



ROY CITY

Roy City Council Agenda
February 16, 2016 – 6:00p.m.
Roy City Council Chambers
5051 South 1900 West

Moment of Silence and Pledge of Allegiance: Councilmember Dandoy

1. Approval of February 2, 2016, City Council Minutes
2. Presentation by Representative Mike Schultz Regarding Legislative Updates
3. Consideration of Resolution 16-7 Appointing Jason Sphar to the Planning Commission
4. Swearing in of New Planning Commission Member
5. Consideration of Resolution No. 16-5 Adopting a Policy to Purchase Service Credit Through Utah Retirement Systems
6. Consideration of Resolution 16-6 Updating the Title of the Person Designated as Plan Coordinator for ICMA-RC
7. Consideration of Ordinance No. 16-1 Creating a Roy City Arts Council
8. Consideration of Approval of a Conditional Use Permit to Allow a Hair Salon on Property Located at 3462 West 4800 South
9. Presentation of Fire Department Wages
10. City Managers Report
11. Public Comments
12. Mayor and Council Report
13. Adjourn

In compliance with the Americans with Disabilities Act, persons needing auxiliary communicative aids and services for these meetings should contact the Administration Department at (801) 774-1020 or by email: admin@royutah.org at least 48 hours in advance of the meeting.

Certificate of Posting

The undersigned, duly appointed City Recorder, does hereby certify that the above notice and agenda was posted in a public place within the Roy City limits on this 12th day of February 2016. A copy was also provided to the Standard Examiner and posted on the Roy City Website on the 12th day of February, 2016.

AMY MORTENSON,
ROY CITY RECORDER

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Roy City Council Agenda Information – (801) 774-1020

MINUTES OF THE FEBRUARY 2, 2016, ROY CITY COUNCIL MEETING

1. Approval of January 19, 2016, minutes
2. Recognition of Employees of the Month
3. Discussion regarding Chicken Ordinance
4. Consideration of Resolution No. 16-4 approving an interlocal agreement with Second District Juvenile Court for graffiti removal services
5. City Manager's Report
6. Public comments
7. Mayor and Council reports
8. Presentation regarding an e-cigarette tax
9. Adjourn

Minutes of the Roy City Council Meeting held February 2, 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	City Manager Andy Blackburn
Councilwoman Marge Becraft	City Attorney Clint Drake
Councilman Bob Dandoy	Secretary Michelle Drago
Councilman Brad Hilton	Youth City Council Rosalie Beeli
Councilman Dave Tafoya	
Councilwoman Karlene Yeoman	

Also present were: Cathy Spencer, Management Services Director; Jason Poulsen, Fire Chief; Carl Merino, Police Chief; Jason Kunzler; Greg Sagen; Jim Openshaw; Blake Hansen; Daniel Skidmore; Ryan Gentry; Kim Grastail; Dax Barney; Brent Mair; David Winget; Darren Skidmore; David Webb; Amy Webb; James Hardy; Asher Sainvelli; Rick Davis; Miles Delarus; Tolu Hudson; Selene Frias; Julie Bischoff; Luis Quintana; Christee Kyte; Chase Anderson; Chase Harris; Jennifer Jones; Benjamin Jones; Joe Paul; Lindsey Ohlin; Aybree McBride; Cody Fast; Adam Kay; Bridget Kay; Peter Jensen; Jackson Taylor; Tyson Hayes; Cache Meyer; Emily Beeli; Missy Warwood; Joshua Shearer; Maria Millian; Becky Bluemel; Nathan Saviano; Malakai Bird; Dyson Terry; Rodney Richins; Logan Layne; Josh Gorder; Jeremy Barker; John Rice; Terry Johnson; Micah Chambers; Brit Clark; Kraig Cutkomp; Ryland Jordan; Robert Percival; Sam Barrett; Lynnsey Fisher; Chase Stark; Mark Heslop; Caleb Preisler; MacGyver Clark; and Tad Jensen.

Moment of Silence: Councilwoman Becraft

Pledge of Allegiance: Councilwoman Becraft

1. APPROVAL OF JANUARY 19, 2015, MINUTES

Councilman Tafoya moved to approve the minutes of January 19, 2016, as written. Councilman Dandoy seconded the motion. Council members Becraft, Dandoy, Hilton, Tafoya, and Yeoman voted “aye.” The motion carried.

2. RECOGNITION OF EMPLOYEES OF THE MONTH

Jason Poulsen, Fire Chief, recommended that the City Council recognize the members of the Fire Department’s “B” Shift as Employees of the Month for their outstanding efforts and willingness to share the holiday spirit of Christmas with a Roy family in need. On Monday, December 7, 2015, Captain Heslop’s crew responded to a residence regarding the smell of smoke. After arriving and making contact with the homeowner,

the firefighters went inside to investigate and locate the source of the smoke. They observed four small children in the home. The firefighters found the source of smoke to be the clothes dryer and vented the home via the children's bedroom windows for natural ventilation. They started to notice that the single parent was struggling to make ends meet. The children had very little bedding. There were articles of clothing on the floor because they had no dressers, no Christmas tree, and very little furniture. On Wednesday, December 9th, they explained what they had seen and what they wanted to do for this family for Christmas. The firefighters then went to various local stores and collected gift cards to Harmons totaling \$50; a vacuum; pots and pans; a Christmas tree and all the ornaments to decorate it; clothes, shoes, and coats; blankets, pillows, and sheets; \$150 in cash from the firefighters' pockets; and dinner bought and paid for by one of the firefighters. When the gifts were delivered, one of the children said, "Hey, we got a Christmas tree!"

Chief Poulsen said that three weeks later the same shift responded to a structure fire on 5700 South. In route dispatch told them a man who had had surgery was in the home and could not get out. Captain Stark put them into Fast Action. When there was eminent danger to anyone in the structure, they did whatever they needed to get them out. The firefighters found the man covered with smoke and flames and got him out.

Chief Poulsen said these men represented the kind of employees Roy City had. He was truly grateful for the efforts of "B" Shift in thinking about others in a time of need and sharing what the true meaning of Christmas really was. He felt they should be publicly honored.

Mayor Cragun stated that Santa Claus usually came in red. He imagined the children were surprised to see Santa Claus dressed in blue. These men were to be commended. They were doing what policemen did forty years ago. Employees like these made the Council's job easier. All of the City's employees went above and beyond.

Councilman Hilton stated that he had been on both sides. He had given, and he had received. This family would remember this Christmas for the rest of their lives. He thanked Shift B for shining like they always do.

Councilwoman Yeoman moved to recognize members of the Fire Department's "B" Shift – Logan Layne, Josh Gorder, Jeremy Barker, John Rice, Terry Johnson, Micah Chambers, Brit Clark, Kraig Cutkomp, Ryland Jordan, Robert Percival, Sam Barrett, Lynnsey Fisher, Chase Stark, and Mark Heslop - for their amazing work on these two calls. Councilwoman Becraft seconded the motion. Council members Becraft, Dandoy, Hilton, Tafoya, and Yeoman voted "aye." The motion carried.

Councilman Tafoya presented recognition plaques to Logan Layne, Josh Gorder, Jeremy Barker, John Rice, Terry Johnson, Micah Chambers, Brit Clark, Kraig Cutkomp, Ryland Jordan, Robert Percival, Sam Barrett, Lynnsey Fisher, Chase Stark, and Mark Heslop.

3. DISCUSSION REGARDING CHICKEN ORDINANCE

Councilman Hilton said he had asked that this item be placed on the agenda. There were a number of reasons he felt the Council should consider the chicken ordinance once again. He had been impressed by the efforts the citizens made over the past year to gather enough signatures to put the issue on the ballot. When they failed, he promised he would bring it back as a discussion item. Since the Council declined to amend the Zoning Ordinance to allow chickens in residential zones, he had had personal experience with residential chickens which helped soften his heart.

Councilman Hilton believed there was enough interest from the citizens of Roy to reconsider this issue. He had provided Council members information about chickens in Roy, ordinances from other cities, and a proposed ordinance. He looked at the ordinance the Planning Commission put together, the ordinance proposed by the residents, and ordinances from other communities. He combined them and came up with a proposed ordinance.

Councilman Hilton explained that he removed the point system suggested by the Planning Commission and capped the number of chickens at six. The Planning Commission recommended that the minimum lot size for chickens be 6,000. He proposed that the minimum lot size be 8,000 regardless of the zone in which it was located. He had given the proposed ordinance to City staff members for feedback.

Councilman Hilton said the proposed ordinance had been written for both chickens and rabbits. Did the City want to limit just chickens, or did it want to include rabbits? Rabbits were more likely to have offspring. How would homeowners dispose of offspring if they could not be sold or butchered on site? He felt fees should be applied to the applications to cover the investigation and issuance of permits. The application fee should be \$35 to \$40 and renewed annually for \$10.

Councilman Hilton felt notification of adjacent property owners should be omitted. If an owner qualified for chickens, he qualified. Notifying neighbors was issuing an invitation for calls and complaints.

Rosalie Beeli, Youth City Council, stated that her family had raised animals. She was encouraged the Council was considering giving the citizens more liberty. It was good the Council was giving citizens more authority about what they could do with their property. Giving people the right to do what they wanted with their own property was encouraging.

Councilwoman Yeoman stated that she had worked with the citizens on this issue, as well as Councilman Hilton. They wanted to well trying to make the chicken ordinance a win/win situation. Some residents felt chickens should be allowed in residential zones; some did not. She felt the ordinance proposed by Councilman Hilton accommodated both sides. She was in agreement with it.

Councilman Hilton did not feel the City would escape complaints about chickens. He felt the issues would be with those who had non-conforming uses. Those who wanted chickens would be self-monitored. When the City received a complaint, the staff needed to make sure it conducted an inspection to see if there was a violation.

Councilman Tafoya stated that he was on the opposite side. The City had always allowed chickens in the RE-20 Zone, or agricultural zone. Because chickens were an agricultural driven use there were only about a dozen people who wanted to have them in residential zones. Was it really such a big deal for twelve people? He felt an 8,000 square foot lot was too small to have chickens. He and Councilwoman Becraft dealt with the chicken issue on the north side of the City. The neighborhood was uncomfortable with the chickens because the rural use did not fit. He felt the zones and uses should be kept separate. If the City allowed an agricultural use into residential zones where would it stop? He was okay with chickens on R-1-10 and R-1-15 lots. He agreed the citizen group had done its best to put the chicken issue on the ballot. They spent three to four months gathering a little over 1,100 signatures, but those 1,100 citizens were only 10% of the City's registered voters. In the end they could not get 11% of the voters to sign their petition. He felt the citizens had already spoken by not signing the petition to put it on the ballot. Was this really what the general population wanted, or was it something just this particular group wanted? Would changing the Zoning Ordinance to allow chickens in residential zones make the City better? He felt the citizens had already spoken. They didn't want the ordinance changed.

Councilman Dandoy stated that he had reviewed the ordinances from other cities provided by Councilman Hilton. He also read the minutes from the Planning Commission and City Council meetings where chickens were discussed starting in 2012, 2013, 2014, and again in 2015. He felt a dynamic shift was occurring. The chicken issue was gaining momentum. He asked himself about the motivation behind the effort. He thought his research would find the issue was being drive by 50 to 60 year olds. He was wrong. There was a cultural movement in those 30 years and younger. They were really concerned about additives going into their food chain. They were concerned to the extent that they wanted to have some control over it. Eggs were a popular food item. The ordinance change they were requesting would allow them control over their diet. The proposed zoning amendment would give people the freedom to choose whether they wanted to have chickens or not. This was about 1,700 plus residents that wanted the right to choose. He didn't feel the City should deny them. This group missed getting on the ballot by 30 registered voters. The Council did not need a ballot to make a decision. Council members looked at the facts and brought it back to the table. He suggested that the Council direct the Planning Commission to hold a public hearing and put together an effective ordinance. The Council could then decide whether the requested amendment was a risk or not. When a decision was made it needed to stand. Other cities along the Wasatch Front were allowing citizens to raise chickens in residential zones. He felt it was time to bring this issue to a closure.

Councilman Tafoya stated that the whole issue was what zone chickens should be allowed in, not whether the City should allow chickens. The City allowed chickens, and had done so for many years, on 20,000 square foot lots. Most residents in the City lived on 8,000 square foot lots. The zoning was the main issue for him. He could see chickens on 10,000 and 15,000 square foot lots, but felt 8,000 was too small. Residents on 8,000 square foot lots had too many neighbors. The chickens would cause issues. He felt chickens would cause enforcement issues.

Councilman Dandoy felt Bountiful's size and age were very similar to Roy. Last year Bountiful made the decision to allow chickens without roosters. He asked their Code Enforcement Officer what problems they had experienced. Their code enforcement officer said the issues they dealt with had not changed. Three of the five complaints they had received were because of roosters. The feedback from the Bountiful residents was positive. They loved it. Bountiful, North Ogden, Hooper, Clearfield, and Clinton had all changed their ordinances to allow chickens in residential zones. Roy was denying it, except in RE-20 Zones. Roy did not offer enough RE-20 lots where people could raise chickens. He felt the evidence suggested that amending the Zoning Ordinance would not be a risk to Roy City.

Councilman Tafoya stated that if the City was going to allow chickens on 6,000 or 7,000 square foot lots, why not allow them in condos? If the City was going to allow them everywhere, then allow them everywhere.

Councilman Hilton felt condos were too small. There weren't very many RE-20 lots for sale, and many people could not afford the ones that were. When the citizens approached him, he tried to listen. His personal experience was with chickens on an 8,000 square foot lot. His neighbors had six chickens, and he had not had a problem with them. They didn't interfere with the use of his yard, nor did they smell. He felt the citizens had done their due diligence. He didn't think the silent majority was there. He knew a lot of people who would have signed the petition if it had been circulated in their neighborhood.

Councilman Dandoy felt the hard evidence suggested that .2% to 1.7% of urban households wanted chickens. When that percentage was applied to 10,000 residents and Roy's population, only fifty to sixty households in Roy would probably want chickens. The evidence would be in the number that applied for permits. Bountiful did not hire additional staff to manage chickens. There was no risk in allowing the will of the people. He felt the City should allow those who wanted chickens to have them.

Councilman Hilton felt the City did a horrible job regulating its ordinances. The ordinance proposed by Councilman Hilton did not include any penalties. Councilman Dandoy felt that was an excellent point. The Planning Commission could be directed to address penalties.

Councilman Dandoy felt the voice of the people should be heard. The first ordinance forwarded from the Planning Commission was historical. It was the first time the

Planning Commission had forwarded an ordinance without a recommendation. If the Planning Commission couldn't come up with something, what was the Council to stand on? The Council voted to deny the requested amendment. He felt the Planning Commission owed the Council a recommendation.

Councilwoman Becraft didn't feel chickens should be allowed on lots with less than 10,000 square feet. Councilman Dandoy had provided a lot of information from Davis County, but nothing from Weber County. Her neighborhood had had a horrible experience with chickens. It bothered her that the petition included signatures from people who lived outside of the City and state. There weren't really 1,700 signatures from Roy residents.

Commissioner Dandoy felt the City Council could give the Planning Commission the direction to frame a reasonable ordinance for the Council to consider. He felt the Planning Commission could come up with an ordinance to help the citizens. If the City didn't come up with an ordinance, the citizens would try to put it back on the ballot. They had learned, and this time they would succeed. He did not feel the issue needed to be on the ballot.

Mayor Cragun stated that chickens became an issue three to four years ago. It had been addressed many times since. He grew up in Ogden, and he had chickens. He would like the City to look at an ordinance and put this issue to bed permanently. If the final answer was 'no' that was what the City would live with. He felt this should back to the Planning Commission. They could hold a public hearing to receive public input.

Councilman Hilton felt the City needed to make an effort to see what it could come up with.

Councilman Tafoya said it appeared there was enough Council support.

Clint Drake, City Attorney, stated that if the Council wanted, it could submit the proposed ordinance to the Planning Commission. The staff would make sure the issue was on the Planning Commission agenda. There was a process in place for the Council to receive public input on land use issues, which was through the Planning Commission. The Commission would hold a public hearing to receive public input. The Commission would then make a negative or positive recommendation.

4. CONSIDERATION OF RESOLUTION NO. 16-4 APPROVING AN INTERLOCAL AGREEMENT WITH SECOND DISTRICT JUVENILE COURT FOR GRAFFITI REMOVAL SERVICES

Clint Drake stated that Resolution No. 16-4 would approve an interlocal agreement between Roy City and the Second District Juvenile Court for graffiti removal services. The maximum expense would be \$1,000. Services would be billed hourly. There had been a similar agreement in the past which had lapsed. This agreement had a clear expiration date. The agreement would help clean up the City.

Councilman Tafoya stated that they had done a great job in the past. Their services were a tremendous benefit to the City.

Councilman Hilton asked if the City had received a call about the graffiti behind the Five Star Chinese Restaurant. Mr. Drake said it had. When the City called the Second District Court to have the graffiti removed, it discovered that the agreement had lapsed.

Mayor Cragun felt this was a very effective program.

Councilman Hilton said the agreement would expire in July. When it was renewed how would it be changed? Clint Drake said the only change would be new expiration dates.

Councilman Dandoy moved to approve Resolution No. 16-4 approving an interlocal agreement with Second District Juvenile Court for graffiti removal services. Councilwoman Yeoman seconded the motion. A roll call vote was taken: Council members Yeoman, Dandoy, Tafoya, Becraft, and Hilton voted "aye." The motion carried. (Copy filed for record).

5. CITY MANAGER'S REPORT

Andy Blackburn, City Manager, reported that:

- He and Clink Drake had been attending the Legislative Session. They were keeping an eye on the police radio issue.
- Brandon Richards anticipated that the public notice about the annexation would be published in the newspaper in the next two or three weeks. Councilman Tafoya asked if the City would assign zones when the property was annexed. Mr. Blackburn said it would. There were a total of eleven areas. Councilman Dandoy asked if they would all be annexed at the same time. Mr. Blackburn said they would.
- Woodbury Corporation had prepared schematics.

6. PUBLIC COMMENTS

There were none.

7. MAYOR AND COUNCIL REPORTS

Mayor Cragun -

Mayor Cragun commended the Public Works Department for their yeoman snow removal efforts.

Mayor Cragun reported that the Police Department had been doing ordinance work on removing vehicles left on the streets during snow storms. Those vehicles were a hazard to snow removal drivers and pedestrians. The procedure was to leave a warning citation. If the vehicle wasn't moved, the Police Department would have it removed.

Councilman Dandoy asked about the City's snow removal policy for the City's parks and trails on weekends. Councilman Tafoya said that streets were the first priority. Streets and parks were secondary, but they were cleared on the weekends.

Mayor Cragun stated that the administration was preparing budget packets for the department heads. He asked the Council's Beautification and Economic Development Committee's to put together their budgets. During the coming budget year he wanted to continue pushing beautification and economic development. He felt those two areas would help the City generate revenue. The budget would also address employee salaries and leave and equipment.

Councilman Dandoy asked if the City Manager would be collecting information from the department heads about salary changes. Mr. Blackburn explained the normal budget process. The department heads would submit what they needed to operate during the coming year, plus their wish list. The information was used to prepare the tentative budget.

Councilwoman Becraft -

Councilwoman Becraft stated that she had spoken with Fire Chief Jason Poulsen. She was concerned about the Fire Department's staffing needs. They were short on every shift. There wasn't enough manpower. She felt that needed to be addressed during the budget.

Councilman Tafoya asked that discussion about the Fire Department's personnel needs be placed on the next Council agenda.

Mayor Cragun stated that he spoke with Chief Poulsen about the Fire Department's personnel needs. He felt the next Council meeting would be a good time to discuss them.

Andy Blackburn stated that other department heads had expressed the same need. He did not feel they should be neglected. The problem in the Police Department was an emergency situation. He agreed the Fire Department needed to be addressed, but he wanted to address the City's personnel situation across the board. Due to the Police's Departments inability to hire officers, it had the financial resource to implement the salary increase in the current budget year. Other departments were not in that position. It would take time to put together a financial plan. He felt it would be difficult for the administration to be prepared to address the issue in two weeks. The Fire Department had done an incredible job with the personnel it had, but he wanted the Council to be able to see the big picture.

Councilwoman Yeoman felt the Council needed to look at the City as a whole rather than piecemealing it.

Andy Blackburn said the City had a lot of needs right now. He did not know what the budget was going to look like. The Council needed to provide the administration with the

direction to raise taxes if that what it was considering. He felt something should be done for the Fire Department, but there were a lot of demands being placed on the City. The Council needed to discuss those demands along with the City's estimated income and decide what would happen.

Councilwoman Dandoy felt it might be wise to give the departments the opportunity to put together a comprehensive plan. The most important part of the City was the employees. The Council needed to recognize this was about the people who saved lives, not about a new fire truck.

Mayor Cragun stated that there was an emergency situation in the Police Department. The City had been unable to hire officers, and it did not have a reserve corp. The City Council made it very clear that in the next budget year it would address the needs of the other employees. He had made that commitment. He asked that the employees give the Council time to address their needs in the coming budget year. He realized things were hard. The City would have to bite the bullet. It had run very lean for many years, and the personnel problem had accumulated.

Councilman Tafoya stated that the City Council opened the doors. He didn't want to slam the doors on the other departments. The Fire Department wanted the opportunity to be heard; to be able to present their plan to the City Council. The administration might not be ready.

Andy Blackburn asked if the Council wanted to hear from the other departments as well. Councilman Tafoya said yes it did if they wanted to be heard.

Jason Poulsen, Fire Chief, stated that the Fire Department was ready, but he wanted to support the City Manager as well. He had lost firefighters on all three shifts that were trained paramedics with over 100 years combined experience. He had to replace them with paramedics with only a few years of experience. He would put the fire truck on the back burner.

Mayor Cragun had great empathy for the Fire Department's problem. The City would have to deal with it. The administration would meet with him to determine what needed to be done to get him through to the end of the budget year.

Mayor Cragun stated that he had asked Andy Blackburn to prepare a proposal regarding staffing needs. The Council could then come up with an implementation plan.

Councilman Dandoy -

Councilman Dandoy felt there was a need for the Council to get a pulse from the citizens of the City. He suggested conducting a survey. The survey could address some of the challenging issue facing the City, such as whether to have another cemetery. If so, were the citizens willing to pay for it? He felt a survey would help the Council make decisions for the next five to ten years. The City needed to decide what it wanted to be when it grew up.

Councilwoman Yeoman a survey would involve a lot of time and effort, and there would be a cost to the City.

Andy Blackburn stated that the Council needed to determine if there was even a place to put another cemetery before doing a survey. The only viable property was owned by the LDS Church on 6000 South. The cost of a cemetery was \$1 to \$1.1 million dollars.

Councilwoman Yeoman felt the survey could ask a number of questions. If there wasn't a good alternative for the cemetery, the City might just have to tell the citizens it wasn't in the cemetery business any longer.

Councilman Hilton felt that if the City used the right people, the cost of a survey would go down dramatically. The City could put the survey on the Internet, take a sampling from a certain percentage of the residents, and apply that percentage to whole population.

Mayor Cragun stated that the citizens elected the City Council to make informed decisions. He felt there were some bonafide questions that needed to be asked. He would contact Weber State to see if they would be willing to help with a door-to-door survey like they had done in the past.

Andy Blackburn stated that the Council needed to decide what it wanted to know before doing a survey.

Councilman Dandoy felt the administration could gather information about costs. Then the Council could determine which avenue to use to collect the feedback.

Councilman Tafoya stated that the City received some great ideas from the last survey, but it came down to dollars.

Councilman Dandoy felt the residents needed to understand that there were costs involved. The survey could ask what they were willing to pay for. If the survey indicated that the residents wanted and were willing to pay for a cemetery, the City had an obligation to put one in. The survey was a tool the Council could use to make informed decisions.

Councilman Hilton -

Councilman Hilton reported on the website redesign. He met and reviewed Alpharetta, Georgia's website with Mark Hansen from the City's IT Department. They determined that the website used a standard program but had been designed internally. The City could ask Ephrata if they were willing to sell the design. Mark Hansen did not feel the IT department had the capability to redesign the City's website internally. He recommended that the City gather Requests for Proposals to compare with the one it had already received. Councilman Hilton felt Mark Hansen could act as the Project Manager. He realized that taking care of the employees was the City's first priority right now. The website might have to be put aside for a while. At the same time, the City

needed to get businesses interested in Roy City's economic development. The City could not support local businesses if it was not interconnected with them.

Andy Blackburn stated that there were a lot of wants and needs. They would have to be prioritized. The City would do the best it could with the staff it had. The City was understaffed. The Council needed to either increase taxes to take care of staffing needs or understand that the current staff could only do certain things.

Cathy Spencer stated that the City would have to follow its purchasing policy when it solicited Requests for Proposals.

Andy Blackburn and Cathy Spencer explained the City's purchasing policy to Councilman Dandoy.

Youth City Council –

Rosalie Beeli reported that two members of the Youth Council attended the Utah League of Cities and Towns Local Officials Day. They attended a luncheon and were able to participate in a mock debate about proposed legislation for police body cameras. They were hoping to attend a Youth City Council conference in April. As a Youth Council they were planning volunteer opportunities.

Councilman Tafoya –

Councilman Tafoya asked if the City was aware of proposed legislation that would reduce the City's portion of speeding tickets to 25%. Clint Drake, City Attorney, was aware of it. He would look into it and report back.

Clint Drake reminded the City Council about open meeting regulations.

Councilwoman Becraft asked when the new library would open. Rosalie Beeli said there would be an open house on February 26th. Councilman Dandoy Blackburn said it would open on February 29th.

8. PRESENTATION REGARDING AN E-CIGARETTE TAX

MacGyver Clark stated that he was student body Vice President from Davis High School. He was the co-chair and co-founder for Students Against Electronic Vaping. They were a student organization backing a proposed bill from Representative Ray to raise restrictions on e-cigarettes and making them a tobacco product. They would then be subject to tobacco laws. They were concerned about the number of students who were using e-cigarettes. They were very concerned about the amount of synthetic nicotine contained in e-liquid. One teaspoon of synthetic nicotine could kill a child. Fifty-one percent (51%) of calls to Poison Control in Utah for nicotine poisoning were for children five and under. The bottles were filled with pretty colored liquids and did not have child proof caps. They were partnering with schools all over the state. Roy was the seventh City Council they had approached in addition to the Utah PTA. They were all

supporting their effort. He asked the City Council to pass a resolution supporting their efforts to make e-cigarettes a tobacco product.

Councilman Tafoya asked if the bill included a higher tax rate. Mr. Clark said the bill would change the definition of tobacco products to be or contain tobacco derivatives. E-cigarettes would be subject to a tax and the same practices as other tobacco products. The tax was the miniscule part of their focus.

Rosalie Beeli, Youth Council member, stated that one serving of the e-liquid contained more nicotine than a pack of cigarettes. It was very dangerous.

Mayor Cragun asked that Mr. Clark leave his information with the City Manager.

Tadd Jensen, President of Utah Smoke Free Association, he ran the longest standing vaping retail operation in the state of Utah. A lot of what Mr. Clark said was not true. Teen and youth vaping was on the rise. The teen use of cigarettes was decreasing. He was part of a task force that established vaping regulations. He disputed the amount synthetic nicotine contained in a bottle of e-liquid. He felt the proposed legislation and tax were absurd. Regular tobacco products were not taxed at the rate being proposed. Why did the State want to interfere in an industry that was helping to combat smoking combustible cigarettes? Vaping was a safer alternative to traditional cigarettes. He asked the Council to not destroy a consumer created solution to a problem that was created by vape tobacco.

Councilman Dandoy asked that Mr. Jensen send his documentation to the City Manager.

9. ADJOURN

Councilman Hilton moved to adjourn at 7:54 p.m.

Attest:

Willard Cragun
Mayor

Amy Mortenson
Recorder

Resolution No. 16-7

A Resolution of the Roy City Council
Appointing Jason Sphar to the Planning Commission

Whereas, the Roy City Council has adopted Ordinances which provide for the appointment of members of the Roy City Planning Commission and;

Whereas, the Planning Commission is responsible to oversee the proper development of the City in accordance with pertinent state laws and City ordinances and provisions and;

Whereas, Jason Sphar has expressed a willingness to serve as a member of the Roy City Planning Commission and to regularly participate in its deliberations.

Now, therefore, be it resolved by the City Council of Roy City, State of Utah as follows:

Section 1. Appointment. Jason Sphar is hereby appointed as a member of the Roy City Planning Commission according to the laws, ordinances and regulations governing the Planning Commission and its members for a term of three years.

Section 2. Severability. If any section, part or provision of this Resolution is held invalid or unenforceable, such invalidity or unenforceability shall not affect any other portion of this resolution and all sections, parts and provisions of this Resolution shall be severable.

Section 3. Effective Date. This Resolution shall become effective immediately upon its passage.

Willard Cragun
Mayor

Attest:

Amy Mortenson
City Recorder

Voting:

Councilmember Marge Becraft _____
Councilmember Robert Dandoy _____
Councilmember Brad Hilton _____
Councilmember Dave Tafoya _____
Councilmember Karlene Yeoman _____

OATH OF OFFICE
STATE OF UTAH

I, Jason Sphar, *having been appointed to the office of*
Print Name

Planning Commission

*do solemnly swear or affirm that I will support, obey and defend the
Constitution of the United States and the Constitution of this State, and
that I will discharge the duties of my office with fidelity.*

Signature

State of Utah,
County of Weber

Subscribed and sworn to before me this 16th *day of* February *, 20* 16

*Person Administering Oath

Recorder

Title

*Utah Code § 78B-1-142: "Every court, every judge, clerk and deputy clerk of any court, every justice, every notary public, and every officer or person authorized to take testimony in any action or proceeding, or to decide upon evidence, has the power to administer oaths or affirmations."

Resolution No. 16-5
A Resolution of the Roy City Council Adopting a Policy to Purchase Service Credit
Through Utah Retirement Systems

Whereas, the City of Roy is a participant in Utah Retirement Systems (URS); and

Whereas, all of Roy City's full-time and full-time appointed employees, judges, and elected officials participate in the Tier I or Tier 2 plans offered by URS; and

Whereas, said employees may want to be able to retire early and/or get a larger monthly allowance by buying service credit or reinstating eligible years of service; and

Whereas, Utah Code SS49-12-409 and SS49-13-408 defines the conditions under which members of URS may purchase service credit; and

Whereas, prior to making any purchase of years of service credit under Utah Code SS49-12-409 or SS49-13-408, a participating employer shall adopt a purchase policy that includes nondiscriminatory participation standards for all regular full-time employees; and

Whereas, the Roy City Council wants to provide employees with the ability to purchase service credit;

Now, Therefore be it Resolved that the Roy City Council establish a policy to purchase service credit through Utah Retirement Systems.

Passed this 16th day of February, 2016.

Willard S. Cragun, Mayor

Amy Mortenson, Recorder

Councilwoman Becraft
Councilman Dandoy
Councilman Hilton
Councilman Tafoya
Councilwoman Yeoman

Resolution No. 16-6
A Resolution of the Roy City Council Updating the Title of the Person Designated as
Plan Coordinator for ICMA-RC

Whereas, the City of Roy offers 401 and 457 Plans to its employees through ICMA Retirement Corporation (ICMA-RC); and

Whereas, ICMA-RC requires the City to designate specific contacts for various functions carried out for the Plans by the City; and

Whereas, ICMA-RC requires that the title of the Plan Coordinator be designated by resolution; and

Whereas, the Plan Coordinator is responsible for working with employees and assisting them with their account transactions at ICMA-RC; and

Whereas, the City wishes to change the Plan Coordinator from the City Manager to the Human Resources Coordinator;

Now, Therefore be it Resolved that the Roy City Council update the title of the person designated as ICMA-RC Plan Coordinator to Human Resources Coordinator.

Passed this 16th day of February, 2016.

Willard S. Cragun, Mayor

Amy Mortenson, Recorder

Councilwoman Becraft
Councilman Dandoy
Councilman Hilton
Councilman Tafoya
Councilwoman Yeoman

ORDINANCE 16-1

AN ORDINANCE OF THE ROY CITY COUNCIL CREATING A ROY CITY ARTS COUNCIL

WHEREAS, the Mayor and City Council are dedicated to ensuring Roy City is a livable and vibrant community for its residents, business owners, and visitors alike; and

WHEREAS, the Mayor and City Council are advocates of public art and desire to foster an enrich arts and culture in the community; and

WHEREAS, the creation of the Roy City Arts Council will assist in the promotion, retention and acquisition of performing and visual arts in the City;

NOW THEREFORE, The Roy City Council hereby ordains that the Roy City Code is hereby amended by adding a new Chapter of Title 2 of the Roy City Code to read as follows:

Purpose

Roy City recognizes the importance of the arts in the community and the value in promoting culture and activities that encourage interaction among its citizens in service and social events that unify residents and encourage pride in the City and relationships among the citizens.

The Roy City Arts Council Board is hereby established by the City with the following provisions:

CHAPTER 2

Roy City Arts Council Board

2-2-1 Number and Qualifications.

The Board shall consist of not less than six voting members, including a member of the Recreation Department staff assigned by the Department Director to oversee the Roy City Arts Council activities. The Mayor shall appoint the remaining five members with the advice and consent of the City Council. Except the staff representative on the Board, members of the Board must live within the Roy City limits. Each Board member should demonstrate interest, competence, and knowledge in the operation and functions of the Roy City Arts Council and its purpose.

2-2-2 Terms of Office.

The terms of office for the five Board members, who are not members of the Recreation Department, shall be for five years. These members' terms shall be staggered so that no more

than one member's term expires at the same time. The term of office for the Recreation Department staff designated as a member of the Board shall be as determined by the Department Director. Appointments to the Board shall be made no later than the first City Council meeting in July of each year. In circumstances where appointments are not made prior to the first City Council meeting in July of each year, said appointments shall be made as soon as reasonably possible thereafter.

2-2-3 Duties and responsibilities.

It shall be the duty of the Board to act in an advisory and volunteer capacity to the City Council regarding the administration and operation of the Roy City Arts Council, including, but not limited to, the following:

- (A) Prepare and recommend for approval by the City Council a long-range plan, including goals for the Roy City Arts Council, review the adopted long-range plan on an annual basis, and recommend any updates or changes;
- (B) Recommend and implement programs, policies and other measures, programs, or activities for the administration and operation of the Roy City Arts Council consistent with the goals of the long-range plan;
- (C) Submit an annual report to City Council regarding Roy City Arts Council activities;
- (D) Prepare and recommend for approval by the City Council appropriate rules and procedures for the use, administration, and operation of the Roy City Arts Council and its programs and activities;
- (E) Facilitate the presentation of a variety of arts-related events in Roy;
- (F) Keep records of Roy City Arts Council proceedings and make them available for inspection by the public at all reasonable times;
- (G) Partner with selected community arts organizations to pursue funding to support the arts in Roy; and
- (H) Assist in the dissemination of news to recognize and promote arts in the community.

2-2-4 Chairperson and Co-Chairperson.

Voting members of the Board shall elect one of its members as Chairperson. The Chairperson shall be a voting member of the Board and shall oversee the proceedings and activities of the Board. The Recreation Department staff member shall act as Co-Chairperson and, in the event the Chairperson is unable to attend the meeting, as Chair Pro Tem. The Co-Chairperson shall only vote in the event of a tie vote. The elected Chairperson shall serve a term of one year.

2-2-5 Advisor.

The City Council shall appoint one of its members to serve as an advisor of the Board. The advisor shall attend the meetings of the Board and serve only to advise and act as a liaison to the City Council regarding the Board with no power to vote thereon.

2-2-6 Meetings.

The Board shall meet no less than once quarterly. Meetings shall be conducted in accordance with the open and public meetings laws of the state of Utah, including public notification of meeting place, time, and agenda items. The Board shall keep a public record of its proceedings, and all minutes of the meetings and decisions of the Board shall be filed in the office of the City Recorder as public records.

2-2-7 Removal.

Members shall serve at the pleasure of the City and the City Council may remove Board members at any time by majority vote of the City Council.

2-2-8 Vacancies.

Midterm vacancies of appointed Board members occurring for any reason shall be filled for the remainder of the unexpired term by appointment of the Mayor, with the advice and consent of the City Council, in accordance with the procedures for appointment set forth herein. The City Council shall have the right to remove any member of the Board for misconduct and/or nonperformance of duty. Nonperformance of duty shall include a repeated failure to attend Board meetings.

2-2-9 Compensation.

Members shall serve without compensation, and all services performed shall be deemed “voluntary services” for purposes of the Utah Governmental Immunity Act. Members shall be deemed “volunteers” for purposes of City ordinances, rules, regulations, and policies concerning personnel, except that the Board shall provide for reimbursement of actual expenses incurred upon prior approval, or for reasonable and necessary expenses incurred in the performance of their duties as determined appropriate by the City Council and upon presentation of proper receipts and vouchers. All expenses shall be consistent with the City’s purchasing policy and subject to administrative rules as established by the City Administrator.

2-2-10 Quorum.

The Board shall not conduct official business on behalf of the Roy City Arts Council, except in the presence of a properly constituted quorum. A quorum shall consist of a majority of the appointed members.

2-2-11 Rules.

The Board may adopt bylaws and/or reasonable rules and regulations in accordance with the provisions set forth herein for governing the conduct of its business. All such rules and regulations shall be submitted to the City Council for review and approved by resolution of the City Council before taking affect.

Roy City responsibilities

Roy City may provide use of City facilities for operations, displays, and events organized and administered by the Roy City Arts Council. The City shall provide liability insurance and computer technical and staff support when necessary. Use of City employees or other City resources shall be requested and approved by a majority vote of the City Council.

This ordinance shall be effective February 16, 2016.

Passed and adopted this 16th day of February, 2016.

Willard Cragun – Mayor

Attest:

Amy Mortenson – City Recorder

	AYE	NAY	ABSTAIN	ABSENT
Councilmember Marge Becraft	_____	_____	_____	_____
Councilmember Robert Dandoy	_____	_____	_____	_____
Councilmember Brad Hilton	_____	_____	_____	_____
Councilmember Dave Tafoya	_____	_____	_____	_____
Councilmember Karlene Yeoman	_____	_____	_____	_____



SYNOPSIS

Application Information

Applicant: Sharon La Peter; Attitudes Hair & Nail Salon
Request: Request for Conditional Use approval to allow a Personal Care Service (Hair & Nail Salon) business.
Address: Approximately 3462 West 4800 South

Land Use Information

Current Zoning: CC; Community Commercial
Adjacent Land Use: North: CC; Community Commercial South: CC; Community Commercial
East: CC; Community Commercial West: CC; Community Commercial

Staff

Report By: Steve Parkinson
Recommendation: Recommends approval with conditions

APPLICABLE ORDINANCES

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

PLANNING COMMISSION ACTION

The Planning Commission held a Public Hearing during the February 9, 2016 meeting, the hearing was opened for public comments, which were as follows:

- No public comments were made.

With no comments the public hearing was closed.

After a small discussion, the Commission voted of 6-0 to forward to the City Council a recommendation to Approve the request for Conditional Use approval to allow a Personal Care Service (Hair & Nail Salon business, located approximately at 3462 West 4800 South.

ANALYSIS

Background:

This property is located in the strip mall that is attached to the West of Winegars. The complex is located east of 3500 West/Midland Drive and North of 4800 South.

Conditional Use Standards: The standards for granting Conditional Uses as contained in the Zoning Ordinance can be summarized by the following:

1. The requested use must be listed as a Conditional Use.
2. The use must comply with setbacks and other zoning standards.
3. The use must be conducted in compliance with the ordinance and any other regulations.
4. The property must be of adequate size to allow the use in a manner that is not detrimental to the surrounding uses.
5. Must be consistent with the goals and policies of the City's General Plan.

The proposed conditional use complies with this checklist, and staff recommends that the application is appropriate to be granted a conditional use. The following sections will further explain the reasons staff feels the application is a supportable Conditional Use.

Location: The application is for a unit in the “strip mall” type building, on the east side of 3500 West at about 3462 West 4800 South. This is an area of mixed commercial uses within the CC zone. Parking is shared between all of the units and should be more than adequate for the needs of a Hair & Nail Salon.

Zoning: Zoning on the property is CC; Community Commercial and a Personal Care Service (Hair & Nail Salon) use is listed as a Conditional Use in table 17-2. The use is listed as follows:

Personal Care Service. An establishment primarily engaged in the provision of frequently or recurrently needed services of a personal nature. Typical uses include beauty and barbershops, custom tailoring and seamstress shops, electrolysis studios, portrait studios, shoe repair shops, tailors, tanning and nail salons, and weight loss centers. The term excludes "Tattoo Establishment."

Licensing and Operational Regulations: Our ZO does not require the applicant to obtain a license from the Weber Morgan Health Department, but if applicable it would be good to check. Staff however is aware that a State license is required per cosmetologist. Staff recommends that the Commission make this a condition of approval as well, and staff will verify the license before issuing a Roy City Business License.

Future Land Use Designation: The Future Land Use Map designates this property as “Commercial” and Personal Care Service (Hair & Nail Salon) fits the criteria for certain of the non-residential zones, and as we have indicated in this report, the application meets the individual regulations established for the use type.

CONFORMANCE TO THE GENERAL PLAN

The future land use map shows and supports this area to be developed and continued as CC – Community Commercial.

CONDITIONS FOR APPROVAL

1. Obtain and maintain a business license from Roy City
2. Obtain and maintain a license from Weber/Morgan Health Department, if applicable.
3. Obtain and maintain a license from the State of Utah.

FINDINGS

1. The proposed Conditional Use is in keeping with the goals and intent of the General Plan.
2. The proposed Conditional Use meets the requirements as established in the Zoning Ordinance.

ALTERNATIVE ACTIONS

The Planning Commission can recommend Approval, Table or Deny

RECOMMENDATION

Staff recommends approval of the Conditional Use approval, with conditions, to allow a Personal Care Service (Hair & Nail Salon) business. Business located at approximately 3462 West 4800 South

EXHIBITS

- A. Aerial Map

