
Minutes of the **Regular Meeting** of the **Riverdale City Council** held Tuesday, **April 17, 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; Lynn Moulding, Public Works Director; Randy Daily, Community Development Director; Jan Ukena, City Planner; Lynn Fortie, Business Administrator; Stacey Comeau, Human Resources; Marilyn Hansen, City Recorder; other city staff and approximately 12 citizens.

A. Welcome & Roll Call

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

B. Pledge of Allegiance

Larry Hansen offered the Pledge of Allegiance. Mayor Burrows read a quote from Charles Coatsworth Pickney.

C. Moment of Silence

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

D. Open Communications

Stan Hadden, Riverdale's representative for the Weber Mosquito Abatement District distributed their 60th Annual Report. He also prepared an article for possible inclusion in the Riverdale City newsletter regarding mosquito abatement.

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 April.

Employee	Length of Service	Department
Paul Flaig	24 years	Fire
Scott Brenkman	8 years	Police
Cherie Burrows	8 years	Community Center
Curtis Jones	5 years	Police
Skip Smith	3 years	Fire
Casey Warren	3 years	Police
Marilyn Hansen	1 year	City Recorder

c. Staffing Authorization Plan

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

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

F. Consent Items

1. **Approval of meeting minutes from:**
April 3, 2007 Council Work Session
April 3, 2007 Regular City Council

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

Mayor Burrows stated that this report will be discussed in May.

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 Resolution 2007-11 adopting a new job description.**

Stacey Comeau reported that Building Inspector III is a new job description which more closely matches the duties of the current Building Inspector, now that he has become fully certified.

Motion: Councilor Gibby moved to approve Resolution 2007-11 adopting amendments and additions to Riverdale City Job Descriptions. Councilor Peterson 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.

2. **Consideration of Resolution 2007-12 adopting FY 2008 agreement with ULGT/PEHP for continuing coverage.**

Stacey Comeau presented the health insurance plan changes for FY 08. She stated that after looking at the changes, they are recommending offering options 1 and 2 for the Advantage and Summit plans and an incentive to the employees, to keep costs down. They are recommending changing the funding from paying \$850.00 per full time employee to paying for the insurable interest of the employee and splitting any difference 50-50 with the employee. Larry Hansen

reported that they are proposing making some concessions for the tentative budget to demonstrate to the Council that they are trying to reduce costs. Councilor Jenkins reported that PEHP will analyze how insurance is being used to determine if there is any abuse and asked if we had utilized that service. Ms. Comeau stated that PEHP does not provide that type of utilization report for entities that have less than 100 participants. She reported that she did call the Trust asking for information, but all they could provide her were utilization reports for the overall group and not just for our group. Councilor Jenkins asked if we are still expecting a 3-4% increase that the City will absorb. Ms. Comeau reported that the worst case scenario is a 3.4% increase. Councilor Haws stated that we were paying a flat dollar amount for the insurance with any balance going into flex plan and inquired if now the City will pay for the max plan with the difference between the max plan and what is actually spent going onto the employees pay check. Ms. Comeau stated that the City will split the difference with the employee and that they could use the amount as an increase to their 457, purchase additional insurance, or have it go directly on their paycheck. Councilor Haws stated that open enrollment is April 6 to May 25 and wondered why they were not even considering approving it until April 17. Ms. Comeau explained that they didn't get the information until the week before and then they sat down and went through it. Councilor Haws asked if we could get PEHP to allow us to go a 14 month year, once, so they could consider this item during the budget process. Ms. Comeau stated that she would ask them.

Motion: Councilor Gibby moved to adopt Resolution 2007-12 approving medical and dental plans for fiscal year 2008 using the Utah Local Governments Trust for continuing medical and dental services. Councilor Peterson seconded the motion.

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.

3. Consideration of exchange and replacement of backhoe.

Lynn Moulding reported that the Case dealer approached the City with a proposal to exchange our backhoe for a new one at a cost of \$8,500. He explained that this was not a budgeted item. Mayor Burrows asked what the cost per year would be. Mr. Moulding stated assuming certain numbers, replacement cost was \$97,500 in 10 years and the City would be saving \$30,000 in 10 years time.

Motion: Councilor Gibby moved to approve the purchase of a new backhoe through Maw Equipment for the amount of \$8,500. Councilor Peterson seconded the motion.

Call the Question

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

4. Consideration of approval of Final Site Plan for Les Schwab/Ken Garff.

Randy Daily reported that the applicant has done everything that has been required and is recommending approval. Jan Ukena stated that the recorded plat will show three parcels; Les Schwab, Ken Garff, and one that will be given to the City for the trail system. She reported that no easements cross over onto the Crabtree property. Ms. Ukena reported that Les Schwab will keep their current garage area and the building that currently houses their showroom will be torn down. Once Les Schwab finishes, the Ken Garff portion will begin. She explained that this will entail closing the trail for one week to install storm water piping to the river. Ms. Ukena discussed the

landscape plan and noted that it is over the required 20%. She noted that they haven't received a letter from UDOT, but is not concerned as she doesn't believe they can legally take away the only driveway from Riverdale Road that goes into that development. Councilor Jenkins stated that that portion of the trail isn't constructed in the same manner as the rest of the trail and wondered if it could be fixed when they move the trail. Mr. Moulding replied that he could look into that option.

Motion: Councilor Gibby moved to approve final site plan for Les Schwab/Ken Garf located at 627 W. Riverdale Road. Councilor Peterson seconded the motion.

Call the Question

The motion passed unanimously.

5. Consideration of Ordinance #682 approving a Re-zone for H & P Investments from Residential to MU.

Randy Daily reported that the Planning Commission recommended rezoning this property from R-2 to Mixed Use. He stated that the Mixed Use zone has compatibility between residential and commercial and that approval of any commercial use in an MU zone must go before the Planning Commission. Councilor Gibby stated that it is their desire to maintain 4400 as residential and asked if that would be jeopardized by putting that area in an MU zone. Mr. Daily replied that changing the zone could allow commercial on 4400, but that the MU zone works the best for the type of development being proposed. Councilor Jenkins stated that she feels 4400 is transitioning and understands that this Council, as well as previous Councils, felt strongly about keeping 4400 residential. She explained that the MU zone is not a bad concept, but thinks it is a little iffy that this will protect it, in perpetuity, by putting it in an MU zone. Mr. Daily stated that he believes our current ordinance gives protection against commercial development in this area, but stated that anything is possible in the future. Councilor Peterson stated that he is glad to see development proceeding, but wanted to know if there isn't a residential zone that could work for this area. He explained that he wants to restrict traffic on 4400 and put in traffic slowing devices. Mr. Daily stated that he believes the tools are in place to protect that area and noted that 4400 currently has commercial zoning along with R-5 zones. He reported that having the zoning R-4 or R-5 would allow apartments or office space and he feels that the Mixed Use ordinance has built in protection against something being converted from residential to commercial. Larry Hansen stated that both the City and the developer recognize that the MU zone gives them the ability to develop eight townhomes. He stated that the Developer's Agreement outlines a term of ten years and discusses no commercial uses in residential zone. The Agreement will also be recorded with their property and run with successor owners. Mr. Daily stated that each townhome will be recorded with a separate tax id number and that the development will have a Home Owners Association. Councilor Gibby stated that it is his feeling that the future is always hazy and believes that staff has done what they can to keep it residential and doesn't think we can hold the development hostage on what someone in the future might do.

Motion: Councilor Gibby moved to approve Ordinance 682 amending the Riverdale City zone district map by changing the zoning of approximately .82 of land commonly referred to as part of the Riverdale 700 Plaza Project which is located at approximately 743 West 4400 South, and rezoning it from R-2 (Residential) to MU (Mixed Use), all of which is within Riverdale City, State of Utah; providing for severability and an effective date. Councilor Griffiths seconded the motion.

Call the Question

Roll Call Vote: Councilor Haws, No; Councilor Jenkins, Yes; Councilor Peterson, Yes; Councilor Griffiths, Yes; Councilor Gibby, Yes. The motion passed with four in favor and one opposed.

6. Consideration of approval of Final Site Plan for H & P Investments.

Randy Daily reported that the Planning Commission voted unanimously to recommend approval of the final site plan for H & P Investments. Jan Ukena explained that this project originally had five lots, which wasn't what the City wanted. She reported that this project now has two lots. Lot 1 is zoned C-3 and Lot 2 is zoned MU. Ms. Ukena reported that the street has been vacated and the utility easements moved into Plaza Drive. She pointed out that the eight townhouses are on the north end and will have no drive access into the commercial area. She stated that the area next to the townhomes is planned for future office or retail space and that there are two restaurant pad sites. Ms. Ukena explained that the detention pond is part of the landscaping and that this development exceeds the landscaping percentage and will have adequate parking. Councilor Gibby inquired about parking for the townhomes. Ms. Ukena stated that each home has a two car garage with a shared private driveway serving two townhomes. She noted that there is one extra parking space per every two townhomes. Councilor Jenkins asked if the retention pond would be fenced. Ms. Ukena replied that it is a dry detention pond and will not be fenced. Councilor Jenkins inquired if fencing would go along the back of the townhomes. Ms. Ukena replied that it would. Councilor Haws inquired about fencing around the retail space. Ms. Ukena replied that fencing is not required for commercial property. Councilor Jenkins discussed the road that connects the two properties and stated that she feels it is more like a fire lane and a loading delivery zone rather than a viable road. Mr. Daily reported that they had to do alterations from the first proposal and have brought it to a standard that the City feels comfortable with. He stated that traffic will be slowed down and that the delivery zone isn't intended for large trucks.

Motion: Councilor Gibby moved to approve the Final Site Plan for H & P investments Riverdale 700 Plaza located at 700 West Riverdale Road. Councilor Griffiths seconded the motion.

Councilor Jenkins inquired about the two left hand turn lanes. Lynn Moulding stated that there is existing right-of-way to accommodate the two left turn lanes, back to a certain point. He explained that if, when UDOT designs the intersection, they decide to extend that lane further north they would have to purchase additional property to do that and line it up with the other side of the street. He noted that UDOT showed shifting the road to the east and taking property from the east side instead of the west.

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.

7. Consideration of Resolution 2007-13 approving a Developer's Agreement with H & P Investments.

Larry Hansen discussed the Developer's Agreement. Councilor Jenkins inquired about section 9.1 Term of Agreement and asked what would be a cause a condition to terminate the agreement. City Attorney, Steve Brooks, stated that there are no specific reasons stated and that this section gives either party the ability to terminate the agreement. Mr. Hansen reported that the Developer's Agreement works hand in hand with the Agreement to Develop Land, which covers the financial incentives. The Developer's Agreement outlines the criteria that the developer must meet in order

to receive the financial incentives. Councilor Haws stated that the title of section 5.9 refers to flagpoles, but didn't see any reference to flags or flagpoles in that section. Mr. Hansen reported that flags are addressed under Signage in Section 5.5(G). Mr. Daily stated that this item has been discussed as the developer has moveable flag poles from the Olympics that they want to place around their development. He explained that the types of flags that can be flown on the poles has also been discussed. Councilor Jenkins inquired about signage on the development and if possible ordinance changes had been considered. Mr. Daily reported that he told the developer to take into consideration the widening of Riverdale Road when planning for signage. He noted that the height of the signs they want is less than what is permitted now and should fit with the proposed sign ordinance.

Councilor Jenkins discussed the traffic study and asked why there isn't any cross access with Arby's. Mr. Daily explained that the City requested that Arby's provide cross access but they chose to develop without any future cross access. Councilor Haws stated that he thought the City Council required cross access for that development. Mr. Daily replied that was requested to be placed on the site plan but not recorded as Arby's knew that they would probably never achieve that. Mr. Daily stated that there is no ordinance that requires cross access. Councilor Peterson stated that he thought the City Council had required cross access when they voted on it and wondered if Arby's was in violation because they didn't record it that way. Mr. Daily explained that the site plan is on file with the City but not recorded with the county. He noted that they could hold Arby's to it if the Developer agreed to it. Jim Rumpsa spoke for the Developer. He explained that their parcel and is deeper than it is wide, which makes developing the property on the back difficult for cross access with Arby's. Councilor Peterson stated that he felt that cross access would benefit both Arby's and the H & P development. Mr. Rumpsa explained that the entrance to Arby's is not adequately sized to be an entrance to their development, which is considerably larger, and because the Arby's parcel is shallow, the cross access would be a traffic hazard.

Motion: Councilor Gibby moved to approve Resolution 2007-13 authorizing execution of a "Developer's Agreement" between Riverdale City and H & P Investments concerning the project known as "The Riverdale 700 Plaza". Councilor Peterson 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.

8. Consideration of Resolution 2007-14 approving the signing of a Satisfaction and Release of Mortgage.

City Attorney, Steve Brooks, stated that in 1983, the City entered into a mortgage for security on development issues with Crabtree Auto. The performance bond was released in 1987, however; nothing has been recorded in regard to releasing the mortgage.

Motion: Councilor Gibby moved to approve the Satisfaction and Release of mortgage document concerning property of Crabtree Auto in an agreement between Riverdale City signed May 20, 1983. Councilor Peterson seconded the motion.

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.

Mayor Burrows called for a motion to recess the City Council meeting in favor of the Riverdale Redevelopment Agency meeting.

Motion: Councilor Peterson moved to recess into the Riverdale Redevelopment Agency meeting. Councilor Haws seconded the motion.

Call the Question

The motion passed unanimously.

The meeting recessed at 8:10 p.m.

The meeting reconvened at 8:50 p.m.

9. a. Consideration of adjournment into Closed Executive Session for the purpose of strategy sessions to discuss pending or reasonably imminent litigation pursuant to Utah Code 52-4-205(1)(c).

b. Consideration of action regarding pending or reasonably imminent litigation.

Motion: Councilor Gibby moved to adjourn into the Closed Executive Session. Councilor Peterson seconded the motion.

Call the Question

The motion passed unanimously.

The meeting adjourned into the Closed Executive Session at 8:51 p.m.

The meeting reconvened at 10:13 p.m.

Mayor Burrows stated that there was no need for any consideration of action.

H. Discretionary Items

None

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 10:14 p.m.

Attest:

Approved: May 1, 2007

Marilyn Hansen, City Recorder

Bruce Burrows, Mayor