Consequently, he visited with the Layton City Attorney, Gary Crane, so as not to put the Roy City Attorney, Andy Blackburn under any undue pressure or conflict of interest. Councilmember Saxton noted that Mr. Crane does a lot of work with the Utah League of Cities and Towns. As the two visited, Mr. Crane brought up the Roy City Municipal Code and they went through it. Currently, just three Councilmembers could fire an at-will employee. Mr. Crane responded by saying, “That is like having an Executive Council



within a City Council.” Mr. Crane then opined that it should be a unanimous vote by the City Council so that everybody has a chance to hear the recommendation and thereby protect people who work at the City from getting sucked into political vortexes. Mr. Crane recommended that if the City Council could not go unanimous, then he recommended a super majority at the very least, and add language to the Ordinance that says “for just cause.” For the City Manager, a super majority would be five out of six, including the Mayor’s vote. Councilmember Saxton felt that this was an important protection for the at-will employees because they know more about the City than the Councilmembers do, so they need to feel safe in making candid observations and recommendations.

In response to the question as to whether there has ever been a problem with the current at-will policy, it was observed that there has never been a problem thus far. It was also noted that any time an at-will employee has been terminated, it was for just cause and not at the whim of a Councilmember. All City Council actions are done by Resolution with a majority vote of the City Council. The Mayor does not get a vote in Resolutions, unless it is for dismissing the City Manager. The only at-will employees in the City are the Department Heads, and they get paid a good wage. When they are hired, they know they are at-will employees. In addition, they are protected by a six-month severance package, as required by the State. The current Department Heads do excellent work and do not feel any need to fear for their job.

Mayor Dandoy suggested that it might be better to clarify and strengthen the language that defines what constitutes “just cause.” There was miscellaneous verbal concurrence with the Mayor’s suggestion. Mr. Blackburn said that “just cause” would make it stronger, but he didn’t think it would help. He noted that he is an at-will employee and it would certainly be great to have more protection. But in a way it would make the City Council less effective because just one hold-out could block a termination that might actually need to occur. It would also take power away from the City Manager. In Roy, the City Manager does not have the power to hire and fire. Instead, he has get the advice and consent of the City Council to make a termination decision. He stated that he felt Roy City was pretty much in line with what other cities are doing. Mr. Blackburn said that at-will positions exist for a reason and he believes that what Roy City currently does is working well.

Mayor Dandoy observed that this issue is very complicated and the right thing needs to be done. The decision on how to keep or remove at-will employees has always been problematic. Mayor Dandoy cited an example in which a Department Head did something. When asked in a public meeting why he did it, he replied, “When a City Councilmember directs me to go do it, I do it.” That response is now in the public record. Mayor Dandoy then said to the Department Heads, “If a City Councilmember directs you to go do something, are you going to have an argument? Are you going to question that? Or are you just going to get it done?” He then stated that the question that needs to be addressed is, “Is it working? Are we getting what we need out of this?” Mayor Dandoy opined that maybe for the most part, it is working. Mayor Dandoy said the City Council could ask the City Attorney to draft up a Resolution and Ordinance and the City Code could be changed promptly. Then the next City Council could change it back. Therefore, there is no long-term way to sustain any of this. If there is truly an issue with “just cause,” then the contract should include language that specifies what constitutes “just cause.” Therefore, if the City Council wanted to terminate an at-will employee’s contract, the employee would be able to invoke the “just cause” rights accorded in the contract to have the severance package. Mayor Dandoy said that if “just cause” language were placed in a Personnel Policy, “it could be changed tomorrow.” Put it in the contract. It was noted that at-will employees do not have a contract with the City. The only employees with contracts are the City Manager and City Attorney. However, Mayor Dandoy stated that other at-will employees could have a contract.

Councilmember Saxton stated that if Staff is the City’s greatest asset, then he believed they should have some extra protection. He acknowledged the complexities of employee policies; however, he said that he believes a happy employee is a productive employee.

Referencing Mayor Dandoy's previous comment about a Councilmember directing a Department Head to do something, Councilmember Paul noted that it was his understanding that in policy that Councilmembers are not allowed to direct Department Heads to do something. Instead, all of the Councilmembers' directions have to go through the City Manager. Mayor Dandoy said that some mechanism needs to be in place so that Department Heads don't have to fear retaliation if they tell a Councilmember that he/she did or said something wrong.

There was a variety of opinions expressed by the Councilmembers on this issue. Their consensus was that the system is not broken at this point and that Department Heads have the freedom to be candid with the Councilmembers because of their expertise in their respective positions.

Mayor Dandoy said that he has sat in Executive Sessions with the City Council when termination decisions were being considered and made. It is an extremely emotional and difficult situation to be making decisions about people's lives and livelihoods; however, sometimes those difficult decisions have to be made. Mayor Dandoy said that if Department Heads feel a threat to their employment, then there is a problem that needs to be discussed and resolved. The Department Heads need to do their job well and have the freedom to express their professional opinions without fear of retribution. He said the City Council is not the enemy and should be trusted by the Department Heads.

Commissioner Saxton said that he was trying to do the best job he could for everyone involved, and he felt that making this addition was an easy snap of the fingers. He said that if the City Council did not like the policy, they could change it back. But he just wants the Staff to know that the City Councilmembers are approachable.

Councilmember Yeoman said that she would like to hear the perspectives of the Department Heads themselves.

Mr. Andrews asked if the recommendation of the Department Heads was to define "just cause" better or put the Department Heads under contract. Communication is a two-way street between the employees and the City Council.

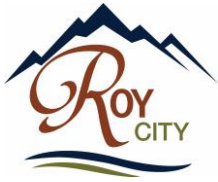
It was determined that the Department Heads would visit with the Councilmembers individually to share their perspectives, if they had some concerns. Mayor Dandoy asked the Department Heads present to share this discussion with their colleagues so that they are aware of their opportunity to visit with the City Council if they so choose.

#### **H. Adjournment**

**Councilmember Paul motioned to Adjourn the City Council meeting at 7:15 p.m. Councilmember Yeoman seconded the motion. All Councilmembers voted "Aye." The motion carried.**

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Robert Dandoy  
Mayor



Date: 16 July 2019  
To: Mayor Robert Dandoy  
From: Steve Parkinson – Planning & Zoning Administrator *SP*  
Subject: Re-appointment of Planning Commissioners

Every year two (2) or three (3) Planning Commissioners terms expire, and this year is no different. The following Commissioners terms ended on June 30<sup>th</sup> of this year.

I have included their attendance percentage for each year of their term, plus an overall percentage for the entire term.

**Torris Brand** has been on the Planning Commission since August 8, 2017, he took over for Mrs. Gennie Kirch and has just finished his first term. His attendance over this past term is as follows:

August 8, 2017 – June 30, 2018 = 100.00% (attended 16 of 16 meetings)  
July 1, 2018 – June 30, 2019 = 91.67% (attended 11 of 12 meetings)

Total Term = 96.43% (attending 27 of 28 meetings)

**Chris Collins** has been on the Planning Commission since February 13, 2018, he took over for Mrs. Lindsey Ohlin and has just finished his first term. His attendance over this past term is as follows:

February 13, 2018 – June 30, 2018 = 44.44% (attended 4 of 9 meetings)  
July 1, 2018 – June 30, 2019 = 91.67% (attended 11 of 12 meetings)

Total Term = 71.43% (attending 15 of 21 meetings)

Staff would like to recommend that Mr. Torris Brand and Mr. Chris Collins be re-appointed to the Planning Commission.



Attest:

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Morgan Langholf  
City Recorder

dc:

## **ROY CITY RDA BOARD MEETING AGENDA**

**JUNE 18, 2019 – 5:30 P.M.**

**ROY CITY COUNCIL CHAMBERS – 5051 SOUTH 1900 WEST**

### **A. Welcome & Roll Call**

Chair Dandoy called the Roy City RDA Board meeting to order at 7:20 p.m. He welcomed those in attendance and noted Boardmembers Saxton, Tafoya, Burrell, Yeoman, and Paul were present.

### **B. Consent Items**

1. Approval of the April 16, 2019, and May 7, 2019, Redevelopment Agency Meeting Minutes

**Boardmember Tafoya motioned to approve the April 16, 2019, and May 7, 2019, Redevelopment Agency meeting minutes. Boardmember Paul seconded the motion. All Boardmembers voted “Aye.” The motion carried.**

### **D. Action Items**

1. **PUBLIC HEARING-** Consider Resolution 19-4 Approving the Fiscal Year 2020 RDA budget.  
A. Resolution 19-4 Approving the Fiscal Year 2020 RDA budget

**Boardmember Saxton motioned to go into Public Hearing. Boardmember Burrell seconded the motion. All Boardmembers voted “Aye.” The motion carried.**

Glenda Moore, 2088 West 3825 South. Ms. Moore thanked the Mayor for providing the packet with the agenda so that she could read the entire budget. She concluded by saying, “Go forth and carry on.”

City Manager, Matt Andrews, explained that all of RDA funds that are available are allocated. He noted that they are quite restricted in how they can be used. He said that 2.4 million dollars had been reallocated to the total budget. There are funds that will sunset soon. Roy City’s tax increment is \$58,000 and the property tax increment that is being requested from other agencies is \$276,000. Much of the 2.4 million dollars is for the downtown beautification and demolition. It is in different accounts so that it is readily available. Mr. Andrews recommended approval of Resolution 19-4 Approving the Fiscal Year 2020 RDA budget.

**The Council motioned to go out of the public hearing.**

**Boardmember Paul motioned to approve Resolution 19-4 Approving the Fiscal Year 2020 RDA budget. Boardmember Tafoya seconded the motion. All Boardmembers voted “Aye.” The motion carried.**

**D.     Adjournment**

The meeting adjourned at 7:25 p.m.



# STAFF REPORT

City Council  
July 16, 2019

## SYNOPSIS

### Application Information

Applicant: John Owens & Jonathon Owens  
Request: Consider a request for Preliminary Subdivision approval of Roywell Subdivision.  
Address: 2792 West 4000 South

### Land Use Information

Current Zoning: R-3; Multi-Family Residential  
Adjacent Zoning: North: R-3; Multi-Family Residential  
South: CC; Community Commercial  
East: R-1-8; Single-Family Residential  
West: C-2; Community Commercial (West Haven)

### Staff

Report By: Steve Parkinson  
Recommendation: Recommends approval with conditions

## APPLICABLE ORDINANCES

- Roy City Zoning Ordinance Title 10, Chapter 10 (General Property Development Standards)
- Roy City Subdivision Ordinance Title 11, Chapter 3 (Preliminary Subdivision Application)
- Roy City Subdivision Ordinance Title 11, Chapter 9 (Subdivision Development Standards)

## PLANNING COMMISSION ACTION

The Planning Commission held a Public Hearing on July 9, 2019, the hearing was opened – the Public made the following comments:

- Cindy Danner at 2678 West 3900 South – Had safety concerns because of their pool in their yard.
- Casey Marker at 2706 West 4000 South – Was wondering if his property is still CC?

With no additional comments the public hearing was closed.

With no additional questions or discussion, the Planning Commission voted 7-0; to forward to the City Council a recommendation of approval for Preliminary Subdivision approval of Roywell Subdivision.

## ANALYSIS

These properties are located in the northwest section of the City, on the east of Midland Drive and North of 4000 South (see Exhibit “A”). The properties consists of 5.577 acres (242,934.12 sq.-ft.) The property owner wants to subdivide the property into six (6) lots, to develop Commercially. Currently the property is vacant.

**Subdivision:** The proposed subdivision is to take two parcels and subdivide the 5.577 acres (242,934.12 sq.-ft.) into six (6) parcels (see Exhibit “B”).

**Zoning:** There are four (4) zones that surround in this parcel, to the North it is R-3, to the East it is R-1-8, to the South it is CC and West it is C-2.

**Vehicle Access:** As required by ordinance the development will have access points on Midland Drive and 4000 South.

**Improvements / Utilities:** All utilities will be accessible.



**DRC Review:** The DRC's memo is attached as Exhibit "C"

**Summary:** This six (6) lot subdivision can meet all aspects of the Zoning Code and Subdivision Code.

### **CONDITIONS OF APPROVAL**

1. Approval from the City Council for the Amendment to the Zoning Map
2. Compliance to any conditions within this report or stated by the Planning Commission.
3. Compliance to the requirements and recommendations as outline by the DRC.

### **FINDINGS**

1. The proposed subdivision can meet all of the requirements of the Zoning Ordinance.
2. The proposed subdivision can meet all of the requirements of the Subdivision Ordinance

### **ALTERNATIVE ACTIONS**

The Planning Commission can recommend Approval, Approval with conditions, Deny or Table.

### **RECOMMENDATION**

Staff recommends that the Planning Commission recommends to the City Council approval of the Preliminary Subdivision of Roywell Subdivision located at approximately 5713 South 3100 West, with the conditions as stated within this report.

### **EXHIBITS**

- A. Aerial Map
- B. Preliminary Subdivision Plat

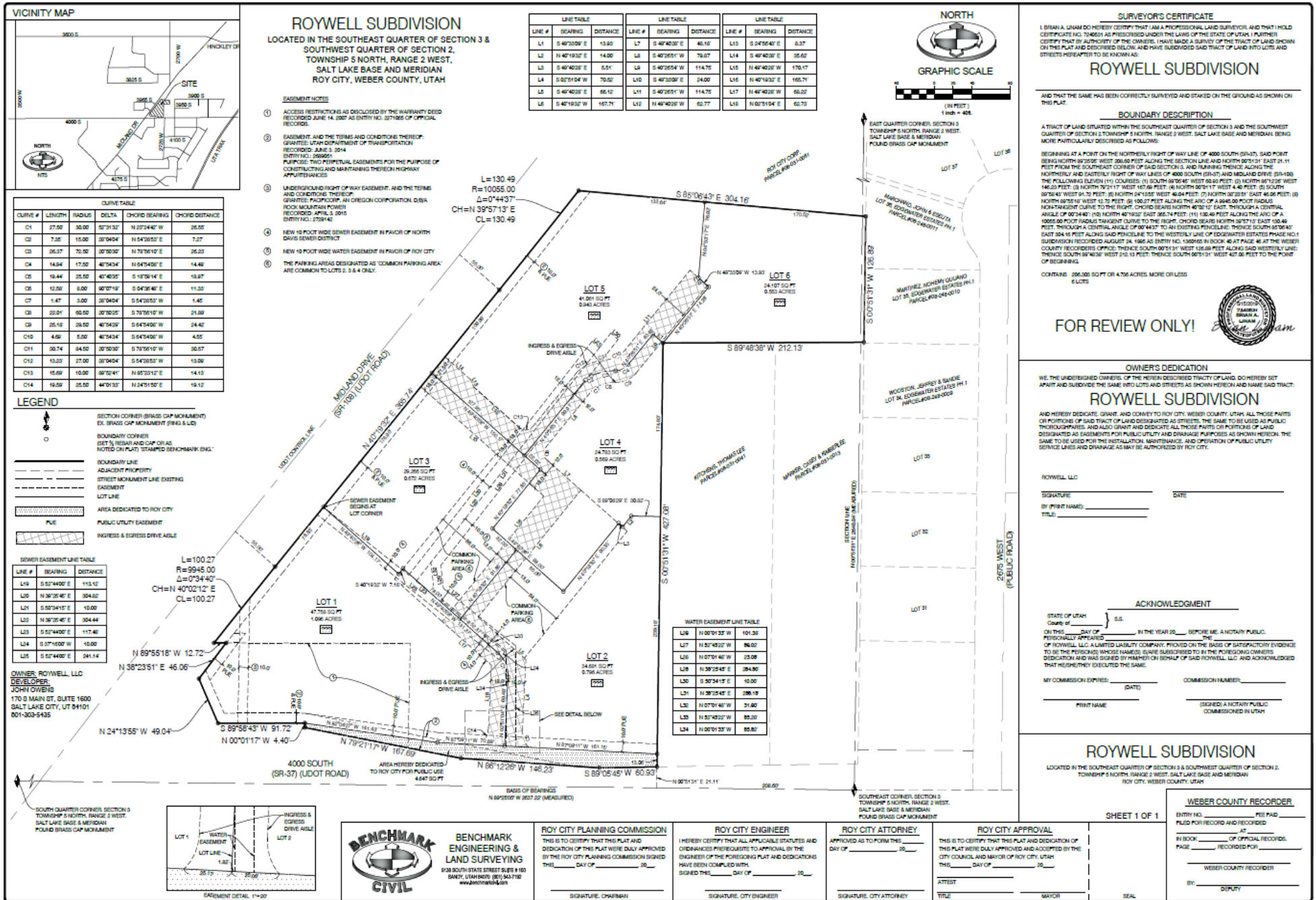


**EXHIBIT "A" – AERIAL MAP**





# EXHIBIT "B" – PROPOSED SUBDIVISION PLAT



### OWNER: ROYWELL, LLC

DEVELOPER  
JOHN OWENS  
170 S MAIN ST, SUITE 1600  
SALT LAKE CITY, UT 84101  
801-363-5125

### BENCHMARK ENGINEERING & LAND SURVEYING

318 SOUTH STATE STREET SUITE 100  
SALT LAKE CITY, UT 84119  
www.benchmarkcivil.com

### ROY CITY PLANNING COMMISSION

THIS IS TO CERTIFY THAT THIS PLAT AND DEDICATION OF THIS PLAT WERE DULY APPROVED BY THE ROY CITY PLANNING COMMISSION SIGNED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_.

SIGNATURE, CHAIRMAN \_\_\_\_\_

### ROY CITY ENGINEER

I HEREBY CERTIFY THAT ALL APPLICABLE STATUTES AND ORDINANCES PREVIOUSLY TO APPROVAL BY THE ENGINEER OF THE FOREGOING PLAT AND DEDICATIONS HAVE BEEN COMPLIED WITH. SIGNED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_.

SIGNATURE, CITY ENGINEER \_\_\_\_\_

### ROY CITY ATTORNEY

APPROVED AS TO FORM THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_.

SIGNATURE, CITY ATTORNEY \_\_\_\_\_

### ROY CITY APPROVAL

THIS IS TO CERTIFY THAT THIS PLAT AND DEDICATION OF THIS PLAT WERE DULY APPROVED AND ACCEPTED BY THE CITY COUNCIL AND MAYOR OF ROY CITY, UTAH. THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_.

ATTEST \_\_\_\_\_

TITLE \_\_\_\_\_

SEAL \_\_\_\_\_

### WEBER COUNTY RECORDER

ENTRY NO. \_\_\_\_\_ FEE PAID \_\_\_\_\_

PLAT FOR RECORD AND RECORDED \_\_\_\_\_ AT \_\_\_\_\_

IN BOOK \_\_\_\_\_ OF OFFICIAL RECORDS, PAGE \_\_\_\_\_ RECORDED FOR \_\_\_\_\_

WEBER COUNTY RECORDER \_\_\_\_\_

BY \_\_\_\_\_ DEPUTY \_\_\_\_\_

### SEWER EASEMENT LINE TABLE

LINE #	BEARING	DISTANCE
L29	S 52°44'00" E	113.12
L30	N 38°25'40" E	304.82
L31	S 52°44'00" E	113.12
L32	N 38°25'40" E	304.84
L33	S 52°44'00" E	117.40
L34	S 57°16'00" W	10.00
L35	S 52°44'00" E	241.14

### WATER EASEMENT LINE TABLE

LINE #	BEARING	DISTANCE
L26	N 00°11'32" W	101.30
L27	N 52°45'32" W	86.30
L28	N 07°01'40" W	23.08
L29	N 38°25'40" E	304.80
L30	S 52°44'00" E	10.00
L31	N 38°25'40" E	208.18
L32	N 07°01'40" W	21.40
L33	N 52°45'32" W	85.30
L34	N 00°11'32" W	85.30

### ACKNOWLEDGMENT

STATE OF UTAH } S.S.  
County of \_\_\_\_\_

ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, IN THE YEAR 20\_\_\_\_, BEFORE ME, A NOTARY PUBLIC, PERSONALLY APPEARED \_\_\_\_\_

THE ROYWELL, LLC, A LIMITED LIABILITY COMPANY, PROVIDED ON THE BASIS OF SATISFACTORY EVIDENCE TO BE THE PERSONS WHOSE NAMES ARE SUBSCRIBED TO IN THE FOREGOING OWNERS DEDICATION AND WAS SIGNED BY HANDED ON BEHALF OF SAID ROYWELL, LLC AND ACKNOWLEDGED THAT HE/SHE/IT DECEASED THE SAME.

MY COMMISSION EXPIRES: \_\_\_\_\_ (DATE) COMMISSION NUMBER: \_\_\_\_\_

PRINT NAME \_\_\_\_\_ (SIGNED A NOTARY PUBLIC COMMISSIONED IN UTAH)

### ROYWELL SUBDIVISION

LOCATED IN THE SOUTHEAST QUARTER OF SECTION 3 & SOUTHWEST QUARTER OF SECTION 2, TOWNSHIP 5 NORTH, RANGE 2 WEST, SALT LAKE BASE AND MERIDIAN, ROY CITY, WEBER COUNTY, UTAH

SHEET 1 OF 1



# STAFF REPORT

City Council

July 16, 2019

## SYNOPSIS

### Application Information

Applicants: Jim Packer  
Request: **5:30 p.m. – PUBLIC HEARING** – Consider Ord. No. 19-9; to amend the Zoning Map from LM (Light Manufacturing) to RE-20 (Residential Estates)  
Approximate Address: 5149 South 2700 West

### Land Use Information

Current Zoning: LM; Light Manufacturing  
Adjacent Zoning: North: LM; Light Manufacturing      South: LM; Light Manufacturing  
East: R-1-6; Single-Family Residential      West: R-1-8; Single-Family Residential  
Current General Plan: Low Density; Single-Family Residential

### Staff

Report By: Steve Parkinson  
Staff Recommendation: Approval with the conditions

## APPLICABLE ORDINANCES

- Roy City Zoning Ordinance Title 10, Chapter 5 – Amendments to General Plan and Zoning Ordinance

## CONFORMANCE TO THE GENERAL PLAN

- Economic Development Goal 1; Objective 1; *To promote and encourage commercial, industrial and other economic endeavors to strength and improve the city's tax base and quality of life.*
- Residential Development Goal 1; Policy D: *The City's policies should encourage the development of a diverse range of housing types, styles and price levels in all areas of the City.*
- Urban Growth Goal 1; Objective 5; *To allow development to occur on parcels of land most suitable for and capable of supporting the kind of development being proposed.*

## PLANNING COMMISSION ACTION

The Planning Commission held a Public Hearing on July 9, 2019, the hearing was opened – the Public made the following comments:

- David Tracy at 5125 & 5135 South 2700 West – Was wondering is the RE zone allowed for multi-Family, if the zone on his property was going to change, and if the zone is change can they keep their homes?
- Mrs. Turner at 5097 South 2700 West – Would like her property to also be considered in the rezone request.
- Kay Buckley at 5121 South 2700 West – Was wondering about “Grandfathering” rights of Domestic Livestock regardless of which zone they are in?
- Marco Toscano at 5161 South 2700 West – Was wondering is the zone change would affect property values and if he could build another home behind him.

With no additional comments the public hearing was closed.

With no additional questions or discussion, the Planning Commission voted 7-0; to forward to the City Council a recommendation of approval to amend the Zoning Map from LM (Light Manufacturing) to RE-20 (Residential Estates)



## ANALYSIS

### Background:

There are five (5) parcels that are requesting to change the zoning of their property. In total of the four (4) parcels is 3.39 acres (147,668.4 sq.-ft.) of land. These parcels are in between 5171 and 5071 South and at 2700 West. These properties were developed as single-family dwellings but the zoning was changed many years ago, but each of these properties currently are non-conforming to use.

Recently issues have arisen because of the properties being non-conforming, the main issue is that these property owners are unable to expand on their homes, build detached garages, or anything else that a normal residential zone would allow.

Current Land Use Designation: The subject properties currently have a land use designation of Low Density Single-Family Residential (RE-20)

### Amend Zoning Map:

Current Zoning: Currently all of the properties are zoned LM.

Requested Zone Change: The applicants are looking to rezone their property that is currently LM (Light Manufacturing) to RE-20 (Residential Estates) so they can develop and use their properties with the same rights and uses as those allowed within the RE-20 zone.

Considerations: When considering a Zoning District Map Amendment, the Commission and the Council shall consider the following factors, as outlined in section 10-5-9 "Criteria for Approval of a ... Zoning Map" of the Zoning Ordinance:

- 1) The effect of the proposed amendment to advance the goals and policies of the Roy City General Plan.
- 2) The effect of the proposed amendment on the character of the surrounding area.
- 3) The compatibility of the proposed uses with nearby and adjoining properties.
- 4) The suitability of the properties for the uses requested.
- 5) The overall community benefits.

No amendment to the Zoning Districts Map (rezone) may be recommended by the Commission nor approved by the Council unless such amendment is found to be consistent with the General Plan and Land Use Maps.

The above section of the Zoning Ordinance asks some questions mostly looking at the effect the proposed zone and compatibility/suitability to the surrounding uses. Staff would like to comment on some these questions

General Plan Goals, Objectives and Policies –

- Within the "Conformance to the General Plan" section of this report it lists three (3) goals and policies that this type of development would satisfy.

The character of the surrounding areas (see Exhibit "A") –

- To the North, and South there are single-family residential homes on lots with a minimum of .54 acres or Businesses.

Compatibility with surrounding area –

- If you look at the Aerial map and the current zoning map the properties these properties are surrounded by single-family residential, which is dominated by R-1-8 zoning to the East and West.

Some additional questions that the Commission and Council needs to reflect upon are:

- Does changing are not changing the zoning provide the best options for these properties or area?
- Does it make sense to change the zone of the property?

## **ALTERNATIVE ACTIONS**

The Planning Commission can recommend Approval, Approval with conditions, Deny or Table.

## **RECOMMENDATION**

Staff recommends that the Planning Commission recommends to the City Council approval of the request to amend the Zoning Map from LM (Light Manufacturing) to RE-20 (Residential Estates) with the conditions as outlined in the staff report and discussed during this meeting.

## **EXHIBITS**

- A. Aerial Map
- B. Future Land Use Map
- C. Zoning Map
- D. Ord. No. 19-9

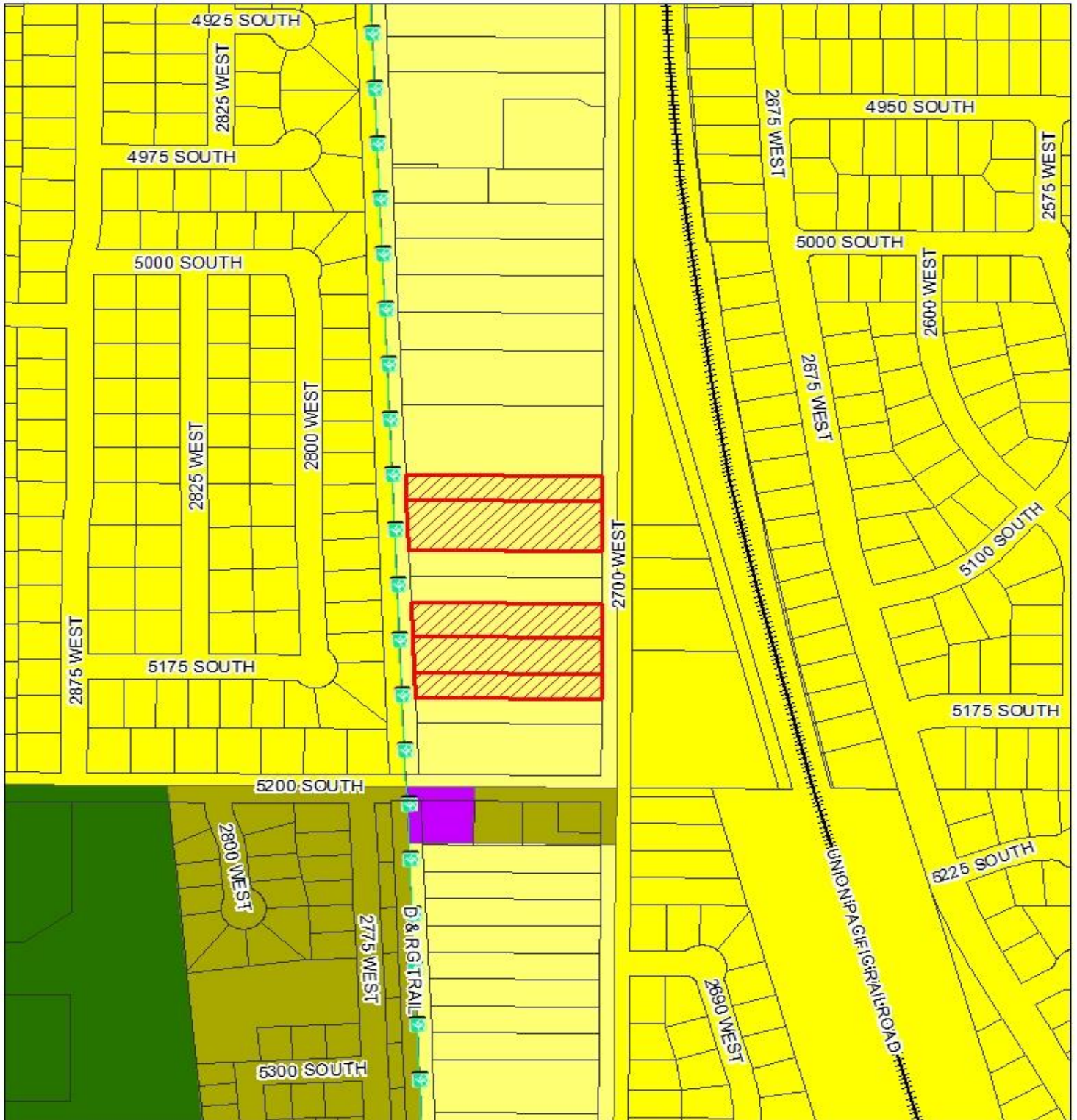


EXHIBIT "A" – AERIAL MAP





# EXHIBIT "B" – FUTURE LAND USE MAP



## Legend

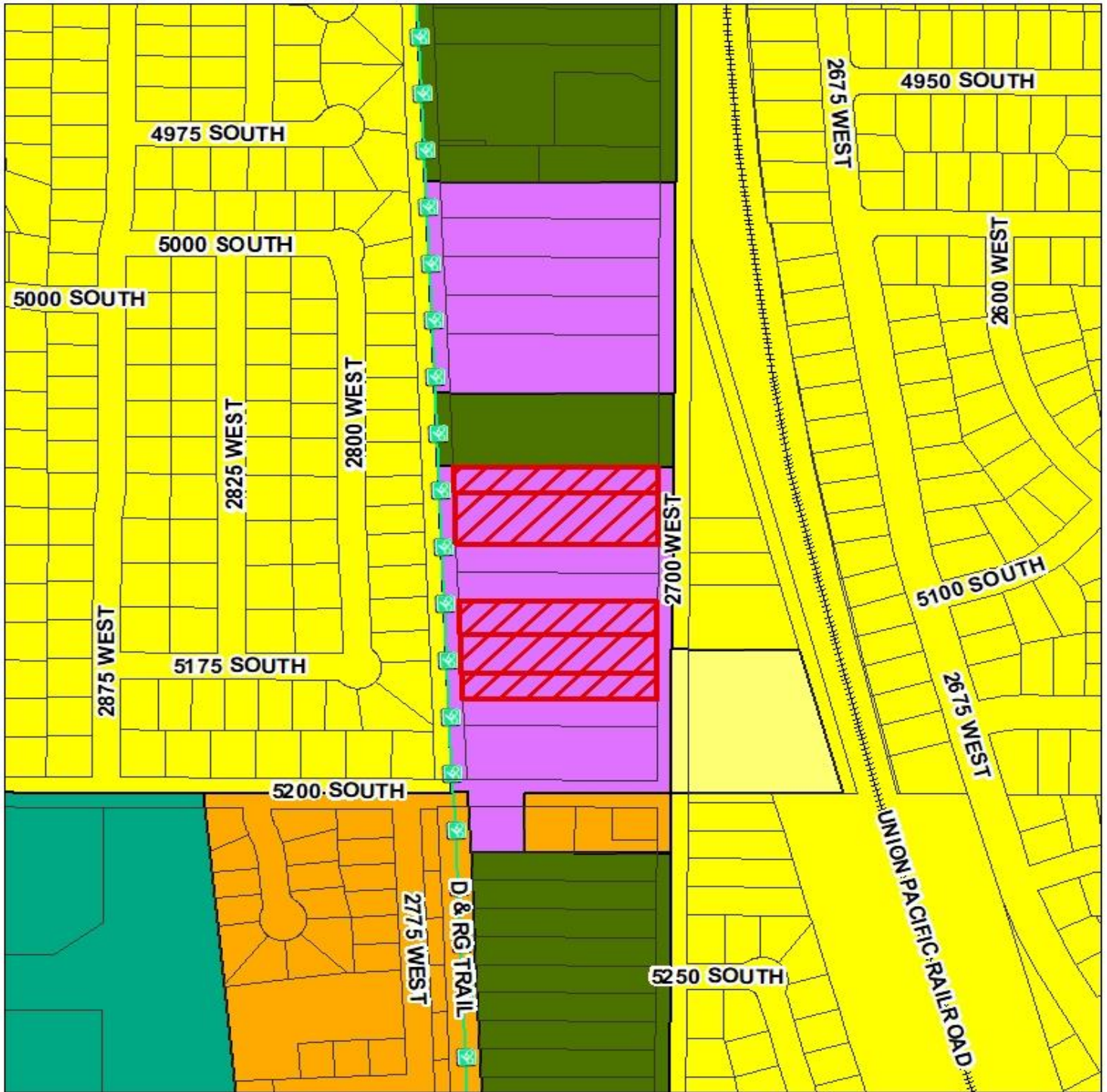
- Parcels
- Selected Parcel
- City Boundary
- Commercial
- Weber County
- Medium Density Single Family Residential
- High Density Multi-Family Residential
- Very High Density Multi-Family Residential

## Future Land Use Map





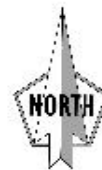
# EXHIBIT "C" – ZONING MAP



## Legend

	City Boundary		Parcels		Selected Parcel
	R-1-6		R-3		D&RG Trail
	R-1-7		R-4		I-15
	R-1-8		RE-15		Railroad
	R-1-10		RE-20		Davis County
	R-1-15		R-2		Weber County
	R-1-15		RMH-1		

Zoning  
Map



**ORDINANCE NO. 19-9**

**AN ORDINANCE ESTABLISHING A ZONING DESIGNATION OF RE-20 ON PROPERTY  
LOCATED AT APPROXIMATELY 5149 SOUTH 2700 WEST**

WHEREAS, Roy City has received a petition to change the zoning on a property comprising of approximately 3.39 acres (147,668.4, sq.-ft) land located at approximately 5149 South 2700 West from a designation of LM to a designation of RE-20; and

WHEREAS, the Planning Commission held a public hearing to review the petition and favorably recommended the change; and

WHEREAS, the City Council finds that the proposed amendment will advance the existing goals, objectives and policies of the General Plan and is assured that the continued residential use of the properties will be conducted appropriately; and

WHEREAS, the City Council has reviewed and considered the same in a public meeting.

NOW, THEREFORE, be it hereby ordained by the City Council of Roy City, Utah, that the zoning designation of the properties at 5149 South 2700 West be established as an RE-20 designation and that the *Roy City Zoning Map* be amended to depict the same.

This Ordinance has been approved by the following vote of the Roy City Council:

Councilman Burrell \_\_\_\_\_

Councilman Paul \_\_\_\_\_

Councilman Saxton \_\_\_\_\_

Councilman Tafoya \_\_\_\_\_

Councilman Yeoman \_\_\_\_\_

This Ordinance shall become effective immediately upon passage, lawful posting, and recording. This Ordinance has been passed by the Roy City Council this 16<sup>th</sup> Day of July, 2019.

\_\_\_\_\_  
Robert Dandoy  
Mayor

Attested and Recorded:

\_\_\_\_\_  
Morgan Langholf  
City Recorder





# STAFF REPORT

City Council

July 16, 2019

## SYNOPSIS

### Application Information

Applicants: John Owens  
Request: **6:00 p.m. – PUBLIC HEARING** – Consider Ord. No. 19-10; to amend the Zoning Map from R-3 (Multi-Family Residential) to CC (Community Commercial)  
Approximate Address: 3926 South Midland Drive

### Land Use Information

Current Zoning: R-3; Multi-Family Residential  
Adjacent Zoning: North: R-3; Multi-Family Residential  
South: CC; Community Commercial  
East: R-1-8; Single-Family Residential  
West: C-2; Community Commercial (West Haven)  
Current General Plan: Commercial

### Staff

Report By: Steve Parkinson  
Staff Recommendation: Approval with the conditions

## APPLICABLE ORDINANCES

- Roy City Zoning Ordinance Title 10, Chapter 5 – Amendments to General Plan and Zoning Ordinance

## CONFORMANCE TO THE GENERAL PLAN

- Economic Development Goal 1; Objective 1; *To promote and encourage commercial, industrial and other economic endeavors to strength and improve the city's tax base and quality of life.*
- Urban Growth Goal 1; Objective 5; *To allow development to occur on parcels of land most suitable for and capable of supporting the kind of development being proposed.*

## PLANNING COMMISSION ACTION

The Planning Commission held a Public Hearing on July 9, 2019, the hearing was opened – the Public made the following comments:

- Cindy Danner at 2678 West 3900 South – Had safety concerns because of their pool in their yard.
- Casey Marker at 2706 West 4000 South – Was wondering if his property is still CC?

With no additional comments the public hearing was closed.

With no additional questions or discussion, the Planning Commission voted 7-0; to forward to the City Council a recommendation of approval to amend the Zoning Map from LM (Light Manufacturing) to RE-20 (Residential Estates)

## ANALYSIS

### **Background:**

There is a portion of one (1) parcel that is requested to change the zoning of their property. In total there is 0.63 acres (27,598 sq.-ft.) of land. This parcel is along Midland Drive, North of 4000 South. This parcel only fronts onto Midland Drive, but if developed with the properties to the south it will also have access from 4000 South.



Roy City owns the property directly to the North, we use it as a Regional detention pond.

Current Land Use Designation: The subject property had a land use designation of Commercial

### **Amend Zoning Map:**

Current Zoning: Currently the property is zoned R-3 (Multi-Family Residential).

Requested Zone Change: The applicants are looking to rezone their property that is currently R-3 (Multi-Family Residential) to CC (Community Commercial so they can develop the property along with the properties to the south.

A subdivision plat has been submitted but no site plans as of yet.

Considerations: When considering a Zoning District Map Amendment, the Commission and the Council shall consider the following factors, as outlined in section 10-5-9 “Criteria for Approval of a ... Zoning Map” of the Zoning Ordinance:

- 1) The effect of the proposed amendment to advance the goals and policies of the Roy City General Plan.
- 2) The effect of the proposed amendment on the character of the surrounding area.
- 3) The compatibility of the proposed uses with nearby and adjoining properties.
- 4) The suitability of the properties for the uses requested.
- 5) The overall community benefits.

No amendment to the Zoning Districts Map (rezone) may be recommended by the Commission nor approved by the Council unless such amendment is found to be consistent with the General Plan and Land Use Maps.

The above section of the Zoning Ordinance asks some questions mostly looking at the effect the proposed zone and compatibility/suitability to the surrounding uses. Staff would like to comment on some these questions

General Plan Goals, Objectives and Policies –

- Within the “Conformance to the General Plan” section of this report it lists three (3) goals and policies that this type of development would satisfy.

The character of the surrounding areas (see Exhibit “A”) –

- To the East of this property there are single-family residential homes on 8,000 sq.-ft. lots. To the south the properties are vacant, but zoned Community Commercial. To the North is a regional detention pond owned by the City and to the West there is a multi-family Townhome development in West Haven.

Some additional questions that the Commission and Council needs to reflect upon are:

- Does changing are not changing the zoning provide the best options for these properties or area?
- Does it make sense to change the zone of the property?

### **ALTERNATIVE ACTIONS**

The Planning Commission can recommend Approval, Approval with conditions, Deny or Table.

### **RECOMMENDATION**

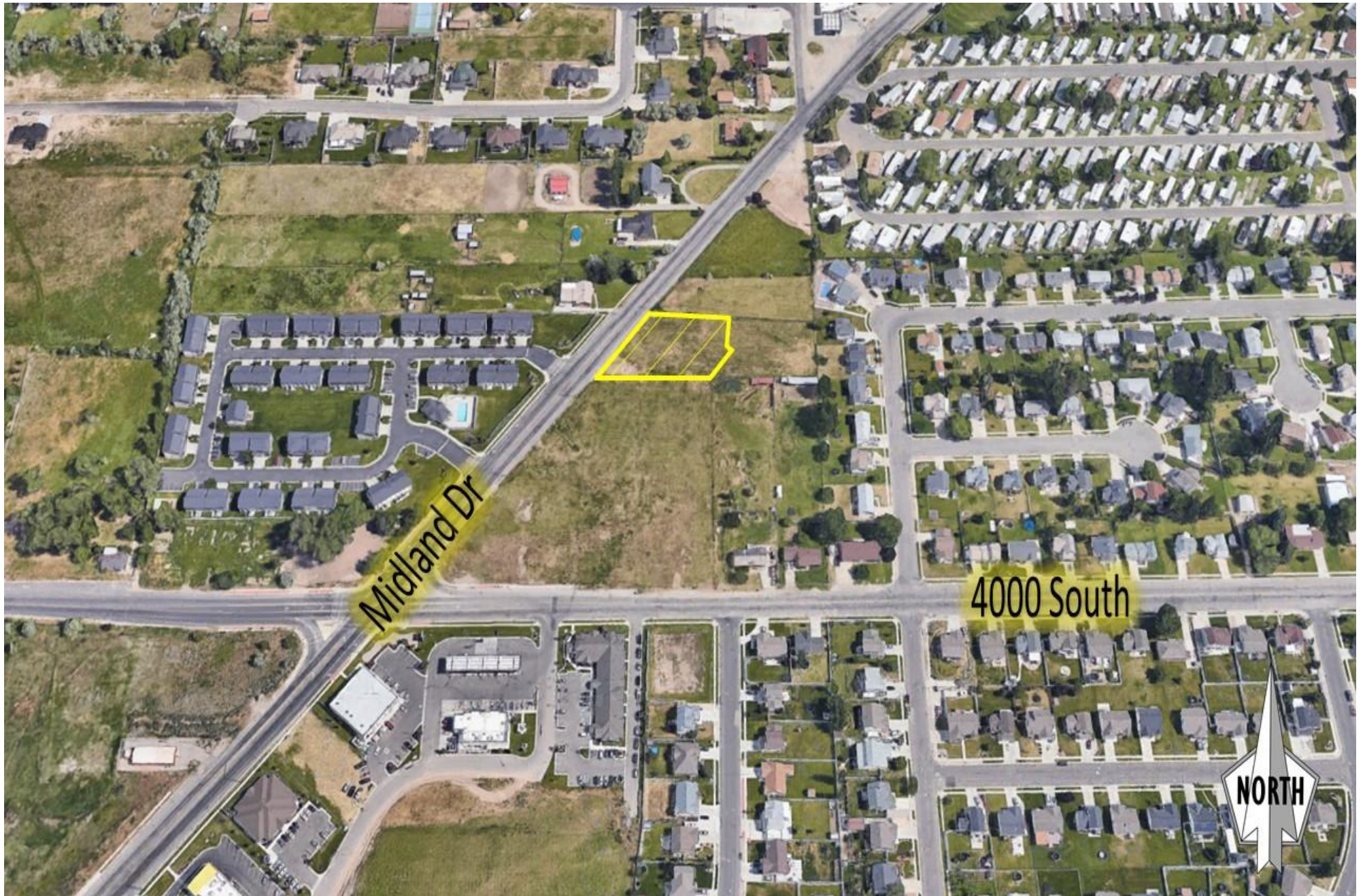
Staff recommends that the Planning Commission recommends to the City Council approval of the request to amend the Zoning Map from R-3 (Multi-Family Residential) to CC (Community Commercial) with the conditions as outlined in the staff report and discussed during this meeting.

## **EXHIBITS**

- A. Aerial Map
- B. Future Land Use Map
- C. Zoning Map
- D. Ord. No. 19-10

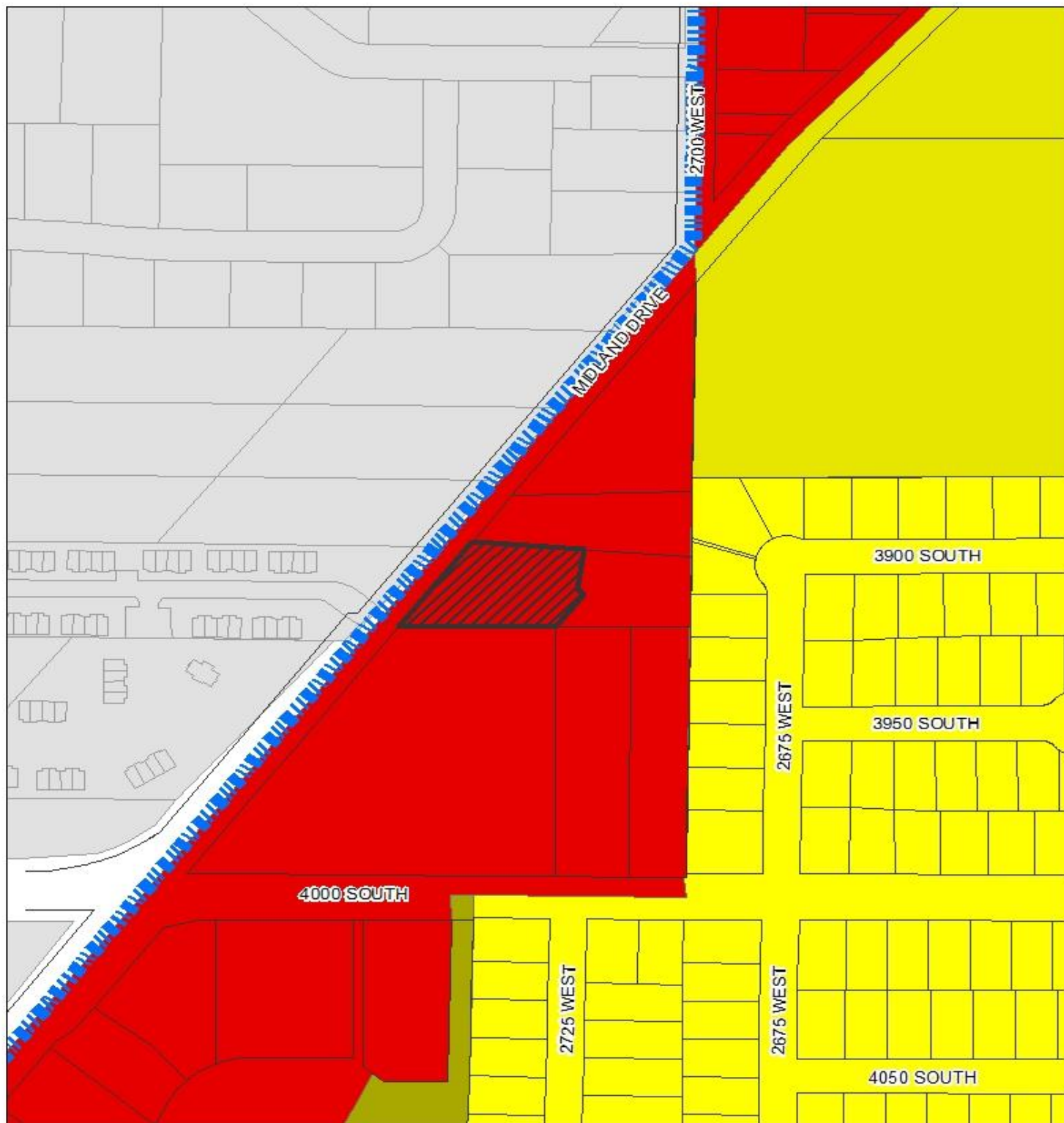


**EXHIBIT "A" – AERIAL MAP**





## EXHIBIT "B" – FUTURE LAND USE MAP



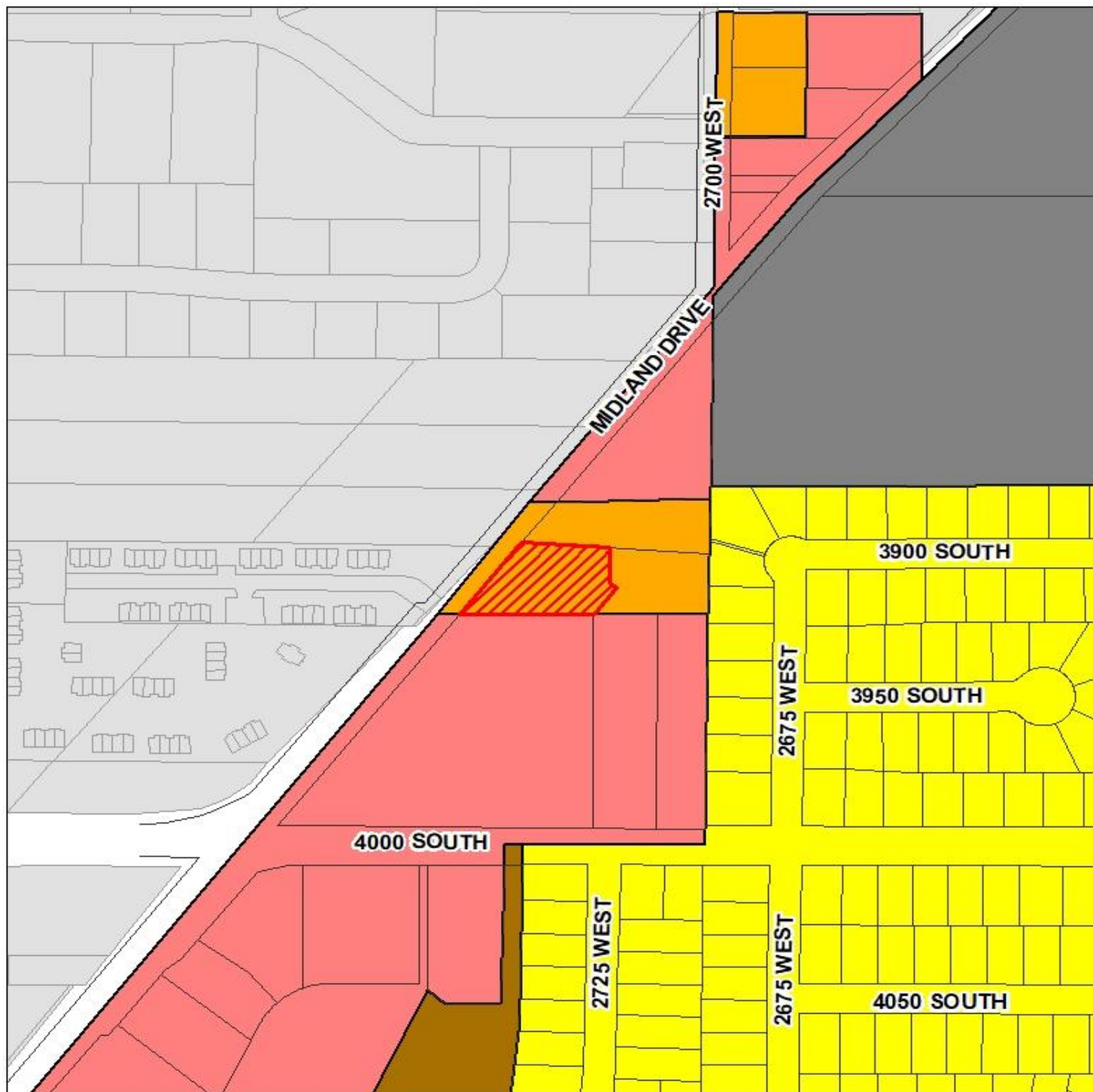
### Legend

-  Parcel
-  Selected Parcel
-  City Boundary
-  Commercial
-  Weber County
-  Medium Density Single Family Residential
-  High Density Multi-Family Residential
-  Very High Density Multi-Family Residential

## Future Land Use Map



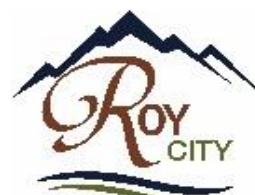
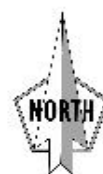
# EXHIBIT "C" – ZONING MAP



## Legend

City Boundary	Parcels	Selected Parcel
RC	R-1-6	R-3
CC	R-1-7	R-4
BP	R-1-8	RE-15
M	R-1-10	RE-20
LM	R-1-15	RD
R	R-2	RMH-1
		D&RG Trail
		I-15
		Railroad
		Davis County
		Weber County

Zoning  
Map



**ORDINANCE NO. 19-10**

**AN ORDINANCE ESTABLISHING A ZONING DESIGNATION OF CC ON A PORTION OF  
A PROPERTY LOCATED AT APPROXIMATELY 3926 SOUTH MIDLAND DRIVE**

WHEREAS, Roy City has received a petition to change the zoning on portion of a property comprising of approximately 0.63 acres (27,598, sq.-ft) land located at approximately 3926 South Midland Drive from a designation of R-3 to a designation of CC; and

WHEREAS, the Planning Commission held a public hearing to review the petition and favorably recommended the change; and

WHEREAS, the City Council finds that the proposed amendment will advance the existing goals, objectives and policies of the General Plan and is assured that the continued residential use of the properties will be conducted appropriately; and

WHEREAS, the City Council has reviewed and considered the same in a public meeting.

NOW, THEREFORE, be it hereby ordained by the City Council of Roy City, Utah, that the zoning designation of portion of the property at 3926 South Midland Drive be established as an CC designation and that the *Roy City Zoning Map* be amended to depict the same.

This Ordinance has been approved by the following vote of the Roy City Council:

Councilman Burrell \_\_\_\_\_

Councilman Paul \_\_\_\_\_

Councilman Saxton \_\_\_\_\_

Councilman Tafoya \_\_\_\_\_

Councilman Yeoman \_\_\_\_\_

This Ordinance shall become effective immediately upon passage, lawful posting, and recording. This Ordinance has been passed by the Roy City Council this 16<sup>th</sup> Day of July, 2019.

\_\_\_\_\_  
Robert Dandoy  
Mayor

Attested and Recorded:

\_\_\_\_\_  
Morgan Langholf  
City Recorder

## Resolution No. 19-17

### A Resolution of the Roy City Council Approving Ambulance Transportation Rates and Charges

**Whereas**, the Utah State Department of Health, Bureau of Emergency Medical Services, recently adjusted the rates that may be charged by service providers for emergency medical services in the State, and

**Whereas**, the Roy Fire and Rescue Department provides the emergency medical services regulated by the Bureau of Emergency Services, and

**Whereas**, the Fire and Rescue Chief, recommends the City Council adopt the fee adjusted rates to help offset a portion of the cost for providing these emergency medical services.

**Now, therefore, be it resolved** by the Roy City Council that the following rates for emergency medical services become effective July 1, 2019:

	<u><b>Current Rate</b></u>	<u><b>Order Rate</b></u>	<u><b>Increase</b></u>
Advanced Ambulance	\$1018.00	\$1049.00	\$31.00
Paramedic (Paramedic Transport)	\$1,490.00	\$1,535.00	\$45.00

Passed this 16<sup>th</sup> day of July, 2019.

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Robert Dandoy  
Mayor

Attest:

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Morgan Langholf  
City Recorder

Voting:

Councilmember Bryon Saxton  
Councilmember Jan Burrell  
Councilmember Joe Paul  
Councilmember Dave Tafoya  
Councilmember Karlene Yeoman