
Minutes of the **Regular Meeting** of the **Riverdale City Council** held Tuesday, **March 6, 2007** at 6:00 p.m. 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; Lynn Moulding, Public Works Director; Dave Hansen, Police Chief; Marilyn Hansen, City Recorder; other city staff and approximately 7 citizens.

A. Welcome & Roll Call

Mayor Burrows called the meeting to order and welcomed all those present.

B. Pledge of Allegiance

Councilor Haws 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.

Mayor Burrows reported that Item G2 – Public Hearing regarding the no-build easement for the Woods Properties will not be held tonight as our legal counsel along with our URMMA attorney feel that the public hearing and Ordinance 679 is not necessary. They state that the language in the contractual agreements with property owners takes care of the no-build issue without any further encumbrances. City Attorney, Steve Brooks stated that if anyone is here and wants to ask questions that he will answer them. Mayor Burrows stated that if anyone still wants to comment on this item, they are welcome to comment during Open Communications regarding the public hearing.

D. Open Communications

None

E. Presentations and Reports

1. Mayor's Report

Mayor Burrows read a proclamation for Outstanding Riverdale Citizen Award presented to Doug Peterson for his efforts in lobbying for SB 170. He also thanked Representative Brad Dee and Greg Buxton for their efforts on this bill. Mayor Burrows reported that Riverdale City will receive RAMP funding for two of the three projects that were submitted. He stated that funding was received for the tunnel under Parker Drive at the river and the restrooms at the Kayak park. He noted that he will talk to the committee and see if they will exchange the Kayak park restrooms for the restrooms at the north trail

access. Mayor Burrows reported that the Weber Area Council of Governments honored Ogden police officer Ken Hammond and his wife for their efforts during the shootings at Trolley Square.

2. Recorder's Report (*Review status of Council requested follow-up items*)
None

F. Consent Items

- 1. Approval of meeting minutes from:**
February 6, 2007 Closed Executive Session
February 20, 2007 Council Work Session
February 20, 2007 Regular City Council

Motion: Councilor Gibby moved to approve the consent items. Councilor Peterson seconded the motion.

Call the Question

The motion passed unanimously.

G. Action Items

- 1. Consideration of final approval of the Findings of Facts and Conclusions from the Riverdale Dinner and Bingo business license revocation hearing.**

City Attorney, Steve Brooks reported that the responses from Riverdale Dinner and Bingo's Counsel were included in the packet given to Councilmembers. He explained that at this point, they need to decide if anything in the responses was worthwhile and if they wanted to make any adjustments to their findings. If not, then the Council needs to approve the Findings in order to begin the deadline date for Riverdale Dinner and Bingo's Counsel to file an appeal, which would begin today.

Councilor Haws inquired if it would be OK to approve the Findings, including the responses from Riverdale Dinner and Bingo without necessarily changing their Findings. Mr. Brooks stated that they could make note of Riverdale Dinner and Bingo's responses but recommends not adopting them as part of their Findings as they need to adopt their own Findings. He explained that they could make note that they read and considered them. Councilor Jenkins stated that she wanted to make a comment so that all parties present were aware that all of the comments that were presented to them have been read and considered.

Motion: Councilor Gibby moved to accept the Findings of Fact as stated with no changes and include the responses as comments for the record. Councilor Peterson seconded the motion.

Call the Question

The motion passed unanimously.

- 2. Public Hearing regarding the no-build easement for the Woods Properties.**

- a. Open Public Hearing
b. Close Public Hearing
c. Consideration of Ordinance 679 approving a no-build easement for the Woods Properties.

This item was struck from the agenda.

3. Consideration of request from The Boyer Company to reduce Street Cut Fee for Riverdale IV project.

Brad Galvez, from The Boyer Company, stated that as part of the Riverdale IV project they will need to install the storm sewer behind Pacific Avenue and Lowes and will be cutting 1,100 linear feet of the road, 5 feet wide. He noted that at our current street cut rate it will cost them \$35,000 for the right to cut the road. Mr. Galvez reported that he had a couple of reasons for the Council to consider reducing this fee. He reported that they initially installed and paid for that road. Secondly, he provided a comparison from other cities to compare what their fees were to Riverdale's. He stated that he understands that there needs to be a justification for Cities to set fees and he is not sure how Riverdale justifies charging \$6 per square foot. He noted that he also understands that this is not your problem, but that they are in the process of relocating the power lines along the west side of Riverdale Road, which is an additional fee that they didn't plan on. He stated that any consideration that the Council could give this request would be appreciated. Mayor Burrows reported that the justification for the fee was that in the past, fiber optic companies were cutting the roads and not appropriately fixing them. The fee was raised so they would fix the road, or if not, we had the ability to pay for it. Lynn Moulding reported that we are currently looking at all of our fees and that he is recommending that this fee be decreased to \$3.10 per square foot.

Councilor Jenkins reported that it was her understanding that this fee was elevated to help the City recover the cost to put our roads back into repair after contractors cut into the roads. She is not in favor of reducing this fee until they can look at the overall fee schedule and see how it plays into the whole picture. Mr. Hansen reported that a draft Consolidated Fee Schedule was discussed at the February 24, 2007 Strategic Planning session. He noted that with regard to development projects, there was an accompanying increase in building permit fees, as we are very low. He explained that this fee is higher than some other municipalities but it is also true that we are almost rock bottom on the other fees. He stated that we plan to look at those fees as we draft the FY-08 budget and depending on the action of the Council on the fee schedule, he proposes those fees become effective July 1, 2007. He reported that it would then be Council's discretion to offer a look back on this fee, if they choose to. Councilor Griffiths discussed that some cities charge a triple street cut fee if the street is relatively new or conversely if the street is old or would be repaved after the project a lot of cities will waive the fee all together. Councilor Jenkins stated that she would be more in favor of looking at the entire fee schedule and if the street cut fee is reduced then they can look back and make the adjustments but put emphasis on getting these fee schedules in order right away.

Motion: Councilor Gibby moved that we put a final recommendation together for next fiscal year but have provisions for look back to have equitable agreement with Boyer at that time, so that Boyer gets just compensation if that should be deemed appropriate. Councilor Griffiths seconded the motion.

Councilor Haws inquired if they were going to look back on all of the fees that we might change or only on the street cut fee. Councilor Gibby replied just the street cut fee. Councilor Jenkins stated that the consideration that Councilor Griffiths brought up the different fees based on the age of the road and felt that a triple fee might bode worse. Mr. Galvez stated that they installed the new road in 2000 when they did the Lowes project. Councilor Jenkins explained that she wanted to make sure that we look at who the parties are if we do change the fee schedule and that maybe fees are waived if it is a road they paid for.

Call the Question

The motion passed unanimously.

4. Consideration and awarding of Public Works bids.

Lynn Moulding, Public Works Director, reported that recently sent four projects to bid. They were:

- 1) 700 West Street Roadway Improvement Project
- 2) 1180 West Street Waterline Replacement Project
- 3) Sanitary Sewer Replacement on South Weber Drive
- 4) 4400 South Street Storm Drain Improvement Project

Mr. Moulding stated that he is recommending accepting the 700 West Street Roadway Improvement Project bid and rejecting the other three as they were well over the budgeted amount. Councilor Jenkins asked how far over budget the other three projects were. Mr. Moulding replied that two of them were way outside the budget and the other project was double the budgeted amount. He stated that they are considering doing the water line project in-house and is still considering all of his options for the other projects. He reported that for the Sanitary Sewer Replacement on South Weber Drive, they may just have to put that off and repair it and keep cleaning it. He explained that the 4400 South Street Storm Drain Improvement Project is the most urgent one, but that bid came in double the budgeted amount. Councilor Gibby asked if it was possible do the 4400 project in-house. Mr. Moulding replied that they don't have the equipment for that.

Motion: Councilor Gibby moved to approve funding for the 700 West Street Roadway Improvement Project, awarding the post construction bid in the amount of \$65,317.00. Councilor Haws seconded the motion.

Call the Question

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

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

City Attorney, Steve Brooks, stated that Ordinance 677 was conditionally approved at the February 20, 2007, City Council meeting providing the Council approved a final written draft with the discussed changes.

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. Councilor Peterson seconded the motion.

Councilor Jenkins discussed the Reversionary clause that was deleted from the Ordinance and asked about the process to place amended language back into the Ordinance. Mr. Brooks stated it would go through the same process that any changes to Title 10 go through.

Call the Question

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

H. Discretionary Items

Councilor Haws asked which hotel they are staying in when they attend the Utah League of Cities and Towns conference in St. George. Mayor Burrows indicated that they are staying at the Hampton Inn.

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 6:48 p.m.

Attest:

Approved: March 20, 2007

Marilyn Hansen, City Recorder

Bruce Burrows, Mayor