

MINUTES OF THE JUNE 21, 2016, ROY CITY COUNCIL MEETING

1. Approval of June 7, 2016, minutes
2. Consideration of Ordinance No. 16-4 adopting certain restrictions on the use of fireworks within certain areas of the municipality
3. Consideration of preliminary subdivision approval for Roy Regency Subdivision located at approximately 5600 South 2700 West
4. Consideration of Ordinance No. 15-5 amending the General Plan (Future Land use Map) from Light Manufacturing to Very High Density, Multi-Family on property located at approximately 2449 West 4300 South
5. Consideration of Resolution No. 15-6 amending the Zoning Map from RE-20 (Residential Estates) to R -3 (Multi-Family Residential) and RIO (Residential Infill Overlay) on property located at approximately 2449 West 4300 South
6. Consideration of Resolution No. 16-27 approving a contract with Advanced Paving and Construction, LLC for the 4800 South Roundabout Project
7. Consideration of Resolution No. 16-26 amending the Roy City Personnel Policy and Procedure Manual to provide for a Hearing Officer to hear grievances and appeals in place of an Employee Appeals Board
8. Discussion regarding merit/COLA for FY2017
9. Consideration of Resolution No. 16-25 amending the Roy City Personnel Policy and Procedure Manual for merit implementation dates
10. Consideration of Ordinance No. 16-5 amending the Roy Municipal Code by amending portions of Title 9 to update Roy City Building and Construction Codes in accordance with the Utah Uniform Building Standard Act and the rules promulgated thereunder; and by providing that this ordinance shall become effective immediately upon posting after final passage
11. Discussion regarding Council members directing/tasking City employees
12. Discussion regarding non-compliance to City Zoning Ordinance
13. City Manager's Report
14. Public comments
15. Mayor and Council reports
16. Adjourn

Minutes of the Roy City Council Meeting held June 21, 2016, at 6:00 p.m. in the City Council Room of the Roy City Municipal Building.

The meeting was a regularly scheduled meeting designated by resolution. Notice of the meeting was provided to the *Standard Examiner* at least 24 hours in advance. A copy of the agenda was posted.

The following members were in attendance:

Mayor Willard Cragun
Councilwoman Marge Becraft
Councilman Bob Dandoy
Councilman Brad Hilton
Councilman Dave Tafoya
Councilwoman Karlene Yeoman

City Manager Andy Blackburn
Secretary Michelle Drago

Also present were: Cathy Spencer, Management Services Director; Ross Oliver, Public Works Director; Jason Poulsen, Fire Chief; Carl Merino, Police Chief; Steve Parkinson, Planner; Trent Nelson, Assistant City Attorney; Jared Roper; D. L. Thurman; Jane Thurman; Jared Flanders; Kathie Darby; Miles Hislop; Lance Hislop; Cooper Hislop; Chris Hislop; Lorin Parks; Greg Sagen; Gennie Kirch; and Ryan Anderson.

Moment of Silence: Councilwoman Becraft

Pledge of Allegiance: Councilwoman Becraft

1. APPROVAL OF JUNE 7, 2016, MINUTES

Councilwoman Yeoman moved to approve the minutes of June 7, 2016, as written. Councilman Dandoy seconded the motion. Council members Becraft, Dandoy, Hilton, Tafoya, and Yeoman voted “aye.” The motion carried.

2. CONSIDERATION OF ORDINANCE NO. 16-4 ADOPTING CERTAIN RESTRICTIONS ON THE USE OF FIREWORKS WITHIN CERTAIN AREAS OF THE MUNICIPALITY

Jason Poulsen, Fire Chief, stated that a municipality could restrict and ban certain fireworks and certain areas if it felt they would be a threat to the community. The City used to have an ordinance in place which restricted the use of fireworks in certain parts of the City, but the ordinance expired. The Fire Department asked that the City Council adopt Ordinance No. 16-4 which would prohibit aerial cakes in restricted areas. Those areas consisted of open grass areas along the trail, slough, canal, and railroad. Class C fireworks could still be lit in restricted areas. Most people were pretty good about abiding by the restrictions. Ordinance No. 16-4 did not have an expiration date.

Chief Poulsen explained that the City was currently selling permits for fireworks to be sold from tents. Fireworks could be sold from June 27 to July 27th. They could be lit three days prior to and three days after July 4th and 24th.

Councilman Tafoya asked that the Fire Department notify the residences in the restricted areas about the aerial fireworks ban.

Mayor Cragun asked if the restriction was posted on the City's website. Chief Poulsen said it was.

Councilman Tafoya moved to approve Ordinance No. 16-4 adopting certain restrictions on the use of fireworks within certain areas of the municipality. Councilman Hilton seconded the motion. A roll call vote was taken: Council members Yeoman, Hilton, Becraft, Tafoya, and Dandoy voted "aye." The motion carried. (Copy filed for record).

3. CONSIDERATION OF PRELIMINARY SUBDIVISION APPROVAL FOR ROY REGENCY SUBDIVISION LOCATED AT APPROXIMATELY 5600 SOUTH 2700 WEST

Steve Parkinson stated that the Roy Regency Subdivision was located on the southwest corner of 5600 South 2700 West. It consisted of three separate parcels that were being combined into one lot. The City Council recently considered a multi-family development on this site. One of the conditions of approval was combining the parcels so that buildings would not be located over property lines. The staff and Planning Commission had reviewed the subdivision and recommended that the Council grant preliminary approval.

Councilman Tafoya asked if the property was already zoned R-3. Mr. Parkinson said it was.

Councilwoman Yeoman stated that the City Council denied a multi-family development on the northwest corner of the 5600 South 2700 West intersection due to access concerns. Was access to the southwest corner further from the intersection? Mr. Parkinson said it was. He reminded the Council that the issue under consideration was preliminary approval of a subdivision.

Councilman Dandoy clarified the description of the property.

Councilman Hilton moved to grant preliminary approval of the Roy Regency Subdivision based on the findings of the staff and subject to the conditions recommended by the staff and Planning Commission. Councilwoman Becraft seconded the motion. Council members Becraft, Dandoy, Hilton, Tafoya, and Yeoman voted "aye." The motion carried.

4. CONSIDERATION OF ORDINANCE NO. 15-5 AMENDING THE GENERAL PLAN (FUTURE LAND USE MAP) FROM LIGHT MANUFACTURING TO VERY HIGH DENSITY, MULTI-FAMILY ON PROPERTY LOCATED AT APPROXIMATELY 2449 WEST 4300 SOUTH

Steve Parkinson stated that the City had received a request to amend the Future Land Use Map of the General Plan by changing the future land use designation of property located at approximately 2449 West 4300 South from Light Manufacturing to Very High Density, Multi-Family. The City had also received a request to amend the Zoning Map by rezoning property at the same location from RE-20 to R-3. The City Council had previously discussed this area with the applicant, Anderson Development. On August 15, 2015, the Planning Commission held a public hearing to consider the two requests. It recommended that both requests be denied due to concerns about vehicular access. Anderson Development asked that their requests be pulled from the Council agenda to allow time to explore options that could be presented to the City Council.

Councilman Tafoya stated that the Planning Commission and City Council had discussed the development of this area in a work session. Had the staff informed the applicant about that discussion? Mr. Parkinson said it had. The applicant wanted to present some options to the City Council.

Councilman Hilton asked why those options had not been presented to the Planning Commission before coming to the Council. Mr. Parkinson said the applicant wanted to present their options directly to the City Council.

Ryan Anderson, Anderson Development, stated that they had approached the City Council prior to filing their applications to learn about the City's concerns regarding this area. The City Council was aware that the property in question was located between the Union Pacific right-of-way and the D&RG Trail between 4000 South and 4800 South. The future land use designation was industrial. It was currently zoned RE-20. Mr. Anderson stated that the City had a vision for this area. So did Envision Utah and UTA. Envision Utah polled 50,000 residents. Eighty-two percent (82%) of them preferred to live in a community within walking distance of transit.

Mr. Anderson felt their development proposal would address the wants of State's residents. UTA had put together transit-oriented design guidelines which highlighted this area as a mixed use of higher density residential and some commercial uses. Mr. Anderson said they met with UTA to try to make this a win/win development. UTA wanted to utilize the north end of this area as a commuter hub and track station. UTA did not want to see vehicular access onto 4000 South. They had plans to build a pedestrian bridge over the Union Pacific right-of-way.

Councilman Tafoya stated that the City had not heard anything from UTA about wanting to develop a light rail system in this area. Mr. Anderson said it was part of UTA's long term master plan.

Ryan Anderson stated that there was approximately 46 acres between 4000 South and 4800 South whose only access was from 4800 South. The distance between the trail and the Front Runner line on 4000 South was only 320 feet. UTA agreed that any vehicular access onto 4000 South in this area would be a disaster. If access was allowed, they felt it should be restricted to right in and right out only. Anderson Development understood the concerns about access. Rather than trying to access 4000 South, they were proposing to connect to Westlake Drive, which was located just west of the D&RG Trail. UTA was willing to consider an at-grade crossing of the trail in this area. Anderson Development had acquired a home on Westlake Drive in anticipation of the connection.

Councilman Hilton asked how UTA would address the access. Mr. Anderson said it would be an at-grade crossing with arms.

Councilman Tafoya was concerned about dumping hundreds of cars into a neighborhood that had not been designed to handle such traffic. He felt it would simply create another traffic problem.

Ryan Anderson felt the at-grade crossing was a win/win. It provided another access for the area and alleviated the access problem on 4000 South. There were individual property owners to the north who didn't want access through their properties. Hooper Water was located to the south. They were willing to surplus two acres for a connection. A five acre parcel was also considering a connection with the West Park Subdivision to the south. Anderson Development was proposing a townhouse development, which they felt would be a good fit with the price point in the area. A pedestrian bridge would allow access to UTA's Front Runner Station.

Councilwoman Becraft referred to the presentation made by Envision Utah at the last Council meeting. With so many residents wanting homes close to transit, she felt the City should look at this proposal.

Councilman Tafoya stated that Roy City was not a transit-oriented design city. He understood the need. However, the City had already decided it did not want this area to develop as R-3. The City did not want more density. The City was considering the purchase of part of this area as a cemetery. He didn't feel a cemetery would fit with a high density development. He didn't feel accessing Westlake Drive would solve anything.

Ryan Anderson stated that Anderson Development had been looking for some direction from the City. They were representing a property owner who wanted to sell his property. He asked that the Council be pro-active.

Councilman Tafoya stated that the City did not have an issue with the current zone.

Councilwoman Yeoman did not want to consider development of this area until property closer to the Front Runner Station developed. When that area was going, she felt it affect how the land between the two rights-of-way developed.

Councilman Dandoy stated that this area had a future land use designation of Light Manufacturing. One concern mentioned in the hearing was the construction of a big building that would block visibility. He asked what the maximum building height in a manufacturing zone was versus residential. Mr. Parkinson said the manufacturing regulations allowed a maximum building height of 60 feet. The maximum building height in residential zones was 35 feet.

Councilman Dandoy asked about the density of an R-3 Zone. Mr. Parkinson said the maximum density was 12 units per acre. Therefore, the maximum density of a 10-acre parcel would be 120 units. When factoring in landscaping and access requirements the actual density would probably drop. Mr. Parkinson said the City Council could attach conditions to the rezone which would provide control over the density.

Councilman Dandoy stated that traffic and access were always a concern when considering a development. The concerns raised during the hearing last August related to access onto 4000 South. The option provided by Anderson Development would provide access to this area from two different sources. He felt the real issue now was the number of units in the area. He felt this development proposal might be a solution if the City had some control over the density. Councilwoman Becraft felt the proposal might be compatible. He agreed there needed to be harmony between this area and what developed around the Front Runner Station. This proposal could drive what happened around the station.

Steve Parkinson stated that the City had received a grant to study how traffic moved between the Front Runner Station and 1900 West, the airport, and Hill AFB. The City hoped to have the results of the study back by February 2017. The City could allow the rezone subject to the results of the study via a development agreement. The City Council had a lot of options from denial to approval and in between.

Councilman Tafoya disagreed. He did not feel the City would have any control over the density if the property was rezoned.

Councilman Dandoy stated that the City Council had already agreed to mixed use development around the Front Runner Station. He felt the land bridge was a great idea,

especially in terms of personal safety. He felt there was some merit to the proposal from Anderson Development. It provided a needed solution for the traffic. Roy City was the last community to do anything around their light rail. He didn't have a problem putting the cart before the horse and letting it drive.

Councilman Hilton did not feel the goals and objective of the General Plan quoted by the staff applied because the General Plan was so outdated. The General Plan needed to be updated before the City could move forward. If the neighborhood was going to be extended, it should be extended as it was – single-family residential. He was concerned about townhomes. He felt the City needed to look at the General Plan and do some strategic planning.

Councilwoman Yeoman asked what an at-grade crossing would look like. Mr. Anderson said it would be similar to the crossing at 4000 South and 4800 South, with gates.

Mayor Cragun stated that the applicant was seeking direction from the City. They had met with the City several times, and the Council had discussed this area several times. He felt the City owed them an answer.

Councilman Hilton stated that the City didn't have a plan to consider. The applicant was just requesting a rezone. Right now he was not in favor of changing the zone. The Council had already decided it did not want any more R-3 housing. If the applicant wanted to consider an R-1-8 Zone, it would be a different matter. The applicant could develop single family homes in the current RE-20 Zone.

Councilman Dandoy moved to approve Ordinance No. 15-5 amending the Future Land Use Map of the General Plan by changing the future land use designation of property located at approximately 2449 West 4300 South from Light Manufacturing to Very High Density, Multi-Family based on the staff's findings. Councilwoman Becraft seconded the motion. A roll call vote was taken: Council members Dandoy and Becraft voted "aye." Council members Tafoya, Yeoman, and Hilton voted "nay." The motion was defeated.

5. CONSIDERATION OF RESOLUTION NO. 15-6 AMENDING THE ZONING MAP FROM RE-20 (RESIDENTIAL ESTATES) TO R -3 (MULTI-FAMILY RESIDENTIAL) AND RIO (RESIDENTIAL INFILL OVERLAY) ON PROPERTY LOCATED AT APPROXIMATELY 2449 WEST 4300 SOUTH

This item could not be considered due to the denial of Item No. 4.

6. CONSIDERATION OF RESOLUTION NO. 16-27 APPROVING A CONTRACT WITH ADVANCED PAVING AND CONSTRUCTION, LLC FOR THE 4800 SOUTH ROUNDABOUT PROJECT

Ross Oliver, Public Works Director, stated that bids for the 4800 South Roundabout Project were opened on June 2, 2016. Five contractors submitted bids ranging from \$398,930 to \$476,324.72. The engineer's estimate was \$390,000. The staff recommended that the City Council approve Resolution No. 16-27 approving a contract with Advanced Paving and Construction, LLC to complete the 4800 South Roundabout Project for \$398,930.

Councilman Dandoy asked if the bids were closed. Mr. Oliver said they were.

Councilman Dandoy asked if the City Council was the approval authority. Mr. Blackburn said it was. The contract agreement was approved by resolution, which had to be approved by the Council.

Councilman Dandoy stated that the only bids approved by the City Council were construction projects over \$25,000. Yet the Council was not the source authority. It was relying totally on the recommendation of the staff. For the four other bidders, the City Council was the only appeal avenue. The City Council was acting as both the approval authority and the appeal board. He did not feel that situation would hold up in a court of law. If there was litigation, it would be expensive. He felt the City Council needed to discuss a different method of approving contracts. In all other budget matters, the Public Works Director had the authority to approve contracts. Why was the Council involved in the approval process? He felt the City's Purchasing Policy needed to be changed.

Andy Blackburn, City Manager, stated that Councilman Dandoy had a good point. The City was in the process of amending ordinances to replace appeal boards with hearing officers.

Mayor Cragun asked if it was necessary for all of these projects to be brought to the City Council.

Councilman Tafoya stated that ultimately the train stopped at the Council. The Council directed the staff to bid projects. The scenario presented by Councilman Dandoy very rarely happened.

Andy Blackburn felt the solution was to have another appeal authority. Councilman Dandoy also felt that would solve the problem. Right now there was a risk. He did not want to see the City face a lawsuit.

There was further discussion.

Councilman Hilton asked if a contract had to be approved by a resolution. Mr. Blackburn said it did.

Councilman Hilton moved to approve Resolution No. 16-27 approving a contract between Roy City Corporation and Advanced Paving and Construction, LLC for the 4800 South Roundabout Project in the amount of \$398,930 and to authorize the Mayor to sign the Notice of Award and Contract Agreement. Councilman Tafoya seconded the motion. A roll call vote was taken: Council members Becraft, Hilton, Tafoya, Yeoman, and Dandoy voted “aye.” The motion carried. (Copy filed for record).

Councilman Tafoya stated that the Council needed to discuss when to start this project.

Ross Oliver stated that the staff needed to know what to tell the contractor at the preconstruction meeting on June 22nd.

Councilman Tafoya said that if construction started right away, the roundabout would be under construction during Roy Days. If the City waited to begin construction after Roy Days the roundabout would be under construction when school started.

Mayor Cragun felt the project should be postponed until after Roy Days.

Councilman Tafoya felt construction should start as soon as possible. The contractor could pull off the project during Roy Days. Roy Days would be for one weekend. Traffic would be ten times worse after school started. The project needed to be finished before then.

Councilwoman Yeoman stated that Hooper Water was currently doing a project on 4800 South. How far would that extend? Ross Oliver said Hooper Water planned to lay a water line on 4800 South from 2700 West to 3500 West.

The Council agreed that the roundabout project needed to be finished before school started.

7. CONSIDERATION OF RESOLUTION NO. 16-26 AMENDING THE ROY CITY PERSONNEL POLICY AND PROCEDURE MANUAL TO PROVIDE FOR A HEARING OFFICER TO HEAR GRIEVANCES AND APPEALS IN PLACE OF AN EMPLOYEE APPEALS BOARD

Andy Blackburn stated that at the last meeting, the Council had discussed replacing the Employee Appeals Board with a Hearing Officer. The appeals process would work better with a Hearing Officer versus an Appeals Board. The State law was changed several years ago to allow boards to be replaced with hearing offices. A written decision

prepared by a hearing officer would hold up better in court. The administration asked that the Council approve Resolution No. 16-26.

Councilwoman Becraft asked for details about a hearing officer. Mr. Blackburn stated that a hearing officer was usually an attorney who had land use experience. The City would search for a hearing officer who was qualified and experienced. There were city attorneys in the area that could hear appeals. The hearing officer would be an independent contractor. He would be paid an hourly rate whenever he was needed.

Councilwoman Becraft felt amending the ordinance to replace a board with a hearing officer was a good direction to do.

Councilman Hilton moved to approve Resolution No. 16-26 amending the Roy City Personnel Policy and Procedure Manual Section 1802 to provide for a Hearing Officer to hear grievances and appeals in place of an Employees Appeals Board. Councilwoman Becraft seconded the motion. A roll call vote was taken: Council members Hilton, Yeoman, Dandoy, Tafoya, and Becraft voted "aye." The motion carried. (Copy filed for record).

8. DISCUSSION REGARDING MERIT/COLA FOR FY2017

Cathy Spencer, Management Services Director, stated that the administration was seeking clarification of the implementation dates of the merit, COLA, and salary survey proposed in the FY2017 budget. The budget included a 2% COLA that would be effective on July 9, 2016, and a 2.5% merit for eligible employees. Did the Council want the merit to take effect on July 9th along with the COLA or on the employees' hire/promotion date in FY2017? Ms. Spencer said the budget included a salary survey to be conducted in the latter part of 2016. It would place employees within pay scales based upon years of service, which were lost during the recessionary years. The salary survey process would take a few years to fully implement. If the Council's intent was different than what was in the budget, changes could be made prior to the Truth in Taxation Hearing in August.

Ms. Spencer said the budget was sufficient to cover a merit increase beginning July 9th or the partial implementation of the salary survey, but not both. Changing the merit implementation date and postponing the salary survey until FY2018 would result in a reduction in the property tax increase but would require an additional increase in FY2018. If the Council decided to implement the 2.5% merit on July 9th and the salary survey in FY2018, the budget could be recalculated and a lesser tax increase requested. Delaying the implementation date of the salary survey would allow for more time to gather and analyze the data for the FY2018 budget process. If the Council wanted to have the ability to alter the implementation date for merit pay adjustments, the Personnel Policy and Procedure Manual would have to be amended. Resolution No. 16-25 had been prepared for the Council's consideration.

Councilwoman Yeoman felt that both the merit and COLA should be implemented on July 9th. If the salary survey was not done, there would not be a need to raise taxes.

Councilman Dandoy supported Councilwoman Yeoman's suggestion. Both increases would be in place and effective, which would allow time to complete the salary survey. The step program could be implemented in the next budget year.

Ms. Spencer asked if merit increases for the part-time employees could be made on their hire date. Permanent part-time employee merits were based upon the number of hours worked. Calculating merits for part-time employees would be nearly impossible without waiting until their anniversary date.

Councilwoman Yeoman agreed to give part-time employees their merit on their anniversary date. If the employees were given both a merit and a COLA, she did not feel the City needed to conduct a salary survey.

Councilman Tafoya asked about the cost of a salary survey. Ms. Spencer did not know what the cost would be because she didn't know what the results would be. She had included an estimate in the budget, which could be used to start implementing a salary survey. Councilman Tafoya asked what would happen if the City didn't conduct a salary survey. Ms. Spencer stated the estimated amount would be removed from the budget.

Cathy Spencer stated that the salary survey would compare the salaries of positions in Roy City with similar positions in cities of comparable size to Roy. She discussed how the salary would be conducted.

Councilman Dandoy stated that if the merit and COLA were implemented on July 9th, the City would have time to assess through a survey how close the City's salaries were to other cities and how to implement the step process beginning in FY2018.

Councilwoman Yeoman asked if the City could look at a step process without having to conduct a salary survey. The cost of the salary survey could be taken out of the budget. Then taxes would not have to be raised. The merit and COLA could be given now. Steps could be implemented in the next budget year.

Mayor Cragun stated that the Council had agreed to give the employees a COLA and a merit increase at the beginning of the fiscal year. He emphasized that step increases were not automatic. Step increases were based on years of service and professional performance.

Councilwoman Yeoman agreed step increases should be based on years and proficiency.

Councilman Dandoy clarified that the merit and COLA would be given on July 9th. Part-time employees would receive their merits on their anniversary dates. Department heads still had to make assessments prior to July 9th to determine whether their employees would receive their merit increases. Before FY2018, the Council would have to discuss step increases. The Council would get the employees back where they should be even if it took a few years.

Councilman Tafoya had confidence that the City Council as a board would get there.

Andy Blackburn reminded the Council that beginning July 1st, the City would be operating a tentative budget until the Truth in Taxation hearing in August. He asked for the Council's authorization to proceed. The Council agreed to proceed with the tentative budget.

9. CONSIDERATION OF RESOLUTION NO. 16-25 AMENDING THE ROY CITY PERSONNEL POLICY AND PROCEDURE MANUAL FOR MERIT IMPLEMENTATION DATES

Councilman Dandoy moved to approve Resolution No. 16-25 amending the Roy City Personnel Policy and Procedure Manual for merit implementation dates. Councilwoman Yeoman seconded the motion. A roll call vote was taken: Council members Yeoman, Hilton, Becraft, Tafoya, and Dandoy voted "aye." The motion carried. (Copy filed for record).

10. CONSIDERATION OF ORDINANCE NO. 16-5 AMENDING THE ROY MUNICIPAL CODE BY AMENDING PORTIONS OF TITLE 9 TO UPDATE ROY CITY BUILDING AND CONSTRUCTION CODES IN ACCORDANCE WITH THE UTAH UNIFORM BUILDING STANDARD ACT AND THE RULES PROMULGATED THEREUNDER; AND BY PROVIDING THAT THIS ORDINANCE SHALL BECOME EFFECTIVE IMMEDIATELY UPON POSTING AFTER FINAL PASSAGE

Cathy Spencer stated that every few years the Utah State Building Code Commission recommended that updated editions of the international codes be adopted. The State had mandated that cities enforce the 2015 International Building, Residential, Mechanical, Plumbing, Fire, Fuel Gas Code, and Energy Conservation Codes and the 2014 National Electrical Code. Roy City needed to update Title 9 in accordance with the Utah Uniform Building Standard Act. She asked that the Council adopt Ordinance No. 16-5.

Councilman Tafoya moved to approve Ordinance No. 16-5 amending the Roy Municipal Code by amending portions of Title 9 to update Roy City Building and Construction Codes in accordance with the Utah Uniform Building Standard Act and rules promulgated thereunder; and by providing that this ordinance shall become effective immediately upon posting after final passage. Councilman

Hilton seconded the motion. A roll call vote was taken: Council members Tafoya, Becraft, Hilton, Dandoy, and Yeoman voted “aye.” The motion carried. (Copy filed for record).

11. DISCUSSION REGARDING COUNCIL MEMBERS DIRECTING/TASKING CITY EMPLOYEES

This item was tabled by the Mayor.

12. DISCUSSION REGARDING NON-COMPLIANCE TO CITY ZONING ORDINANCE

Councilman Dandoy stated that in Chapters 23 and 25 of the Zoning Ordinance, the City was required to have a Board of Adjustment to hear appeals and variances to the City's zoning requirements. It had been years since the City had a functioning Board of Adjustment. He felt the public had a right to have a land use appeal process. He suggested that the Zoning Ordinance be amended to replace the Board of Adjustment with a Hearing Officer. Until that happened, could the City Council consider an appeal if one was filed?

Andy Blackburn stated that the City was already in the process of amending the Zoning Ordinance to replace the Board of Adjustment with a Hearing Officer. The Planning Commission would be holding a public hearing on June 28th to take public comments before passing on a recommendation to the City Council. The administration hoped to place consideration of an amendment on the next Council agenda.

13. CITY MANAGER'S REPORT

Andy Blackburn, City Manager, reported that:

- Stone had been added to the base of the City's sign in front of the Municipal Building. The City planned to use the same type of stone for the water feature in front of Harmon's. The City Engineer was checking on the status of the State's approval.
- The City had received the fireworks permits for Roy Days.
- The Aquatic Center was doing booming business due to the hot weather. The Recreation Department had baseball and softball tournaments going on. Registration for football was almost done.
- The Police Department was getting ready to hire replacements.
- The Boys and Girls Club would start using the swimming pool at the Recreation Complex next week.
- The City had its most successful Movie Night on Friday, June 17th.
- The City would be sponsoring a Farmer's Market at North Park starting after Roy Days. Councilwoman Becraft asked why the Farmer's Market wasn't being held

all summer long. Mr. Blackburn said the vendors didn't have anything to sell until then. Councilman Dandoy said the Farmer's Market was placed at North Park to take advantage of the football crowds. Mayor Cragun felt the City should take advantage of its sign to advertise the farmer's market. Councilwoman Becraft said the farmer's market could also be advertised in the flyers the Arts Council would be distributing.

14. PUBLIC COMMENTS

D.L. Thurman, 4953 South 3100 West, made a statement regarding traffic on 4800 South in conjunction with his property and the West Park Subdivision. He had a background of over 20 years in construction management and design. He owned the barn located at about 2730 West 4800 South. He did not have a problem with the West Park Subdivision being constructed next to him, except they ran off the Perigrine Falcon. The developer had moved eight to ten feet of soil on the north side of his property, which left quite a drop off. He had several family parties with toddlers and small planned at the barn. One would be held on the 4th of July. He had a drawing showing a block wall behind his property. He thought a Council member had recommended it. His copy was not signed. The City's signed copy did not show a block wall. He understood the design process. As the design process evolved the changes were pointed out, but the deletion's weren't. He felt the developer had deleted the wall because they didn't want to do it. He was told he would be responsible for the block wall. The City's present plan was to build a roundabout at 2900 West 4800 South with an island that would extend east to the tracks. People leaving the subdivision and his barn would have to travel west on 4800 South to the roundabout to turn and go east. People traveling east would have to cross the tracks and turn around. He did not know how drivers would turn around on 4800 South if u-turns weren't allowed. When leaving his barn, due to the dip in the tracks, a driver had to exit forward, look up the hill, and memorize the traffic flow to find an opening. His renter at the same location had lost five brick mail boxes due to drivers losing control at the dip. He had picked up 30 hubcaps. The subdivision as it was now did not have a turn-around for emergency vehicles. When the subject of the subdivision was initially proposed a member of either the City Council or the Planning Commission said there would be cars hit by trains. The very next day a person was killed by a train at the 4800 South crossing. At that time he suggested the City clean up the area west of the tracks for an emergency turn out, and put up a sign indicating *emergency turn out only*. After his suggestion a rail was stopped making it impossible to pull out. The City had a traffic study completed which said there weren't any problems. His renter had a traffic study completed which said there would be accidents at this location. When he gave a copy of the study to the City, they refused to even read it because it was prepared by someone who did not have a degree in traffic engineering. He was told that the person who prepared the original study didn't have a degree either.

Jared Flanders, 4587 South 3600 West, stated that his neighbor drove to Salt Lake earlier in the day to file an EPA complaint against the developer of the 114-unit complex north of Midland Car Care Center. Were any City employees monitoring the construction? Construction activity began at 5:00 a.m., which was disruptive to the neighborhood. The neighborhood had asked the construction crew to water down the site to keep the dust down. They were laughed at.

Andy Blackburn stated that the Building Inspector made periodic inspections, but the City did not have an employee on the site at all times. Ross Oliver, Public Works Director, stated that they had received complaints about the dust. Matt Howard, Public Works Inspector, had found the contractor difficult to work with. Mayor Cragun directed Andy Blackburn to draft a letter to the developer regarding the complaints received by the City and indicating that the City would be monitoring the site regarding dust and hours of operation, etc. He asked Mr. Blackburn to report back to the City Council.

Jared Roper, 4174 South 2175 West, asked about the status of North Park. It was a dust bowl. There were weeds in the 4000 South Roundabout. Andy Blackburn said Travis Flint, Parks and Recreation Director, had a family emergency tonight. He planned to attend the next Council meeting to update the Council on North Park. The Parks Department was short staffed. They would get to the weeds as soon as possible.

Mr. Roper asked if something could be done about the speed on 2175 West between 4000 South and 4400 South. He had clocked speeds of 40 to 50 MPH with his radar gun. He loved the speed bump, but it had been removed. He would like another one that was just a little less severe. Councilman Dandoy asked if the speeds were worse at specific times of the day. Mr. Roper said the speeds were worse between 4:30 and 7:00 p.m. Councilman Dandoy asked if unmarked patrol cars could monitor 4000 South. Mr. Blackburn said the City was on the process of purchasing a speed sign.

Councilman Dandoy asked if speed bumps were effective. Police Chief Merino said they slowed down traffic, but they increased noise and vehicle damage. Speed bumps were no longer recommended. Councilman Dandoy asked if this was an enforcement issue. Chief Merino said it was. Unfortunately the time frame indicated by Mr. Roper was the busiest time of the day for patrol officers due to accidents. The Police Department was also operating with fewer officers. People wanted to avoid traffic on the main roads so they speed through neighborhoods. Councilman Dandoy felt there had to be a penalty involved.

Susan Cady, 4155 South 2175 West, stated that in addition to speeding traffic there had been theft in the neighborhood and kids hanging around the new North Park restrooms.

Councilman Tafoya stated that the City had tried making officers more visible. The speed slowed down while the officers were there, but sped up when the officers left. A

speed sign had not worked. Historically, the only that had worked was a speed bump while it was there, but traffic sped up when it was removed.

Mayor Cragun felt enforcement was the answer. There were many places in the City where speeding occurred.

Jared Roper asked that the City put the speed bump back in. Councilman Tafoya suggested putting in a three-way stop sign in the middle of the block. Councilwoman Yeoman said a stop sign would force traffic to slow down. Ross Oliver said he could have a stop sign installed the next day. He was directed to do so.

Jared Roper asked if the 1900 West Riverdale Road intersection would ever be finished. The Council said the City would be finishing it. It was waiting to receive permits from the State before proceeding.

Jared Roper asked if the City could contact the property owners along the frontage road, as it had in the past, about keeping their weeds down in anticipation for the fireworks season. Fire Chief Poulsen said he would meet with the Code Enforcement Officer to get it done.

Kathie Darby, West Haven, complimented Roy City on the new configuration of 4800 South 3500 West. The contractor got in and got the work done. The new road was beautiful and worked wonderfully. She thanked the City for making it happen.

15. MAYOR AND COUNCIL REPORTS

Mayor Cragun stated that the annual Youth Service Day had been moved forward to August 27th.

Councilman Dandoy updated the Council on the status of the survey. Only 32 surveys were needed in three zones. The City had received well over the number needed for a statistical analysis, but there were a few areas to finish near the Clinton/Roy border south of Roy Elementary and below 3500 West and east of Midland Drive. Intend to finish in the morning of June 23rd. When the Weber State had compiled the results they would like to hold a few town meetings to share the results.

Councilwoman Yeoman reported that the Roy Days newsletter was printed at Alphagraphics. It ended up being eight pages long. Even though it had more pages and was being printed in color, the cost was just slightly more than the regular newsletter. She felt the Council should look at the cost of future newsletters.

Councilman Tafoya stated that the City's latest Movie Night had the biggest turn out ever. The next one was scheduled for July 15th. He felt the Recreation Department and its staff was doing a great job.

16. ADJOURN

Councilwoman Becraft moved to adjourn at 8:12 p.m. Councilman Dandoy seconded the motion. Council members Becraft, Dandoy, Hilton, Tafoya, and Yeoman voted “aye”.

Attest:

Willard Cragun
Mayor

Amy Mortenson
Recorder