
Minutes of the **Regular Meeting** of the **Riverdale City Council** held Tuesday, **May 1, 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; Lynn Fortie, Business Administrator; Doug Illum, Fire Chief; Marilyn Hansen, City Recorder; other city staff and 5 citizens.

A. Welcome & Roll Call

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

B. Pledge of Allegiance

Mayor Burrows offered the Pledge of Allegiance. Mayor Burrows read a quote from William Penn.

C. Moment of Silence

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

D. Open Communications

Maryann and Ron Spindler spoke regarding the landscaping of their homes in the Carter Farms subdivision. They stated that the residents that closed their homes during the winter months were promised by the builder that their lots would be graded and grass planted. The residents recently received a letter from the builder outlining the responsibility of the homeowner for the landscaping and if the landscaping is not put in that they could receive a citation from the City for non-compliance of the landscaping ordinance. They distributed a letter to the Councilmembers asking for the Building and Zoning personnel from the City to visit their properties to determine if the builder has met his responsibility regarding landscaping and advise the residents as to what the City's intention was for the homebuilder with regard to Residential Landscaping Ordinance 10-28. Mayor Burrows stated that he understands that this dispute is between the builder and the homeowners. City Attorney, Steve Brooks, stated that we could look at it and see if there are any violations on the areas that the City has control of, but that it will probably be a civil case between the builder and the homeowners. Mayor Burrows stated that the City will be extremely understanding regarding issuing citations for landscape violations if the homeowners are actively doing what they can do to take care of the issue.

E. Presentations and Reports

1. Mayor's Report

Mayor Burrows introduced State Representative, Brad Dee, and thanked him for the extra efforts that he extended for the residents of Northern Utah regarding transportation issues and helping Riverdale overcome the financial effect of SB-35. Representative Brad Dee stated that he appreciates the opportunity to work with the citizens of Riverdale as well as the Mayor and City Council and being a tool to help bring things to fruition that are needed in the City. He reported that he will continue to work diligently for the residents of Riverdale and will continue to fight for the needs of Riverdale.

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

Mayor Burrows noted that the General Plan Land Use Commentary will be going to the Planning Commission on May 8, 2007 and will then be brought before the City Council at their May 15, 2007 meeting.

F. Consent Items

1. Approval of meeting minutes from:

April 17, 2007 Council Work Session

April 17, 2007 Regular City Council

April 17, 2007 Closed Executive Session

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

Lynn Fortie reported on the month ending March 31, 2007. He stated that the City received \$33,000 in building permit fees, building plan and development fees \$23,000, Class C road funds \$39,000 and street cuts \$36,000. He reported that the expenditures were fairly typical. The RDA fund received \$84,000 in tax increment and spent \$124,000 for bond payments and fees. Capital Projects spent \$44,000 on restrooms. Sewer Fund made a payment of \$37,000 to Central Weber Sewer and the Storm Water fund spent \$30,000 on upgrades.

3. Consideration of setting a public hearing on June 5, 2007 to receive and consider public comment regarding proposed FY 2008 budget for all funds.

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 declaring unclaimed property as public interest use.

Lynn Fortie reported that this item is to declare City property as surplus. He stated that these items are evidence. Councilor Haws reported that all of the evidence from the police department is listed on the unclaimed property list and must be surplus and become city property and the next item (item 2) is the surplus of all the items. Councilor Peterson inquired if we needed to advertise the list, like the State does, in order to try to find the original owners. Mr. Fortie replied that he is not sure what efforts the police have made to find the original owners. Councilor Peterson inquired if it makes sense to advertise the list before we claim it as surplus. Mayor Burrows stated that he thinks the appropriate steps and reasonable measures have been taken to try to identify or return property to those who have had losses. Councilor Griffiths stated that he understands that we have to publish a public notice in the paper and each item needs to have the attached case number. Larry Hansen

recommend that the Council wait on this item until they can receive clarification on what procedures the police department has taken to find the original owners of the unclaimed property. **Mayor Burrows asked for consensus to defer this item to a later time. Consensus was reached.**

2. a. Public Hearing to declare certain personal property as surplus.

b. Consideration of declaring certain personal property as surplus.

This item was not heard as Item 1 was deferred to a later time.

3. Consideration of Resolution 2007-15 adopting a tentative FY 2008 budget.

Lynn Fortie reported that the Council is required by law, to adopt the tentative budget by the first meeting in May. He went over the salient changes from FY 08. Mayor Burrows requested that they adopt the tentative budget this evening and go through it in detail at the Strategic Planning meeting on May 19, 2007.

Motion: Councilor Gibby moved to approve Resolution 2007-15 adopting a tentative budget for the City of Riverdale for Fiscal Year 2008. 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.

Councilor Haws inquired as to why the City's phone system was down over the weekend and on Monday. Larry Hansen reported that they had a piece of the power system go down that took the system out of operation on Saturday and a replacement part couldn't be installed until Monday. He stated that they informed dispatch and public safety that our phones were out so that in case of an emergency they would know to contact someone on their cell phone. Councilor Haws stated that he was concerned that when this went down the entire City's phone system went down, as they are all on the same system and that his concern was the public safety side of it. Mr. Hansen stated that is why alternate numbers are published in the newsletter and the cell phones were working as a redundant system. Councilor Griffiths inquired if Riverdale participate in GETS. Fire Chief, Doug Illum reported that they do.

4. Consideration of Ordinance #683 approving a re-zone from A-1/Agricultural and R-1-10/Residential to C-3/Commercial, located at approximately 4899 South 1500 West.

Larry Hansen gave a brief overview of how the RDA works. He reported that he called RDA Attorney, Randy Feil, to get clarification on how an RDA works. Mr. Hansen explained that the RDA is a legal entity and an agency of the State, similar to the municipality of Riverdale City itself. The agency is a separate, distinct entity and exists in perpetuity with its financing generally derived by tax increment flow from the various project areas. He explained that when the tax increment expires, the RDA does not go away. The first step that the agency takes in establishing a project area is to do a study of the area to consider blight using qualified, professional consultants to ensure that everything is done right. After the study is done, the RDA adopts the findings of the study along with a project area plan by Resolution and the City Council adopts them by Ordinance. The ordinance then becomes law for the City. The plan gives the RDA the ability to control land use and once the ordinance is adopted, it is recorded on each parcel in the RDA area and then runs with the land. Those parcels then become a separate and distinct taxing unit. Mr. Hansen stated that when a user wants to develop or build in an RDA area they have to come before the RDA Board to request permission for a specific use and see if it is compatible with the desires of the agency and to comply with the project area plan. He explained that the use request is the first step and that a developer's

agreement can be requested, but is not required under the plan. He stated that the final assurance that the RDA has that the plan will be followed is the zoning of the property.

Mr. Hansen reported that the RDA gave use permission for a hotel to go on the subject site and then sold the land with a provision that a re-zone would be considered to allow for the hotel to go on this site. He stated that we initiated the re-zone as the intent of the agency and that the Planning Commission had a lot of legitimate inquiries during their discussion of this re-zone, not all of which were compatible with the rezone of an RDA area. Mr. Hansen stated that this property doesn't have to be zoned C-3, but administratively chose to submit the re-zone as C-3 to allow the completion of the purchase transaction by Value Place, which we understood to be the desire of the agency and that any other subsequent use would have to come back to the agency for approval.

Councilor Jenkins reported that it was conveyed to the Planning Commission that the City Council requested this re-zone and that they City Council would be angry if the Planning Commission turned this request down. Mr. Hansen apologized for those comments and stated that they were inappropriate. He explained that he signed the re-zone application himself, as the Executive Director of the RDA and that it was an administrative decision to pick the C-3 zoning. He stated that he hopes that we will get the re-zone approval and fully intends to go to the Planning Commission to explain this. He noted that the protocol is different in land use as zoning laws are secondary to accomplishing RDA projects. Councilor Jenkins inquired that by approving a use request, does it makes the underlying zoning secondary. Mr. Hansen stated that the zoning is secondary because of the time and effort to establish the agency. He stated that becomes primary to get those objectives accomplished and that as an agency, they have subjective latitude to say what works according to the plan and if three board members agree, a use is permitted in a project area. Councilor Jenkins stated that we have one lone property in the landmark zone and questioned if C-3 is the best zoning as the hotel zone could be accomplished with a C-2 zone. She stated that the Herridge study didn't show any big box uses there. Mr. Hansen stated that there is a variety of zoning around this parcel and that some of the properties opted out of the RDA because the agency has latitude on uses. Councilor Gibby stated that C-3 is a good zone for the size of this parcel as it would never lend itself to a big box use anyway and is a moot point.

Motion: Councilor Gibby moved to approve Ordinance 683 amending the Riverdale City zone district map by changing the zoning of approximately 5.253 of land commonly referred to as the Value Place Project located at 4899 South 1500 West, and rezoning it from A-1(Agricultural) and R-1-10 (Residential) to C3(Commercial) all of which is within Riverdale City, State of Utah, providing for severability and an effective date. Councilor Peterson seconded the motion.

Councilor Jenkins agreed that because of the size of the parcel it is a moot point but felt that the same thing could be accomplished by zoning the property C-2. Randy Daily stated that this is a regional commercial area and the C-3 zoning fits that best as the C-2 zone is not for regional commercial and would require a site plan in place at the time the property rezones. Mr. Hansen reported that we are achieving an infrastructure objective by relocating the substation and may be able to get a budget in this area that might provide for relocation of other infrastructure and potential removal of blight. Councilor Haws inquired as to who paid the re-zone fee. Mr. Hansen explained that the re-zone fee is \$250 along with cost of publication and mailing which will be itemized and submitted to Value Place to pay.

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.

5. Consideration of Resolution 2007-16 adopting an Interlocal Agreement between Weber County and Riverdale City relating to “RAMP” funding.

Lynn Moulding reported that this is the agreement necessary to use the RAMP funds that were granted to the City for the tunnel under Parker Drive and the restrooms near the kayak park.

Motion: Councilor Gibby moved to approve Resolution 2007-16 approving an Interlocal Agreement between Riverdale City and Weber County relating to Recreation, Arts, Museum and Parks (“RAMP”) funding for tunnel under Parker Drive and restroom near kayak park. 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.

6. Consideration of Resolution 2007-17 adopting an Interlocal Agreement with Washington Terrace regarding Combe Pines PRUD.

Lynn Moulding reported that this Interlocal Agreement spells out terms and conditions between two cities in relation to Combe Farms PRUD. Councilor Jenkins stated that she knows there has been a great deal of effort by staff and that this will be a better project by clearing up issues that have been convoluted between the cities.

Motion: Councilor Gibby moved to approve Resolution 2007-17 approving an Interlocal Agreement with Washington Terrace concerning the installation, costs and management of water, sewer and storm sewer systems at or near the Combe Pines subdivision and Rohmer Park. Councilor Peterson seconded the motion.

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.

7. Consideration of adjournment into Closed Executive Session for the purpose of discussion of the character, professional competence, or physical or mental health of an individual pursuant to Utah Code 52-4-205(1)(a).

Mayor Burrows reported that this item has been withdrawn.

H. Discretionary Items

Larry Hansen reported that Councilor Haws had asked about switching to a different year on the health insurance so that it could be considered during the budget process. He stated that they do provide an option for some cities to use either a July 1 or January 1 date. He explained that they discussed these options administratively, and as far as employees are concerned it will affect some more than others, but is probably even. Councilor Jenkins stated that she would be in favor of going to a calendar year. Mr. Hansen stated that it does make some of the administration more difficult relative to anticipating costs and any changes to the plan. It could require mid-year amendments to the budget if they don't guess right in anticipating what is going to happen to rates. Mayor Burrows suggested looking at the pros and

cons at the Strategic Planning meeting. Councilor Haws asked if it would be possible to have the Department Heads bring a list of things they cut out of their budget to the Strategic Planning work session so they can see some of the concessions that they have made. Mr. Hansen replied that was possible.

I. Adjournment

With no further business to come before the Council at this time, Councilor Jenkins moved to adjourn the meeting. Councilor Gibby seconded the motion. The motion passed unanimously. The meeting adjourned at approximately 7:38 p.m.

Attest:

Approved: May 15, 2007

Marilyn Hansen, City Recorder

Bruce Burrows, Mayor