



ROY CITY

Roy City Council Agenda
October 6, 2015 – 6:00p.m.
Roy City Council Chambers
5051 South 1900 West

Moment of Silence and Pledge of Allegiance: Councilmember Tafoya

1. Approval of September 15, 2015 City Council Minutes
2. Award of Employee of the Month for July 2015
3. Mayoral Proclamation Establishing the Day of October 6, 2015 as German Foreign Exchange Students Day
4. Consideration of Resolution No. 15-12 Approving an Agreement between Roy City Corporation and Reagan Outdoor Advertising, Inc.
5. Consideration of a Request for Preliminary Subdivision Approval for Jamestown Subdivision, a Two (2) Lot Residential Subdivision; Located at Approximately 5000 S. 1750 W.
6. Consideration of a Request for Preliminary Subdivision Approval for Spencer Subdivision, a Three (3) Lot Single-Family Residential Subdivision; Located at 2243 W. 5200 S.
7. City Managers Report
8. Public Comments
9. Mayor and Council Report
10. Adjourn

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

Certificate of Posting

The undersigned, duly appointed City Recorder, does hereby certify that the above notice and agenda was posted in a public place within the Roy City limits on this 2nd day of October, 2015. A copy was also provided to the Standard Examiner and posted on the Roy City Website on the 2nd day of October, 2015.

AMY MORTENSON,
ROY CITY RECORDER

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

MINUTES OF THE SEPTEMBER 15, 2015, ROY CITY COUNCIL MEETING

1. Introduction of new Police Deputy Chief
2. Approval of September 1, 2015, minutes
3. Removed from agenda – Discussion regarding cell phone tower easement near Roy City Aquatic Center
4. Consideration of Resolution No. 15-14 authorizing a change to animal licensing fees
5. Removed from agenda – 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 2449 West 4300 South
6. Removed from agenda - 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 2449 West 4300 South
7. Consideration of a conditional use allowing a commercial recreation (indoor) – class coin-op video arcade on property located at 3626 West 5600 South
8. City Manager's Report
9. Public comments
10. Mayor and Council reports
11. Adjourn

Minutes of the Roy City Council Meeting held September 15, 2015, at 6:00 p.m. in the City Council Room of the Roy City Municipal Building.

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

The following members were in attendance:

Mayor Willard Cragun	City Manager Andy Blackburn
Councilwoman Marge Becraft	City Attorney Clint Drake
Councilman John Cordova	Secretary Michelle Drago
Councilman Brad Hilton	Youth City Council Garrett MacArthur
Councilman Dave Tafoya	
Councilwoman Karlene Yeoman	

Also present were: Carl Merino, Police Chief; Aaron Perry; Cathy Spencer, Management Services Director; Steve Parkinson, Planner; Gennie Kirch, Planning Commission Chairman; Greg Sagen; Aaron Perry; Levi T.; Drewsus Granducci; G. Adams; Gunnar Smith; Noberto Ortiz; Sabrina Horning; Jonathan Avila; Emilio Razo; Darian Flanagan; Matthew Elder; Desiree Stokes; Eric Hay; A.J. Stockmaster; Stacey MacArthur; Ed Weakland; Cindy Whinham; Betty Harden; John Harden; Jon Bean; Susann Bean; Kylee Tomney; Nicole Blue; Justin Peterson; Britton Adams; Colin Webster; Morgan Tolson; Shila Zahariades; Cynthia Heath; Jason Sommers; Sarah Elliott; Kirk Smith; Karch Denney; Jordan Redford; Justin Asa; Destiny Tingey; Lexy Winehoster; Bert Visser; Elizabeth Brown; D.L. Thurman; Matthew Frasay; and Boy Scout Troop 470.

Moment of Silence: Councilman Cordova

Pledge of Allegiance: Boy Scout Troop 470

Mayor Cragun welcomed the citizens, scouts, and students from Roy High School

Mayor Cragun stated that Item Nos. 3, 5, and 6 had been pulled from the agenda.

1. INTRODUCTION OF NEW POLICE DEPUTY CHIEF

Police Chief Carl Merino introduced Aaron Perry, the new Police Deputy Chief. Aaron came from the Davis County Sheriff's Office. He had an extensive background in police work and was highly recommended. Aaron was the 2003 Paramedic of the Year, and the 2005 SWAT Office of the Year. He received a Master's degree from Brigham Young University.

Aaron Perry stated that he was humbled and excited for this opportunity. He had worked for the Davis County Sheriff's Office for 16 years where he was cross trained as a paramedic. He had worked in patrol, investigations, on the SWAT team. For the past

five years he had been a sergeant in the Patrol Division. He was excited for the opportunity to come to Roy.

Mayor Cragun welcomed Aaron Perry to the Roy City family. Roy City had a great Police Department. The Council expected great things from the department. He looked forward to a long relationship with the leadership of Carl Merino and Aaron Perry.

2. APPROVAL OF SEPTEMBER 1, 2015, MINUTES

Councilman Hilton moved to approve the minutes of September 1, 2015, as written. Councilwoman Yeoman seconded the motion. Council members Becraft, Cordova, Hilton, Tafoya, and Yeoman voted “aye.” The motion carried.

3. REMOVED FROM AGENDA – DISCUSSION ON CELL PHONE TOWER EASEMENT NEAR ROY CITY AQUATIC CENTER

Mayor Cragun stated that this item had been removed from the agenda in order to allow the staff to do more research.

4. CONSIDERATION OF RESOLUTION NO. 15-14 AUTHORIZING A CHANGE TO ANIMAL LICENSING FEES

Cathy Spencer, Management Services Director, stated that the administration was requesting a small adjustment in the City’s animal licensing fees. The City currently sold partial licenses when an owner purchase an animal later in the year or just moved to the City. The cost of the partial license was \$1.00, which did not even cover the City’s cost. The administration proposed that partial license fees be increased from \$1.00 to \$5.00. If an animal was not spayed or neutered, the license fee would be increased from \$1 to \$7.50. The administration recommended that partial licenses be sold from September 1st to November 30th. Those dates allowed the City to get the new owners in the system and to send out renewal notices.

Councilman Tafoya asked why the City didn’t sell partial licenses until December 30th. Cathy Spencer said the City began selling licenses for the new year on December 1st.

Mayor Cragun said if the City was going to do business it made sense to no operate at a loss.

Councilman Tafoya moved to approve Resolution No. 15-14 authorizing a change to animal licensing fees. Councilwoman Becraft seconded the motion. A roll call vote was taken: Council members Becraft, Yeoman, Hilton, Tafoya, and Cordova voted “aye.” The motion carried. (Copy filed for record).

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

6. REMOVED FROM AGENDA – 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)

Mayor Cragun stated that Item Nos. 5 and 6 had been removed from the agenda at the request of the developer.

7. CONSIDERATION OF A CONDITIONAL USE ALLOWING A COMMERCIAL RECREATION (INDOOR) – CLASSIC COIN-OP VIDEO ARCADE ON PROPERTY LOCATED AT 3626 WEST 5600 SOUTH

Steve Parkinson stated that the City had received a request for approval of a conditional use for an indoor coin-operated video arcade in an existing building in the Kent's Marketplace. He was surprised to find that an indoor video arcade was a conditional use. The arcade would be located next to an existing dentist's office. The dentist was the applicant. There was enough parking in Kent's Marketplace to accommodate the proposed use. The staff and Planning Commission recommended that the City Council approve the conditional use.

Councilman Hilton said there was an arcade near Harmon's that offered adult games. He thought might be one reason arcades were a conditional use.

Councilman Cordova moved to approve a conditional use for a commercial recreation (indoor) – classic coin-op video arcade located at 3626 West 5600 South based on the staff's findings and subject to the conditions recommended by the staff and Planning Commission. Councilman Tafoya seconded the motion.

8. CITY MANAGER'S REPORT

Andy Blackburn reported that:

- The Day of Service was held on Saturday, September 12th. About 400 people participated, which was about the same number as in the past. The feedback had been positive. The group did a great job on the trail. Travis Flint said ten dumpster loads of garbage were taken out of different neighborhoods, which helped get the City get cleaned up.
- Flag football would start on September 16th. There were 100 participants, which was pretty good for a new program.
- The City Council would be feeding the Roy High football team on Wednesday, September 16th. He asked that the Council arrive at 5:00 p.m. to begin cooking. Dinner would be served at 6:30 p.m. Councilman Tafoya asked that the Council meet at the Weight Room if it was raining.
- The Council was scheduled to serve the seniors on October 7th at 11:30 a.m.
- Ormond Construction would begin demolition on George Wahlen North Park next week. They had planned to start this week, but the rain had delayed them.

- The paving of the shop was finished. The Public Works Department had also cleaned up around the shop. It looked good.
- On October 1st, the Council would meet at 4:30 p.m. to feed the German foreign exchange students in conjunction with the Burger Bar.
- He and the Mayor met with Steve Meyer, Chief of Capital Development with UTA, and two Weber County Commissioners. UTA was looking at different ways to develop the area around the Front Runner Station. Mr. Meyer planned to speak with some of the developers they had worked with in the past. He offered to take the Council members on a tour of other transit oriented developments. Both County Commissioners brought up the same mixed use development issue. With all that was going on, Mr. Blackburn suggested holding a work session. The Council could review what was there and discuss some future development ideas.

9. PUBLIC COMMENTS

Matt Frasay, 2067 West 5800 South, understood the City had a Utility Abatement Program for deploying service members that applied only to reservists. He was active duty and would be deploying soon. He asked that the Council extend the abatement program to those active duty reservists, guardsmen, and active duty military members.

Mr. Blackburn asked that Mr. Frasay come into the office and meet with him. Councilman Tafoya said the City would look at it.

Jon Bean, County Meadows Mobile Home Park, 3750 West Midland Drive, stated the residents of the mobile home park had a problem with vandalism from the trail between 4000 South and Hinckley Drive. Rocks were being thrown at their windows, and a golf cart had been stolen. They wanted to submit paperwork for a fence height variance. The trail was currently four feet higher than the six-foot fence surrounding the mobile home park. They wanted to put in a fence higher than the trail. They felt a higher fence would reduce the frequency of calls to the Roy Police Department.

Mayor Cragun directed him to meet with Steve Parkinson the City Planner.

10. MAYOR AND COUNCIL REPORTS

Mayor Cragun stated that the Day of Service was a good project. He had viewed the work and assisted where he could. He was always happy about work on the trail. It was a source of a lot of complaints about weeds and graffiti. It was a constant maintenance problem for the City.

He and Andy Blackburn met with UTA and Weber County representatives. They had good insight on what could be done around the Front Runner Station. He encouraged the Council members to schedule a date to tour other development around other stations. He felt it would be well worth the Council's time.

Councilwoman Yeoman stated that she spoke with Travis Flint after the Day of Service. Some stakes felt there had been a lack of communication and suggested that the City appoint one stake each year, on a rotating basis, to distribute information. Mr. Flint was going to look at it.

Councilman Hilton said there was also discussion about changing the Day of Service to the Saturday before Labor Day so the pool would still be open. The City could distribute tickets to youth who participated. Travis Flint was going to meet with all of the stakes in January to discuss alternatives. Some worried that moving the project to August would reduce the amount of people who participated.

Councilwoman Becraft stated that she met with Mr. Reese from North Park Elementary to draft a letter to residents of the Hal Vern Subdivision regarding where children should walk to school and where parents should park. The letter was delivered on Saturday, September 12th.

Councilman Tafoya stated that the neighbors around North Park Elementary were asking that speed bumps be installed on 4000 South and 2175 West. The Council promised to put them in when the roundabout was done. The Council needed to follow through on its commitment.

Andy Blackburn said the sprinklers and landscaping still needed to be installed around the roundabout. They had to be finished before secondary water was shut off.

Mayor Cragun said that secondary water would be shut off on October 1st this year.

Garrett MacArthur, Youth City Council, had nothing to report.

Mayor Cragun wanted the youth to know they had a representative on the City Council. They could bring issues to the Council to be addressed.

9. ADJOURN

Councilwoman Becraft moved to adjourn at 6:27 p.m. Councilman Cordova seconded the motion. Council members Becraft, Cordova, Hilton, and Tafoya voted “aye.” The motion carried.

Attest:

Willard Cragun
Mayor

Amy Mortenson
Recorder

August 3, 2015

Dear Andy Blackburn,

I am writing this letter in regards to the outstanding and unprecedented efforts that have been demonstrated by Jody Call, the City Recreation Supervisor. In November of 2014, Councilman Dave Tafoya tasked my departments and I to take the lead for our annual Roy Day's Celebration. My first objective was to make Jody a major player for the event. Working with Jody on a daily basis I knew her enthusiasm, tireless work ethic and organizational skills were exactly what we need to improve our annual celebration.

This was a daunting task! First we had to decide on a venue. It was important to us that we try to put all the events and activities in one location. The City Council decided that location would be Roy West Park. Jody coordinated running power and water to make the event possible at that location. She also identified Hooper Water station as an addition parking facility. Then came the difficult task of organizing events, activities and music. Jody made sure that we had all three items running every hour on the hour. With the help of staff manning each and every event, activities and events check. Jody then began the task of fund raising. She was as able to get over \$9,000.00 in donations. If all that wasn't impressive enough, she made sure that we executed all of our events so the people of our town could have a great experience.

Jody grabbed the proverbial bull by the horns and made Roy Day's a great experience for all who attended. Jody would be the first to tell you that she didn't do this alone, that it was a team effort. She would be right in saying so but without her tireless efforts and leadership I shudder to think where we would have been. I want to thank Jody from the bottom of my heart for providing such a great Roy Day's experience. I want to thank her family for letting her work long, long, long hours. She worked those hours with great enthusiasm and energy. It is my recommendation that Jody Call be honored as the July employee of the Month

Sincerely yours,

Travis Flint

Mayoral Proclamation

Establishing the day of October 6, 2015 as German Foreign Exchange Students Day

WHEREAS, the City of Roy welcomes students: Sarie Seifer, Jan Alexander Lade, Julia Celine Ahlswede, Sophie Ganssmann, Tim Leitolf, Larissa Woschnitza, Theresa Steinbrenner, Laura Haegner, Antonia Kerkau, Hannah Cortnum, Louisa Solter, Sophia Koch, Lena Schrader, Amelia Schultz, Paulina Schurhoff, Christan Zaeh, Leo Dreyer, Phillip Warncke, Caroline Adler, Henrik Peinemann, Celina Hattenbach, Florian, Knotte, Niklas Juttner, Niklas Weiberg and two Leaders Christoph Schnapperelle and Alex Mahlmann; from Germany who are visiting families of Roy High School students studying German this month; and

WHEREAS, these exchange students are here as a part of the German American Partnership Program (GAPP), which has been partnering students since 1970; and

WHEREAS, the GAPP program has fostered new friendships and broadened the horizons of the students involved in the program; and

WHEREAS, the Roy City community considers the exchange a wonderful opportunity to build bridges between the two countries and to establish friendships across the Atlantic;

NOW, THEREFORE, I, Willard Cragun, Mayor of Roy City, Utah, do hereby proclaim October 6, 2015 as German Foreign Exchange Students Day in the City of Roy and extend a heartfelt welcome to our friends from Germany.

Mayor – Willard Cragun

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Attest:

Willard Cragun
Mayor

Amy Mortenson
Recorder

AGREEMENT BETWEEN ROY CITY AND R.O.A. GENERAL, INC.

THIS AGREEMENT (hereinafter referred to as this “Agreement”) is made and entered into this ____ day of _____, 2015, between ROY CITY, a municipal corporation of the State of Utah (hereinafter referred to as “City”); and R.O.A. General, Inc., a Utah Corporation (hereinafter referred to as “Owner”), with City and Owner collectively referred to as the “Parties” and separately as “Party”.

RECITALS

WHEREAS, Owner currently owns and maintains a south facing billboard located at approximately 5990 South 1900 West, Roy, Utah, (hereinafter referred to as “Billboard”); and

WHEREAS, Owner desires to construct a double-sided, monopole static Billboard at the same location; and

WHEREAS, the City desires to utilize advertising services on the Billboard for the purposes of informing its citizens and the general public regarding events and other information involving the City should Owner request to digitize the Billboard at a future date; and

WHEREAS, Parties desire to enter into this Agreement to memorialize the terms and conditions upon which approval for the double-sided static Billboard will be granted and the method and timing that advertising space on the Billboard will be utilized should the Billboard be digitized.

NOW, THEREFORE, each of the Parties hereto, for good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, covenant and agree as follows:

**ARTICLE I
CONDITIONS PRECEDENT**

- 1.1 This Agreement shall not take effect until it has been approved and signed by Owner’s appropriate and authorized representative and the City has approved this Agreement pursuant to a resolution of the Roy City Council.
- 1.2 Owner agrees to follow all Federal, State and local laws, regulations and ordinances and the design review requirements established by Roy City Ordinance.

**ARTICLE II
CITY’S UNDERTAKINGS**

In exchange for Owner’s performance of its undertakings set forth in Article III City agrees to the following:

- 2.1 City shall grant approval to improve or construct a Billboard pursuant to the specifications in the site plan set forth in Exhibit “A”. The Billboard shall be a double-sided monopole style billboard. The height of the Billboard may be raised from its current height if there are obstructions blocking all or a portion of the Billboard.
- 2.2 Approval under this Agreement is specifically limited to a static billboard only. In the event Owner wishes to digitize the Billboard, Owner shall be required to file a separate application and receive approval by the Roy City Council. Approval for a digital billboard is not guaranteed but if approval is given it shall be subject to the terms and conditions of the Agreement, specifically Article III, Owner’s Undertakings.

**ARTICLE III
OWNER'S UNDERTAKINGS**

Conditioned upon City's performance of its undertakings set forth in Article II for approval of the Billboard, Owner agrees to the following:

- 3.1 Owner shall construct a new, monopole double-sided Billboard as more fully detailed in Exhibit A. Owner shall be required to submit a separate application and receive separate approval if when Owner desires to digitize the Billboard. Nothing in this Agreement shall be construed as an approval for or a guarantee of approval to digitize the Billboard.
- 3.2 In the event Owner desires to digitize the Billboard, upon receipt of a new application and approval of said application Owner shall provide the City with twelve (12) weeks of no-cost advertising annually to be utilized at times determined by the City. For example, the City may advertise for four (4) weeks in early summer to advertise the opening of the Roy Aquatic Center, four (4) weeks in mid-summer to advertise the City's annual Roy Days Celebration and another four (4) weeks in the fall to advertise the City's Annual Christmas Lighting Ceremony. The twelve weeks of no-cost annual advertising shall be for a term of ten (10) years; beginning on the date the first no-cost add is run on the digital Billboard. . Each side of the digital Billboard shall be subject to the terms and conditions of this Agreement independently. If both sides are not digitized at the same time, a new ten year period shall begin upon approval and completion of the new digital face. In the event the Roy City Municipal Code is amended to generally allow digital billboards the terms of this Paragraph 3.2 shall not apply.

**ARTICLE IV
GENERAL REQUIREMENTS AND RIGHTS OF CITY**

- 4.1 Issuance of Permits - Owner. Owner, or its assignee, shall have the sole responsibility for obtaining all necessary building permits in connection with Owner's Undertakings and shall make application for such permits directly to the Roy City Planning Department and other appropriate departments and agencies having authority to issue such permits in connection with the performance of Owner's Undertakings. City shall not unreasonably withhold or delay the issuance of its permits.
- 4.2 Commencement Date. Owner shall commence construction within 12 months of approval of this Agreement or this Agreement shall become null and void.

**ARTICLE V
REMEDIES**

- 5.1 Remedies for Breach. In the event of any default or breach of this Agreement or any of its terms or conditions, the defaulting Party, upon written notice from the other, proceed immediately to cure or remedy such default or breach, and in any event cure or remedy the breach within thirty (30) days after receipt of such notice. In the event that such default or breach cannot reasonably be cured within said thirty (30) day period, the Party receiving such notice shall, within such thirty (30) day period, take reasonable steps to commence the cure or remedy of such default or breach, and shall continue diligently thereafter to cure or remedy such default or breach in a timely manner. In case such action is not taken or diligently pursued, the aggrieved Party may institute such proceedings as may be necessary or desirable in its opinion to cure or remedy such default or breach, including, but not limited to, proceedings to compel specific performance by the Party in default or breach of its obligations.

ARTICLE VI

GENERAL PROVISIONS

- 6.1 Successors and Assigns of Owner. This Agreement shall be binding upon Owner and its successors and assigns, and where the term "Owner" is used in this Agreement it shall mean and include the successors and assigns of Owner.
- 6.2 Notices. All notices, demands and requests required or permitted to be given under this Agreement (collectively the "Notices") must be in writing and must be delivered personally or by nationally recognized overnight courier or sent by United States certified mail, return receipt requested, postage prepaid and addressed to the Parties at their respective addresses set forth below, and the same shall be effective upon receipt if delivered personally or on the next business day if sent by overnight courier, or three (3) business days after deposit in the mail if mailed. The initial addresses of the Parties shall be:

To Owner: R.O.A. General, Inc.
Attn: Real Estate Manager
1775 Warm Springs Road
Salt Lake City, Utah 84116

To City: ROY CITY CORPORATION
Attn: City Manager
5051 South 1900 West
Roy, Utah 84067

Upon at least ten (10) days' prior written notice to the other Party, either Party shall have the right to change its address to any other address within the United States of America.

If any Notice is transmitted by facsimile or similar means, the same shall be deemed served or delivered upon confirmation of transmission thereof, provided a copy of such Notice is deposited in regular mail on the same day of such transmission.

- 6.3 Governing Law. This Agreement shall be governed by the laws of the State of Utah, both as to interpretation and performance. Any action at law, suit in equity, or other judicial proceeding for the enforcement of this Agreement or any provision thereof shall be instituted only in the courts of the State of Utah.
- 6.4 Integration Clause. This document constitutes the entire agreement between the Parties and may not be amended except in writing, signed by the Parties.
- 6.5 Exhibits Incorporated. Each Exhibit attached to and referred to in this Agreement is hereby incorporated by reference as though set forth in full where referred to herein.
- 6.6 Attorneys' Fees. In the event of any action or suit by a Party against the other Party for reason of any breach of any of the covenants, conditions, agreements or provisions on the part of the other Party arising out of this Agreement, the prevailing Party in such action or suit shall be entitled to have and recover from the other Party all costs and expenses incurred therein, including reasonable attorneys' fees.
- 6.7 Term. The term of this Agreement shall be for a period of ten (10) years beginning the first day Roy City content is displayed on the billboard. This Agreement may continue after the ten (10) year termination date for any additional time period at Owner's sole discretion.

Upon either Party's request (or the request of Owner's assignee), the other Party agrees to enter into a written acknowledgment of the termination of this Agreement, or part thereof, so long as such termination (or partial termination) has occurred.

IN WITNESS WHEREOF, the Parties have caused this Agreement to be executed by their duly authorized representatives effective as of the day and year first above written.

ROY CITY CORPORATION

By: _____
Willard Cragun, Mayor

ATTEST:

By: _____
Amy Mortenson, City Recorder

R.O.A. General, Inc.

By: _____
Dewey Reagan, President

EXHIBIT A
Site Plan

EXHIBIT B
Overall Site Plan



SYNOPSIS

Application Information

Applicant: Jim Arrant
Request: Request for Preliminary Subdivision approval for Jamestown Subdivision, a two (2) lot residential subdivision.
Address: Approximately 5000 South 1750 West

Land Use Information

Current Zoning: R-4; Multi-Family Residential
Adjacent Land Use: North: R-4; Multi-Family Residential South: R-4; Multi-Family Residential
East: Riverdale City; A-1 West: R-4; Multi-Family Residential

Staff

Report By: Steve Parkinson
Recommendation: Recommends approval with conditions

APPLICABLE ORDINANCES

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

PLANNING COMMISSION ACTION

The Planning Commission held a Public Hearing on September 8, 2015, the hearing was opened – public comments were as follows:

- No public comments were made.

With no comments the public hearing was closed.

After a small discussion, the Commission voted of 7-0 to forward to the City Council a recommendation to Approve the request for Preliminary Subdivision approval for Jamestown Subdivision located at approximately 5000 S. 1750 W., with the conditions as outlined in report.

ANALYSIS

Background:

The property is located on the east side of Roy City, north of Stoney Brook Cottages and Cozydale retreat subdivision. Just north-west of the I-15 southbound on ramp. There is currently an existing single-family dwelling on the northern portion of the property.

Subdivision: The proposed subdivision is to subdivide 0.865 acres (37,679.4 sq.-ft) of property into two (2) individual parcels. The developer is looking to separate the existing single family home from the rest of the property to ultimately develop the rest as a multi-family development.

Zoning: The property is recently zoned R-4 and according to table 10-1 of the zoning ordinance the R-4 zone allows for single-family lots to be a minimum of 6,000 sq.-ft., currently the lot area for the single family dwelling is 7,923 sq.-ft.

Access: Both parcels have access to a public street.

Improvements / Utilities: Both lots are easily served by all utilities.

DRC Review: The DRC has reviewed the development, s(see Exhibit “C”). There are a few things needing to be re-submitted prior to applying for final plat approval, but nothing that would cause the subdivision not to comply with all applicable codes.

Summary: This small two (2) lot subdivision meets all aspects of the zoning and subdivision requirements for lot width and lot size.

CONFORMANCE TO THE GENERAL PLAN

The future land use map shows and supports this area to be developed as R-4; Multi-Family Density Residential.

CONDITIONS OF APPROVAL

1. Compliance to the requirements and recommendations as outline in the DRC memo dated 3 September 2015 (Attached).

FINDINGS

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

RECOMMENDATION

Staff recommends approving the Preliminary Subdivision of J Jamestown Subdivision located at approximately 5000 South 1750 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 3 September 2015
- D. September 8, 2015 – Planning Commission minutes

EXHIBIT "A" - AERIAL MAP

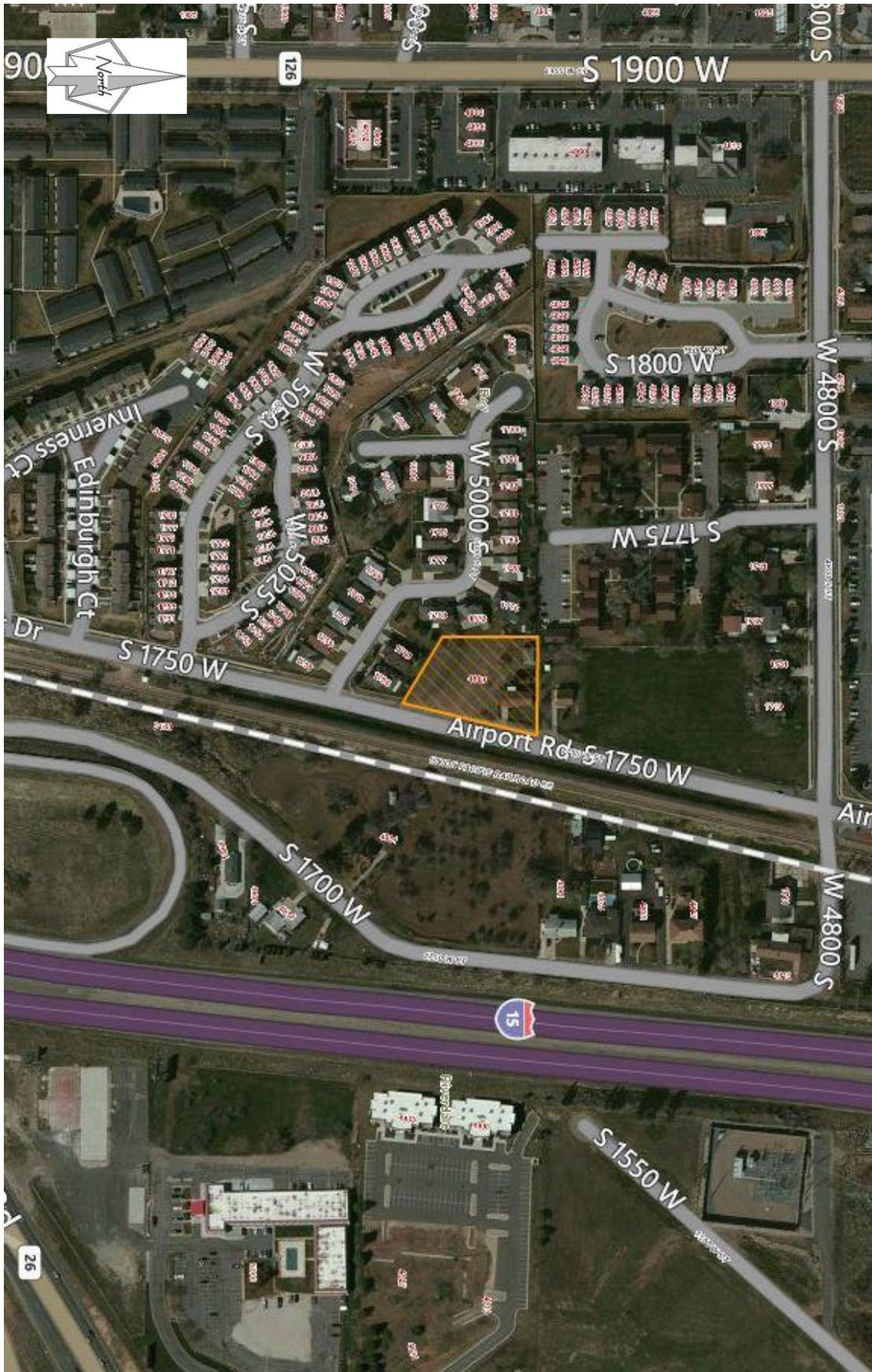
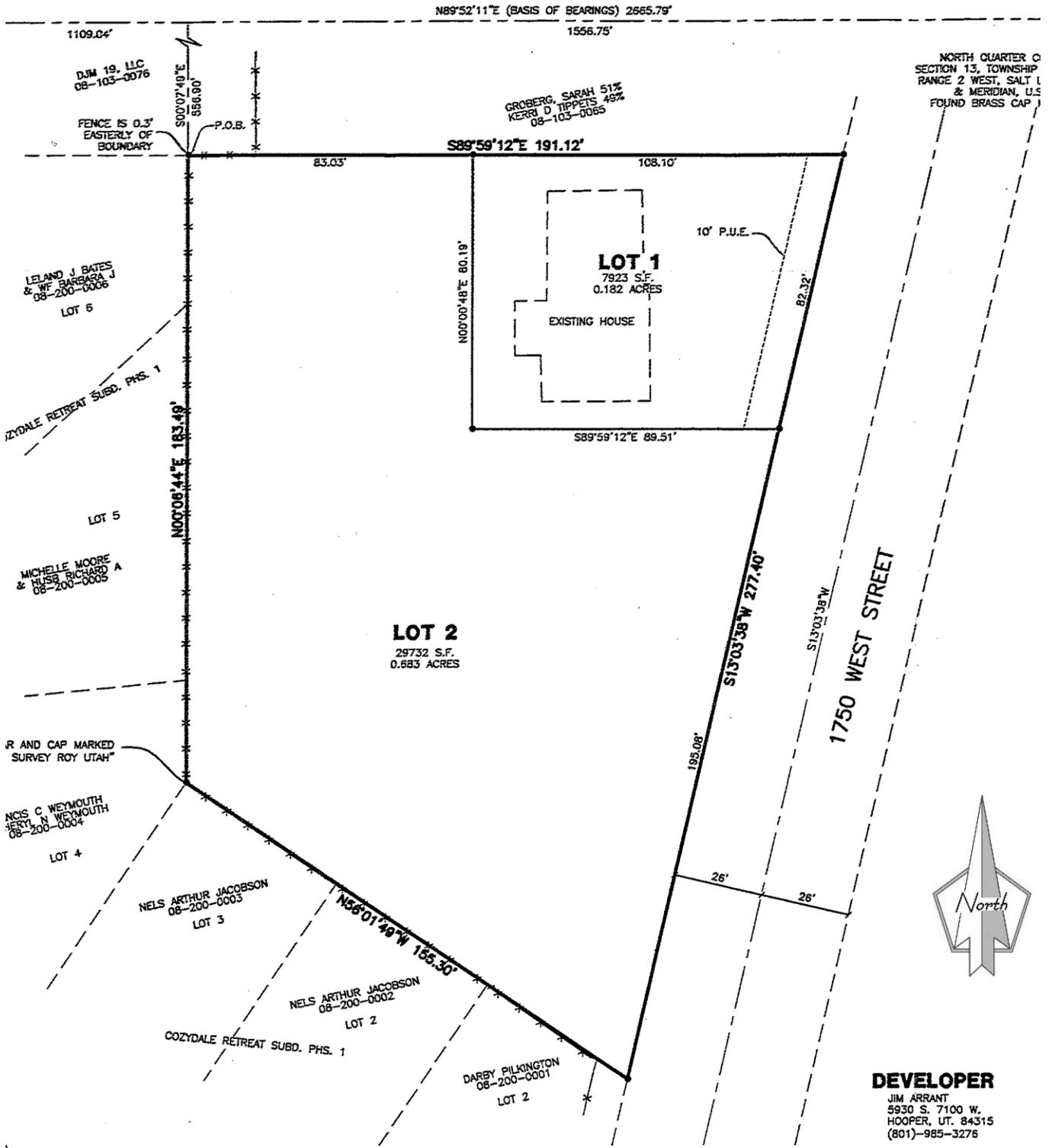


EXHIBIT "B" - PRELIMINARY SUBDIVISION PLAT





DEVELOPMENT REVIEW COMMITTEE

REVIEW MEMO

Date: 3 September 2015

To: Jim Arrant
Emily Roche; Reeve & Associates

From: Steve Parkinson – Planning & Zoning Administrator 
Mark Miller – City Engineer
Jeff Comeau – Deputy Fire Chief
Ed Pehrson – Building Official
Ross Oliver – Public Works Director
Clint Drake – City Attorney

Subject: Jamestown Subdivision (Preliminary Plat) 5000 South 1750 West

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. Setbacks for the existing home should be shown.
2. The street cuts will need to be patched with "T" style patches. Permits will be required from the City prior to performing any work within the right-of-way.
3. All work within the right-of-way shall conform to Roy City Standards and must be inspected by a Roy City inspector. Secondary water work will require inspection by Roy Water Conservancy.

Fire - Public Works - Legal -

1. No comments at this time

Building –

Subdivision

1. No comments.

Construction of future dwelling units.

1. The Geotech Engineer shall reference the original soils report for the subdivision. If no original soils report can be found, then there shall be a subsurface investigation completed on the proposed lot and a report provided to the City. All findings shall be noted and all requirements shall be followed. If the original soils report is available there shall be a Geotechnical Engineer inspection conducted once the excavation has been completed and prior to any fill or footings being placed. The Geotechnical Engineer shall provide a report to the contractor, which will then turn it into the City Building Official for review. All conditions present at the time of inspection shall be noted and any recommendations from the Geotechnical Engineer shall be followed. Soil type, ground water, and fill material are a few of the items to be checked for.
2. Section R405.1 Concrete or masonry foundations requires drains to be installed. Drains shall be provided around all concrete or masonry foundations that retain earth and enclose habitable or usable spaces located below *grade*. Drainage tiles, gravel or crushed stone drains, perforated pipe or other *approved* systems or materials shall be installed at or below the area to be protected and shall discharge by gravity or mechanical means into an *approved* drainage system. Gravel or crushed stone drains shall extend at least 1 foot (305 mm) beyond the outside edge of the footing and 6 inches (152

mm) above the top of the footing and be covered with an *approved* filter membrane material. The top of open joints of drain tiles shall be protected with strips of building paper. Perforated drains shall be surrounded with an *approved* filter membrane or the filter membrane shall cover the washed gravel or crushed rock covering the drain. Drainage tiles or perforated pipe shall be placed on a minimum of 2 inches (51 mm) of washed gravel or crushed rock at least one sieve size larger than the tile joint opening

Planning –

Preliminary Plat issues

1. The rear yard setback is twenty (20) feet, the awing is a part of the main building, thus the 20 ft setback needs to be measured from the awing OR the awing needs to be removed.
2. Why are there no P.W.E.'s along the north, west south and east sides of the subdivision?

Final Plat issues

1. Signature blocks for the City Attorney, City Engineer and Roy City Council will need to be amended to reflect the language (below).

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

EXHIBIT "D" – 8 SEPTEMBER 2015 - PLANNING COMMISSION MINUTES

6. CONSIDERATION OF A REQUEST FOR PRELIMINARY SUBDIVISION APPROVAL FOR JAMESTOWN SUBDIVISION, A TWO-LOT SUBDIVISION LOCATED AT 5000 SOUTH 1750 WEST

Steve Parkinson stated that the City had received a request for preliminary approval of a two-lot subdivision located at 5000 South 1750 West (Airport Road). There was an existing home located on the northeast corner of the property. The applicant wanted to divide the home from the remaining 29,732 square feet. Both lots would have access from 1750 West and complied with the requirements of the R-4 Zone. The staff noted that the rear property line for Lot No. 1 needed to be moved to the west to allow for the existing home to have the proper rear yard setback. If the rear property line was not moved, the awning on the back of the existing home would have to be removed.

Mr. Parkinson said the staff had found that the proposed subdivision met all of the requirements of the Zoning and Subdivision Ordinances. The staff recommended that the Planning Commission recommend preliminary approval of the Jamestown Subdivision subject to the compliance with the DRC's comments.

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

Chairman Kirch opened the floor for public comments. There were none.

Commissioner Karras moved to close the public hearing at 6:26 p.m. Commissioner Nandell seconded the motion. Commission members Dandoy, Karras, Kirch, Nandell, Ohlin, Paul, and Payne voted "aye." The motion carried.

Commissioner Dandoy did not see any issues about subdividing the property. The lots were large enough, and the frontage looked good.

Commissioner Nandell moved to recommend that the City Council grant preliminary approval of the Jamestown Subdivision located at 5000 South 1750 West based on the staff's findings and the conditions recommended by the staff and DRC. Commissioner Payne seconded the motion. Commission members Dandoy, Karras, Kirch, Nandell, Ohlin, Paul, and Payne voted "aye." The motion carried.

SYNOPSIS

Application Information

Applicant: Sharon Spencer
Loren Kay

Request: Request for Preliminary Subdivision approval for Spencer Subdivision, a three (3) lot single-family residential subdivision.

Address: Approximately 2243 West 5200 South

Land Use Information

Current Zoning: R-1-8; Single-Family Residential

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

Staff

Report By: Steve Parkinson

Recommendation: Recommends denial

APPLICABLE ORDINANCES

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

PLANNING COMMISSION ACTION

The Planning Commission held a Public Hearing on September 8, 2015, the hearing was opened – public comments were as follows:

- Terry Spencer, Syracuse, stated that he was the landowner. He disagreed with Mr. Parkinson. He owned to middle of 5200 South. He had enough land to make Lot 2 8,000 square feet, but he didn't want it to be an odd shaped lot. There were lots on 5200 South with 6,500 square feet that had duplexes. He didn't want to put a duplex on this lot. He wasn't asking to do anything different than what other properties on 5200 South had done. The setback matched the other homes on 5200 South. The home he planned to build would match the neighborhood. He wasn't asking anything out of the ordinary. He felt the Planning Commission should recommend that the Council approve the subdivision. He didn't want to take this to court. He just wanted to build a house. This was the last piece of land left on 5200 South between 1900 West and 2300 West.
- Commissioner Dandoy said there seemed to be a difference between what the staff had presented and what the owner was representing. If Mr. Spencer was correct, the City was doing him a disservice.
- Chairman Kirch stated that the duplexes to the east were in a different zone. The lot size requirements were different. Mr. Spencer's property was zoned R-1-8. She asked about the utility pole in front of Lot 2. Mr. Spencer said he met with the utility company. Placement of the home took the power pole into consideration.
- Terry Spencer said he would like to proceed to the City Council with a yes versus a no.

- Clip Holverson, 5242 South 2300 West, did not feel the new lot would match the neighborhood. The lots to the south were large lots. The new lots would not be the same size. The house owned by Mr. Spencer did not look that nice. He was hesitant to have Mr. Spencer build another house and have it kept the same way.
- Curtis Tubbs, 5256 South 2300 West, agreed with Mr. Holverson. Most of the homes on 2300 West had half an acre. There might be smaller lots on 5200 South, but there weren't on 2300 West. Mr. Spencer's home had not been maintained. It just didn't seem there was enough room. He was concerned about the type of person a new home directly under the power line would attract. He didn't feel it would be someone he would want in the neighborhood.
- Henry Murray, 5213 South 2200 West, stated that this was his neighborhood. He felt there were sufficient residents in the area. They didn't need to construct more. He felt the proposed subdivision was unnecessary.
- Chairman Kirch stated that Legal, Engineering, and Planning all felt the proposed lots were too small to meet the minimum size requirement of the R-1-8 Zone.

With no additional comments the public hearing was closed.

After a small discussion, the Commission voted of 7-0 to forward to the City Council a recommendation to Deny the request for Preliminary Subdivision approval for Spencer Subdivision located at 2243 W. 5200 S.

ANALYSIS

Background:

The property is located just west of the Roy City cemetery, on the south side of 5200 South. Lots 1 & 3 already exist. 5200 South has a wider R.O.W. than most streets. Typically there is normally 66 feet from property line to property line (sidewalks are usually found within the R.O.W. 5200 South has an 82.5 foot R.O.W. because in 1984 on the south side of 5200 South a drought relief line was installed. The council adopted resolution 198 (exhibit "?"), which states that "residence with property adjoining the drought line ... shall be allowed to use the area occupied by the drought line as "yard" area required by setback requirements".

Subdivision: The proposed subdivision is to subdivide two (2) existing parcels into three (3) separate parcels. In total there is .72 acres (31,273 square feet) of property to be split into three (3) individual parcels.

Zoning: The property is currently zoned R-1-8 and according to table 10-1 of the zoning ordinance the R-1-8 zone requires that each single-family lots to be a minimum of 8,000 sq.-ft. which each lot exceeds this requirement, the smallest being 26, 2987 sq.-ft. and each lot also meets the lot width requirements.

Access: Lot 1 has access onto 2300 South with lots 2 & 3 having direct access to 5200 South.

Improvements / Utilities: Lot 2 is the only parcel that does not already have utilities, because lots 1 & 3 already exist and already have all utilities.

DRC Review: The DRC has reviewed the proposed subdivision, see attached memo. Two (2) out of the three (3) parcels do not have enough square footage to meet the minimum requirements of the R-1-8 zone.

Summary: This small three (3) lot subdivision has two parcels that do not meet aspects of the zoning requirements for lot size.

CONFORMANCE TO THE GENERAL PLAN

The future land use map shows and supports this area to be developed as R-1-7; Single-Family Density Residential.

CONDITIONS FOR APPROVAL

- I. Compliance to the requirements and recommendations as outline in the DRC memo dated 27 August 2015 (Attached).

FINDINGS

- I. The proposed subdivision does not meet all of the requirements of the Zoning Ordinance.

ALTERNATIVE ACTIONS

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

RECOMMENDATION

Staff recommends denial of the Preliminary Subdivision of Spencer Subdivision located at approximately 2243 West 5050 South.

EXHIBITS

- A. Aerial Map
- B. Preliminary Subdivision plat
- C. Resolution No. 198
- D. August 28, 1984 City Council minutes
- E. DRC Memo dated 27 August 2015
- F. September 8, 2015 Planning Commission minutes

EXHIBIT "A" - AERIAL MAP

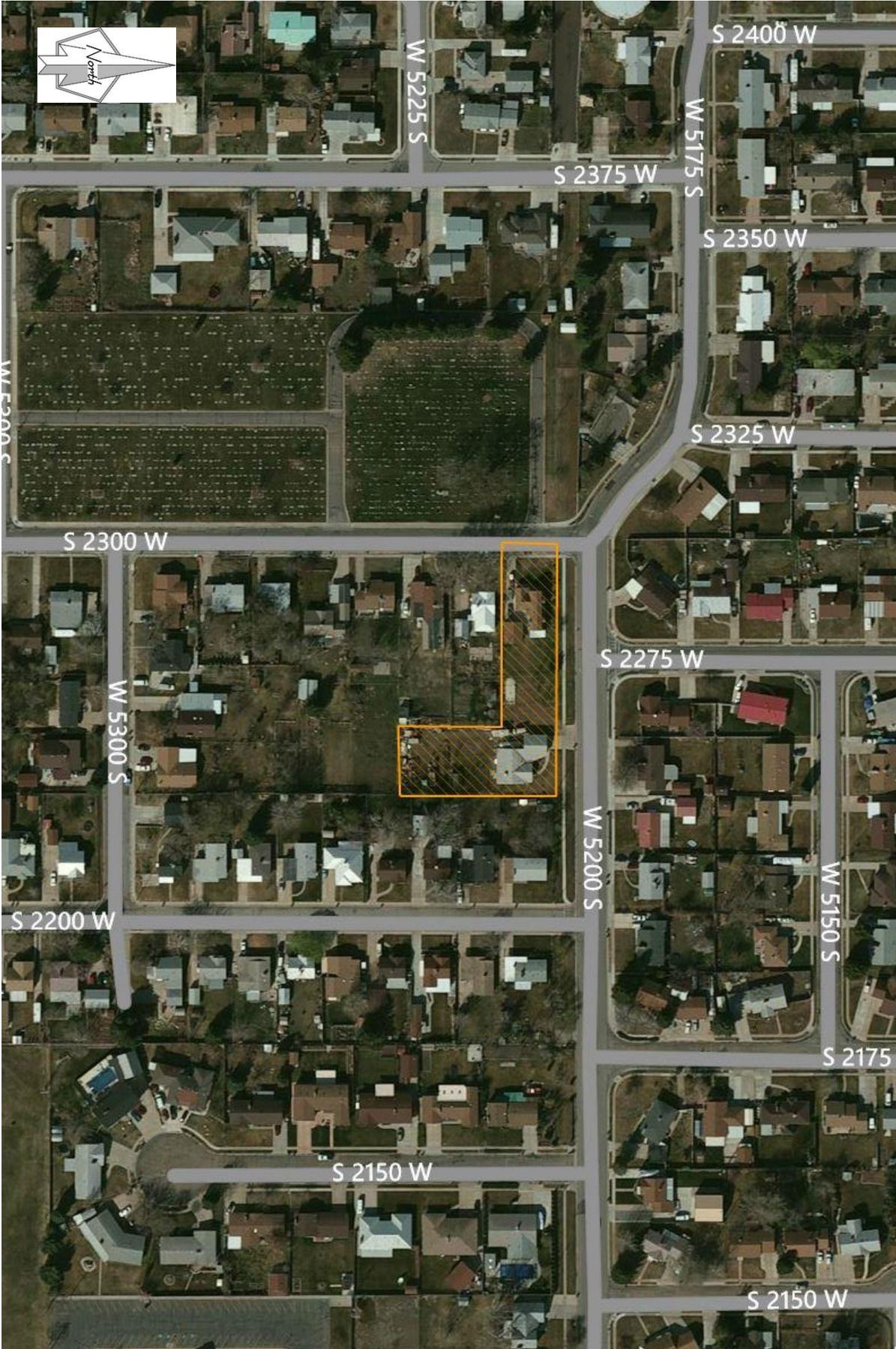
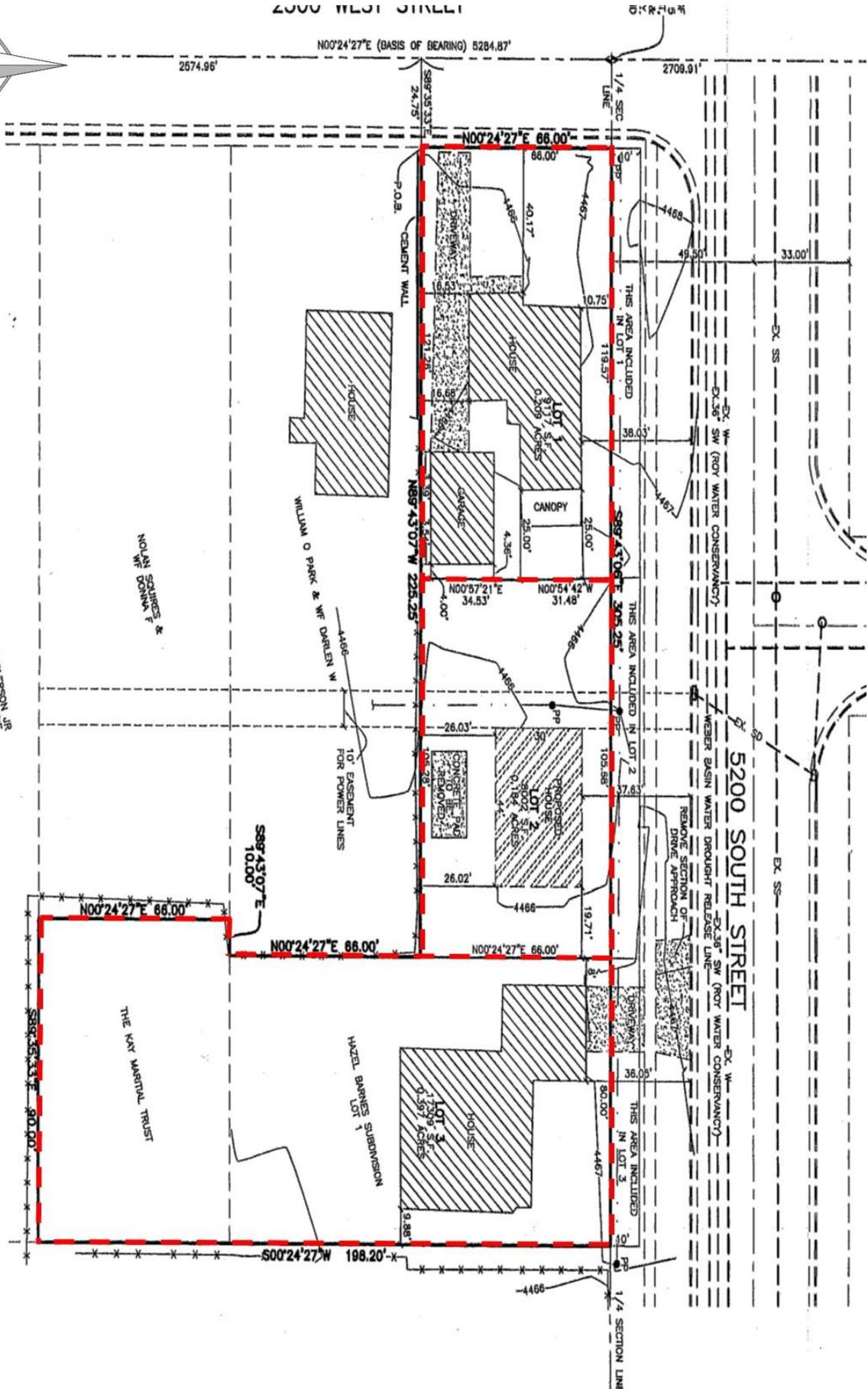
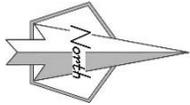


EXHIBIT "B" - PRELIMINARY SUBDIVISION PLAT



DON C HOLMSON JR
& WIFE JOELLE MARIE

NOLAN SQUIRES &
WIFE DONNA F

HAZEL BARNES SUBDIVISION
LOT 1

EXHIBIT "C" - RESOLUTION NO. 198

RESOLUTION NUMBER 198

A RESOLUTION OF THE CITY COUNCIL OF ROY, UTAH CONCERNING SETBACK REQUIREMENTS ON 5200 SOUTH BETWEEN 1900 WEST AND 3500 WEST.

WHEREAS, a drought relief line was installed in 1978 adjacent to the right of way of 5200 South Street in Roy, from 1900 West Street to 3500 West Street; and,

WHEREAS, the ground area over the underground drought relief line cannot be used for any construction; and,

WHEREAS, residents in the area fronting on the drought relief line should be allowed to use the yard areas over the line to meet city zoning ordinance setback requirements in order to allow reasonable development to take place;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF ROY, UTAH

THAT, in the administration of the zoning ordinance, residents with property adjoining the drought relief line on 5200 South Street between 1900 West and 3500 West shall be allowed to use the area occupied by the drought relief line as "yard" area required by setback requirements in the city ordinances.

APPROVED BY A UNANIMOUS VOTE OF THE CITY COUNCIL ON AUGUST 28, 1984

/s/
Mayor Jack Pierce

ATTEST:

/s/
Richard Kirkwood, City Manager/Recorder

Roy City Council Meeting Minutes
August 28, 1984
Page Six

West Park, \$219,700 would be needed. He stated that the City is in a position to put up half of that, \$109,850, and apply for a federal grant to match that amount and complete the park. Councilman Smith moved that the Council approve the appropriation of \$109,850 for the West Park and the application for federal funds, Councilman Tubbs seconded, all voted "aye", motion carried.

14. Councilman Kimber moved that the Council move out of the public hearing and into the regular meeting, Councilman Smith seconded, all voted "aye", motion carried.
15. Planning Commission Chairman Seamons presented plans for Stoneybrook Phase #2 and recommended approval. Councilman Ulibarri moved that the Council approve Stoneybrook Phase #2, Councilman Kimber seconded, all voted "aye", motion carried.
16. Attorney Dutson presented a Resolution to enforce new parking and traffic regulations at Roy Senior High School. The main changes were that police officers could now write tickets for driving the wrong way in designated areas and for failure to stop before a crosswalk or stop line. Councilman Tubbs moved that the Council approve Resolution #197 establishing enforcement of traffic rules and regulations on Roy High School property, Councilman Kimber seconded, all voted "aye", motion carried.
17. Mr. Kirkwood informed the Council that the City's contracted garbage hauler, Robinson Refuse, will observe only four holidays in the year: 4th of July, Thanksgiving, Christmas, and New Year's Day. Should those holidays fall on a Monday, pick-up will occur the next day. Garbage will be picked up on all other Mondays, regardless of holidays.

There have been some complaints received from citizens about the garbage not being picked up before the high school students leave for school and garbage being scattered. Since it is impossible to pick up all garbage before 6:00 AM and not be too early for the citizens, a route will be designated so that as much garbage as possible is picked up in the high school area before the students start for school.

A public notice will be prepared to notify citizens of the holiday garbage pick-up.

18. On 5200 South, between 1900 West and 3500 West, drought relief lines were installed in 1978. Since those areas will never be used for anything else, Mr. Kirkwood recommended to the Council that they approve Resolution #198 allowing the residents along those lines to use the property for front, side, or rear yard setbacks. No construction will ever take place on top of the lines, but residents may use this additional footage for their yards. Councilman Tubbs moved that the Council approve Resolution #198 to allow this use, Councilman

Smith seconded, all voted "aye", motion carried.

19. Later in the meeting, Mr. Staples expressed a desire to work with the residents of Foxglen subdivision in resolving their concerns. He felt that these objections could be resolved sometime in the near future. With this in mind, Councilman Smith moved that the Council rescind the earlier approval of an R-1-7 zone for the Williamson property and rear portion of the Howe property and table action on it for 60 days. (The front 155 feet of the Howe property was annexed and zoned R-1-7 in item #11.) Councilman Kimber seconded the motion to rescind and table, all voted "aye" except Councilman man Tubbs who abstained from the voting, motion carried.
19. At 9:45 PM, Councilman Kimber moved that the meeting be adjourned, Councilman Smith seconded, all voted "aye", motion carried.

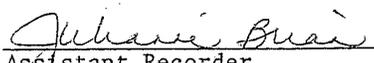
SUMMARY OF ACTIONS CHARGED

- 1) Mr. Kirkwood, Water Superintendant Kenny Russell, and Councilman Cragun will prepare a cost analysis on a sewer vacuum for the Council's consideration.
- 2) Mr. Kirkwood will review the Street Department budget to ascertain whether or not any regular maintenance of the streets will prevent or remedy any storm water problems in the City.
- 3) Mr. Kirkwood will begin the application process for a federal grant of \$109,850 to complete West Park.
- 4) Public notice will be given to residents notifying them of holiday garbage pick-up.



Jack F. Pierce
Mayor

Attest:



Assistant Recorder

DEVELOPMENT REVIEW COMMITTEE



established 1937

REVIEW MEMO

Date: 27 August 2015

To: Loren O. Kay
Sharon P. Spencer
E. Roche – Reeve & Associates

From: Steve Parkinson – Planning & Zoning Administrator *SP*
Mark Miller – City Engineer
Ross Oliver – Public Works Director
Jeff Comeau – Deputy Fire Chief
Ed Pehrson – Building Official
Clint Drake – City Attorney

Subject: Spencer Subdivision [2243 We. 5200 So.] – Preliminary Plat

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. The legal description should be corrected to match the plat.
2. The area fronting the lots that is not owned by the applicant can be used in set-back calculations but should not be counted as lot area (see attached City Council minutes of August 28, 1984).
3. Existing and proposed service laterals (sanitary sewer, water, secondary water) should be indicated on the drawings. Secondary irrigation water from Roy Water Conservancy is required for all new lots in Roy City.
4. Lot 2 may have power line restrictions. The applicant will need to detail the restrictions on the plat if Rocky Mountain Power deems it applicable.
5. The location of the nearest existing fire hydrant should be shown.

Fire / Public Works

1. No comments at this time.

Building

1. There shall be a Geotechnical Engineer inspection conducted once the excavation has been completed and prior to any fill or footings being placed. The Geotech Engineer shall provide a report to the contractor, which will then turn it into the City Building Official for review. All conditions present at the time of inspection shall be noted and any recommendations from the Geotechnical Engineer shall be followed. Soil type, ground water, and fill material are a few of the items to be checked for.
2. Section R405.1 Concrete or masonry foundations requires drains to be installed. Drains shall be provided around all concrete or masonry foundations that retain earth and enclose habitable or usable spaces located below *grade*. Drainage tiles, gravel or crushed stone drains, perforated pipe or other *approved* systems or materials shall be installed at or below the area to be protected and shall discharge by gravity or mechanical means into an *approved* drainage

system. Gravel or crushed stone drains shall extend at least 1 foot (305 mm) beyond the outside edge of the footing and 6 inches (152 mm) above the top of the footing and be covered with an *approved* filter membrane material. The top of open joints of drain tiles shall be protected with strips of building paper. Perforated drains shall be surrounded with an *approved* filter membrane or the filter membrane shall cover the washed gravel or crushed rock covering the drain. Drainage tiles or perforated pipe shall be placed on a minimum of 2 inches (51 mm) of washed gravel or crushed rock at least one sieve size larger than the tile joint opening or perforation and covered with not less than 6 inches (152 mm) of the same material.

3. Property lines shall be established so as to maintain the minimum fire separation distances of 5' to detached structures on adjoining properties and to maintain the minimum set back requirements for the zone in which it is located for dwelling units.

Legal

1. The area fronting the lots that is not owned by the applicant can be used in set-back calculations but should not be counted as lot area (see attached City Council minutes of August 28, 1984).

Planning

1. The canopy on Lot 1 needs to be removed.
2. As mentioned by Engineering and Legal, area owned by the City cannot be used to calculate lot area. Lots 1 and 2 do not meet the minimum lot area requirement of 8,000 sq.-ft.
3. Drive approach that is identified to be removed, the curb and gutter will need to be replaced.
4. According to Weber County Lot 1 owns to the middle of 2300 West, that portion of the right of way needs to be dedicated to the city.

EXHIBIT “F” – 8 SEPTEMBER 2015 – PLANNING COMMISSION MINUTES

8. PUBLIC HEARING TO CONSIDER A REQUEST FOR PRELIMINARY SUBDIVISION APPROVAL FOR SPENCER SUBDIVISION, A THREE LOT SUBDIVISION, LOCATED AT 2243 WEST 5200 SOUTH

Steve Parkinson stated that the City had received a request for preliminary approval of the Spencer Subdivision located at 2243 West 5200 South. The proposed subdivision was located on the southeast corner of the 5200 South 2300 West intersection. The applicant was proposing to split two existing lots into three. Both lots were zoned R-1-8 and currently complied with the zoning requirements.

Mr. Parkinson explained that 5200 South had a wider right-of-way than most City streets. Usually streets were 66 feet wide, but 5200 South had an 82.5 right-of-way. The width of the asphalt pavement was the same as other City streets. The extra 16.5 feet on the south side of 5200 South was for a drought relief line which was installed in 1984. In 1984, the City Council adopted Resolution No. 198 which stated that, “..residents with property adjoining the drought line..shall be allowed to use the area occupied by the drought light as “yard” area required by setback requirements..” Using the extra right-of-way width allowed homes along the south side of 5200 South to have the same front yard setback as homes on other City streets.

Mr. Parkinson said the landowner wanted to use the extra right-of-way as part of the actual lot area. The resolution said the owner could use the right-of-way for a setback, but not as part of the lot area. When the right-of-way was subtracted, two of the three proposed lots did not have enough square footage to meet the minimum requirements of the R-1-8 Zone. What the applicant was proposing to do was beyond what the Planning Commission could approve. The City Council would have to determine if the applicant could use the public right-of-way as part of his lot area. The City’s staff and legal counsel did not feel the applicant could use the right-of-way in the manner he was proposing.

Commissioner Dandoy stated that the City was dealing with a decision made by the City Council in 1984. Steve Parkinson said the Planning Commission needed to look at the property itself, not the right-of-way. Commissioner Dandoy said there wasn’t enough square footage to meet the minimum lot size. Mr. Parkinson said the landowner wanted to subdivide his property.

Commissioner Paul asked why the subdivision was being presented to the Planning Commission if the staff was recommending that it be denied.

Steve Parkinson stated that the staff had found that Lots 1 and 2 did not meet the requirements of the Zoning and Subdivision Ordinances. The Planning Commission could recommend approval of the proposed subdivision; recommend approval with conditions; recommend denial; or table consideration. The staff recommended that any approval be subject to compliance with the DRC’s August 27, 2015, memorandum. The City had to determine if the landowner should be allowed to use the public right-of-way as lot area. Something none of the other property owners on 5200 South had been allowed to do.

Chairman Kirch asked if this was something for the Board of Adjustment to consider. Mr. Parkinson felt the landowner’s hardship was self-inflicted.

Commission Karras moved to open the public hearing at 7:01 p.m. Commissioner Payne seconded the motion. Commission members Dandoy, Karras, Kirch, Nandell, Ohlin, Paul, and Payne voted “aye.” The motion carried.

Chairman Kirch opened the floor for public comments.

Terry Spencer, Syracuse, stated that he was the landowner. He disagreed with Mr. Parkinson. He owned to middle of 5200 South. He had enough land to make Lot 2 8,000 square feet, but he didn't want it to be an odd shaped lot. There were lots on 5200 South with 6,500 square feet that had duplexes. He didn't want to put a duplex on this lot. He wasn't asking to do anything different than what other properties on 5200 South had done. The setback matched the other homes on 5200 South. The home he planned to build would match the neighborhood. He wasn't asking anything out of the ordinary. He felt the Planning Commission should recommend that the Council approve the subdivision. He didn't want to take this to court. He just wanted to build a house. This was the last piece of land left on 5200 South between 1900 West and 2300 West.

Commissioner Dandoy said there seemed to be a difference between what the staff had presented and what the owner was representing. If Mr. Spencer was correct, the City was doing him a disservice.

Chairman Kirch stated that the duplexes to the east were in a different zone. The lot size requirements were different. Mr. Spencer's property was zoned R-1-8. She asked about the utility pole in front of Lot 2. Mr. Spencer said he met with the utility company. Placement of the home took the power pole into consideration.

Terry Spencer said he would like to proceed to the City Council with a yes versus a no.

Clip Holverson, 5242 South 2300 West, did not feel the new lot would match the neighborhood. The lots to the south were large lots. The new lots would not be the same size. The house owned by Mr. Spencer did not look that nice. He was hesitant to have Mr. Spencer build another house and have it kept the same way.

Curtis Tubbs, 5256 South 2300 West, agreed with Mr. Holverson. Most of the homes on 2300 West had half an acre. There might be smaller lots on 5200 South, but there weren't on 2300 West. Mr. Spencer's home had not been maintained. It just didn't seem there was enough room. He was concerned about the type of person a new home directly under the power line would attract. He didn't feel it would be someone he would want in the neighborhood.

Henry Murray, 5213 South 2200 West, stated that this was his neighborhood. He felt there were sufficient residents in the area. They didn't need to construct more. He felt the proposed subdivision was unnecessary.

Chairman Kirch stated that Legal, Engineering, and Planning all felt the proposed lots were too small to meet the minimum size requirement of the R-1-8 Zone.

Commissioner Ohlin moved to close the public hearing at 7:12 p.m. Commissioner Dandoy seconded the motion. Commissioners Dandoy, Karras, Kirch, Nandell, Ohlin, Paul, and Payne voted "aye." The motion carried.

Steve Parkinson stated that Terry Spencer did own to the middle of the road on 2300 West, but not 5200 South. All of the property lines on 5200 South were even along the right-of-way. They lined up because they had been allowed to use the right-of-way as part of their setback. The Zoning Ordinance had changed since 1984, and lot sizes might be different. There might be some non-conforming lots. The subdivision proposed by Mr. Spencer had to be considered under the current Zoning Ordinance.

Chairman Kirch did not feel Lots 1 and 2 met the lot size requirement of the R-1-8 Zone. Mr. Parkinson stated that when the public right-of-way was subtracted, Lot 2 was only 6,948 square feet.

Commissioner Dandoy felt there might be a discrepancy in the information. Why was the landowner drawing a different conclusion than the staff? The landowner felt he had enough room. Mr. Parkinson said Resolution No. 198 allowed property owners along 5200 South to use the extra right-of-way to meet

their setback requirements. It did not say the right-of-way could be used as part of the lot area. The City Council could allow the use of the public right-of-way, but it had not been done elsewhere on 5200 South.

Chairman Kirch felt the Planning Commission needed to make a decision based on the ordinance and forward it on to the City Council. The City Council could look at the discrepancy.

Commissioner Dandoy felt the City Council needed information about the discrepancy. Steve Parkinson felt the discrepancy came from Resolution No. 198. Commissioner Dandoy was hard pressed to tell a property owner that he could not use his own property. Mr. Parkinson said the landowner did not have enough lot area.

Commissioner Paul stated that based on the information presented, the proposed subdivision did not comply with the Zoning Ordinance.

After further discussion, **Commissioner Paul moved to recommend that the City Council deny preliminary approval of the Spencer Subdivision located at 2243 West 5200 South based on the findings of the staff. Commissioner Payne seconded the motion. Commissioners Dandoy, Karras, Kirch, Nandell, Ohlin, Paul, and Payne voted "aye." The motion carried.**