



## ROY CITY

**Roy City Council Agenda**  
**June 21, 2016 – 6:00p.m.**  
Roy City Council Chambers  
5051 South 1900 West

Moment of Silence and Pledge of Allegiance: Councilmember Becraft

1. Approval of June 7, 2016, City Council Minutes
2. Consideration of Ordinance No. 16-4 Adopting Certain Restrictions on the Use of Fireworks within Certain Areas of the Municipality
3. Request for Preliminary Subdivision Approval for Roy Regency Subdivision Located at Approximately 5600 South and 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 Ordinance 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 of Merit/Cola for 2017
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 of Council Members Directing / Tasking City Employees
12. Discussion on Non-Compliance to City Zoning Ordinance
13. City Managers Report
14. Public Comments
15. Mayor and Council Report
16. 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](mailto: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 17<sup>th</sup> day of June 2016. A copy was also provided to the Standard Examiner and posted on the Roy City Website on the 17<sup>th</sup> day of June, 2016.

AMY MORTENSON,  
ROY CITY RECORDER

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



## ROY CITY

**Roy City Council Minutes**  
**June 7, 2016 – 6:00p.m.**  
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1. Approval of May 17, 2016, City Council Minutes
2. **6:00 p.m. Public Hearing** on the Proposed Fiscal Year 2017 Budget
3. Consideration of Resolution 16-23 Adopting the Fiscal Year 2017 City Budget
4. **6:00 p.m. Public Hearing** to Consider a Request to Amend the Zoning Ordinance to allow Chickens/Rabbits within all Single Family Residential Zones
5. Consideration of Ordinance No. 16-3 Amending the Zoning Ordinance to allow Chickens/Rabbits within all Single Family Residential Zones
6. Award of Employee of the Month for April 2016
7. Presentation by Envision Utah – Shane Woods
8. Consideration of Resolution No.16-24 Announcing Roy City's Intent to Annex Unincorporated Islands and Peninsulas
9. Consideration of Resolution No. 16-10 Approving a Job Description and Salary Range for Engineer Positions in the Fire and Rescue Department
10. Discussion of Council Members Directing / Tasking City Employees
11. Discussion on Non-Compliance to City Zoning Ordinance
12. Discussion of Redesigning the Roy City Flag
13. City Managers Report
14. Public Comments
15. Mayor and Council Report
16. Adjourn



## ROY CITY

**Roy City Council Minutes**  
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Minutes of the Roy City Council Meeting held June 7, 2016, at 6:00 p.m. in the City Council Chambers 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  
Councilmember Marge Becraft  
Councilmember Bob Dandoy  
Councilman Brad Hilton  
Councilmember Dave Tafoya  
Councilmember Karlene Yeoman

City Manager Andy Blackburn  
City Recorder Amy Mortenson

Also present were: Cathy Spencer, Management Services Director; Carl Merino, Police Chief; Jason Poulsen, Fire Chief; Travis Flint, Parks and Recreation Director; Steve Parkinson, Planner; Greg Sagen; Jason Kunzler; David Webb; Amy Webb; Shane Woods; Rick Davis; Brian Carter; Jeremy Berger; Bridget Kay; Sherrie Kay; R. Terry Pickett; Cody Draheim; Brenda Hay; Emily Beeli; Luis Quintana; Becky Bluemel; Jennifer Kolz; Jhan Jensen; Adrienne Robinson; Madelyn Robinson; Lori Crockett; Mark Read and Joshua Shearer.

Moment of Silence: Councilmember Yeoman  
Pledge of Allegiance: Councilmember Yeoman

### 1. APPROVAL OF MAY 17, 2016, MINUTES

**Councilmember Becraft moved to approve the minutes of May 17, 2016, as written. Councilmember Dandoy seconded the motion. All Councilmembers voted “aye.” The motion carried.**

### 2. PUBLIC HEARING ON PROPOSED FISCAL YEAR 2017 BUDGET

**Councilmember Tafoya moved to open the public hearing. Councilmember Hilton seconded the motion. All Councilmembers voted “aye.” The motion carried.**

Management Services Director, Cathy Spencer took a few minutes to quickly go over a couple of highlights on the Budget. Mrs. Spencer stated the total budget for Roy City is \$31,933,000. That is broken down into the General Fund, Capital Projects Fund and Utility Enterprise Funds of which we have three; Water, Storm Water and Solid Waste. There is also funding for impact fees for Parks Development and Storm Sewer for \$195,000 and Class C Road Funds and Transportation Infrastructure for \$1,700,000.



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Mrs. Spencer also explained what is new in this year's Budget. She said the 2015 Legislature had two items that impacted us. They recalculated the way Class C Road money is divvied out. We are expecting an additional \$245,000 from the new calculation. They have also added the Local Options Sales Tax which Weber County Residents voted on last fall. Roy City will get .1% of the .25% sales tax increase. Mrs. Spencer believes the increase will give the city about \$393,000 that will start coming in June.

Mrs. Spencer said wages and benefits make up about 70% of the city's general fund budget. So items that will impact us pretty heavily will be a 2.5% Merit for eligible employees, a 2% Cost of Living adjustment and also a health insurance increase of about 5%. The health insurance increase was minimized from 10% to 5% by changing some of the benefits the city offers to the employees. The city will also see 5 part time positions moving to full time that includes the City Prosecutor and accounting technician and 4 fire fighters. We are also providing enhancements to 6 positions for additional responsibilities that they will be performing.

Mrs. Spencer said with the strong economy we are seeing in the State of Utah we have a lot of other entities that are taking our employees away. They are offering positions at higher rates and so the City Council has asked to begin the process of having a salary survey conducted. This should help retain out trained personnel and so far we have \$356,000 set aside for the salary survey.

There is also a new fund set up for Roy Days. It has been budgeted with \$60,000 just for the activities. We will also be tracking the overtime but that is not a part of the \$60,000.

Mrs. Spencer said we also have Capital Assets. They city is funding \$626,000 of the Capital Assets. RAMP will be funding \$298,000. Class C Roads has a capital of \$155,000. The Local Option Sales tax has \$393,000, Community Development Block Grant for the Hal Vern Subdivision is \$250,000 and then a plan to set aside about \$800,000 for Capital a Capital Improvement Plan.

Mrs. Spencer said some of the highlights for the water and sewer plan are a rate increase for customers in the North Davis Sewer District. There is a slight increase in water rates from Weber Basin Water and the City will continue with the change out of the touch read meters to radio read. The Solid Waste fund discontinues the curb side dumpster program for right now and implemented a spring, summer and fall cleanup which are about 2 weeks a piece. There is a slight increase in garbage rates with Waste Management but the City will absorbed that cost right now and not pass it along to the residents. There is also \$30,000 in the Budget for the Website Design.

Mrs. Spencer stated as far as revenue goes the State of Utah is doing very well with a lot of consumer confidence. Sales Tax revenue is expected to increase about 3.23%. The other tax revenue from franchise taxes is expected to just be modest. Most of our chargers for services being at Recreation, Ambulance Services have reached a maximum and are even declining a little. We will need to find was to make up for those changes. They City Council has determined they would like to hold they fund balance at about 18%. Mrs. Spencer said if we remain at 18% and the factors of not a lot of increases in to many places we are going to have to start relying on property tax increases to fun the operations of the city a little more. She stated that based on the current Budget



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that was presented to the Council our property tax revenue would have to be 3.7 million dollars. That is about 45% higher than last year. The last tax increase Roy City had was in 2005. If the City Council tentatively approves this budget the way it is set with all the modifications that are in, it would cause the city to go into the truth and taxation process. That would start once the Resolution was approved tonight. Mrs. Spencer also stated the 45% is an estimate. We would have to wait for Weber County to tell us what our Tax Rate is and see what that generates us and then calculate what the tax increase would be to give us the revue that we need. Mrs. Spencer estimated the increase would need to be 50% to fund the Budget that is before the City Council.

Councilmember Dandoy asked if the money created from the Fund Balance going from 23% to approximately 18% and being moved to capital assets could be used for something else. Mrs. Spencer indicated it is one time money and would prefer to look at as a onetime expense like beginning to fund a capital project versus an ongoing expense. Councilmember Dandoy asked if they City Council could move the money to where it is best suited and Mrs. Spencer said yes, that is could.

Councilmember Tafoya asked if the City finances were really that short to justify raising the taxes and hold a truth in taxation process. Mrs. Spencer said with the Budget presented the way it is with all the additions, we are short. Councilmember Tafoya stated he was under the impression we were good to go and we were going to look at truth and taxation as far as a possible salary increase. Mrs. Spencer said there is a 2% COLA put in there that wasn't in the first budget and also all the adjustments that were made to fund the Capital and doing all that created the increase. Councilmember Tafoya asked Mrs. Spencer to tell him about the \$356,000 that was set aside for possible future raises. Mrs. Spencer stated it could be taken off and say we would not fund the step increases because right now we haven't done a salary survey, we haven't seen how we want to place people within the steps. However, the council asked for this in the work sessions so we could better place our employees within their positions. Councilmember Tafoya asked if it was city wide and not just one department. Mrs. Spencer said it was city wide.

Councilmember Dandoy asked how the Merit increase and COLA increase will be implemented. Mrs. Spencer said the 2% COLA would be effective on the first full pay period in July and the Merit would come into play with the persons anniversary date so they can evaluate weather on not they should get the Merit.

Councilmember Tafoya stated in his opinion the Council did not do their due diligence as for as the Police Chief and the Police Department. They came to the Council 9 months ago and said we have a problem that needs to be fixed and Councilmember Tafoya feels the council didn't do much for it. Councilmember Tafoya said the Police Chief came up with a step plan and said this what I need to be competitive and now that money isn't there for them. We still have the same problems. Ogden City is going to fund their step plan and other cities are funding their step plans. We will not be able to continue to hire police officers because they will want to go where there is guaranteed money. Councilmember Tafoya said they told the Police Chief they would really look at the issue, now 9 months has gone by and we still don't have anything. Councilmember Tafoya feels the Council short changed the Police Department.



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Mayor Cragun said the issue was talked about in the last Budget Work Session. He said one of the things that they felt would make the city competitive this year would be to give the 2.5% Merit and 2 % COLA and then to do the salary survey and implement the steps. Mayor Cragun also stated retaining and hiring new employees wasn't a problem just in the Police Department, he feels it needs to be looked at in all departments.

Councilmember Tafoya said he feels the Council could have done a better job to deal with what we said they said they were going to do 9 months ago.

Mayor Cragun said he felt the Council worked to resolve it. Councilmember Tafoya disagreed and felt the Council didn't do its due diligence in helping the Police Department.

Councilmember Dandoy wondered if it mattered when the 2.5% Merit was given to employees. He also stated that he was wondering if it was feasible to give the Merit and COLA all up front in July to help employees now until the salary survey can be done.

Councilmember Dandoy also stated he was concerned about the Roy City Complex. He stated the budget states the city will absorb a \$637,000 loss on the Roy Complex. He said this needs to be fixed. Councilman Dandoy said citizens are going to Davis County and Ogden instead of our facility. He also said this needs to be fixed in the 5 year plan. He said if we could fix this kind of money, maybe we wouldn't be discussing wages.

Mayor Cragun Opened to floor to Public Comments:

Emily Beeli, 2730 West 4800 South said she wanted to know if the Council was approving the Budget tonight even with this deficit issue. Councilmember Dandoy said it is what it is right now and that it can't be fixed today but the Council will be looking at it in hopes to find a solution. He also said he is not accepting a \$637,000 loss especially when the city is losing its work force in large part because our pay isn't competitive. He also said the council will fix it. Mrs. Beeli asked if tonight was the night the Council would accept or reject the budget was. Councilmember Tafoya said the answer to that is yes. The Council said they can accept it or postpone it but the law states it has to be approved by the 30<sup>th</sup> of this month.

Councilmember Hilton said that just for the record this was not the first time this issue had been brought up. The Council has been brainstorming, trying to figure things out. We have Grants to figure out and it just takes time to compile all of that information. Councilmember Hilton said they Survey will be very helpful with this question and will help guide the Council as to what citizens would like the Council to do.

Councilmember Tafoya said the Budget will be approved tonight but it is not set in stone. It can be amended as needed.

### 3. CONSIDERATION OF RESOLUTION 16-23 ADOPTING THE FISCAL YEAR 2017 CITY



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### BUDGET

**Councilmember Hilton moved to close the public hearing. Councilmember Becraft seconded the motion. All councilmembers voted “aye”. The motion carried.**

Councilmember Hilton stated this Budget Session was a big one for Cathy and staff. Things have gone back and forth and it is not a perfect budget right now but he feels Cathy has done an excellent job on the Budget with trying to meet the needs of every department and every employee of the City.

**Councilmember Hilton moved to approve Resolution 16-23 adopting the Fiscal Year 2017 City Budget. Councilmember Dandoy seconded the motion. A roll call vote was taken. All Councilmembers voted “aye.” The motion carried.**

#### **4. 6:00 P.M. PUBLIC HEARING TO CONSIDER A REQUEST TO AMEND THE ZONING ORDINANCE TO ALLOW CHICKENS/RABBITS WITHIN ALL SINGLE FAMILY RESIDENTIAL ZONES**

**Councilmember Dandoy moved to open the public hearing. Councilmember Yeoman seconded the motion. All Councilmembers voted “aye.” The motion carried.**

Councilmember Hilton stated the Planning Commission has spent a huge amount of time on this issue. Councilmember Hilton feels the Ordinance they submitted was pretty good. He felt a few items that needed to be looked at. One was runs; the ordinance before the council said they were not required. Councilmember Hilton would like to amend that to say that a run is required. He stated most of the complaints he received were about people’s chickens jumping fences and getting out because they were not contained in runs. That would also fix number the fencing requirement by requiring that the chickens stay in the run.

Councilmember Yeoman asked about a fee. It was discussed that it would have to be decided by the Council. The Council agreed that it would be the same as bees.

Mayor Cragun opened the floor to Public Comments:

Greg Sagen, 4027 West 4900 South, said he would like to ask the City Council not to recommend the runs. A lot of the concerns people had was the smell. When you combine chickens into a smaller area that makes the potential of a bad smell greater. When they can move around they take care of the yard better and become healthier birds. Mr. Sagen said that they were good with the fee that was being considered. He also stated wings could be clipped to prevent them from going over fences and getting out.

Mike Adams, 4046 West 4900 South stated if the council would consider a compromise between requiring them to be in a run by just requiring a run to accompany the coup and also allow them the ability to free range.



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Dustin Kerns, 5687 South 2650 West stated he grew up with rabbits and that is was a big part of his childhood. He moved to Roy and he was told he can't share his same experience with his children. He said rabbits make no noise. He doesn't understand why citizens aren't allowed to have rabbits.

Emily Beeli, 2730 West 4800 South Stated she would like the Council to discuss property rights and what people are allowed to do on their property. In the Declaration it talks about citizens having the right to life, liberty and the pursuit of happiness which a lot of people equate to property and how the governments rule is to protect a citizens rights. Mrs. Beeli feels the ordinance it too lengthy and limits citizens too much. She feels the code telling citizens what they can do on their property is a different perspective on the governments roll as opposed to allowing people to do what they desire on their property.

Becky Levelle, 3877 South 2225 West stated she used to live in Vancouver, Washington and almost didn't move to Roy because of this issue. She said lots in Vancouver were lots smaller but people still had and were allowed chickens. The rule was you couldn't have more than 6 hens and they didn't get involved with telling people what they could do on their property.

Robert Terry Pickett, 2125 West 5125 South stated he used to live on 3100 west and he had chickens, goats, geese, a calf the whole works. When he moved to his new house he was sad to see he had to get rid of his chickens. When he was home his chickens would free range but when he was gone he would put them in the run and never had any problems or complaints.

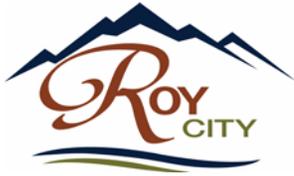
**Councilmember Yeoman moved to close the public hearing. Councilmember Dandoy seconded the motion. All Councilmembers voted "aye." The motion carried.**

Councilmember Dandoy stated looking at the history of this event leave him no question that there is a lot of passion to this discussion. Councilmember Dandoy said that as many people that have wanted chickens have also not wanted them. What is really important is that for 5 years we have had this conversation and we have an ordinance that is well written. It may not be perfect for everyone but it is something we can live with. As long as some balance is maintained we can keep both sides of this issue happy. Councilmember Dandoy said Chickens fly and he never wants a chicken to fly and gets into a yard with a dog. Other animals will take advantage of chickens.

Councilmember Becraft stated that she spoke with many different people and they are not in favor of chickens. She said if we can live with this ordinance things will be good.

Councilmember Hilton said he has no doubt that the people in the audience that want chickens will take care of them. It's the people that aren't at the meeting that have chickens right now even as we speak that we will have to worry about. He feels the Council has come a long way and there has been a great compromise.

Councilmember Yeoman said Steve has given the Council a lot of other city ordinances and in



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reviewing them she feels Roy City is very comparable to the other cities.

### 5. CONSIDERATION OF ORDINANCE NO. 16-3 AMENDING THE ZONING ORDINANCE TO ALLOW CHICKENS/RABBITS WITHIN ALL SINGLE FAMILY RESIDENTIAL ZONES

**Councilmember Hilton moved to approve Ordinance No. 16-3 Amending the Zoning Ordinance to allow chickens/rabbits within all single family residential zones with council recommendations and regulation. Councilmember Yeoman seconded the motion. A roll call vote was taken. All Councilmembers voted “aye” with the exception on Councilmember Tafoya who voted “nay”. The motion carried.**

### 6. AWARD OF EMPLOYEE OF THE MONTH FOR APRIL 2016

Police Chief, Carl Merino asked Sergeant Gibson to read his nomination for Employee of the Month, Kyle Curtis.

Sergeant Curtis Gibson read his nomination.

**Councilmember Tafoya moved to approve Kyle Curtis as Roy City Employee of the Month for April 2016. Councilmember Dandoy seconded the motion. All Councilmembers voted “aye”. The motion carried.**

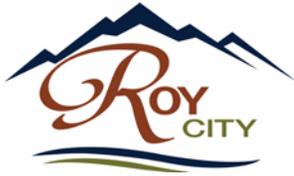
Councilmember Tafoya presented Kyle Curtis with an Employee of the Month Plaque and check.

### 7. PRESENTATION BY ENVISION UTAH – SHANE WOODS

Shane Woods from Envision Utah explained to the Council that Envision Utah deals with many State wide issues but the issue being looked at currently Transportation and Communities.

Shane stated growth is coming to Utah. The Growth and Development of communities and transportation systems significantly affect Utahns’ quality of life. Choices related to these issues directly impact air quality, household budgets, the ability to grow local fruits and vegetables, and the convenience of traveling from one place to another. Utahns want to live close to shopping, restaurants, jobs, schools and services, and they want their communities to be walkable with reduced car traffic so they can live healthier and breathe cleaner air. They desire more time with family and friends and o spend less time driving. They also want quality housing in safe communities.

Shane stated the housing market is shifting to fewer large-lot homes and more compact housing such as small-lot homes, townhomes, condominiums and apartments. Additionally, Utahns are doing more shopping online and as a result our communities will support fewer retail stores, freeing up land to be redeveloped into mixed-use centers that combine housing with retail, jobs,



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recreation and other amenities. These market changes create a tremendous opportunity to design communities that provide the convenience and quality of life that Utahns want, even as the population almost doubles in the coming decades.

Shane stated they have met with a number of cites already and is presenting this initial concept to the Roy City Council He left some informational brochures with the council.

### 8. CONSIDERATION OF RESOLUTION NO.16-24 ANNOUNCING ROY CITY’S INTENT TO ANNEX UNINCORPORATED ISLANDS AND PENINSULAS

City Manager Blackburn stated this one of the steps the city has to take to get the annexation taken care of. The next step will be the notices being sent out the appropriate places. We will get right on the notices and it could even be the first meeting in July that we present the Ordinance to the City Council.

**Councilmember Tafoya moved to approve Resolution 16-24 Announcing Roy City’s intent to annex unincorporated islands and peninsulas. Councilmember Becraft seconded the motion. A roll call vote was taken. All Councilmembers voted “aye.” The motion carried.**

### 9. CONSIDERATION OF RESOLUTION NO. 16-10 APPROVING A JOB DESCRIPTION AND SALARY RANGE FOR ENGINEER POSITIONS IN THE FIRE AND RESCUE DEPARTMENT

Fire Chief, Jason Poulsen stated these were the positions that were discussed in March. Chief Poulsen understood that the Salary would be \$15.07 per hour but the employees of this position would not be given the Merit, just the COLA.

Councilmember Tafoya said that the Merit and the COLA comes regardless of what the position is. He stated if the salary was set at \$15.07 the positions will still get the Merit and COLA.

Councilmember Hilton felt education is very important and thinks it’s a good idea to look at some educational requirements with promotions. Chief Poulsen said that is something they will look at.

**Councilmember Dandoy moved to approve Resolution 16-10. Approving a job description and salary range for engineer positions in the Fire and Rescue Department. Councilmember Hilton seconded the motion. A roll call vote was taken. All Councilmembers voted “aye.” The motion carried.**

### 10. DISCUSSION OF COUNCIL MEMBERS DIRECTING / TASKING CITY EMPLOYEES



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This item was tabled

### **11. DISCUSSION ON NON-COMPLIANCE TO CITY ZONING ORDINANCE**

This item was tabled

### **12. DISCUSSION OF REDESIGNING THE ROY CITY FLAG**

They City Council said they would add the new logo to the City Flag. The Beautification Committee would also look at the flag and bring back some modifications.

### **13. CITY MANAGERS REPORT**

City Manager Blackburn stated there was a bid opening for the 4800 South roundabout project. He plans to approve the contract in the next meeting. We are getting notices to the residents. Public Works is also working on a water line project on 5600 south and 2000 for some additional water pressure. Also Weber Basin Water Conservancy District is having a behind the scenes tour on June 15<sup>th</sup>. If the Council would like to attend the need to RSVP right away.

Mr. Blackburn also stated the City has redesigned the sign for Harmons and the plan should work now. It should be a week before we have approval. Also the Golden Spike Softball tournament is this weekend. We will also have a movie in the park on June 17<sup>th</sup>.

Mr. Blackburn also said in two weeks from now, in addition to bringing and Ordinance where we have a hearing officer in place of Board of Adjustments, he has been working on a draft where we can do the same thing for the Employee Appeals Board.

### **14. PUBLIC COMMENTS**

Robert Terry Pickett, 2125 West 5125 South stated two years ago his retaining wall was bumped by a Roy City Vehicle and part of it was knocked down. It still is not fixed correctly. He also stated there is a big hole in the asphalt in front of his house that has never been taken care of in the 20 plus years he has lived in his home.

City Manager, Andy Blackburn asked if could meet with Mr. Pickett after the meeting to get his phone number to get this issue taken care of.

### **15. MAYOR AND COUNCIL REPORT**

Mayor Cragun stated that our parks are being vandalized and he would like to ask citizens to be diligent in keeping an eye out and reporting any vandalism to the police.

Mayor Cragun also stated that there was a wonderful Car Show at Sand Ridge Park this past



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Sunday. He really enjoyed it.

Mayor Cragun said that Roy High School was honored by the Governor for having a 97% graduation rate which is phenomenal. Mayor Cragun really appreciated the Governor for his support in the Roy Cone. He also appreciated Alan and Jeanne Hall for all of their support with education in the community.

Councilmember Becraft said the Art Show will be at the new library. The information is available on the website. Councilmember Becraft also stated that on 4000 South where the library is, there is a turn out that is a right turn only. People are turning left and it creates a very unsafe situation for pedestrians crossing the road. Councilmember Becraft spoke with the police chief and he suggested maybe the possibility of having an island there so they cannot turn left from that area. Mayor Cragun asked the City Manager to have the engineers look at this issue to see what we can come up with.

Councilmember Becraft said on June 18<sup>th</sup> Miss Roy will be at the Miss Utah Pageant.

Councilmember Dandoy said we have 458 responses to the survey so far. He is meeting with Weber State University tomorrow to go over things.

### 16. ADJOURN

**Councilmember Becraft moved to adjourn at 8:30 p.m. Councilmember Dandoy seconded the motion. All Council members voted “aye”.**

Attest:

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Willard Cragun  
Mayor

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Amy Mortenson  
Recorder

**ORDINANCE NO. 16-4**

**AN ORDINANCE ADOPTING CERTAIN RESTRICTIONS ON THE USE OF FIREWORKS WITHIN CERTAIN AREAS OF THE MUNICIPALITY.**

**WHEREAS**, in 2011 the Utah legislature modified the state law by amending the types of fireworks which may be discharged in Utah which appears to have increased the use of fireworks within the City; and

**WHEREAS**, in 2012 State law changed the dates allowed for discharge; and

**WHEREAS**, there currently is and may be in the future a high risk of fire during the time when fireworks are allowed to be discharged; and

**WHEREAS**, the Governor of the State of Utah has recommended that cities and towns consider a ban on fireworks due to high fire danger; and

**WHEREAS** the council finds it is in the best interest of the municipality and the general health, safety and welfare of the public that this ordinance should be passed;

**NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THIS MUNICIPALITY AS FOLLOWS:**

**1. Definition.** All terms relating to fireworks used in this ordinance shall have the same meaning as they are defined in Utah Code Ann. 53-7-202 of the Utah Fire Prevention Act.

**2. Sale, Discharge and Possession of Certain Fireworks Restricted.**

a. It is unlawful for any person to sell or offer for retail sale, or to discharge, or to have in their possession any fireworks in this municipality, other than class C common and aerial "cake". Utah state approved explosives used in accordance with, and only on the dates allowed, by Utah Code Ann. Sections 53-7-220 through 225; the rules adopted pursuant thereto; and this ordinance, except as otherwise permitted by state law.

b. It is unlawful for any person to discharge any fireworks within 20 feet of any residence, dwelling, or structure.

c. Due to unusual extreme hazardous fire conditions in certain portions of the municipality, the use of aerial fireworks, which are defined in R710-2 as a cake that is a collection of mine/shell tubes that has a single fuse which is used to light several tubes in sequence. A cake may also be defined as an aerial repeater or multi-shot aerial and are prohibited in the area of the municipality described as follows:

-The Denver and Rio Grande Trail – Roy Segment

-Bamberger Tracks

-Layton Canal and Property Maintained by Weber Basin Water including the Water Reservoir located at approximately 5200 South 3750 West

-Property at 4800 South Midland Drive to approximately 5000 South Midland Drive East to 3500 West from 4800 South to 5000 South

-Property Owned by the Ogden City Airport

-Riverdale Rd, North to 4400 South, along 1750 west, Airport RD and 1600 West

**3. Enforcement.**

a. Every officer charged with enforcement of State and municipal laws including the Fire Marshal is hereby charged with the responsibility to enforce this ordinance.

b. Fireworks possessed, sold or offered for sale in violation of this ordinance may be seized and destroyed and the license of the person selling or offering fireworks for sale may be revoked.

**4. Punishment.** Violation of this ordinance shall be a class B misdemeanor punishable by both fine and imprisonment as set forth in Utah law.

**5. Effective Date.** This ordinance shall take effect immediately upon passing.

PASSED AND DATED this 21<sup>st</sup> day of June, 2016.

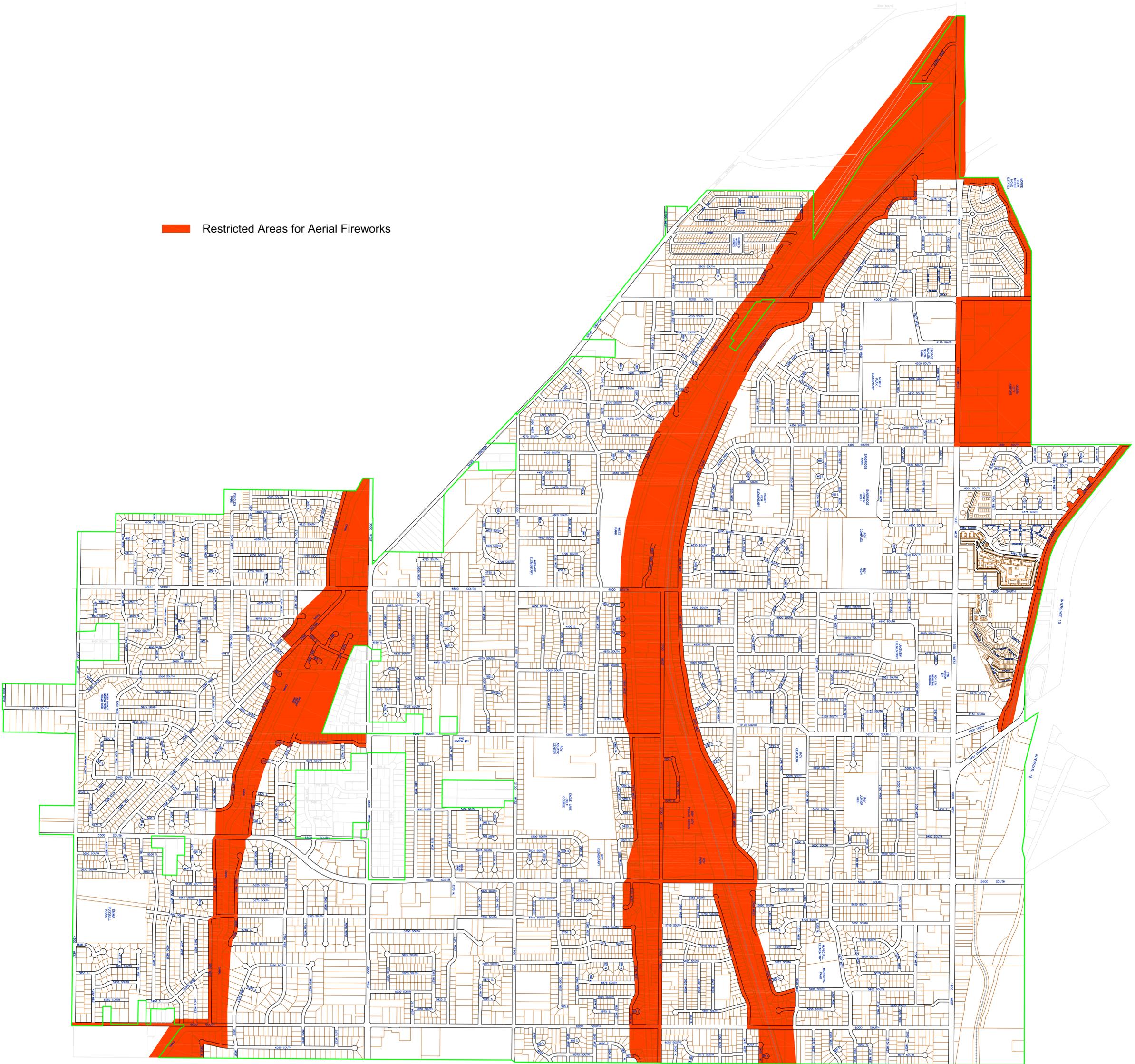
\_\_\_\_\_  
Willard Cragun, Mayor

Attest:

\_\_\_\_\_  
Amy Mortenson, Recorder

	AYE	NAY	ABSTAIN	ABSENT
Councilmember Becraft	_____	_____	_____	_____
Councilmember Dandoy	_____	_____	_____	_____
Councilmember Hilton	_____	_____	_____	_____
Councilmember Tafoya	_____	_____	_____	_____
Councilmember Yeoman	_____	_____	_____	_____

Restricted Areas for Aerial Fireworks



LEGEND  
CITY BOUNDARIES  
UNINCORPORATED



Fireworks Restrictions



## STAFF REPORT

City Council

June 21, 2016

### SYNOPSIS

#### Application Information

Applicant: Kent Hill; LKH Investments  
Request: Request for Preliminary Subdivision approval for Roy Regency subdivision.  
Address: Approximately 5600 South 2700 West

#### Land Use Information

Current Zoning: R-3; Multi-Family Residential  
Adjacent Land Use: North: RE-20; Single-Family Residential and R-3; Multi-Family Residential  
South: RE-20; Single-Family Residential  
East: R-1-8; Single-Family Residential and R-3; Multi-Family Residential  
West: R-1-6; Single Family Residential and R-3; Multi-Family Residential

#### Staff

Report By: Steve Parkinson  
Recommendation: Approve with conditions

### APPLICABLE ORDINANCES

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

### PLANNING COMMISSION ACTION

The Planning Commission held a Public Hearing during the June 14, 2016 meeting, the hearing was opened for public comments, which were as follows:

- No Public comments were made

With no public comments the public hearing was closed. The Commission recommends with a voted of 4-0 to approve the request for Preliminary Subdivision approval for Roy Regency, located approximately at 5600 So. 2700 We.

### ANALYSIS

#### **Background**

This subdivision is a result of the applicant's approval of his Conditional Use, Site Plan and Architectural plans. The approval was based on conditions and one of the conditions was the combining three (3) existing parcels together forming a single parcel.

**Description:** Property is approximately 0.95 acres (41,382 sq.-ft.), and it is currently vacant. The D&RG trail goes along the eastern property line.

**Subdivision:** The proposed subdivision is to combine three (3) separate parcels of various sizes (12,196.8 sq.-ft.; 16,552.8 sq.-ft. & 12,632.4 sq.-ft) equaling .95 acres (41,382 sq.-ft.) of property into a single parcels.

**Zoning:** The property is zoned R-1-8 and according to table 10-1 of the Roy City zoning ordinance the R-1-8 zone requires that for single-family lots to be a minimum of 8,000 sq.-ft. which each lot exceeds this

requirement, the smallest being 11,145 sq.-ft. and each lot also meets the lot area requirements. Lot width (which is along a public street) is not being met, but the applicant is looking to use a “shared driveway”. If approved then the width of each lot would be measured at setback, which each parcel could meet.

**Access:** Will be off of 2700 South.

**Improvements / Utilities:** All utilities are within the roads abutting the property.

**DRC Review:** The DRC has reviewed the development, (see exhibit “C”). There are many issues that need to be resolved, but none of them would deter the subdivision from occurring.

**Summary:** The proposed subdivision meets all aspects of the subdivision and zoning ordinance.

## **CONFORMANCE TO THE GENERAL PLAN**

The future land use map shows and supports this area to be developed as Very High Multi-Family Density Residential.

## **CONDITIONS OF APPROVAL**

1. Compliance to the requirements and recommendations as outline in this staff report.
2. Compliance to the requirements and recommendations as outlined in the DRC memo dated 9 June 2016 (Attached) and
3. Compliance to the requirements and recommendations to any additional comments that may come from additional DRC reviews.

## **FINDINGS**

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

## **ALTERNATIVE ACTIONS**

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

## **RECOMMENDATION**

Staff recommends approval of the Preliminary Subdivision of Roy Regency subdivision located at approximately 5600 South 2700 West with the conditions as discussed and as outlined within the staff report.

## **EXHIBITS**

- A. Aerial Map
- B. Preliminary Subdivision plat
- C. DRC Memo dated 9 June 2016

**EXHIBIT "A" – AERIAL MAP**







DEVELOPMENT REVIEW COMMITTEE  
REVIEW MEMO

Date: 9 June 2016  
To: Kent Hill; LKH Investments  
From: Steve Parkinson – Planning & Zoning Administrator *SEP*  
Mark Miller – City Engineer  
Jeff Comeau – Deputy Fire Chief  
Ed Pehrson – Building Official  
Ross Oliver – Public Works Director  
Andy Blackburn – City Attorney  
Subject: Roy regency Apartments preliminary Subdivision (dates May 16, 2016)

If there are comments below that require corrections OR changes to plans, resubmittal of plans is required.

We have tried to address all items of concern with reference to all applicable City codes or for the general Health, Safety and Welfare of the public, however, this review does not forego any other items of concern that may come to our attention during additional reviews.

**Engineering –**

- 1. Comments to come shortly.

**Building – Fire - Legal – Public Works -**

- 1. No comments regarding the combining of three (3) parcels into one.

**Planning -**

- 1. A financial guarantee is required for all on-site and off-site improvements. This will be required prior to the issuance of building permits.
- 2. Application is incomplete, missing the following items:
  - a. Title Report,
  - b. Tax Clearance
- 3. Final Plat must have the surveyors stamp and signature.
- 4. Notary Public doesn't have to reside in Weber County, remove that language
- 5. All of the city signature blocks are incorrect (included in this memo). They are not needed on preliminary subdivision drawings, but need to appear on the Final plat.
- 6. The property owner's signature needs to be a part of the "Owners dedication" portion of the final plat

Signature blocks

PLANNING COMMISSION  
This is to certify that this subdivision plat was duly approved by the Roy City Planning Commission on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.  
\_\_\_\_\_  
Chair, Roy City Planning Commission

**ROY CITY ENGINEER**

I hereby certify that the requirements of all applicable statues and ordinances prerequisite to approval by the Engineer of the foregoing plat and dedications have been complied with. Signed this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_

Roy City Engineer

**ROY CITY ACCEPTANCE**

This is to certify that this subdivision plat was duly accepted by the City Council of Roy City and approved by the Mayor, on the \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_

Roy City Mayor

\_\_\_\_\_

Attest

**ROY CITY ATTORNEY**

Approved as to form this \_\_\_\_ day of \_\_\_\_\_, A.D. 20\_\_\_\_.

\_\_\_\_\_

Roy City Attorney



# STAFF REPORT

City Council

June 21, 2016

## SYNOPSIS

### Application Information

Applicant: Robert Helmand: West Coast Funding LLC  
Ryan Anderson; Anderson Holdings LLC

Request: Requests to approve

1. Ord. No. 15-5; to amend the General Plan (Future Land Use Map) from Light Manufacturing to Very High Density, Multi-Family
2. Ord. no. 15-6; to amend the Zoning Map from RE-20 (Residential Estates) to R-3 (Multi-Family Residential) and RIO (Residential Infill Overlay)

Approximate Address: 2449 West 4300 South

### Land Use Information

Current Zoning: RE-20; Residential Estates

Adjacent Land Use: North: LM; Light Manufacturing      South: LM; Light Manufacturing  
East: R-1-8; Single-Family Residential      West: R-1-6; Single-Family Residential

### Staff

Report By: Steve Parkinson

Staff Recommendation: Approval with conditions as outlined in this report

## APPLICABLE ORDINANCES

- 1) Roy City Zoning Ordinance Title 10, Chapter 5 – Amendments to General Plan and Zoning Ordinance
- 2) Roy City Zoning Ordinance Title 10, Chapter 8 – Special Purpose District – Residential In-fill Overlay

## CONFORMANCE TO THE GENERAL PLAN

- 1) Residential Development Goal 1; Policy D: *The City's policies should encourage the development of a diverse range of housing types, styles and price levels in all areas of the City.*
- 2) Residential Development Goal 3; Policy G: *The housing needs for low and moderate income families and senior citizens in Roy City shall be determined by the City on a regular basis, or as the need arises.*

## PLANNING COMMISSION ACTION

The Planning Commission held a Public Hearing on August 25, 2015, the hearing was opened at 18:26 – public comments were as follows:

- Byron Burnett – Roy Citizen – he thinks that the land should be developed as single-family to be consistent with the surrounding area. Has concerns with privacy, his view of sunsets, etc.. The children that attended Valley View Elementary School were bused from below the tracks, but they had to walk home. They took the shortest route and cut through his neighborhood and across the tracks. If multi-family developed on this property, there could be a safety concern about children. He felt all of the arguments said multi-family did not fit. He submitted a letter to be given to the Council (See Exhibit "D")
- Bert Visser – Roy Citizen – stated that he has been fighting all of the building between the tracks. For the property to develop it needed a road. The developer had talked to the adjoining property owner and was quickly thrown out. The adjacent property was not for sale. The owners of the private right-of-way weren't selling. He felt the stupidest thing in the world would be to rezone this property. If the property was rezoned, there would be 500 additional people accessing 4000 South. In 10 to 15 years it would be low income housing with more crime. Mr. Visser didn't feel the additional property taxes

would cover the cost of additional residents. He felt someone in the City was making money because developers kept pushing this area.

- Ed Weakland – Roy Citizen – stated that his property was located between 4000 South and the site under consideration. It looked like the developer was setting up a scenario to allow Roy City to exercise eminent domain to get access. If the City approved this rezone, the developer could then come to the City and ask for land to be condemned. He worked for 55 years to be able to purchase his property. He did not want a developer to tell him to get out.
- Shelly Abbott – Roy Citizen – stated that she lived just west of the D&RG Trail. She purchased her home because of the trail and the absence of neighbors behind her. Since the walking trail was put in, she had experienced property damage. If this property was zoned for multi-family housing, it would drive her property value down, and crime would go up. If more people came in, the City would not be able to control the crime. Multi-family housing would be detrimental to people in the immediate area.
- Todd Potter – Roy Citizen – stated that he owned Kwik City Muffler on 4000 South. There was a 30-foot right-of-way that ran south from 4000 South so property owners could have ingress and egress to their properties. If the zoning changed, the 30-foot right-of-way would not be adequate for multiple cars and emergency equipment. Years ago, the City turned down a business south of him because he needed a 60-foot access with curb and gutter. Now someone wanted to put in multi-family housing without any access. It was not a smart thing. Roy City already had no businesses because it was not business friendly. The City needed to stop getting rid of commercial property and allow commercial to build. Concerned about the traffic situation on 4000 South. Five to six of his customers had been rear-ended while they were waiting to turn into his business because drivers could not see until they came over the hill.
- Chris Weakland – Roy Citizen – stated that he owned property just south of Kwik City Muffler. Even if the applicant was able to get a road to 4000 South, how would the traffic get on and off of 4000 South? He didn't feel it was feasible to put a road that close to the tracks. A 60-foot right-of-way would run down the center of his building. At what point would the City become involved in helping the applicant acquire access? If the zone was changed, he and the other property owners would be forced out. Was there even enough room in the schools for more children? Did the City have plans for new schools?
- Greg Sagen – Roy Citizen – stated that the West Park Subdivision had caused 4800 South to be a fiasco. Now someone was talking about adding to it. He didn't feel this was an area that should have a lot of housing. He felt a park or cemetery would be better uses for the area. A park or cemetery would be quiet and not bring in a lot of people. Right now the future land use designation was light manufacturing. Businesses would be good, especially stores and restaurants; but not doctors. He felt the City really needed to think about this area, and the people who lived in the area.
- Bret Arave – Roy Citizen – asked many people per acre there would be. Would this be government subsidized housing? He felt only low income people would live between the tracks. If the number of people in the area quadrupled, there would be police and fire calls. Why couldn't they find another place for multi-family? Did they have to stuff people everywhere? He felt the City Council was just a rubber stamp.
- Tammy Smith – Roy Citizen – stated that she had noticed an increase in crime in her neighborhood since the walking trail opened. Eggs had been thrown at her house. She felt multi-family would decrease the value of her home. She built her home here because of the right-of-way behind her. Traffic on 4000 South was a problem. She had almost been hit when she stopped to turn into her neighborhood. Traffic was also a problem on 4800 South. She would like to see a cemetery or a single-family subdivision rather than multi-family.
- Cindy Whinham – Roy Citizen – stated that the right-of-way next to Kwik City Muffler was only wide enough for one car. She had driven it a night during her Neighborhood Watch patrol.
- Misti Potter – Roy Citizen – stated that she owned property on 4000 South. She didn't feel it was fair that the City only notified property owners within 300 feet. Her property would be affected by the rezone.
- Ryan Anderson, Anderson Development, stated that they understood that a rezone did not give them a permit to build, and that they were not anywhere close to development. They wanted to understand the City's goals. When they did understand, they would develop a plan and market it. The Front Runner

Station had changed the City's future. They understood that access was a concern. The City's ordinances made the use of eminent domain unlikely. He hoped the City would be proactive and not reactive. The owner of the property in question had rights. The property would be developed one way or another, and not everyone would be happy about it. Mr. Anderson felt development would help solve the vandalism problems because it would light the area up. They would work with the City's staff to put in design guidelines. He wanted to learn about the City's vision.

With no further comments the public hearing was closed at 19:13.

The Commission did ask the applicant some questions

- Chairman Kirch asked if they would develop the property.
  - Mr. Anderson stated that Anderson Development was a master builder. They would study the City's regulations and policies. Their job was to solve the development problems and market the property.
- Chairman Kirch asked if the property could be developed as manufacturing.
  - Mr. Anderson didn't feel manufacturing was a viable use because of the limited access.
- Chairman Kirch asked about timing.
  - Ryan Anderson stated that they would have to solve the access first. Their goal was to come from the south.

After which the Commissioners had a discussion:

- Commissioner Dandoy stated that even though the property was currently zoned RE-20, the City's long range plan for it was manufacturing, which wasn't necessarily compatible with residential or high density residential. He felt there were compelling arguments on both sides. He was looking for a reason for the land use designation to be different. The owner of the property had rights, but there really was a bigger picture. High density residential did create challenges in itself. He did not feel the Future Land Use Map had to be changed to make the property work.
  - Steve Parkinson pointed out that the current RE-20 zoning did not conform with the Future Land Use Map. Commissioner Dandoy felt the Future Land Use Map was created after the area was zoned.
- Chairman Kirch asked how this property was different from the West Park Subdivision on 4800 South. Commissioner Dandoy stated that he supported West Park's current development plan only because it reduced the density from 144 to 72. The City had required a traffic study to point out that there was a problem. The subdivision was approved with traffic restrictions of right in and right out. The developer was required to participate in the construction of a roundabout. He did not feel the left hand turn restriction would hold. He felt people would drive over the median rather than use the roundabout.
- Chairman Kirch stated that the property on 4800 South had direct access. The property in question did not. She asked about the private right-of-way. It was currently only 26 feet wide. If the property in question developed, the access would have to be widened to 60 feet. Was there room for a 60-foot right-of-way?
  - Mr. Parkinson did not know.
- Chairman Kirch felt there were many negatives that precluded this site from being R-3.
  - Steve Parkinson stated that any use proposed on this property would have the same problem. There would be access issues regardless of the use. Someone would have to deal with it. A developer would have to purchase access, or the proposal would die. The access issue would not change if the zone changed. The applicant understood the access issue.
- Commissioner Dandoy stated that the Planning Commission had to look at a piece of property and consider the 'what ifs.' If there were 12 units per acre and four people in each unit, the applicant was talking about a significant number of people on ten acres. The RE-20 would allow 20 homes on 10 acres. The property owner had the right to do that if he could get access. He felt the Planning Commission needed to think this through before making a recommendation. Without a plan, the Planning Commission had to consider the worst case scenario. He was reluctant to change the land use without seeing the end goal. He did not feel that multi-family fit. A three-story building did not fit with him.

- Commissioner Nandell did not feel multi-family fit with the neighborhood.
  - Steve Parkinson stated that the maximum building height was 35 feet. It didn't matter if the structure was commercial, single-family, or multi-family. He didn't feel height was an issue.
- Commissioner Dandoy was concerned about the number of people that could be making left hand turns and impacting the traffic. Steve Parkinson stated that until there was a plan and a traffic study, the City did not know what traffic restrictions there might be. Commissioner Dandoy felt traffic would be restricted to right in and right out. He felt it would be appropriate to ask for a traffic study. An R-3 Zone would give the developer a lot of latitude. A traffic study could point out unique circumstances regarding this property.
- Chairman Kirch felt a traffic study at this point would be inconclusive because the City did not know what the proposed use would be.
- Commissioner Nandell stated that a new roundabout had been constructed on 4000 South to the east of this area. If there was a right in and right out restriction, there was already a roundabout in place.
- Commissioner Dandoy felt the proximity of an intersection on 4000 South with the railroad right-of-way would create a problem. If this property accessed 4800 South, it would change the dynamics there.
- Chairman Kirch asked if the applicant could bring this property back. Mr. Parkinson said he could. He just could not advertise that the property was zoned R-3.
- Chairman Kirch understood that people cut across the tracks and through the neighborhoods adjacent to the trail. People cut through her yard to access 1900 West. She felt this was a difficult matter, and that the Planning Commission was weighing it out. There wasn't a clear cut path. The property was owned by people who wanted to sell it, and they wanted the best value. She asked the Planning Commission to rely on the criteria in the Zoning Ordinance. This property was located between the railroad right-of-way and the D&RG Trail. She didn't feel commercial was a viable use because it was not readily accessible. It was close to the Front Runner Station, and there were people who wanted to live near mass transit.
- Commissioner Nandell felt safety and access were the biggest issues. He felt the RE-20 Zone was the best use.

After the discussion amongst the Commissioners, the Commission voted 5-0, as follows:

1. To recommend denial of the request to amend the General Plan (Future Land Use Map) from Light Manufacturing to Very High Density, Multi-Family
2. To recommend denial of the request to amend the Zoning Map from RE-20 (Residential Estates) to R-3 (Multi-Family Residential) and RIO (Residential Infill Overlay)

## UPDATES SINCE PLANNING COMMISSION'S RECOMMENDATIONS

There has been some updates to the project since the Planning Commission held the Public Hearing for this area. A lot of concern was geared towards access and traffic. The applicant has since secured a single-family dwelling at the southernmost end of Westlake drive to have an at-grade crossing over the D & RG trail. (see Exhibit "F") They have also spoken with UTA regarding the at-grade crossing and is showing interest in the thought. As you may or may not know the D & RG trail is own by UTA and even though it is currently a trail, they have always reserved the right to use it as a "light-rail" line if the demand or need exists. With that UTA in their future planning would to have a light-rail stop near the current Front Runner station and provide a pedestrian crossing over the railroad tracks to connect the two together. (see exhibit "G")

This at-grade crossing would give another access into the area between the D & RG trail and the railroad tracks and if or when an access punched through to 4000 South it would be yet another.

## ANALYSIS

### Background:

These parcels are in between the D & RG trail on the West and the railroad tracks on the east, it is also in between 4000 South on the north and 4800 South on the south. The entire site is 10 acres (435,600 sq.-ft.) and is currently vacate.

It is however located not too far from the Front runner station, and as everyone knows the Front Runner is a high speed train that goes from Harrisville (future Brigham City) to the north to Provo to the south. North of Salt Lake was the first section to be built and ridership has increased every year. With five stations between downtown Salt Lake and downtown Ogden two of those stations (Layton and Farmington) have become community hubs, with lots High density and commercial development occurring around these them and Clearfield having just approved and large mix use development will soon have a similar synergy.

The other two stations are Woods Cross and Roy, and despite the distance a part from each other they have some similarities. Both are the station just before or just after a large metropolitan city. Both stations are near large areas of single family residential, which the other three station were not. However there is one difference that Roy has over Woods Cross and that is vast areas of undeveloped or under developed land around the station. The prime area is that area surrounding the actual station, but the next prime area is between the D & RG rail trail and the railroad tracks, and south of 4000 South and north of 4800 South. In 2013 the City rezoned about one third of this area to R-3, changing its ideas of the potential for this unique area.

### **Amend Future Land Use Map:**

Current Designation: The subject property currently has a land use designation as Light Manufacturing.

Requested Land Use Designation: The applicant would like to change the Future Land Use Map from the current Light Manufacturing designation to a Very High Density, Multi-family designation

Considerations: When considering a proposed amendment to the general plan the Commission and Council shall consider the following factors, as outlined in section 505 “Criteria for approval of General Plan Amendments” of the Zoning Ordinance:

- 1) The effect of the proposed amendment on the character of the surrounding area.
- 2) The effect of the proposed amendment on the public health, welfare, and safety of City residents.
- 3) The effect of the proposed amendment on the interests of the City and its residents.
- 4) The location of the proposed amendment is determined to be suitable for the uses and activities allowed by the proposed amendment, and the City, and all other service providers, as applicable, are capable of providing all services required by the proposed uses and activities in a cost effective and efficient way.
- 5) Compatibility of the proposed uses with nearby and adjoining properties.
- 6) The suitability of the properties for the uses requested.
- 7) The effect of the proposed amendment on the existing goals, objectives, and policies of the General Plan, and listing any revisions to the City’s Land Use Ordinances, this Ordinance, the Subdivision Ordinance, and any other Ordinances required to implement the amendment.
- 8) The community benefit of the proposed amendment.

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

The character of the surrounding areas –

- To the East and to the West, there is single-family residential homes and an orchard, however this is once you are beyond the active and inactive rail lines.
- To the north there are what appears to be private warehousing and storage.
- To the immediate south the land is vacate, but a little further there is the West Park subdivision development.

Interests of the City & Residents –

- Having a variety of housing types helps the citizens of every City, stay within the community they have lived in.
- Not everyone wants, or can have a detached home with yard to maintain.

- Some want to downsize not just in home size but in the number of vehicles, thus being close to alternative transportation options gives them their desires.

Location – suitable for uses & activities –

- With the Front Runner station not too far away, the uses would complement that station.
- The rail lines act as a good buffer between the single-family residential and multi-family, very similar to arterial roads.
- The city is able to provide all of the services required for any type of development.

General Plan Goals, Objectives and Policies –

- Within the “Conformance to the General Plan” section of this report it lists two (2) goals and policies that this type of development would satisfy.

### **Amend Zoning Map:**

Current Zoning: Currently the property is zoned RE-20, which at the moment does not match that of the Master Land Use Map.

Requested Zone Change: The applicant would like to have the properties zoned R-3, and include the RIO (Residential Infill Overlay) to allow for a multi-family residential development.

Considerations: When considering a Zoning District Map Amendment, the Commission and the Council shall consider the following factors, as outlined in section 509 “Criteria for Approval of a ... Zoning Map” of the Zoning Ordinance:

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

No amendment to the Zoning Districts Map (rezone) may be approved by the Council unless such amendment is found to be consistent with the General Plan and Land Use Maps.

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

General Plan Goals, Objectives and Policies –

- Within the “Conformance to the General Plan” section of this report it lists two (2) goals and policies that this type of development would satisfy.

The character of the surrounding areas –

- To the East and to the West, there is single-family residential homes and an orchard, however this is once you are beyond the active and inactive rail lines.
- To the north there are what appears to be warehousing and storage.
- To the immediate south the land is vacate, but a little further there is the West Park subdivision development.

Compatibility with surrounding area –

- If you look at the current zoning map and look 500 feet in each direction from this property, there are three (3) different residential zones (R-1-6, R-1-7 & R-1-8) and a Manufacturing zone. Rezoning this property to R-3 and the uses allowed are more compatible with the R-1 zones than Light Manufacturing and it allowable uses.

Location – suitable for uses & activities –

- With the Front Runner station not too far away, the uses would complement that station.
- The rail lines act as a good buffer between the single-family residential and multi-family, very similar to arterial roads.
- The city is able to provide all of the services required for any type of development.

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

- Does changing are not changing the zoning provide the best options for development of this property or area?
- How can this property best be developed? As single-family dwellings? As multi-family residential? OR as Manufacturing?
- What types of development (Zoning) surrounding the Front Runner station should allowed?

Access to this area has and will always be a problem and a concern. Whether it stays as Single-Family Residential, becomes Multi-Family Residential or becomes Manufacturing. The applicant has a solution to the access issue by connecting the area from Westlake drive. They already have the needed property under contract to do such.

## **CONDITIONS OF APPROVAL**

1. Apply and receive Conditional Use & Site Plan approval

## **FINDINGS**

1. That it's the best use of the land.
2. Provides and supports Roy City Front Runner station.

## **ALTERNATIVE ACTIONS**

The City Council can Approve, Approve with conditions, Deny or Table.

## **RECOMMENDATION**

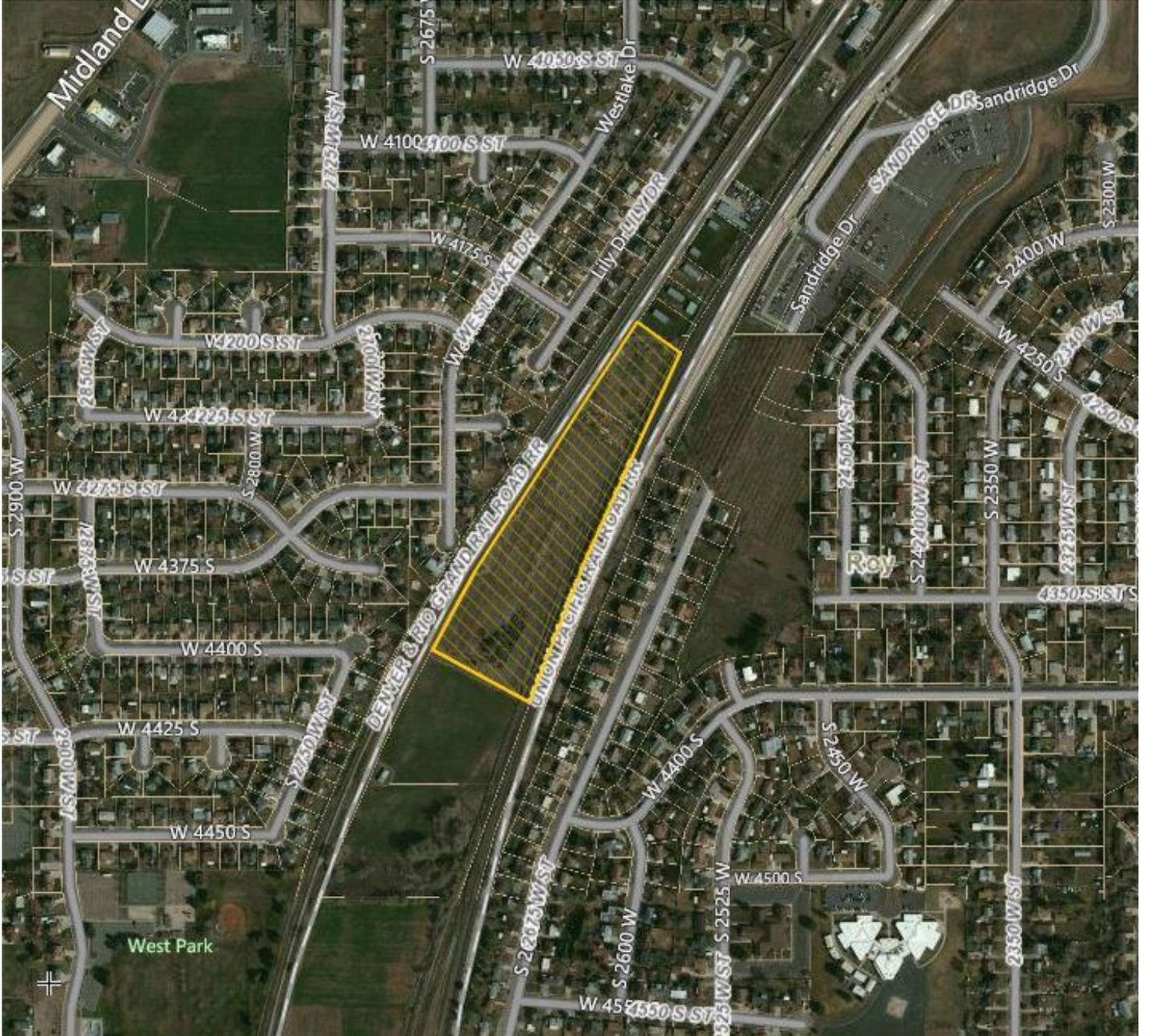
Staff recommends that the City Council approves the request with the conditions as discussed and as outlined within the staff report to:

1. General Plan (Future Land Use Map) from Light Manufacturing to Very High Density, Multi-Family
2. Zoning Map from RE-20 (Residential Estates) to R-3 (Multi-Family Residential) and RIO (Residential Infill Overlay)

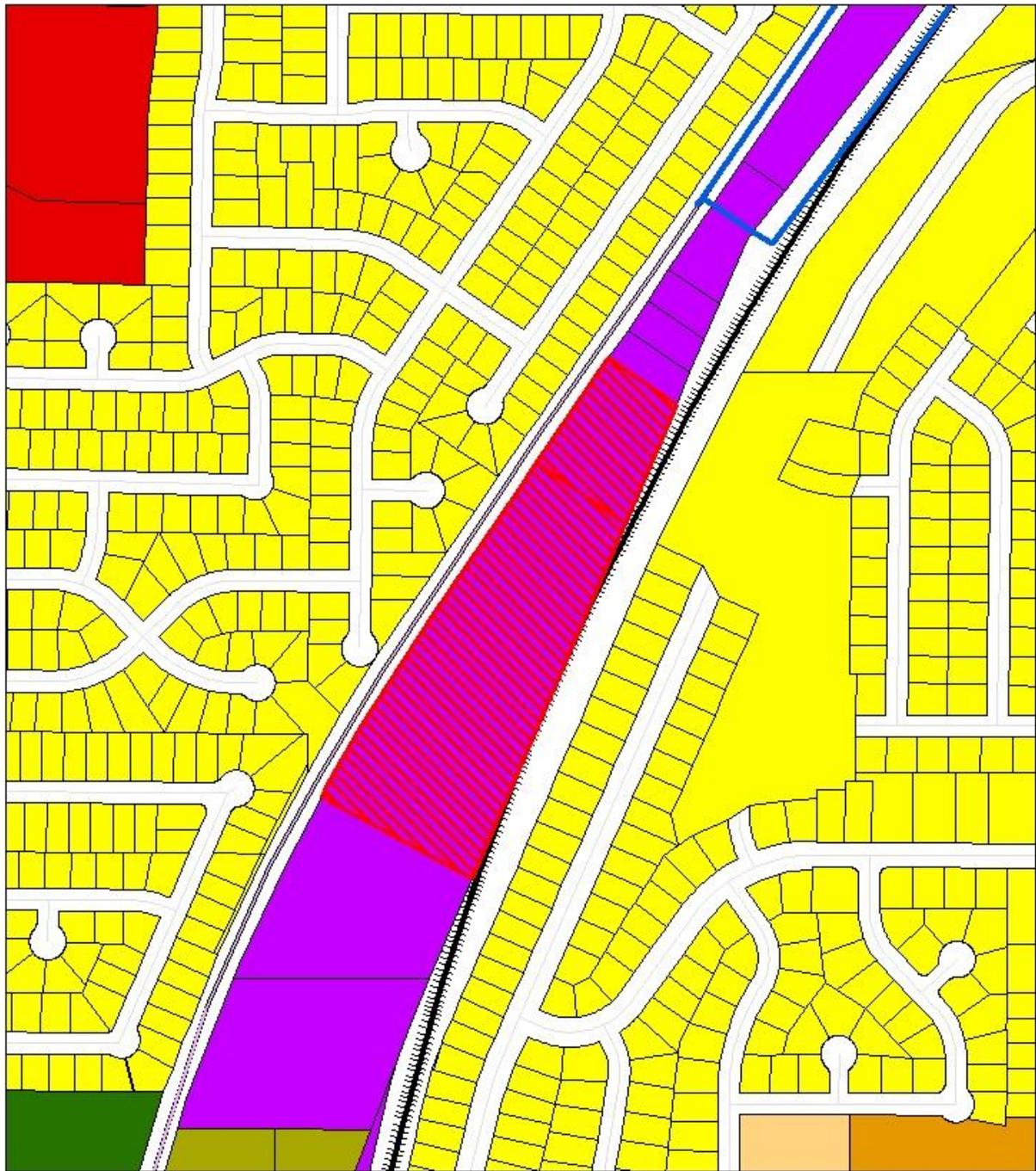
## **EXHIBITS**

- A. Aerial Map
- B. Future Land Use Map
- C. Zoning Map
- D. Letter from Byron & Beth Burnett
- E. August 25, 2015 – Planning Commission minutes
- F. Map of potential secondary access
- G. UTA future concept plans of area
- H. Ord. No. 15-5
- I. Ord. No. 15-6

EXHIBIT "A" - AERIAL MAP



**EXHIBIT "B" – FUTURE LAND USE MAP**

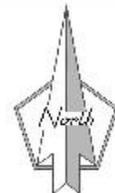


**Legend**

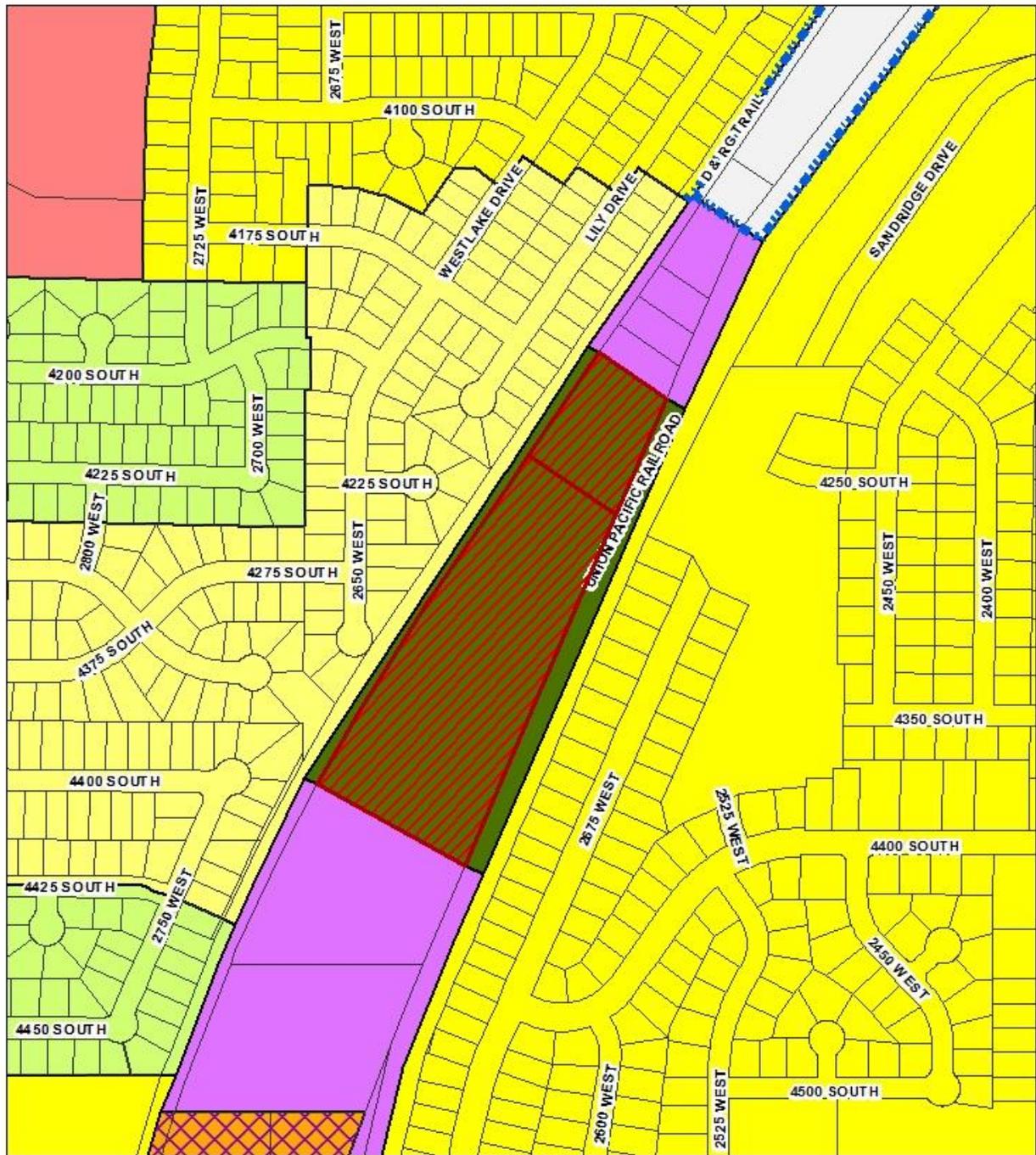
- |   |   |
|---|---|
|  Low Density Residential       |  Schools       |
|  Medium Density Residential    |  Government    |
|  High Density Residential      |  Industrial    |
|  Very High Density Residential |  Business Park |
|  Parks                         |  Commercial    |
|  Churches                      |  Utility       |



**Future Land Use**



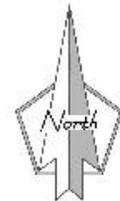
**EXHIBIT "C" – ZONING MAP**



**Legend**

	CC		R-1-6		R-2		City Boundary
	RC		R-1-7		R-3		Parcels
	BP		R-1-8		R-4		
	M		R-1-10		RIO		
	LM		R-1-15		RMH-1		
	R		RE-20				

  
**Zoning Map**



## EXHIBIT "D" – LETTER FROM BYRON & BETH BURNETT

Date: August 24, 2015

Subject: Proposed Very High Density, Multi-Family Residential

2449 W 4000 S

To: Roy City Planning Commission

We are writing this letter in opposition of the proposed zone change that would allow **Very High Density, Multi-Family Residential** housing just west of the RR tracks west of my home. Our back yard is against RR land and the tracks. We have marked our home on the attached map sent with your letter. We assume this type of housing *could be several stories tall*, based on the proposal being R-3 rather than R-1 or R-2 zoning? The only current R-3 zoning on the attached Roy City Zoning map has mostly multiple level housing, multiple family housing.

Just a little background information.

I have retired from the USPS where I finished my career as the Postmaster of Ogden, My wife is currently the head secretary of Valley View Elementary.

We have lived in this house since it was built in 1973 and raised our five children. In about 1995 we considered building a new home that was accessible for our son Chad, who has Cerebral Palsy but instead decided to build a 540 square foot (both up and down) addition to our home and to remodel the existing home. By staying in Roy we were also able to add a nice 36X18 in ground pool in our backyard with plenty of privacy. The investment, in terms of money, far out weighed any increase in property value increase. However the investment in time with our family, the acceptance of Chad in the community and church, and in improving the neighborhood has been worth it.

We are in opposition to the changes being proposed because an R-3 zoning is in contradiction to the RIO designation and could allow multi-level buildings behind my home.

- We enjoy our **privacy** in the back **not having back yard neighbors**. My kids and 11 grandchildren swim often in the summer months without being spied upon. I never wanted a back yard neighbor looking over and through our fence and this change *will add many back yard neighbors* looking down from the third story at our pool area.
- We also have a nice deck that has privacy. Several of our neighbors have built beautiful

attached pictures of several sunsets from our deck) These views are very important to both me and my wife as they add greatly to our day. This proposal will block out the views we so much enjoy. (We have attached pictures of similar residential buildings on Midland Drive that show what my view could look like) Even built on the west side of the property, **they will block the view of the sun going down**.

- In consulting *with a reactor*, nice views also adds **marketing value** and curb appeal *when selling a home*. Though a dollar amount can't be placed on a nice view, it does help in selling a home and can impact value.

We propose the change be limited to R-1 single family residential that would protect our privacy and protect our view of the lake, mountains and sunsets. Homes are built next to the tracks through Roy, Sunset and Clinton. Some are new areas such as the homes just off of 4800 S on 2675 W. A nice subdivision of affordable homes near Roy West Park would be a nice addition to the City.

In reviewing Section 8 of the Roy City Planning Guide the following should apply in this situation and should require the change be to R-1 zoning, in the middle of current R-1 zoning.

### SPECIAL PURPOSE DISTRICT- RESIDENTIAL INFILL OVERLAY (RIO) DISTRICT Section

The Residential Infill Overlay (RIO) District is provided by the City to allow and encourage appropriate residential infill developments on remaining vacant areas in existing, mostly developed or established neighborhoods. Compliance with all provisions of this Chapter and all other applicable requirements of Roy City Ordinances shall be required.

- 4) Does not create any incompatibilities with existing adjacent uses or creates any negative impacts to the surrounding neighborhood area.
- 5) Not adversely affect any adjacent uses by the establishment of e Residential Infill Overlay (RIO) District. As approved by the Roy City Council 06.07.05 8-1 CHAPTER 8
- 6) The property which is the subject of the Zoning Districts Map Amendment Application is bordered on at least two-thirds (2/3rds) of its boundary by existing development.

Overlay District shall be the same as allowed in the underlying Zoning District, in compliance with ail ordinances, licenses, and permits as may be applicable

- 2) Density. The establishment of a Residential Overlay District (RIO) shall not amend or alter the density allowed by the underlying Residential Zoning District. The number of dwelling units that may be allowed *by a RIO shall be the same as the number permitted by the cot area requirements of the zone in which the proposed RIO subdivision is located.*
- 2) Building Height Regulations. Building height regulations for a residential development located in a RIO District shall be the same as for the underlying Zoning District. As approved by the Roy City Council 06.07.05 8-2

Based on the RESIDENTIAL INFU OVERLAY (RIO) DISTRICT designation in the letter, I assume I don't have anything to worry about, but **want this letter to be on record if any multi-level housing is proposed.**

Thanks for you consideration

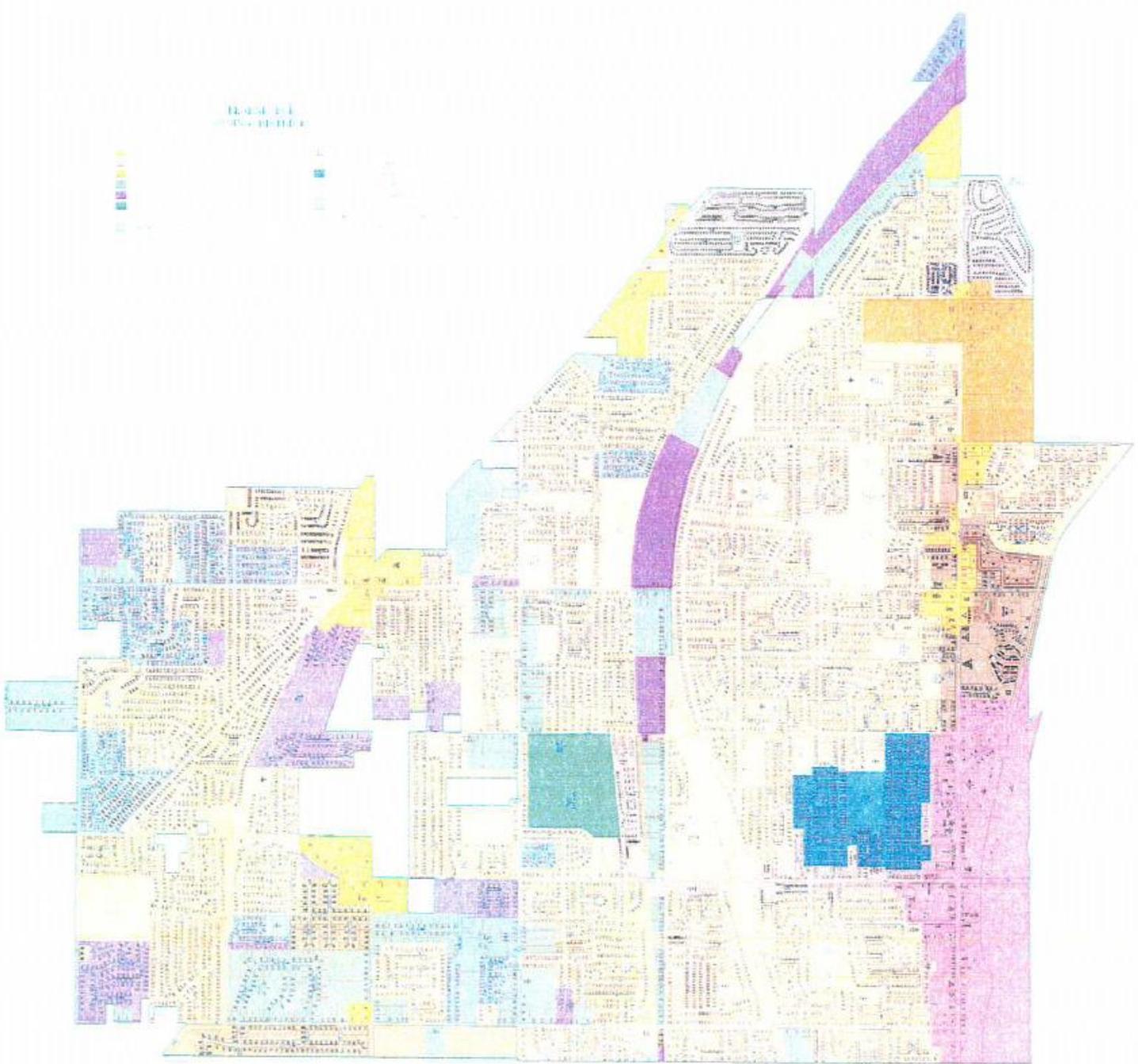
Byron and Beth Burnett

4275 S 2675 W

801-731-2421



Map of  
Zoning Districts





Legend

-  City Boundary
-  Parcels
-  Selected Parcels

X My home 4375 S 2675 W

Roy city



Backyard view of my house at 4375 S 2675 W from the RR tracks. Shows the pool and 540 sq/ft (on each level) addition.

View from the apartment's third level will tower over the back of my yard, taking away privacy and the view of the lake, mountains and sunsets.





**My pool and the need for privacy, one of my grandkids.**





**Current views from my deck**





**Picture taken from the east side of a RR track near Midland and I 900 S  
My future view!! Below shows sunset would be blocked even with buildings far away.**





Picture shows how close these apartments on Midland are built to the property line and to the RR tracks behind the fence. The red building is on the east side of the tracks

Based on this, the new apartments could be much closer to my backyard, taking away any privacy and any view I have now.

## EXHIBIT "E" – AUGUST 25, 2015 PLANNING COMMISSION MINUTES

3. PUBLIC HEARING TO CONSIDER A REQUEST TO AMEND THE GENERAL PLAN'S FUTURE LAND USE MAP FROM LIGHT MANUFACTURING TO VERY HIGH DENSITY, MULTI-FAMILY AND THE ZONING MAP FROM RE-20 TO R-3 WITH A RESIDENTIAL INFILL OVERLAY FOR PROPERTY LOCATED AT APPROXIMATELY 2449 WEST 4300 SOUTH

Steve Parkinson stated that the City had received a two-part request regarding property located at approximately 2449 West 4300 South. The address was approximate because there wasn't road access to the property. The first part of the request was an amendment to the General Plan's Future Land Use Map. The applicant was asking that the land use designation be changed from Light Manufacturing to Very High Density, Multi-Family. The second part was a request to change the zoning from RE-20 (Residential Estates) to R-3 (Multi-Family Residential) with a Residential Infill Overlay (RIO). The property in question was located between the D&RG Trail and the Union Pacific right-of-way. It was about ten acres in size, was currently vacant, and the Front Runner station was just on the other side of the Union Pacific right-of-way.

Mr. Parkinson stated that Section 505 of the Zoning Ordinance contained specific criteria the Planning Commission was to use when considering amendments to the General Plan's Future Land Use Map:

1. The effect of the proposed amendment on the character of the surrounding area.
2. The effect of the proposed amendment on the public health, welfare, and safety of City residents.
3. The effect of the proposed amendment on the interests of the City and its residents.
4. The location of the proposed amendment is determined to be suitable for the uses and activities allowed by the proposed amendment, and the City, and all other service providers, as applicable, are capable of providing all services required by the proposed uses and activities in a cost effective and efficient way.
5. Compatibility of the proposed uses with nearby and adjoining properties.
6. The suitability of the properties for the uses requested.
7. The effect of the proposed amendment on the existing goals, objectives, and policies of the General Plan, and listing any revisions to the City's Land Use Ordinances, the Subdivision Ordinance, and any other Ordinances required to implement the amendment.
8. The community benefit of the proposed amendment.

Mr. Parkinson described the character of the surrounding area. Beyond the D&RG Trail and the Union Pacific right-of-way, there were single-family residential homes and an orchard. To the north there was warehousing, storage, and a business on 4000 South. The land immediately to the south was vacant. Further south was the Hooper Water Tank and the West Park Subdivision.

Mr. Parkinson stated that having a variety of housing types helped citizens stay in the community. Not everyone wanted or could have a detached home with a yard to maintain. Some wanted to downsize, not just in home size, but in the number of vehicles. Living close to an alternative transportation option allowed them to fulfill their desires. The requested General Plan amendment conformed to goals in the General Plan:

1. Residential Development Goal 1; Policy D: The City's policies should encourage the development of a diverse range of housing types, styles, and price levels in all areas of the City.
2. Residential Development Goal 3; Policy G: The housing needs for low and moderate income families and senior citizens in Roy City shall be determined by the City on a regular basis, or as the need arises.

The requested Very High Density, Multi-Family designation would complement the Front Runner Station that was not very far away. The rail lines would act as a good buffer between the single-family residential and multi-family uses; very similar to the way arterial roads did. The City would be able to provide all of the services required for any type of development.

Mr. Parkinson said that the applicant did not know what type of development would be going in. He was simply requesting that the property be rezoned. The Zoning Ordinance did not require a development plan to accompany a rezone application. The property in question was currently zoned RE-20, which did not match the Future Land Use Map. The rezone would satisfy the previously mentioned goals of the General Plan. There was a variety of zones, lot depths, and densities within 500 feet of the property; R-1-6, R-1-7, R-1-8, and Manufacturing. Rezoning the property to R-3 would be more compatible with the single-family zones than Light Manufacturing.

The Planning Commission and the City Council needed to consider whether changing or not changing the zoning would provide the best options for development of the property and the area. How could the property best be developed: As single-family dwellings; as multi-family residential, or as manufacturing? What type of zoning and development should be allowed around the Front Runner Station? Manufacturing could be noisy. The staff didn't feel RE-20 was the best use either. This area was very isolated. A multi-family use here would be contained. The R-3 Zone allowed for single-family residential lots of 6,000 square feet, which was how the West Park Subdivision was developing.

Mr. Parkinson stated that Section 509 of the Zoning Ordinance contained criteria for the Planning Commission and Council to use when considering an amendment to the Zoning Map:

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

Mr. Parkinson felt a manufacturing use would have a greater impact on the surrounding areas than multi-family would. The maximum building height would be 35 feet, no matter what the zoning was. When looking at the overall area, what was the best use for the property, and what would provide the best development opportunities? This area had been vacant and used for farm land. When development occurred, it looked for opportunities.

Mr. Parkinson said this area was close to the Front Runner Station. He felt it would be good to look at compatible uses that would help the Front Runner succeed. There were five stations between Salt Lake and Ogden. The stations in Layton and Farmington had become community hubs, with a mix of high density multi-family and commercial around them. Clearfield just approved a similar mixed use development. There wasn't vacant land around the Woods Cross Station, but Roy still had a lot of open land around its station. The stops were developing as the market demanded. He felt the demand would shift to Roy when Clearfield was built out. The applicant wanted to start developing a plan.

Chairman Kirch asked about the occupancy rates of the areas around the other stations. Mr. Parkinson did not know.

Commissioner Nandell asked if West Park was the subdivision being constructed on 4800 South and what it was zoned. Mr. Parkinson said West Park was located on 4800 South and was currently under construction. It was zoned R-3 with a RIO. A RIO did not change the underlying zone. It added some flexibility with lot widths and street lengths.

Commissioner Nandell asked how many properties were located between West Park and the property under consideration. Mr. Parkinson said there were two parcels. One was owned by Hooper Water District. The applicant had been in contact with the other property owner.

Commissioner Dandoy asked about access for the property in question. Mr. Parkinson the property was accessible from 4000 South through a 30-foot private right-of-way. The current property owner had rights to use the private access road. There wasn't right-of-way access through the properties to the south. The developer would be responsible to solve the access issue. Without a development plan, the staff did not know how the access issue would be solved.

Chairman Kirch asked about the distance between the property in question and 4000 South. Mr. Parkinson said the distance was about three city blocks.

Steve Parkinson stated that the staff recommended that the Planning Commission recommend approval of the request to amend the General Plan's Future Land Use Map by changing the land use designation for property located at 2449 West 4300 South from Light Manufacturing to Very High Density, Multi-Family; and to rezone the property from RE-20 to R-3 with a RIO.

Commissioner Dandoy asked if the City would have some responsibility or obligation to help with the access issue if it rezoned the property. Mr. Parkinson said it would not. The developer would be responsible to get access to the property. Commissioner Dandoy felt a lot would have to happen before there could be any roads. Any development would have to have access for emergency services. Mr. Parkinson said the Development Review Committee reviewed each development plan to make sure there was adequate access for utilities, fire, and police and that there weren't building code issues.

Commissioner Dandoy felt the Planning Commission needed to think about what was next. What was next might be more difficult than a change in land use designation.

**Commissioner Dandoy moved to open the public hearing at 6:25 p.m. Commissioner Nandell seconded the motion. Commission members Dandoy, Kirch, Nandell, Ohlin, and Payne voted "aye." The motion carried.**

Chairman Kirch opened the floor for public comments.

Byron Burnett, 4375 South 2675 West, felt that Mr. Parkinson made it sound like the property in question was boxed in. It was not. He referred to Council minutes from December when the Council approved a RIO for the whole area.

Chairman Kirch explained that a Residential Infill Overlay did not change the regulations of the underlying zone. The only RIO approved in the area was for the West Park Subdivision.

Byron Burnett felt rezoning this property would affect the surrounding neighborhoods. He was concerned a multi-family development would take away his view and his privacy. He didn't want a multi-level multi-family going up behind him to stare down at him. He felt the proposed rezone and RIO disagreed with the City's own code. The criteria for a RIO said that it could not be approved if it created incompatibilities with surrounding neighborhoods or adversely affected adjoining properties. If the City was going to be consistent, the land in question would be single-family because that is what the surrounding area was. Multi-family was not consistent. He had lived in Roy for 42 years. He chose to stay here and over-built for his neighborhood. He had been happy, but he didn't want to lose his privacy or his view. Mr. Parkinson made it sound like the railroad right-of-way created a big gap, but it really didn't. Even though West Park was zoned R-3, it was being developed as a single-family subdivision.

Bert Visser, 4833 South 2500 West, stated that he had been fighting all of the building between the tracks. It had always been commercial because it was between the tracks. UTA still owned the trail. Someday it would become tracks again. He tried to stop the development of West Park. It did not have good access, and someone was going to get killed. He felt the access to West Park had been falsified so the zoning could be approved. Mr. Visser stated that for the property in question to develop it needed a road. The developer had talked to the adjoining property owner and was quickly thrown out. The adjacent property was not for sale. The owners of the private right-of-way weren't selling. He felt the stupidest thing in the world would be to rezone this property. If the property was rezoned, there would be 500 additional people accessing 4000 South. In 10 to 15 years it would be low income housing with more crime. Mr. Visser didn't feel the additional property taxes would cover the cost of additional residents. He felt someone in the City was making money because developers kept pushing this area. The City would be liable if people in West Park could not get out in an emergency. People buying homes there didn't know they could be trapped. He still felt the traffic from West Park was going to cause problems.

Ed Weakland, 2449 West 4000 South, stated that his property was located between 4000 South and the site under consideration. It looked like the developer was setting up a scenario to allow Roy City to exercise eminent domain to get access. If the City approved this rezone, the developer could then come to the City and ask for land to be condemned. He worked for 55 years to be able to purchase his property. He did not want a developer to tell him to get out. He said there were actually two businesses between this site and 4000 South.

Shelly Abbott, 4373 South Westlake Drive, stated that she lived just west of the D&RG Trail. She purchased her home because of the trail and the absence of neighbors behind her. Since the walking trail was put in, she had experienced property damage. A hole had been torn in her fence so people could access the trail. The trail wasn't even level with the ground, but people still cut through her property on bikes to get to and from the trail. Her car had been broken into. No one at the City cared about her property damage. It didn't do any good to call the police because the perpetrators just disappeared down the trail. If this property was zoned for multi-family housing, it would drive her property value down, and crime would go up. If more people came in, the City would not be able to control the crime. Multi-family housing would be detrimental to people in the immediate area.

Todd Potter, 5863 South 2950 West, stated that he owned Kwik City Muffler on 4000 South. There was a 30-foot right-of-way that ran south from 4000 South so property owners could have ingress and egress to their properties. If the zoning changed, the 30-foot right-of-way would not be adequate for multiple cars and emergency equipment. Years ago, the City turned down a business south of him because he needed a 60-foot access with curb and gutter. Now someone wanted to put in multi-family housing without any access. It was not a smart thing. Mr. Potter said he was not going anywhere. He planned to work for a few more years then turn the business over to his sons. Neither he nor his sons planned to sell. He had a 70-year contract. It would take a lot of money to buy him out. He felt the City should build more commercial, not houses. Roy City already had no businesses because it was not business friendly. The City needed to stop getting rid of commercial property and allow commercial to build. There would be more tax money from commercial than residential. Mr. Potter was also concerned about the traffic situation on 4000 South. Five to six of his customers had been rear-ended while they were waiting to turn into his business because drivers could not see until they came over the hill. He asked the City to make the applicant prove they had access before they received any approval. If they couldn't get access, why change the zone?

Chris Weakland stated that he owned property just south of Kwik City Muffler. Even if the applicant was able to get a road to 4000 South, how would the traffic get on and off of 4000 South? He didn't feel it was feasible to put a road that close to the tracks. He felt the City was giving the applicant the cookie before they had earned it. They were putting the cart before the horse. A 60-foot right-of-way would run down the center of his building. At what point would the City become involved in helping the applicant acquire access? If the zone was changed, he and the other property owners would be

forced out. Was there even enough room in the schools for more children? Did the City have plans for new schools?

Greg Sagen, 4027 West 4900 South, stated that the West Park Subdivision had caused 4800 South to be a fiasco. Now someone was talking about adding to it. He didn't feel this was an area that should have a lot of housing. He felt a park or cemetery would be better uses for the area. A park or cemetery would be quiet and not bring in a lot of people. Right now the future land use designation was light manufacturing. Businesses would be good, especially stores and restaurants; but not doctors. He felt the City really needed to think about this area, and the people who lived in the area. He didn't feel high rises were the answer. There was already enough high density housing in the City.

Byron Burnett stated that the RIO regulations in Section 8 in the Zoning Ordinance required the development to be consistent with the surrounding neighborhood. The only use around this property was single-family residential. The children that attended Valley View Elementary School were bused from below the tracks, but they had to walk home. They took the shortest route and cut through his neighborhood and across the tracks. If multi-family developed on this property, there could be a safety concern about children. He felt all of the arguments said multi-family did not fit.

Bret Arave, 4175 Lily Drive, asked many people per acre there would be. Would this be government subsidized housing? He felt only low income people would live between the tracks. If the number of people in the area quadrupled, there would be police and fire calls. Why couldn't they find another place for multi-family? Did they have to stuff people everywhere? He felt the City Council was just a rubber stamp. He felt the City should do a comparable between Ferguson, Missouri and Roy City.

Chairman Kirch stated that the City had not initiated the rezone. It was simply responding to an application which had been filed.

Steve Parkinson stated that the R-3 Zone allowed a density of 12 units per acre.

Tammy Smith, 4280 South Westlake Drive, stated that she had noticed an increase in crime in her neighborhood since the walking trail opened. Eggs had been thrown at her house. Her neighborhood established a Neighborhood Watch. She felt multi-family would decrease the value of her home. She built her home here because of the right-of-way behind her. Traffic on 4000 South was a problem. She had almost been hit when she stopped to turn into her neighborhood. Traffic was also a problem on 4800 South. She felt the City should look at the crime and traffic before considering multi-family. She would like to see a cemetery or a single-family subdivision rather than multi-family. Multi-family would bring noise and people who didn't care for their homes or their yards.

Cindy Whinham, 4152 South Lily Drive, stated that the walking trail was in her backyard. It really did allow vandals to disappear. The right-of-way next to Kwick City Muffler was only wide enough for one car. She had driven it a night during her Neighborhood Watch patrol. There was also a hole in the fence behind the park. If more people were added to this area access would be affected and crime would increase. Her Neighborhood Watch was doing the best it could.

Misti Potter, 4433 South 2900 West, stated that she owned property on 4000 South. She heard about the hearing only one hour earlier. She didn't feel it was fair that the City only notified property owners within 300 feet. Her property would be affected by the rezone.

Chairman Kirch invited the proponent to speak.

Ryan Anderson, Anderson Development, stated that they understood that a rezone did not give them a permit to build, and that they were not anywhere close to development. They wanted to understand the City's goals. When they did understand, they would develop a plan and market it. The Front Runner Station had changed the City's future. They understood that access was a concern. The

City's ordinances made the use of eminent domain unlikely. He hoped the City would be proactive and not reactive. The owner of the property in question had rights. The property would be developed one way or another, and not everyone would be happy about it. Mr. Anderson felt development would help solve the vandalism problems because it would light the area up. They would work with the City's staff to put in design guidelines. He wanted to learn about the City's vision.

Chairman Kirch asked if they would develop the property. Mr. Anderson stated that Anderson Development was a master builder. They would study the City's regulations and policies. Their job was to solve the development problems and market the property.

Chairman Kirch asked if the property could be developed as manufacturing. Mr. Anderson didn't feel manufacturing was a viable use because of the limited access.

Chairman Kirch asked about timing. Ryan Anderson stated that they would have to solve the access first. Their goal was to come from the south.

**Commissioner Ohlin moved to close the public hearing at 7:14 p.m. Commissioner Dandoy seconded the motion. Commission members Dandoy, Kirch, Nandell, Ohlin, and Payne voted "aye." The motion carried.**

Commissioner Dandoy stated that even though the property was currently zoned RE-20, the City's long range plan for it was manufacturing, which wasn't necessarily compatible with residential or high density residential. He felt there were compelling arguments on both sides. He was looking for a reason for the land use designation to be different. The owner of the property had rights, but there really was a bigger picture. High density residential did create challenges in itself. He did not feel the Future Land Use Map had to be changed to make the property work.

Steve Parkinson pointed out that the current RE-20 zoning did not conform with the Future Land Use Map. Commissioner Dandoy felt the Future Land Use Map was created after the area was zoned.

Chairman Kirch asked how this property was different from the West Park Subdivision on 4800 South. Commissioner Dandoy stated that he supported West Park's current development plan only because it reduced the density from 144 to 72. The City had required a traffic study to point out that there was a problem. The subdivision was approved with traffic restrictions of right in and right out. The developer was required to participate in the construction of a roundabout. He did not feel the left hand turn restriction would hold. He felt people would drive over the median rather than use the roundabout.

Chairman Kirch stated that the property on 4800 South had direct access. The property in question did not. She asked about the private right-of-way. It was currently only 26 feet wide. If the property in question developed, the access would have to be widened to 60 feet. Was there room for a 60-foot right-of-way? Mr. Parkinson did not know.

Chairman Kirch felt there were many negatives that precluded this site from being R-3.

Steve Parkinson stated that any use proposed on this property would have the same problem. There would be access issues regardless of the use. Someone would have to deal with it. A developer would have to purchase access, or the proposal would die. The access issue would not change if the zone changed. The applicant understood the access issue.

Commissioner Dandoy stated that the Planning Commission had to look at a piece of property and consider the 'what ifs.' If there were 12 units per acre and four people in each unit, the applicant was talking about a significant number of people on ten acres. The RE-20 would allow 20 homes on 10 acres. The property owner had the right to do that if he could get access. He felt the Planning Commission needed to think this through before making a recommendation. Without a plan, the

Planning Commission had to consider the worst case scenario. He was reluctant to change the land use without seeing the end goal. He did not feel that multi-family fit. A three-story building did not fit with him.

Commissioner Nandell did not feel multi-family fit with the neighborhood.

Steve Parkinson stated that the maximum building height was 35 feet. It didn't matter if the structure was commercial, single-family, or multi-family. He didn't feel height was an issue.

Commissioner Dandoy was concerned about the number of people that could be making left hand turns and impacting the traffic. Steve Parkinson stated that until there was a plan and a traffic study, the City did not know what traffic restrictions there might be. Commissioner Dandoy felt traffic would be restricted to right in and right out. He felt it would be appropriate to ask for a traffic study. An R-3 Zone would give the developer a lot of latitude. A traffic study could point out unique circumstances regarding this property.

Chairman Kirch felt a traffic study at this point would be inconclusive because the City did not know what the proposed use would be.

Commissioner Nandell stated that a new roundabout had been constructed on 4000 South to the east of this area. If there was a right in and right out restriction, there was already a roundabout in place.

Commissioner Dandoy felt the proximity of an intersection on 4000 South with the railroad right-of-way would create a problem. If this property accessed 4800 South, it would change the dynamics there.

Chairman Kirch asked if the applicant could bring this property back. Mr. Parkinson said he could. He just could not advertise that the property was zoned R-3.

Chairman Kirch understood that people cut across the tracks and through the neighborhoods adjacent to the trail. People cut through her yard to access 1900 West. She felt this was a difficult matter, and that the Planning Commission was weighing it out. There wasn't a clear cut path. The property was owned by people who wanted to sell it, and they wanted the best value. She asked the Planning Commission to rely on the criteria in the Zoning Ordinance. This property was located between the railroad right-of-way and the D&RG Trail. She didn't feel commercial was a viable use because it was not readily accessible. It was close to the Front Runner Station, and there were people who wanted to live near mass transit.

Commissioner Nandell felt safety and access were the biggest issues. He felt the RE-20 Zone was the best use.

**Commissioner Dandoy moved to recommend that the City Council deny the request to amend the land use designation of property located at approximately 2449 West 4300 South from Light Manufacturing to Very High Density. Commissioner Ohlin seconded the motion. A roll call vote was taken: Commission members Nandell, Payne, Ohlin, Kirch, and Dandoy voted "aye." The motion carried.**

**Commissioner Ohlin moved to recommend that the City Council deny the request to amend the zone of property located at approximately 2449 West 4300 South from RE-20 to R-3. Commissioner Nandell seconded the motion. A roll call vote was taken: Commission members Payne, Kirch, Ohlin, Dandoy, and Nandell voted "aye." The motion carried.**

**EXHIBIT "F" – SECONDARY ACCESS POINT**



**EXHIBIT "G" – UTA FUTURE CONCEPT PLANS OF AREA**



**ORDINANCE No. 15-5**

**AN ORDINANCE ESTABLISHING A FUTURE LAND USE DESIGNATION OF VERY HIGH DENSITY, MULTI-FAMILY RESIDENTIAL ON PROPERTIES LOCATED AT APPROXIMATELY 2449 WEST 4300 SOUTH**

WHEREAS, Roy City has received a petition to amend the Future Land Use Map by changing the designation on properties comprising approximately 10 acres of land located at approximately 2449 West 4300 South from a designation of Light Manufacturing to a designation of Very High Density, Multi-Family Residential; and

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

WHEREAS, the City Council finds that the proposed amendment will advance the existing goals, objectives and policies of the General Plan and is assured that the change will not be detrimental to the appropriate residential use of the property; and

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

NOW, THEREFORE, be it hereby ordained by the City Council of Roy City, Utah, that the Future Land Use Designation of the properties at 2449 West 4300 South be established as Very High Density, Multi-Family Residential and that the *Roy City Future Land Use Map* be amended to depict the same.

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

- Councilman Becraft \_\_\_\_\_
- Councilman Dandoy \_\_\_\_\_
- Councilman Hilton \_\_\_\_\_
- Councilman Tafoya \_\_\_\_\_
- Councilman Yeoman \_\_\_\_\_

This Ordinance shall become effective immediately upon passage, lawful posting, and recording. This Ordinance has been passed by the Roy City Council this \_\_\_\_ Day of \_\_\_\_\_, 2016.

\_\_\_\_\_  
Willard S. Cragun  
Mayor

Attested and Recorded:

\_\_\_\_\_  
Amy Mortenson  
City Recorder

**ORDINANCE No. 15-6**

**AN ORDINANCE ESTABLISHING A ZONING DESIGNATION OF R-3 & RIO ON PROPERTIES LOCATED AT APPROXIMATELY 2449 WEST 4300 SOUTH**

WHEREAS, Roy City has received a petition to change the zoning on a property comprising of approximately 10 acres of land located at approximately 2449 West 4300 South from a designation of RE-20 to a designation of R-3 and RIO; and

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

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

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

NOW, THEREFORE, be it hereby ordained by the City Council of Roy City, Utah, that the zoning designation of the properties at 2449 West 4300 South be established as an R-3 and RIO designation and that the *Roy City Zoning Map* be amended to depict the same.

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

- Councilman Becraft \_\_\_\_\_
- Councilman Dandoy \_\_\_\_\_
- Councilman Hilton \_\_\_\_\_
- Councilman Tafoya \_\_\_\_\_
- Councilman Yeoman \_\_\_\_\_

This Ordinance shall become effective immediately upon passage, lawful posting, and recording. This Ordinance has been passed by the Roy City Council this \_\_\_\_ Day of \_\_\_\_\_, 2016.

\_\_\_\_\_  
Willard S. Cragun  
Mayor

Attested and Recorded:

\_\_\_\_\_  
Amy Mortenson  
City Recorder

**Resolution No. 16-27**

**A Resolution of the Roy City Council  
Approving an Agreement between Roy City Corporation and Advanced Paving and  
Construction, LLC for the 4800 South Roundabout Project**

**Whereas**, a Request for Proposals for the 4800 South Roundabout Project was advertised; and

**Whereas**, Advanced Paving and Constriction, LLC was the lowest responsive, responsible bidder; and

**Whereas**, the Roy City Council desires to enter into an Agreement with Advanced Paving and Construction, LLC, and

**Whereas**, the Agreement sets forth the respective rights and responsibilities of the Parties regarding the 4800 South Roundabout Project.

**Now, therefore, be it resolved** by the Roy City Council that the Mayor is authorized to execute the Agreement with Advanced Paving and Construction, LLC.

Passed this 21<sup>st</sup> day of June, 2016.

\_\_\_\_\_  
Willard Cragun  
Mayor

Attest:

\_\_\_\_\_  
Amy Mortenson  
City Recorder

Voting:

	Aye	Nay	Absent	Excused
Councilmember Marge Becraft	_____	_____	_____	_____
Councilmember Robert Dandoy	_____	_____	_____	_____
Councilmember Brad Hilton	_____	_____	_____	_____
Councilmember Dave Tafoya	_____	_____	_____	_____
Councilmember Karlene Yeoman	_____	_____	_____	_____

**Resolution No. 16-26**

**A Resolution of the Roy City Council 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 Employee Appeals Board**

**Whereas**, Roy City has adopted a Personnel Policy and Procedures Manual to guide employee issues; and

**Whereas**, Utah Law now provides that Employee Appeals are no longer required to be heard by and Employee Appeals Board and may be heard by an appointed Hearing Officer; and

**Whereas**, Roy City, after reviewing its Employee Appeals Procedures has determined that the appointment of a Hearing Officer will provide a more efficient and fair process to hear and decide employee appeals for both the employee and the city; and

**Whereas**, the Roy City Council has determined that amending the appeals process is in the best interest of the city.

**Now Therefore**, be it Resolved by the Roy City Council that Section 1802, Appeal Procedure of the Roy City Policy and Procedure Manual is hereby amended to read as follows:

**1802 \* APPEALS / GRIEVANCE PROCEDURES**

**Appeals/Grievance Not Involving Termination, Transfer to a Position of Less Remuneration, or Suspension for More Than Two Days**

If a City employee desires to appeal a performance evaluation, disciplinary action, or register a grievance:

1. A written notification of appeal must be filed with the Department Director within five working days of the interview for the performance evaluation, disciplinary action or grievance, except as described in Paragraph 7.

In cases involving the appeal of a performance evaluation, this notification should state the specific reason(s) why the appraisal is being appealed.

2. The Department Director will meet with the supervisor and with the employee separately to discuss the appeal and obtain relevant information.

3. The Department Director will then determine if the appeal has merit.

4. If the Department Director determines that the appeal does have merit, a meeting will be held with the employee, the supervisor, the Department Director, City Manager and City Attorney to discuss an appropriate resolution to the situation.

5. If the Department Director determines that the appeal does not have merit, the employee will be informed, in writing, of the Department Director's decision. Written notification of denial of an appeal will be made within fifteen working days from the time the original written appeal was filed.

6. If the employee wishes to pursue the appeal further, the employee may file a written notice of appeal with the City Manager within five working days from the time notice is received that the original appeal was officially denied. The City Manager will then review the facts of the situation, interview the involved parties, and make a written determination regarding the appeal within fifteen working days.

7. If an employee's supervisor is a Department Director, the written appeal may be filed directly with the City Manager within five working days of the interview for the performance evaluation, disciplinary action or grievance. The Department Director will then be notified of the appeal and the City Manager will handle the appeal process in place of the Department Director, as outlined in Numbers 2 through 5 above. The City Manager's decision on an appeal will be final.

#### **Appeals of Termination or Transfer to a Position of Less Remuneration, or Suspension For More Than Two Days**

An employee who is discharged or transferred to a position with less remuneration, or suspended for more than two days, shall have the right to appeal in accordance with the following procedure. This right to appeal DOES NOT APPLY to the following:

1. An officer appointed by the Mayor of other person or body exercising executive power in the City;
2. Police Chief;
3. Deputy Police Chief (which may be referred to as Assistant Police Chief);
4. Fire Chief;
5. Deputy or Assistant Fire Chief;
6. A head of a City department, including but not limited to Public Works Director, Parks and Recreation and Recreational Facilities Director, Community and Economic Development Director, and Management Services Director;
7. A deputy of a head of a City department (which may be referred to as Assistant); Roy City Personnel Policy and Procedure Manual Section 18 Page 6
8. City Attorney;
9. City Manager;
10. A Superintendent;
11. A probationary employee;
12. A part-time employee;
13. A seasonable employee.

### Employee Appeal Hearing Officer

The City Manager shall appoint a Hearing Officer to investigate, hear and determine appeals under this portion of Section 1802

### Appeal Procedure

All appeals shall be processed according to the following procedure:

1. The appeal shall be taken by filing a written notice of appeal with the City Recorder within ten calendar days after discharge, transfer, or suspension without pay for more than two days.
2. The notice of appeal must contain the following;
  - a. The specific reason(s) for the appeal;
  - b. The pre-disciplinary notice the person received along with the decision or order the person is appealing;
  - c. The written decision or order which is being appealed;
  - d. The persons mailing address for further communication;
  - e. The person's signature.
3. Failure to timely submit a notice of appeal in full compliance with the notice of appeal requirements listed above shall result in the forfeiture of all the persons appeal rights
4. Upon filing of the appeal, the City Recorder shall forward a copy to the City Manager, Human Resource Office, the City Attorney, department head and the Employee Appeal Hearing Officer.
5. Upon receipt of the appeal from the City Recorder, the Employee Appeal Hearing Officer shall commence its investigation, take and receive evidence, and fully hear and determine the matter which relates to the cause for such discharge, transfer, or suspension without pay for more than two days.
6. The Human Resource Department shall schedule the hearing.
7. The officer or employee shall be entitled to appear in person before the Employee Appeal Hearing Officer and may be represented by counsel, if the officer or employee so chooses, to have a hearing, to confront any witness whose testimony is to be considered, to call witnesses, and to examine the evidence to be considered by the Employee Appeal Hearing Officer.

### Employee Appeal Hearing Officers Decisions

The decision of the Employee Appeal Hearing Officer shall be in writing and completed within a reasonable time. The decision shall be the final administrative decision of the City

Board Reverses Decision and Employee Salary

In the event that the Employee Appeals Hearing Officer does not uphold the discharge or transfer to a position of less remuneration, the employee shall be paid their salary, commencing with the next working day following the decision, provided that the employee, or officer concerned, reports for their assigned duties that next working day.

Approved and adopted this 21<sup>st</sup> day of June, 2016.

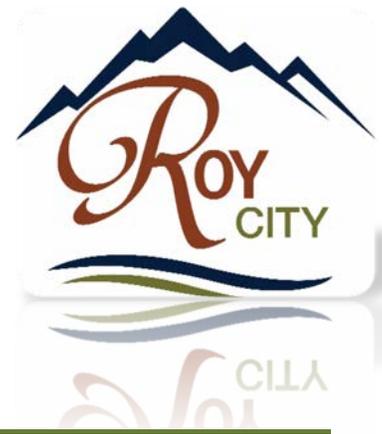
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Willard S. Cragun, Mayor

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Amy Mortenson, Recorder

Councilwoman Becraft \_\_\_\_\_  
Councilman Dandoy \_\_\_\_\_  
Councilman Hilton \_\_\_\_\_  
Councilman Tafoya \_\_\_\_\_  
Councilwoman Yeoman \_\_\_\_\_



**To:** Mayor Cragun and Members of the Roy City Council  
**From:** Cathy A. Spencer  
**Date:** June 21, 2016  
**Re:** FY 2017 Budget Clarification

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Clarification is needed on two of the items proposed in the FY 2017 Roy City budget including the implementation dates of the merit and the salary survey. Shall the merit be implemented on the employee hire/promotion date or on July 9<sup>th</sup>? And is the salary survey to be conducted in FY 2017 and implemented beginning in FY 2018?

As tentatively approved, the budget includes a 2.0% COLA effective on July 9, 2016, and a 2.5% merit for eligible employees set to take effect on the employee's hire/promotion date in FY 2017. The budget also includes performing a salary survey the latter part of 2016 and placing employees within the pay scales based upon years of service, which were lost over the recessionary years. This process will take a few years to fully implement.

Should the intent of the City Council be different than what is currently in the budget, we can make changes prior to the public hearing on August 16, 2016. At this time, we need to obtain a consensus on what the budget should contain. Below are some particulars to consider:

- ✓ The current budget is sufficient to cover a merit from July 9<sup>th</sup> or the partial implementation of a salary survey, but not both.
- ✓ Changing the merit implementation date and postponing the salary survey until FY 2018, would result in a reduction in the property tax increase for 2017, but will require an additional increase in FY 2018.
- ✓ Should the City Council decide on a 2.5% merit implemented on July 9<sup>th</sup>, and the salary survey implemented in FY 2018, the budget will be recalculated and a lesser tax increase requested.
- ✓ While employees with hire/promotion dates that fall later in the fiscal year will be happy, those with early hire/promotions may have concerns. For example, two employees hired in 2013, one in July and one the following June, will make the same wage for the entire year, rather than a month. For an employee making \$15.00 per hour, they will get an added benefit of \$66 for every month their merit is moved up.
- ✓ Permanent part-time employee merits are based upon the number of hours worked. Calculating merits for part-time employees would be nearly impossible without waiting until their hire date.
- ✓ Delaying the implementation of the salary survey will be helpful to the Personnel Division, with limited personnel, it allows for more time to gather and analyze the data for the FY 2018 budget process which begins in March.

When the discussion on individual aspects of wage increases has concluded, final direction needs to be provided to staff. On Wednesday, June 22<sup>nd</sup> we need to report the amount of property taxes needed to the State of Utah, which will then drive our Truth in Taxation process.

In addition, if the City Council wishes to have the ability to alter the implementation date for merit pay adjustments, a change to the Roy City Personnel Policy and Procedures Manual is needed.

A separate discussion is set on the June 21, 2016 City Council Agenda and Resolution No. 16-25 prepared for your consideration on that matter.

Should you have any questions prior to the City Council meeting, please feel free to give me or Andy Blackburn a call.

**RESOLUTION NO. 16-25**  
**A Resolution of the Roy City Council Amending the Roy City Personnel Policy**  
**And Procedure Manual for Merit Implementation Dates**

**Whereas**, it is Roy City policy to pay City employees fairly and to ensure that their pay is consistent with the amount of work and degree of responsibility required in their jobs; and

**Whereas**, it is Roy City policy to evaluate employees based on performance factors such as job knowledge, productivity, attitude, goals, supervisory ability, and overall job performance; and

**Whereas**, it is Roy City policy to compensate employees with merit pay adjustments upon successful completion of an Annual Performance Evaluation; and

**Whereas**, it is Roy City policy to perform the Annual Performance Evaluation on an employee's hire/promotion date; and

**Whereas**, the City Council wishes to have flexibility with the implementation date of merit pay adjustments;

**Now therefore**, be it resolved by the Roy City Council that the Roy City Personnel Policy and Procedures Manual Sections 1301 Compensation and Overtime and 1302 Part-Time Employee Compensation and Evaluations be amended, in part, as follows:

1301 \* Compensation and Overtime

Merit Pay Adjustments

Recommendation for a merit pay adjustment shall be made at the time of the employee's Annual Performance Evaluation which occurs on his/her hire/promotion date. It shall be based upon weighted performance factors to include job knowledge, attitude/cooperation, work habits, safety and risk management, goals and supervisory ability, as the above factors are applicable, and general overall job performance.

In making the recommendation for a merit increase, the Department Director along with the employee's supervisor shall consider compliance with City policies and procedures, performance, level of competency and job knowledge. A merit increase will be allowed up to the maximum set by the City Council and is subject to annual budget appropriation. During the annual budget process, and at the discretion of the City Council, the implementation date of a merit pay adjustment may be altered. Alteration of the implementation date does not eliminate the eligibility criteria, and requires the employee to be at a passing level of performance and competency when the merit is put into effect. Employees not meeting a passing level of competency will be subject to the re-evaluation procedures stated in Policy 1701 \* Performance Evaluations. An employee must be employed on June 30<sup>th</sup> to be eligible for the merit pay increase in the subsequent fiscal year.

Salaries shall not be increased beyond the established salary range for the position. In some cases, employees may be so near the top of the salary range that they are unable to receive all of the recommended merit percentage increase before they reach the maximum. In those cases, employees will only receive the maximum for that position

## 1302 \* Part-Time Employee Compensation and Evaluations

### Merit Pay Adjustments

*Seasonal positions:* Employees who are re-hired in part-time seasonal positions, may receive a merit increase based on hours worked and performance during the prior year. A merit increase is not guaranteed. If a merit increase is given, it shall be calculated by dividing the number of hours worked during the previous year by 2,080. This percentage is then multiplied by the merit rate (i.e. 3.5%) to arrive at the actual merit increase to be received by the employee. Department Directors shall contact the Management Services Department to obtain an official report of hours worked for merit calculations. The merit increase shall be added to the employees ending wage from the prior year to arrive at a starting wage for the new season. An adjustment to the employee's ending wage may be needed for cost of living adjustments approved after the employee's seasonal termination.

*Permanent positions:* Permanent part-time employees shall receive an evaluation, annually on their hire date and may be awarded a merit pay adjustment at that time. If a merit increase is given, it shall be calculated by dividing the number of hours worked during the year by 2,080 for regular employees and 2,880 for firefighters. This percentage is then multiplied by the merit rate (i.e. 3.5%) to arrive at the actual merit increase to be received by the employee. Department Directors shall contact the Management Services Department to obtain an official report of hours worked for merit calculations (Form F-36).

Part-time employees may receive a maximum of one merit increase per year regardless of hours worked. Wage increases based on obtaining certifications will not change the merit date and a partial merit increase will not be calculated. Hours used for merit calculation include the time worked through the end of the pay period including the merit date.

A merit increase for permanent and seasonal positions shall be based upon performance and job quality similar to a full-time employee. The merit pay adjustment is set by the City Council and is subject to annual budget appropriation. During the annual budget process, and at the discretion of the City Council, the implementation date of a merit pay adjustment may be altered. Alteration of the implementation date does not eliminate the eligibility criteria, and requires the employee to be at a passing level of performance and competency when the merit is put into effect. Employees not meeting a passing level of competency will be subject to the re-evaluation procedures stated in Policy 1701 \* Performance Evaluations. Permanent part-time employees must be employed on June 30<sup>th</sup> to be eligible for the merit pay increase in the subsequent fiscal year.

Approved and adopted this 21<sup>st</sup> day of June, 2016.

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Willard S. Cragun, Mayor

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Amy S. Mortenson, City Recorder

Councilwoman Becraft  
Councilman Cordova  
Councilman Hilton  
Councilman Tafoya  
Councilwoman Yeoman

## **Ordinance No. 16-5**

**An Ordinance of Roy City, Utah, 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**

**Whereas**, the Utah State Building Code Commission has recommended that updated editions of the International Codes be adopted by the state; and

**Whereas**, the State of Utah has mandated that cities enforce the 2015 International Building Code, 2015 International Residential Code, 2015 International Mechanical Code, 2015 International Plumbing Code, 2015 International Fire Code, 2014 National Electrical Code and 2015 International Fuel Gas Code, and 2015 International Energy Conservation Code; and

**Whereas**, the adoption of the 1997 edition of the Abatement of Dangerous buildings Code would provide assistance in the regulation of old, dangerous, or unsightly buildings; and

**Whereas**, the City Council has determined that adopting these codes is in the best interest and protects the health, safety, convenience and general welfare of the citizens of Roy; and

**Whereas**, the Roy City Building Official has reviewed the building and construction codes and recommends their adoption.

**Now, therefore**, be it ordained by the Roy City Council as follows:

Title 9 of the Roy City Municipal Code is hereby amended:

## CHAPTER 1

### BUILDING CODES AND REGULATIONS

#### SECTION:

- 9-1-1: General Provisions
- 9-1-2: Building Codes
- 9-1-3: Electrical Code
- 9-1-4: Mechanical Code
- 9-1-5: Plumbing Code
- 9-1-6: Residential Code
- 9-1-7: Fuel Gas Code
- 9-1-8: Energy Conservation Code
- 9-1-9: Abatement of Dangerous Buildings Code
- 9-1-10: Administration and Enforcement
- 9-1-11: Appendices and Amendments

#### 9-1-1: **GENERAL PROVISIONS:**

- C. Copies of Codes: All codes adopted under this title have been printed as a code, in book form, and at least one copy has been filed for use and examination by the public in the office of the city recorder.

#### 9-1-2: **BUILDING CODES:**

- A. International Building Code: The ~~2012~~ 2015 edition of the International Building Code is hereby adopted as the building code of the city.
- B. International Building Code Standards: the ~~2012~~ 2015 edition of the International Building Code Standards is hereby adopted as the guidelines the building official shall follow in requiring compliance to the building code.

- 9-1-3: **ELECTRICAL CODE:** The ~~2014~~ 2014 National Electrical Code is hereby adopted as the electrical code of the city.

- 9-1-4: **MECHANICAL CODE:** The ~~2012~~ 2015 International Mechanical Code is hereby adopted as the mechanical code of the city.

- 9-1-5: **PLUMBING CODE:** The ~~2012~~ 2014 International Plumbing Code is hereby adopted as the plumbing code of the city.
- 9-1-6: **RESIDENTIAL CODE:** The ~~2012~~ 2014 International Residential Code is hereby adopted as the residential code of the city.
- 9-1-7: **FUEL GAS CODE:** The ~~2012~~ 2014 International Fuel Gas Code is hereby adopted as the fuel gas code of the city.
- 9-1-8: **ENERGY CONSERVATION CODE:** The ~~2012~~ 2014 International Energy Conservation Code is hereby adopted as the energy conservation code of the city.
- 9-1-11: **APPENDICES AND AMENDMENTS:** All appendices to the above codes and any and all amendments to the above codes promulgated in the Utah Uniform Building Standard Act rules by the Utah State Building Codes Commission and the Utah State Fire Prevention Board are hereby adopted, (2003 Code)

## CHAPTER 2

### FIRE PREVENTION

9-2-2: **DEFINITIONS:** The following words and phrases whenever used in this article shall be construed as defined in this section unless from the context a different meaning is intended or unless a different meaning is specifically defined and more particularly directed to the use of such words or phrases:

CLASS IA LIQUID: Any liquid as defined by the ~~2012~~ 2015 International Fire Code,

CLASS IB LIQUID: Any liquid as defined by the ~~2012-2015~~ International Fire Code.

CLASS IC LIQUID: Any liquid as defined by the ~~2012~~ 2015 International Fire Code.

PERMIT: Any permit required by the ~~2012-2015~~ International Fire Code, and includes open burning.

9-2-3: **FIRE CODE AND FIRE CODE STANDARDS:**

A. For the purpose of prescribing regulations governing conditions hazardous to life and property from fire and explosion, the entire ~~2009~~ 2012 edition of the International Fire Code (IFC), including the International Fire Code Standards, is hereby adopted as recommended by the international code council and the international conference of building officials, including appendices A through I thereof, with such deletions, modifications, exceptions, and amendments as set forth below. The IFC, as adopted above, is hereby fully incorporated as if set out at length herein, and from the effective date of this chapter, the provisions thereof shall be controlling within the corporate limits of the city.

This Ordinance shall take effect and be in force from and after its approval as required by law.

Passed this 21<sup>st</sup> day of June, 2016

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Willard S. Cragun - Mayor

Attested and Recorded:

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Amy Mortenson- Recorder

Voting:

Councilwoman Becraft:

Councilman Dandoy

Councilman Hilton

Councilman Tafoya

Councilwoman Yeoman

## WHITE PAPER ON

### Individual Councilmembers Directing City Employees

#### PROBLEM / ISSUE

When individual City Council members direct / task city employees to perform city requirements without working through the Mayor and City Manager, it creates conflicts, confusion, and leads to undermining the executive leadership responsibilities.

#### BACKGROUND

##### Utah Code

##### **10-3-702 Extent of power exercised by ordinance.**

The governing body may pass any ordinance to regulate, require, prohibit, govern, control or supervise any activity, business, conduct or condition authorized by this act or any other provision of law. An officer of the municipality may not be convicted of a criminal offense where he relied on or enforced an ordinance he reasonably believed to be a valid ordinance.

##### **10-3-717 Purpose of resolutions.**

Unless otherwise required by law, the governing body may:

- (1) Exercise all administrative powers by resolution including:
  - (a) Establishing water and sewer rates;
  - (b) Establishing charges for garbage collection and fees charged for municipal services;
  - (c) Establishing personnel policies and guidelines; and
  - (d) Regulating the use and operation of municipal property; and
- (2) Not impose a punishment, fine, or forfeiture by resolution.

##### **10-3-706 Revision of ordinances.**

The governing body by resolution may authorize and direct the mayor to appoint, with the advice and consent of the governing body, one or more persons to prepare and submit to the governing body a compilation, revision or codification of municipal ordinances.

##### Roy City Code

Current Roy City Code governs how the City Council is to function, specifically Roy City Code Title 1, Chapter 6 Mayor and City Council states:

##### 1-6-1: Governing Body

The governing body shall be a council of six (6) persons, one of whom shall be the mayor and the remaining five (5) shall be council members. (2003 Code)

##### 1-6-4: Meeting; Procedures and Conduct:

**B. Quorum Necessary to Do Business:** No action of the city council shall be official or of any effect, except when a quorum of the members is present.

**F. Business Conducted in Open Meeting:** Except as otherwise provided by law, all meetings of the city council shall be open and public. No ordinance, resolution, rule, regulation, contract or other action of the governing body shall have any effect unless passed or approved at a properly held open and public meeting. (Ord. 484, 10-10-1978)

1-6-5: Ordinances and Resolutions:

**A. Legislative Power Exercised by Ordinance:** Except as otherwise specifically provided, the city council shall exercise its legislative powers through ordinances.

**E. Resolutions:**

1. Unless otherwise required by law, the city council may exercise all administrative powers and other designated powers by resolution which shall include, but not be limited to:

- c. Establishing personnel policies and guidelines;
- d. Regulating the use and operation of municipal property.

## DISCUSSION

Recent issues have surfaced indicating problems for the city because individual Council members may have stepped outside of expected boundaries. The specifics are not important that they warrant placing in this paper, however these types of actions often lead to the undermining of senior leadership's ability to manage effectively. It is not assumed that there was any malice or malcontent intentions involved, but only individuals wanting to resolve particular issues within the city. Yet, these type of unilateral decisions that are not approved by the quorum of City Council members or do not follow established policies, sends the wrong message and creates confusion within the organization. Situations that are not approved through the Council create a conflict with existing ordinance, specifically;

1-6-4: Meeting; Procedures and Conduct:

**B. Quorum Necessary to Do Business:** No action of the city council shall be official or of any effect, except when a quorum of the members is present.

**F. Business Conducted in Open Meeting:** Except as otherwise provided by law, all meetings of the city council shall be open and public. No ordinance, resolution, rule, regulation, contract or other action of the governing body shall have any effect unless passed or approved at a properly held open and public meeting. (Ord. 484, 10-10-1978)

In addition, when a decision is not coordinated with City leaders it creates anxiety for individuals who are expected to answer to the Roy residents, yet they have no knowledge and no involvement. Side stepping the chain of command, destabilizes our leaders ability to manage and control. If directives or tasks are issued outside of open meetings, there may not be proper documentation establish that shows the decision was approved by the Council.

In some cases a requirement could have been discussed during a City Council meeting, however, the execution of that requirement was accomplished outside the city's existing policies. When leaders don't follow written policies it creates inconsistencies, introduces risks, establishes a precedence for other not to follow policy, and could leave others out of the process. It is the responsibility of the City Council to not only exercise all administrative powers by resolution and establish policies and guidelines, but in addition we should operate in accordance with those approved policies.

## 1-6-5: Ordinances and Resolutions:

### E. Resolutions:

1. Unless otherwise required by law, the city council may exercise all administrative powers and other designated powers by resolution which shall include, but not be limited to:

- c. Establishing personnel policies and guidelines;
- d. Regulating the use and operation of municipal property.

Again, there appears no malice intent, but allowing the process to continue without corrective action will create problems for the City as well as the Council itself. It should be mentioned that the Utah Code of Ethics does not have language specifically stating that a City Council member cannot direct City employees. However, because of ongoing problems in this area, many cities have place language within their local ordinance to control it.

There is no question that the Roy City Council has appointing authority over the city's highest officials, such as the city manager, city attorney, and department heads. But the real problem surfaces when individual council members deals openly with individual city employees. What is directed or tasked by a Council member, the city employee will do, regardless of where the individual resides in the organizational structure. The problem might be, the City council members may well *not* have legislative immunity with regard to actions toward these individuals. This is particularly true if the Council member acts unilaterally. Typically, when a City Council member acts as a legislator, he or she has absolute immunity. But that immunity can be lost when the legislator takes actions outside the "sphere of legitimate legislative activity."

In some cities with a city manager form of government, the typical ordinance provides that elected official inquiries and information exchanges with staff are OK, but "directives" are not. Typically this means that an elected official can share information with staff members and seek facts from them but cannot tell them to do anything. The lines can become fuzzy, however, when an elected official is inquiring about a problem situation, because there usually is a strong and natural correlation between an elected official's being aware of a problem and wanting that problem addressed. If what we want is action on a problem, we should talk with the city manager and/or Mayor.

This distinction between providing information to staff and providing direction is key in cities with a council-manager form of government. In such cities, the Council provides direction to the city manager, who then relays that direction to staff. The general role of the city manager is to "promote partnerships among Council, staff and the public in developing public policy and building a sense of community." This enables the manager to hold staff accountable on the Council's behalf for implementing the Council's policies and directives. The entire Council, in turn, holds the manager accountable for staff's overall performance. If a Council member intervenes or circumvents the responsibilities of the manager, it make it difficult for the Council to hold him or her accountable.

This "chain of command" feature of the Council-Manager form of government is typically embodied in the city's charter or ordinances. As we prepare to hire a new City Manager, it would be wise for us to allow him or her the opportunity to function within a traditional "chain of command" structure.

This understanding and approach by each City Council member is very important considering that if a staff member does not perform to City leader's expectations and disciplinary action is taken, the City Council member could be asked to be on the Appeal Board. The Roy City Personnel policy specifically states:

Appeal Procedure

All appeals shall be processed according to the following procedure:

1. The appeal shall be taken by filing a written notice of such appeal with the City Manager within ten days after discharge, transfer, or suspension without pay for more than two days. Upon filing of such appeal, the City Manager shall forthwith refer a copy of the same to the City appeal board. Upon receipt of the referral from the City Manager, the appeal board shall forthwith commence its investigation, take and receive evidence, and fully hear and determine the matter which relates to the cause for such discharge, transfer, or suspension without pay for more than two days.
2. The officer or employee shall be entitled to appear in person and to be represented by counsel, to have a public hearing, to confront any witness whose testimony is to be considered, to call witnesses, and to examine the evidence to be considered by the appeal board.

Appeal Board (4 year term)

There is hereby created an appeal board to consist of five members, two of whom shall be members of the City Council and three of whom shall be chosen by and from the appointive officers and employees of the City. All members shall serve a four year term unless they leave employment or no longer serve on the City Council.

It would be difficult for a City Council member to fulfill his or her responsibilities and not have a conflict of interest, if they stepped outside of current policies / directives and find themselves part of or culpable to the problem.

David L. Church, Legal Counsel for the Utah League of Cities and Towns (ULCT) made this comment, in his paper "Why Can't We All Just Get Along", which states;

"Disputes are created when elected officials begin to assume authority that they do not have. There are many examples of this including mayors who refuse to carry out policies with which they disagree; council members who try to direct employees in their day to day duties; mayor trying to be the City manager; and council members who try to act like they are mayors."

"A council member is a member of a committee. He or she has a vote as an individual, but only has power when part of a majority of the group."

In a recent email I sent to David L. Church, he responded to me with this comment;

"Some cities have ordinances that prohibit any direct contact (by City Council members) with employees other than through the manager. Other cities do not have these ordinances and allow limited direction from council members. The best practice is to only work through the manager as that avoids confusion."

**CONCLUSION**

It should be assumed that Roy City Council members have in the past, found themselves in many different situations associated with directing or tasking city employees. In no way does this White Paper suggest that the City Council stop communicating with staff. In fact, we should encourage it. This conclusion / recommendation only points to unique situations of directing / tasking staff, that the Council needs to avoid. With the exception of a City Manager, no individual can answer to two masters, let alone six.

If we are serious about wanting to make Roy City the best it can be, it starts with the City Council. We, above everyone else, must live and operate within the rules! We must allow our appointed City leaders to do their job and they provide clear direction to their employees! We must use the ordinances and resolutions as City Council tools, to direct and task leaders to move the City in the right direction! To ensure that this happens now and in the future, we need to write it into our governing policies.

## **RECOMMENDATION**

*Change to READ:*

Roy City Code Title 1 Chap. 6

1-6-4 Meetings; Procedures and Conduct

K. Rules of Conduct For Members Of City Council:

- a. The city council may fine or expel any member for disorderly conduct on a two-thirds ( $\frac{2}{3}$ ) vote of the members of the city council. (Ord. 484, 10-10-1978)
- b. Individual City Council members will refrain from directing action or tasking City employees. All tasking's, directives, and requests to perform city requirements shall be, first approved through appropriate City Council meetings and then, forwarded to the Mayor and City Manager for execution and completion.

(Robert Dandoy, Roy City Council Member, rdandoy@royutah.org)

WHITE PAPER ON

Roy City Zoning Ordinance Title 10

*NONCONFORMING USES, NONCOMPLYING STRUCTURES, AND OTHER NONCONFORMITIES*  
*Chapter 23*

**PROBLEM / ISSUE:**

Roy City Zoning Ordinance Title 10, Chapter 23, Non-Conforming Uses, Non-Complying Structures, and Other Non-Conformities requires the Board of Adjustments (BOA) to decide on the existence of any legal nonconforming use, a legal noncomplying structure, or other legal nonconformity. The City does not have a BOA established thereby, not providing an avenue for landowners to resolve issues.

**BACKGROUND:**

**Roy City Zoning Ordinance, Title 10, Chapter 23 states:**

Section 2301 – Purpose:

This Chapter is provided to establish procedures for determining the existence, expansion, or modification of a legal nonconforming use, a legal noncomplying structure, or other legal nonconformity, including noncomplying lots and signs.

Section 2302 – Approval Authority:

As provided for by the Act, the **BOA** is authorized by the Council as the Land Use Authority with the responsibility to determine the existence of any legal nonconforming use, a legal noncomplying structure, or other legal nonconformity,

Section 2303—Application Initiation and Application Completeness:

1) Requests for a determination by the **BOA** of the existence of a legal nonconforming use, legal noncomplying structure, or other legal nonconformity shall be made on the applicable form.

Section 2304—Determination of a Legal Nonconforming Use/Legal Noncomplying Structure/Other Legal Nonconformity Application Review Procedures and Approval Standards:

1) The procedures for the approval or denial of the Application for a Determination of a Legal Nonconforming Use/Legal Noncomplying Structure/Other Legal Nonconformity are identified by Figure 23-1, herein.

2) The **BOA** shall review the Application for a Determination of a Legal Nonconforming Use/Legal Noncomplying Structure/Other Legal Nonconformity and determine if the application:

**DISCUSSION:**

The Roy City Zoning Ordinance is absolutely clear in defining the responsibilities of the Board of Adjustments (BOA) as it relates to any legal nonconforming use, a legal noncomplying structure, or other legal nonconformity. Since the City has not established a BOA in over 13 years, any decisions associated with this specific portion of the ordinance have not been made in accordance with established policies.

The City is considering changing from a BOA to an Appeal Authority but the full implementation of this function may not be available or enforced for a few months.

The City is aware of at least one situation at this time that warrants the consideration of following the Zoning Ordinance.

**CONCLUSION:**

Because of the City's has not established a BOA, this client and possibly others have not been afforded their rights to have their situation reviewed.

**RECOMMENDATION:**

Since the City Council is responsible to establish a BOA as the Land Use Authority, then it seems reasonable for the Council to remedy this situation one of two ways by Resolution.

1. The City Council can suspend enforcement of Chapter 23 of the Zoning Ordinance until such time the City can establish a BOA or an Appeal Authority.
2. The City Council can assume the responsibility of the BOA and address each request for a determination of a legal non-conforming use, legal non-complying structure, or other legal non-conformity until such time the City establishes the BOA or Appeal Authority.

(Robert Dandoy, Roy City Council, rdandoy@royutah.org)