Administrative Offices
4600 So. Weber River Drive
Riverdale, Utah 84405

Minutes of the **Regular Meeting** of the **Riverdale City Council** held Tuesday, **February 20, 2007** at 6:00 pm at the Riverdale Civic Center, 4600 South Weber River Drive.

Members Present: Bruce Burrows, Mayor
David Gibby, Councilor
Stacey Haws, Councilor
Gary Griffiths, Councilor
Doug Peterson, Councilor
Shelly Jenkins, Councilor

Others Present: Larry Hansen, Chief Administrative Officer; Steve Brooks, City Attorney; Randy Daily, Community Development Director; Lynn Moulding, Public Works Director; Lynn Fortie, Business Administrator; Doug Illum, Fire Chief; Dave Hansen, Police Chief; Marilyn Hansen, City Recorder; other city staff and approximately 23 citizens.

A. Welcome & Roll Call

Mayor Burrows called the meeting to order and welcomed all those present. He noted that Councilor Peterson will be joining the meeting in progress as he is in a meeting at the State Legislature.

B. Pledge of Allegiance

Councilor Jenkins offered the Pledge of Allegiance. Mayor Burrows read a quote from Thomas Payne.

C. Moment of Silence

Mayor Burrow's quote was followed by a Moment of Silence.

D. Open Communications

Helene Liebman from Weber Pathways stated that her comments were in regard to the Public Hearing. Mayor Burrows reported that the Public Hearing item (G4) will be moved up on the agenda before item G2. Ms. Liebman stated that she would make her comments then.

Scott Evans stated that he lives by Golden Spike Park. He explained that he thinks that a great job has been done on the trail system and likes the way it goes around Golden Spike Park. Mr. Evans stated that if Unity wants to develop the property and is offering to build a bridge for the City, he thinks it is a win-win situation for Riverdale. He sees no reason why residents should pay for that when we can work a deal and get a finished trail system.

E. Presentations and Reports

1. Mayor's Report

None

2. Administrator's Report

a. Department Information

Larry Hansen discussed the report.

b. Employee Recognition

Larry Hansen recognized the following employees whose anniversary date falls in the month of February.

Employee	Length of Service	Department
John Anderson	10 Years	Fire
Nolan Geilmann	8 Years	Police
Steve Hodges	7 Years	Business Administration
Michael Albee	6 Years	Fire
Scott Fannin	6 Years	Fire
Brady O'Connor	6 Years	Fire
Joel Pippin	3 Years	Police
Jamie Boots	1 Year	Police

c. Staffing Authorization Plan

Mr. Hansen discussed the report and noted that the city is still operating under authorization.

d. Annual Water Department Report

Lynn Moulding explained that he reports annually to the State regarding Riverdale's water consumption. He encouraged residents to conserve water.

4. Recorder's Report *(Review status of Council requested follow-up items)*

None

F. Consent Items

1. Approval of meeting minutes from:
January 30, 2007 Special City Council
January 31, 2007 Special City Council
February 6, 2007 Council Work Session
February 6, 2007 Regular City Council
February 6, 2007 Closed Executive Session

Motion: Councilor Haws moved to remove the February 6, 2007 Closed Executive Session minutes from the Consent Items. Councilor Griffiths seconded the motion.

Call the Question

The motion passed unanimously.

2. Report on the Condition of the Treasury for the month ending January 31, 2007.

Lynn Fortie, Business Administrator, discussed the month ending January 31, 2007. He noted that the General Fund received $19,000 in business license revenues, $61,000 in building permits and fees and $56,000 in Class C Road Funds. He explained that the Water Department made a payment of $154,000 to Weber Basin Water. $20,000 was expended for laptop computers for the Police Department.

Motion: Councilor Gibby moved to approve the consent items as amended with the Executive Session minutes held over for the next meeting. Councilor Haws seconded the motion.

Call the Question
The motion passed unanimously.

G. <u>Action Items</u>

1. Consideration of Resolution 2007-5 adopting Findings of Facts and Conclusions from the Riverdale Dinner and Bingo business license revocation hearing.

City Attorney, Steve Brooks, reported that the Council had before them the Findings of Facts and Conclusions that he had prepared and asked them to approve them. He recommended that the counsel for Riverdale Dinner and Bingo be allowed to review the Findings and submit any objections that they might have back to the Council for the next City Council meeting. Mr. Brooks stated that Item 22 states that the phone minutes expire at the end of the Magic Ball game and that it should be internet minutes.

Motion: Councilor Gibby moved to adopt Resolution 2007-5 revoking the business license of Riverdale Dinner and Bingo and adopting its findings and conclusions and the conditions set forth therein and request that Mr. Brooks give Counsel for Riverdale Dinner and Bingo a copy of said documents and allow them time for review. If there are any substantive errors that they be addressed at the next Council meeting. Councilor Griffiths seconded the motion.

Councilor Haws stated that given the fact that City Council packets are put together a few days before their meetings, he requested that a time limit be established on when the comments from Riverdale Dinner and Bingo's counsel be given back to Mr. Brooks. Councilor Gibby suggested ten days. Mr. Brooks explained that ten days might be too long and asked Riverdale Dinner and Bingo's counsel if they would agree to seven days. Counsel for Riverdale Dinner and Bingo agreed to seven days.

Motion: Councilor Haws moved to amend his motion to include a time frame of seven days for response. Councilor Griffiths agreed.

Call the Question
Roll Call Vote: Councilor Griffiths, Yes; Councilor Gibby, Yes; Councilor Haws, Yes; Councilor Jenkins, Yes. The motion passed unanimously.

Item G4 was moved up on the agenda and heard next.

4. Public Hearing on the exchange of property and abandonment of easement with Unity Enterprises, LLC.

<u>a. Open Public Hearing</u>

Mayor Burrows reported that residents from Riverdale will be allowed to speak first, then other interested parties, and thirdly property owners. Randy Daily, Community Development Director, displayed a map of the property outlining the 1.8 acre exchange and abandonment of the easement.

Riverdale Residents
None

Interested Parties
Helene Liebman, Executive Director of Weber Pathways, urged the Council to consider the Weber River Parkway and Centennial Trails in relation to approving this item. She stated that the last .9 mile of trail will hopefully go through Unity's property and is important as this section will complete the Riverdale trail and provide a vital link to both the Weber River Parkway and Centennial Trails. She stated that they are anxious to support the City with cash and in kind work to see these trails completed.

Jeff Ellis, landscape architect who has been working with Weber Pathways for the last ten years, stated that he appreciates Unity's proposal to set aside 25 acres for the parkway. He urged the Council to make sure there will be enough room to build the trail, without excessive expense or engineering. He stated that the parkway that Riverdale currently has is a great natural asset for the City and that this final section is critical to Riverdale and the whole County.

Property Owners
Rick Thomas, representing Unity Enterprises stated that the 93 acres that is owned by Unity is private property and has been for over 100 years. He reported that it is their decision to donate the 20 acres to the City so they can finish the trail.

Wayne Belka is the architect planner who is working with Unity on the concept development of the project. He stated that the exchange property is more or less 70 feet wide and quite long and encompasses the canal itself. The canal is 4 feet deep and 10-15 feet wide and runs directly through their property. He stated that this is not a useful piece of property to the City and only useful to Unity to consolidate their property. Mr. Belka stated that there are a lot of trees and wetland that is being transferred in the 1.8 acres to the City. He stated that they are proposing that at any minimum point of the 25 acres that they are gifting to the City will be 60 feet away from the bank edge of the river, which should be sufficient for any trail.

b. Close Public Hearing

Motion: Councilor Gibby moved to close the Public Hearing. Councilor Haws seconded the motion.

Call the Question
The motion passed unanimously.

c. Consideration of Resolution 2007-7 approving the exchange of property and abandonment of easement with Unity Enterprises, LLC.

Councilor Haws stated that he is a little surprised that we are to this point, because in every other situation where the City was contemplating a land exchange or purchase for sale, the staff has brought the particulars to the Council in a Closed Executive Session prior to having even finalized negotiations. He stated that the 1.8 acres the City owns appears to be in the middle of their development, but the 1.8 acres being deeded back to City is right on the river and has wetlands in it. Mr. Haws stated that he understand the value it has as part of trail system, but wonder if an appraisal should have been done to find out what value these two pieces of land have.

Councilor Peterson arrived at 6:50 p.m.

Larry Hansen reported that the City did not get appraisals on these parcels as it was appraised some years ago with the A-1 zoning and that the incentives that the Developer has come forth with, mitigate the need for an updated appraisal on this ground. He stated that only a piece of the wetland is in the 1.8 acres that they are proposing to exchange with the City and doesn't change the desirability of this piece of property. Mayor Burrows stated that this has been an open negotiation and that there was no need to go into a Closed Executive Session. Councilor Griffiths stated that he thinks it is a wonderful thing that there is an exchange and that we can preserve part of the wetland. Councilor Jenkins stated that she sees great value to the trail but her concern is that the conceptual plan has been out for more than a year now, waiting for the wetland and traffic studies. She inquired if they knew where the bridge would be placed now that these studies have been completed and if it is wise to give up the easement at this point, when the Council has already conditionally granted the developer a re-zone of this property for this use. Ms. Jenkins stated that she has considerable concerns in keeping our leverage there to accomplish the very best product for the City down the road. Councilor Gibby stated that the property, in terms of exchange and access, has no value to Riverdale City in its current state but has great value to the developer. He stated that in terms of leverage, the key is to facilitate development. He stated that he sees no reason to delay and every reason to move forward.

Motion: Councilor Gibby moved to adopt Resolution 2007-7, a resolution of the Riverdale City Council agreeing to a property exchange between Untiy Enterprises, LLC, and Riverdale City and the abandonment of easement. Councilor Griffiths seconded the motion.

Councilor Haws stated that in public comment there was a question about the current trail going from 1050 West to the river and a bridge going across the river. He stated that the Developer has not agreed to, or offered to build a trail bridge, but is proposing a road over the river north of where the trail ends. Mr. Belka reported that there will be a walkway to the roadway bridge. Councilor Haws stated that he has a concern that Pam Cramer, from the Division of Natural Resources, indicated that the conceptual site for the bridge goes through a pristine, riparian area of the development. He noted that at different meetings he has attended, the developer has indicated a willingness to talk with and negotiate with Ms. Cramer in regard to what could be done to facilitate saving the most valuable pieces of the open space. He stated that he hasn't seen or heard any results of that negotiations and wondered if there had been any progress in that area. Councilor Haws also wondered about the ability of the City to get a pathway through the area that is being donated, given that there is some wetland areas in that piece of property. Lynn Moulding replied that he walked the entire length of property last year to see if the trail could fit between the river and still have 20 feet inwards. He stated that the there was only one spot of concern and if the developer adjusted that to 60 feet, he doesn't have any concerns. Mr. Moulding stated that they may have to build one bridge over the wetlands but that depends on the boundaries. Councilor Jenkins stated that in regard to the 1.8 acres and the area of high value to the Division of Wildlife Resources and the pristine nature and quality of habitat in that area, she is concerned that we have not established a difference in value between the easement and the other property. She stated that if it were to be perceived that the parcel owned by the City and how it impacts their development, that maybe more could be traded off or negotiated to move the bridge. She stated that if the bridge came a little farther down, it would be a shorter span to cross the river and perhaps there is a possibility for continued negotiations to consider some of those things. Mayor Burrows stated that these issues would be addressed during the site plan approval stage. Councilor Haws stated that what Councilor Jenkins is getting at is whether we want to

accept the 1.8 acres that has been negotiated by staff with the developer as the exchange for the 1.8 acres we have; or is the 1.8 acres more valuable than the 1.8 acres that they are going to give up and would we want to expand that for more acreage. Mr. Belka stated that ultimately the City is going to get five million dollars worth of property and that the 1.8 acres is the tip of the iceberg of the 25 acres of property that is being donated to the City. Councilor Haws asked why staff didn't try to negotiate for more valuable open riparian area. Mr. Hansen stated that the City stands to gain 25 acres of land to complete .9 miles of trail, obtain secondary access by bridge, and receive contribution for another quarter mile of road. He stated that the viability of this project transcends the acreage on the east side of the river and will contribute positively for the whole City. Councilor Haws stated that he is not asking to be in the negotiation process, however, in other situations they were at least consulted prior to the item coming to them. He stated that he is upset that they are voting on this tonight and didn't know what was in the packet. Councilor Jenkins stated that staff has had these documents for quite some time and this information could have been shared along the way or prior to this meeting. Councilor Peterson stated that he feels that getting an appraisal on the property would be wasting time and money as the appraisal is not going to look at potential future value but the value of the property now. He stated that as far as negotiations go, that they have gone through this and it was an issue before he came on as a Councilmember. He thinks that with what has been negotiated, to come to this much land being given in consideration to the City, that this is open forum and looks like a good exchange.

Motion: Councilor Gibby called the question to vote. Councilor Peterson seconded the motion. The motion passed unanimously.

Call the Question
Roll Call Vote: Councilor Griffiths, Yes; Councilor Gibby, Yes; Councilor Haws, Yes (with explanation); Councilor Jenkins, Yes (with explanation); Councilor Peterson, Yes. The motion passed unanimously.

2. Consideration of Resolution 2007-6 adopting a Developer's Agreement with Unity Enterprises, LLC.

City Attorney, Steve Brooks stated that the City hired Attorney Jody Burnett to work on the Developer's Agreement between Riverdale City and Unity. He noted that there had been a question on section 9.5 and the involvement of third parties, but that is not an issue here. He explained that the rest of the agreement is how Mr. Burnett wrote it up, with the additions of what staff negotiated. Mayor Burrows stated that they will go through the Developer's Agreement point by point and address any questions in their order. Councilor Haws stated that Section 3.2 indicates that the City will participate with the development of a road and water line across Riverdale City property to the property line of the project with the City participating 50%. He asked if the 50% was for both the road and water line. Mayor Burrows replied that it was 50% for both. Councilor Haws asked what the expectation of the Riverdale City portion of the road, water line, and land would cost. Lynn Moulding replied that the water line cost is approximately $100,000. He stated that estimating cost for the street improvements is difficult as prices have been volatile, but estimates $200,000 – $250,000 for curb gutter and pavement. Councilor Jenkins asked Mr. Moulding if the City would be better served if the road were further back by the railroad tracks. Mr. Moulding stated that would mean going through a wetland and that would need to be mitigated. Councilor Jenkins expressed concerns that the road dissects the City's property and parallels the trail and the farther away we get from the trail, the more City land is used. She stated that we currently have access to

our property and are now looking at sharing our access to facilitate this development and feels that this is a blank check.

Councilor Haws discussed Item 6, Requirement of Compliance with All Other Applicable City Regulations Governing Development Approval, and asked if this section is a normal part of Developer's Agreement. Mr. Hansen stated that the last sentence of this section is the key statement, which stated that if there is a conflict, then the Developer's Agreement governs. Steve Brooks stated that something specific could be added if the Council wanted. Councilor Haws discussed the placement of the bridge. Mr. Brooks replied that we don't know where the bridge is going and it is something that we will work out when they know. Rick Thomas stated that economics will dictate where the bridge goes as well as the Army Corps of Engineers and FEMA. He explained that the final decision of where the bridge can be placed will be made by the State of Utah and the Army Corps of Engineers. Councilor Jenkins stated that at this point, she hoped we would know where the bridge would go. Mr. Thomas explained that there have been quite a few changes and they wanted to know if they could get the zoning before doing the additional studies. He stated that the bridge can only go in certain places and will be dictated by the State and FEMA. Councilor Jenkins inquired if Unity would add that they would be amenable to working with the City on the location of the bridge. Mr. Thomas stated that he can't say that they will promise to do this, but that they would be amenable to moving it a few feet or yards if they can. Mayor Burrows asked if there were any substantive changes to section 6. There were none.

Councilor Peterson discussed Section 9, General Terms and Conditions. He asked for clarification on the fifteen year agreement period. Mr. Hansen stated that the time period was initially ten years with a five year extension and language that required the developer to apply to do work within three years. He explained that the developer felt like they wanted to get this thing going and asked for fifteen years. Mr. Brooks stated that we already have our land and what we needed to put the trail in, so it wasn't a major concern.

Motion: Councilor Gibby moved to adopt Resolution 2007-6 a resolution authorizing execution of a Developer's Agreement between Riverdale City and Unity Enterprises, LLC. Councilor Griffiths seconded the motion.

Call the Question
Roll Call Vote: Councilor Gibby, Yes; Councilor Haws, No; Councilor Jenkins, No; Councilor Peterson, Yes; Councilor Griffiths, Yes. The motion passed with three in favor and two opposed.

3. Consideration of Ordinance #678 approving the re-zone from A-1 to MU for Unity Enterprises, LLC.

Motion: Councilor Haws moved to approve Ordinance 678 amending the Riverdale City zone district map by changing the zoning of approximately seventy acres of land commonly referred to as the Unity Enterprises project which is located at approximately 5100 So. Weber River Drive, and rezoning it from A1 (agricultural) to M-U (mixed use), all of which is within Riverdale City, State of Utah; providing for severability and an effective date. Councilor Gibby seconded the motion.

Councilor Jenkins stated that this is not consistent with the past philosophy of the City and inquired at what point the General Plan would be amended. Mr. Hansen stated that action was taken by the

Council on August 15, 2006 to amend the General Plan in conjunction with this proposal. He explained that there are other General Plan issues that we are currently working on.

Call the Question
Roll Call Vote: Councilor Haws, Yes; Councilor Jenkins, Yes; Councilor Peterson, Yes; Councilor Griffiths, Yes; Councilor Gibby, Yes. The motion passed unanimously.

5. **Consideration of Ordinance 677 adopting Title 10 Chapter 22 Planned Residential Unit Development.**

Mayor Burrows called for a break at 8:24 p.m.
The meeting re-convened at 8:36 p.m.

Randy Daily stated that he had made all the changes to PRUD Ordinance that were discussed at the last City Council meeting. He explained that Councilor Jenkins had brought up some additional changes.

10-22-4(C)(4) - Change parks to read "parks/maintainable useable open space". **Mayor Burrows asked for consensus on this change. Consensus was reached.**

10-22-4(I) – Mr. Daily discussed putting some requirements for fencing as part of a PRUD. It was discussed that this requirement could be put under 10-22-4(I) Screening and could read "Requirement for fencing/screening shall be reviewed by the Planning Commission for view and safety. Mr. Daily stated that a PRUD will most likely have fencing that would not comply with the City's fencing ordinance. Councilor Jenkins discussed that this would serve the purpose of the development because it is the perimeter fence that screens them, as long as the fence meets the public safety line of site issues. **Mayor Burrows asked for consensus. Consensus was reached.**

A discussion was held as to whether or not a PRUD needed to be in a residential zone in order to be approved. It was determined not to restrict the zoning to just residential as it may be determined as a taking if the zone was changed to a lower zoning designation.

10-22-5(D)(2) – A discussion was held as to how this section applies to the Home Owner's Association's responsibility to maintain the open space and the recourse the City has if the open space is not maintained. It was decided to leave this section alone as the developer and Home Owner's Association are given several options regarding the maintenance of open space.

10-22-12 – Councilor Jenkins questioned at what point a PRUD is considered out of compliance and the project would revert back. It was discussed that 10-22-8 and 10-22-9 answers that question and that the original intent was that if the development doesn't take place it reverts back to the previous use. Mr. Daily stated that this section is not referring to a built-out PRUD. Mr. Brooks recommended deleting this section for now until he can do more research. **Mayor Burrows asked for consensus to strike section 10-22-12. Consensus was reached.**

A discussion was held as to the purpose and intent of describing a PRUD. Councilor Jenkins stated that previously a PRUD only allowed density and asked what qualifiers they could require for a development to be considered a PRUD. Mr. Daily replied that her question is addressed in 10-22-5(D). Councilor Jenkins stated that section only speaks to requiring open space. Councilor Gibby

stated that a conditional use means that a developer brings a project before the Planning Commission and they set the conditions. He recommended against setting up requirements.

Motion: Councilor Gibby moved to approve Ordinance 677 amending Title 10, Zoning and Subdivision Regulations, Chapter 22, Reserved, to establish a code section that will set forth the rules, provisions and conditions for a Planned Residential Unit Development; providing for severability; repealing all ordinances in conflict herewith; and providing an effective date upon publication as required by law as discussed and amended. Councilor Peterson seconded the motion.

Councilor Haws asked if they could see the final draft of Ordinance 677 prior to final approval.

Motion: Councilor Gibby moved to amend his motion to pass Ordinance 677 conditional upon the final draft. Councilor Peterson agreed.

Call the Question
Roll Call Vote: Councilor Jenkins, Yes; Councilor Peterson, Yes; Councilor Griffiths, Yes; Councilor Gibby, Yes; Councilor Haws, Yes. The motion passed unanimously.

H. Discretionary Items

Councilor Peterson gave an update on Senate Bill 170 which passed out of the senate last week. He stated that the issue is whether to use 2004-2005 as the base year for the hold harmless cities that were affected by SB-35 last year, or use tax year 2005-2006. He stated that if Riverdale is allowed to use the 2005-2006 base year, we would gain approximately $400,000 per year in tax revenue. Councilor Peterson reported that SB-170 also shortened the phase out from ten years to eight, but Senator Jenkins asked for an amendment allowing the phase out to remain at ten years, which passed. He stated that the Utah League of Cities and Towns is supporting these changes and that no cities have come out in opposition to it. He stated that Representative Brad Dee has been working with him to help get these changes passed.

I. Adjournment

With no further business to come before the Council at this time, Councilor Gibby moved to adjourn the meeting. Councilor Peterson seconded the motion. The motion passed unanimously. The meeting adjourned at approximately 9:23 p.m.

Attest: Approved: March 6, 2007

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Marilyn Hansen, City Recorder Bruce Burrows, Mayor