

# ROY CITY COUNCIL MEETING AGENDA

JULY 7, 2020 - 5:30 P.M.

ZOOM WEBINAR WITH LIVE STREAMING ON YOUTUBE

## A. Welcome & Roll Call

Mayor Dandoy called the meeting to order and took roll.

## B. Moment of Silence

Councilmember Paul invited the audience to observe a moment of silence.

## C. Pledge of Allegiance

Councilmember Paul led the audience through the pledge of allegiance.

## D. Consent Items

1. Approval of the June 2, 2020, Roy City Council Meeting Minutes, and tabling of the May 19 and June 16, 2020 Minutes

Councilmember Wilson mentioned that there needed to be a few adjustments made due to name typos.

**Councilmember Burrell moved to approve the all consent items. Councilmember Wilson seconded the motion.**

**All Councilmember voted “Aye.” The motion passed.**

## E. Action Items

1. Consideration of Ordinance 20-6 amending the Roy City noise control ordinance by adding section 4-4-3.5 to prohibit engine braking on Utah State Road (SR) 97 from 1900 West to 4300 West, except for the overpass on SR 108 from Hinckley Drive to 3500 West

City Manager, Matt Andrews, presented the Ordinance. He explained that there had been complaints about engine breaks on some State roads. He continued that to enforce regulations on State road, a resolution had to be adopted through the Council. UDOT subsequently would put up a sign. He added that this had been discussed during the prior meeting but had been tabled. Mr. Andrews explained that he had reached out to UDOT and had been told that the City could either enforce the ordinance or choose not to have one: there could not be exceptions made for muffled engine breaks.

Councilmember Burrell thanked Councilmember Wilson for the information she had collected. Councilmember Wilson stated that other vehicles had much higher decibel ratings. As a result, she did not believe engine breaks did presented an issue. Councilmember Burrell stated that if commercial traffic increased, the ordinance could be revisited. Councilmember Wilson pointed that with traffic being backed, trucks would have to go unusually slowly in order to avoid using engine breaks and pointed that this seemed excessive. Councilmember Jackson stated that she disagreed with what had been stated.

Mayor Dandoy read the current ordinance: only 90 decibels of noise were allowed. Councilmember Wilson stated that having used a reader, she had found that most vehicles were under the limit of 90 decibels.

Mayor Dandoy stated that the data should be kept for the public record.



Councilmember Burrell stated that creating an ordinance that required enforcement would increase stress on the Police Force.

**No motion was made. The Ordinance died.**

2. Consideration of Resolution 20-18 A Resolution of the Roy City Council ratifying the July 25, 2015 Interlocal Cooperation Agreement for mutual aid and fire emergency services with Hill Air Force Base and amending it to include automatic aid services.

Fire Chief, Craig Golden, presented this Resolution. He stated having worked with Mr. Blackburn, legal counsel, to understand the legal details of the resolution. Mr. Golden explained where the agreement stood and added that he wanted to convert the memo from Hill Air Force Base into an automatic agreement. He continued that both agencies would benefit and would better meet time requirements.

**Councilmember Paul moved to approve Resolution 20-18. Councilmember Burrell seconded the motion. A roll call vote was taken. All Councilmember voted “Aye.” The motion passed.**

3. PUBLIC HEARING- Resolution 20-22 approving adjustments to the FY 2021 budget

Management Services Director, Camille Cook presented the proposed transfer. She explained that the resolution would increase the previously approved budget by \$1,153,848 to account for the CARE Act funds received by the City. She added that the aforementioned funding could only be used for expenditures made necessary by the current public health emergency. She continued that the City Administration had met to prioritize the CARES Act funding and would fully fund each department’s Phase One requests. The resolution, she continued increased the grant revenue received by the City and expenditures increases. The Police Department, she explained, would receive \$68 in CARES Act expenses for a portable Ozone machine. The Fire Department, she went on, would receive \$59,817 to cover expenses related to an air purifying system for Fire Station 31 and 32, as well as touchless plumbing, portable air purifiers, emergency patient relief covers, radios, and PPE. The Public Works Department, she continued, would receive \$3,000 for crowd barriers. She added that the Parks and Recreation Department would receive \$52,500 for face shields, crowd control fencing, touchless plumbing, locker room upgrades, and electrostatic disinfectant. Ms. Cook went on to explain that the transfer to Weber County would be increased by \$1,038,463 to fund the amended agreement that that Council would later review. She concluded stating that any extra funding received for Phase Two would be reviewed in a later budget opening.

**Councilmember Wilson motioned to go into a public hearing. Councilmember Jackson seconded the motion. All members voted “Aye.” The motion carried.**

Mr. Kevin Homer

Mr. Homer thanked the Council for the opportunity to speak about Resolution 20-22 though he explained that he wished to comment on Item 9. This item, he added, did not have a public hearing comment section but he hoped the Council would add this when the item came up. He continued that he would otherwise comment for Item F. Mayor Dandoy agreed.

**Councilmember Burrell motioned to go out of public hearing. Councilmember Wilson seconded the motion. All members voted “Aye.” The motion carried.**

Councilmember Burrell stated that it would be important to remember that budget reviews would be required regularly throughout the year.

**Councilmember Paul moved to approve Resolution 20-22. Councilmember Burrell seconded the motion. A roll call vote was taken. All Councilmember voted “Aye.” The motion passed.**

4. Consideration of Resolution 20-24 approving a fee for the provision of Roy City Administration records

City Attorney, Andy Blackburn presented the Resolution. Mr. Blackburn stated that State Law allowed the City to charge a fee for record requests. He continued that, by resolution, all departments had different fees, though there was none for administrative records. He explained that the fee for records would be set at \$25. He mentioned that the cost was consistent with the charge applied by other cities and that fees could be changed if needed. He mentioned that if the cost for a customer came to be higher than \$50, Staff would give the customer an estimate ahead of time.

Councilmember Wilson stated needing clarifications about easy requests and asked whether this should be part of the resolution or whether it should merely be mentioned at the bottom of the web page. She pointed that a simple prompt to call Staff could solve this. Mr. Blackburn asked whether Councilmember Wilson was suggesting that Staff answer easy requests on the phone. Councilmember Wilson confirmed that providing a record would require paying the fee. Morgan Langholf stated that the application had a request for the fee to be waived in the event of a small and simple request. Mr. Blackburn stated that there were provisions in State law to waive the fee.

**Councilmember Burrell motioned to approve Resolution 20-24. Councilmember Jackson seconded the motion. A roll call vote was taken all members voted "Aye." The motion carried.**

5. Consideration of Resolution 20-25 approving ambulance transportation charges

Fire Chief, Craig Golden presented Resolution 20-25. He explained that the resolution dealt with rate changes as allowed by the Administrative Code. He pointed to the location of the information in the code and explained it showed how much an ambulance provider could charge. The rates, he pointed, were only applicable in the event someone was transported in the ambulance. He further mentioned that cost had gone up and added that the rules would be effective as of July 1, 2020.

Councilmember Wilson asked whether these rates could be lowered due to financial hardships. Fire Chief Golden explained that there were options allowing assistance to be provided when customers went through collections. Councilmember Jackson asked whether the ambulance fee was a flat fee or whether it varied based on mileage, services provided, and supplies used. She was told there were variations.

**Councilmember Wilson motioned to approve Resolution 20-25. Councilmember Saxton seconded the motion. A roll call vote was taken all members voted "Aye." The motion carried.**

6. Consideration of Resolution 20-26 approving a contract with Post Construction Company for the 6000 South sidewalk, curb and gutter project

Public Works Deputy Director, Brandon Edwards, presented this Resolution. He explained that three companies had bid on the project. He listed the names of the three companies which had submitted bids with the lowest bid coming in at \$86,109.50.

Councilmember Jackson asked where the project would start. She was told that it would begin on 6000 South, on the West side of 2700 West, and would tie in to the existing curb and gutter by the walking trail.

**Councilmember Paul motioned to table Resolution 20-26. Councilmember Burrell seconded the motion. All members voted "Aye." The motion carried.**

7. Consideration of Resolution 20-27 approving a contract with Post Construction Company for the 5500 South sidewalk, curb and gutter project

Public Works Deputy Director, Brandon Edwards, presented this Resolution. He explained that this had also been

given several bids and that the lowest bid had been selected. He added that the City had an \$85,000.00 grant from the State of Utah for a safe sidewalk.

Councilmember Burrell asked where Post Construction, the company that bid the lowest, was based. She was told the company was based out of Ogden City.

Mayor Dandoy asked where this project was located and was told it begun at the assisted living facility.

Councilmember Paul asked whether the Council should start including the exact location in the Resolution. Mayor Dandoy stated that it would be good to indicate when and where projects would happen in the discussion.

**Councilmember Saxton motioned to approve Resolution 20-27. Councilmember Wilson seconded the motion.**

**A roll call vote was taken all members voted "Aye." The motion carried.**

8. Consideration of Resolution 20-28 approving a contract with Staker Parson Companies for the 2020 street maintenance project

Public Works Deputy Director, Brandon Edwards, presented this Resolution which addressed the street maintenance program. He continued that the lowest bid had come at \$540,808 and explained that the City was familiar with the winning company as they had been working with the City for 18 years.

Councilmember Saxton mentioned that the bids were close which is a good sign. Councilmember Burrell mentioned that Staker Parson had been very good to the community as well. Councilmember Jackson asked how roads were chosen as being most in need. Councilmember Saxton asked about the location of this project as well.

**Councilmember Wilson motioned to approve Resolution 20-28. Councilmember Jackson seconded the motion.**

**A roll call vote was taken all members voted "Aye." The motion carried.**

1. Consideration of Ordinance 20-10 Repealing and reenacting Title 1 Chapter 6 Section 5 of the Roy City Code by re-organizing and updating meeting provisions including those relating to electronic meetings and city records; also amending Title 2 Chapter 1 by adding a new section 2-1-10 regarding planning commission meetings.

City Attorney, Andy Blackburn, presented this Ordinance. He explained that since the COVID-19 crisis had begun, meetings had had to change. He continued that when the Governor declared a State of emergency, he had been part of deciding how meetings would be conducted. He added that the order would remain in place until August 20, 2020 and added that the order might be extended. He pointed that HB 5002 had been passed, requiring electronic meetings. After reading the language, Mr. Blackburn had made sure that all code was updated to reflect these changes. He continued that the current section about meetings could be clarified and described the changes he was proposing along with the type of notice that should be provided for each meeting. He added that the Mayor could decide when meetings would present a risk to participants, in which case, there was no anchor location. He mentioned that the City would need to provide a means for the public to view and participate in the meeting. He also pointed that he had added a provision for a potential increase in the cost of providing records. He explained that customers would be provided with an estimate before the time of purchase. He continued that Planning Commission meetings had been added to the resolution.

Mr. Homer requested that meetings continue to be held electronically or that the public be allowed to attend meetings that way. He pointed to changes in the language that would allow this. Councilmember Paul explained that using Zoom was easier than calling in meetings.

Councilmember Burrell asked whether it was legal to continue holding meetings via Zoom. Andy Blackburn stated

he had made sure to fashion requirements in accordance with State Code. He continued that all meetings were televised on YouTube which allowed anyone to attend. Morgan Langholf confirmed the way in which meetings could be attended. Councilmember Wilson asked whether, when offering electronic options to citizens, meetings could be held with a combination of telephone, Zoom, and YouTube. Mayor Dandoy stated that meetings had to be held live to allow for comments. He continued that transparency would be paramount and would be defined as any medium through which public could participate to a live session. He added that, at the moment, residents could send lengthier questions and comments in text form. He explained that he did not believe there was a call-in option for participants. Mr. Blackburn confirmed that there was not but added that he was leery of going outside what the governor had stipulated.

Councilmember Burrell reminded the Council of a heated discussion that had taken place in the past and explained that if such a discussion was required, the technology used would be a problem. Councilmember Paul asked whether, in the event of a Councilmember being unable to attend, there could be a Zoom meeting. Mr. Blackburn stated that this was an option. Mayor Dandoy stated that the question was whether the technology would be maintained beyond the current crisis. He continued that allowing people to join in via Zoom allowed as much transparency as could be offered.

Councilmember Burrell stated that Mr. Blackburn did not feel comfortable with the legality of changing the language from “may” to should”. Mr. Blackburn confirmed that this was the case as he did not want to go beyond what the Governor had approved. Mayor Dandoy pointed to the shift in productivity that had taken place due to the virus. Councilmember Wilson thanked Mr. Blackburn for his work. Mr. Blackburn pointed to a small clerical error in the Ordinance and stated it would be corrected.

**Councilmember Wilson motioned to approve Ordinance 20-10. Councilmember Paul seconded the motion. A roll call vote was taken all members voted “Aye.” The motion carried.**

*\*NOTE: Councilmember Paul excused himself from the meeting.*

1. Consideration of Resolution 20-29 reapproving the interlocal cooperation agreement for the distribution of CARES act funding between Roy City, Weber County and various Weber County Cities, with the deletion of section 10

City Manager, Matt Andrews, presented this Resolution. He explained that the Resolution concerned Section 2, paragraph 10 of the Resolution. He added that the intent was to help local businesses and pointed that the paragraph discussed helping individuals who had been furloughed or laid off. He continued that the intent of the agreement was to help businesses. As a result, he went on, the paragraph had been stricken. Mr. Andrews recommended approval.

Councilmember Burrell explained that in Phase Two and Three, some of these funds might go to non-profits and other entities. Mr. Andrews confirmed that, at the moment, the funds were only intended for small businesses.

Mayor Dandoy asked Mr. Blackburn if it was possible to pass the motion with 4 Councilmembers. He was told it was.

**Councilmember Jackson motioned to approve Resolution 20-29. Councilmember Saxton seconded the motion.**

**A roll call vote was taken all members voted “Aye.” The motion carried.**

Councilmember Burrell mentioned that the local businesses were grateful to have received the information about these possibilities. Mayor Dandoy explained that businesses owners were surprised to see Councilmembers and the Mayor walking the street, distributing flyers.

## **F. Public Comments**

There were no public comments.

## **G. Discussion**

### **1. Off Street Parking**

Mayor Dandoy pointed that this discussion item dealt with the Roy City Ordinance Title 10, Chapter 19. He explained that an individual who cut their curb to access parking on their property would be required to have 4.5 feet of space between the property line and the cut. He added that there had been a number of residents who did not have space on their cut. He explained this discussion would explore what to do moving forward. This portion of the ordinance, he went on, had been changed on March 7, 2017 and that the date of the change explained the discrepancy in some of the cuts: they were legal non-conforming. He concluded that these cuts looked good but were in violation of the ordinance.

Councilmember Wilson asked why it had been an imperative to change this in 2017. Mayor Dandoy explained that this portion of the ordinance had been incorporated in about 26 pages worth of changes. He continued that this had been as a result of Irma with a legal authority providing a briefing. He added that the ordinance change had been presented as something that would take the Council out of some of the decision making. He explained that Councilmembers sometimes made decisions based on a political basis and not consistency. He continued that, on occasion, cities had been sued and mentioned that Irma had allowed a compelling argument to take some of the ordinance issues out of the Council's hands and into the hands of the Planning Commission. He added that many issues had been addressed at the time and continued that there had not been anything prior dictating the space required for a cut. Mayor Dandoy explained that some "Fix It" tickets had been issued. Mr. Andrews confirmed that code enforcement personnel investigated and issued citations. The difficulty, he continued, was to know what was in violation versus legal non-conforming.

Councilmember Burrell clarified the difference between non-compliant and legal non-conforming. Mr. Andrews explained that the determination could be made based on the date of the permits was filed. He mentioned that as this was a fee-less permit, some people had done the work without filing, in which case it was challenging to track when the cut had been made. Mr. Andrews pointed that the curb and sidewalk were City property.

Mayor Dandoy explained that the City had poured the sidewalk on both sides of 4975 South and had inadvertently violated the current ordinance. He added that the sidewalks could be fixed, though he did not know the cost. He added that the City might not need to fix the issue and explained that the ordinance could be revisited by the Planning Commission to decide if it was worth keeping it. Based on the PC's decision, the City would decide whether to fix the sidewalk.

Mr. Blackburn asked how current applications would be handled. Mayor Dandoy stated that the City could not tell residents to violate the ordinance while also not knowing whether the ordinance would be maintained. Mayor Dandoy explained he would prefer residents currently applying be held to the current ordinance. Councilmember Wilson stated that residents could be told the ordinance was under review. She asked about the benefits of the ordinance. Mr. Blackburn explained that sometimes cuts were too close and create a large space with concrete. He added this was an aesthetics issue. He pointed that most cities also had exceptions for cul-de-sac. Councilmember Wilson stated that this might not be of great importance.

Brandon Edwards explained that he preferred the curb cut to other options.

The Council agreed let the Planning Commission review the ordinance and place a hold on further decision.

### **2. No Soliciting Policy**

Mayor Dandoy stated that the issue had been discussed with different councilmembers. He added there had been a

decision made in August 2019. The pamphlet provided, he continued, had some recommendations. He clarified that Layton and Syracuse had been used as examples of different solicitation ordinances.

Councilmember Wilson stated she liked the second point which focused on product sales. She continued that there were other times when solicitation might be welcomed. She added that the most concerning solicitation was sales. Mayor Dandoy stated that he had gone to knock on doors with the Air Force to inform residents about the chemical plume in the City. He continued that a very strict ordinance would have prevented this service from being provided to residents. He added that there was a fundamental difference between no-trespassing and no-solicitation. He continued a no-trespassing sign would prevent anyone from entering the property while a no-solicitation sign would prevent people trying to sell something from entering the property. He added that solicitation was a selling issue, not a visiting one.

Mr. Blackburn explained that the topic was complicated and pointed that San Diego had a good grasp of the problem. He explained that some solicitation was of the religious kind. He continued by stating that he was working on a comprehensive overhaul of the business licensing and, as a result, would like to focus on solicitation afterwards. He added that he understood if the Council felt that the issue was not moving fast enough. He continued that working from home, he had been able to do more, and that he was hoping to soon be able to turn his attention to this matter.

Mayor Dandoy asked whether the Council approved of waiting to have Mr. Blackburn take care of the ordinance. Councilmember Wilson stated she had polled citizens asking them what they believed “no-solicitation” meant. She pointed that they had said it meant no sales attempts. Councilmember Jackson stated that anyone selling something would need to have a permit. She added that solicitors sometimes targeted older individuals on purpose. Mr. Blackburn stated that some ordinances could require that anyone selling anything would have to show their sales permit. Mayor Dandoy stated that the current ordinance was vague but mentioned that any resident who asked to be left alone was entitled to be left alone. He pointed that some sellers were very aggressive.

#### **H. City Manager’s Report**

Mr. Andrews stated that applications were open for Weber CARES and added that over 130 applications had been submitted for the entire County. He continued that a few more businesses would have applied the day of the Council meeting as well. He mentioned that an employee or two might be allocated to help with the process.

Mr. Andrews pointed that there had been a UDOT had a public hearing for the 5600 Corridor before the Council meeting and explained that the public hearing had taken place online. He added that the hearing had been more of a presentation and that UDOT would follow through the following day with another public hearing, this one being held in person at Roy Elementary School. He explained that UDOT was seeking as many public comments as possible to be submitted electronically. This, he continued, was done to reduce the number of attendees.

#### **I. Mayor & Council Report**

Mayor Dandoy stated he would receive a weekly update on the CARES Act applications from Roy Businesses. Mayor Dandoy explained that the comments for the UDOT environmental assessment study had opened on June 23 and would close on July 23, 2020.

Councilmember Wilson asked if it would be important to have a representative from Roy to help with the CARES application process. She added that Roy had the greatest number of citizens. Mayor Dandoy stated that this was a concern he had shared but that after talking with the County about how the applications would be screened, and he felt mostly comfortable with the County handling the application. He pointed that he would, however, feel more comfortable with a Roy representative present. He continued that since Roy would pay for their employee to help the County, he did not want the employee merely waiting around and not actively allowed to help. Councilmember Burrell explained that it was important to have the appropriate representation. Mr. Andrews stated he could easily send an employee to assist. Councilmember Wilson stated that she would be happy to volunteer her time to help

with that process.

Councilmember Jackson asked whether the application process was on a first come first served or whether all applications received in the allotted window of time would be equally considered. Mayor Dandoy stated that some guidelines had been created for applications. He explained that in terms of screening applications, the first ones would be prioritized. He further explained that a lot of businesses were shut down based on the Health Department decree that some functions were not allowed and added that these businesses would be prioritized on the list. He continued that there were three priority lists and that the County had been clear on how the priorities were set. Mayor Dandoy stated that his largest concern was that businesses did not apply to the program as they might find the application too cumbersome. He further stated that he wanted businesses to take advantage of this great opportunity. He concluded stating that when the funding ran out, businesses would have to wait for Phase Two funds to be released.

Councilmember Jackson stated that part of the application required for some documents to be scanned, which, she added, might not be feasible for all businesses. Mayor Dandoy explained that the City of Roy had invested in a scanner and added that residents could make arrangements to use these items for City business. Mayor Dandoy added that some businesses had told him they had lost so much during the crisis that they would not be able to reopen.

Councilmember Wilson stated that she wished to share her COVID-19 graph. She explained that the Mayor had discussed the importance of showing caution though the numbers were looking good for the City. She added that there might be a second and even a third wave and explained that things were not looking good. Councilmember Wilson emphasized the importance of wearing masks: she pointed that it was important to wear a mask to protect others and the community. She pointed further that the elderly was at great risk and that masks must be worn to protect them. Mayor Dandoy asked whether Councilmembers would consider using their own social media to share numbers and encourage people to be aware of the need for safety. He added that it was important to share information and that councilmembers could share Councilmember Wilson's document.

Councilmember Jackson asked when 5600 would be completed, to which it was noted that the project would not be completed until 2021. Councilmember Jackson asked about the sewer line replacement. She was told that 2500 would be re-opened in a somewhat near future but that the rest of the project would be completed in 2021. Councilmember Jackson stated she wished to know about 2200's completion date as her shortcuts were being closed. She was told it would take time to replace the water line in that location.

Councilmember Saxton stated that the Intermountain Roy Clinic had a portion being demolished while the new clinic was in use. He added that the landscape would be updated and recommended that councilmembers visit the space.

Councilmember Saxton congratulated Mayor Dandoy for becoming a grandfather again. He explained that the Mayor now had a granddaughter. Mayor Dandoy stated she wished his son had been here to welcome his child. The weight of the child was discussed. Mayor Dandoy stated that the mother of the child was doing well and was home.

## **J. Adjournment**

**Councilmember Burrell moved to adjourn the meeting. Councilmember Wilson seconded the motion. All Councilmember voted "Aye." The meeting was adjourned at 7:20 PM.**

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Robert Dandoy, Mayor

Attest:

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Morgan Langholf, City Recorder