



**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: