
Minutes of the **Regular Meeting** of the **Riverdale City Council** held Tuesday, **May 2, 2006** at 6:00 pm at the Riverdale Civic Center, 4600 South Weber Drive.

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

Others Present: Larry Hansen, Chief Administrative Officer; Randy Daily, Community Development Director; Jan Ukena, City Planner; Stevin Brooks, City Attorney; Lynn Fortie, Business Administrator; Marilyn Hansen, City Recorder; other city staff and approximately 10 citizens.

A. Welcome & Roll Call

Mayor Burrows called the meeting to order and welcomed all those present. He acknowledged that all members of the Council were present except Stacey Haws who will be arriving shortly.

B. Pledge of Allegiance

Councilor Jenkins offered the Pledge of Allegiance. Mayor Burrows gave a quote from Noah Webster, who lived from 1758 to 1843. He was a Statesman, Educator and author of Webster's Dictionary and was known as the Schoolmaster of the Nation.

C. Moment of Silence

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

D. Information Items

1. Open Communications

Nancy Brough complimented the City on the web-site and making the agendas and minutes available. She stated that she realized the City has been hit hard by the Legislature and is battling that with the upcoming budget. Ms. Brough distributed two handouts to the Councilmembers. They outlined things that she felt staff should do before changing re-zones and general plans. She stated her concern that the Council take into consideration the community as a whole in connection with traffic and quality of life, no matter how big the business area becomes.

2. Mayor's Report

Mayor Burrows reported that the Weber County Mayors have expressed their concerns with the Wasatch Front Regional Council's tentative budget along with several other concerns. He announced that there will be an Open House for the Principal of Riverdale Elementary School, Julie Puzey, as well as Nancy McCarthy and Necia Horgesheimer. The Open House celebrating their retirements will be held on May 17, 2006, from 2-4 p.m. in the Riverdale Elementary School Library. Mayor Burrows shared excerpts from a letter he received from an individual in the City, expressing gratitude to various departments. The citizen also talked about the wonderful people on the Council, both new and old, and specifically expressed positive comments about some of our staff. Mayor Burrows reported that the Steering Committee for the Community Center held their

first meeting on April 27, 2006. They discussed possible programs to implement. Their next meeting is May 4, 2006 at 6:30 p.m.

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

Council reviewed the Recorder's Report.

E. Consent Items

1. Consideration of the April 18, 2006 Work Session and City Council meeting minutes.

Mayor Burrows reported the City Council has before them the minutes of the April 18, 2006 Work Session and April 18, 2006 regular City Council meeting.

Motion: Councilor Gibby moved to approve the Common Consent items as presented. Councilor Peterson seconded the motion. The motion passed unanimously.

F. New Action Items

1. Department of Business Administration

a. Consideration of adoption of tentative budget – FY 2007

Lynn Fortie, Business Administrator, discussed the Budget Message FY 2007 Tentative Budget handout that was distributed to Council. He noted that once the tentative budget is adopted, Council will participate in a Strategic Planning Work Session to be held May 20, 2006. Public hearings will be set for June 6, 2006 and then any amendments to the 05-06 budget and the 06-07 budget can be adopted in June.

Motion: Councilor Gibby moved to approve the tentative budget. Councilor Jenkins seconded the motion. The motion passed unanimously.

b. Consideration of setting a public hearing on June 6, 2006 to receive and consider public comment regarding proposed FY 2007 budget for all funds.

Mayor Burrows indicated that two public hearings need to be set. One will be to amend the 05-06 budget and a second public hearing is needed to discuss the 06-07 proposed budget.

Motion: Councilor Gibby moved to set a public hearing on June 6, 2006 to amend the 05-06 budget and to set a separate public hearing on June 6, 2006 for the 06-07 proposed budget. Councilor Peterson seconded the motion. The motion passed unanimously.

2. Department of Legal Services

a. Discussion on the status of business relocation at 550 West Riverdale Road.

City Attorney, Steve Brooks, reported that Sound Warehouse resides in a two part building. Sound Warehouse occupies one half and they want to allow Bad Azz Toys to occupy the other half. BadAzz Toys has requested a business license and will occupy the other half of Sound Warehouse building. Mr. Brooks has reviewed the lease and doesn't see any problems with it. Mayor Burrows noted that negotiations are moving forward with the Boyer Company on that property. Mr. Brooks stated he has received an appraisal of the property and has set up a meeting with the Boyer Company to propose options to resolve this matter without going through condemnation. Councilor Peterson inquired as to how much the appraisal was for. Mr. Brooks stated it was just under one million dollars.

Councilor Haws arrived at 6:29 pm.

Mayor Burrows thanked Mr. Brooks for the update and the information.

3. Department of Community Development

a. Consideration of approval of the Developers Agreement between Riverdale City and Unity Enterprises, LLC

Mr. Daily reported that a meeting had been held with Attorney Jody Burnett, Ms. Ukena, Mr. Brooks, and himself. In this meeting they felt items should be added to the draft that was distributed to the Councilmembers. He would like to discuss this draft, but doesn't expect a motion on this draft tonight as it is not complete.

Mayor Burrows stated that this is the first reading to discuss any questions or concerns and give staff guidance to amend those items. Councilor Gibby asked if anything has been done to ensure continuation of the trail system. He also expressed concern about approving a zone change before having a final site plan and feeling confident that the project will go through. He wanted to know if Council can proceed with the contract first before considering a zone change.

Mr. Daily explained that the location of the trail system will be part of an exhibit that is proposed on the site plan which will show the flood plain and any sensitive areas that the Army Corps of Engineers feel they need and any State engineering requirements. He stated that the approval process is three fold: 1) there needs to be a satisfactory Developer's Agreement, 2) the General Plan must be updated to match the proposed zoning; and 3) the rezone has to be approved.

Councilor Jenkins asked why the Developer's Agreement is referring to mixed use and R1-8 zoning when a mixed use zone allows for both residential and commercial. Mr. Daily stated that the Planning Commission felt it was necessary to put R1-8. They felt that for a single family zone, the mixed use doesn't cover specific lot sizes and set backs. He noted that some of these concerns will be addressed in the Developer's Agreement with screening requirements and set backs.

Councilor Haws stated that he understands Councilor Gibby's concerns about re-zoning the property and then not having the development go in and possibly getting stuck with a different type of development that fits into the re-zone. He has seen re-zones for developments in other cities that were conditional upon the developer developing the property in a specified amount of time. If the developer does not meet the time requirements, then the property reverts back to the original zoning. He also noted that he felt the City is not getting much more than compliance with ordinances and doesn't see where the developer has been asked to go beyond the ordinances. Mr. Daily stated that these issues were discussed with Mr. Burnett and should be forthcoming in another draft.

Councilor Jenkins discussed that the DWR was very helpful in development on the north end of the City and having the trail system incorporated into that development. She asked if it would be possible to add language to involve a few other agencies that wouldn't necessarily be considered regulatory but could advise the City as to what the natural attributes are for this property and what is wise to preserve. Mr. Brooks said that type of language could be added if Council wanted it. He advised the Council that it is still very early in this process and that we are trying to keep the Council up to date.

Councilor Gibby asked if the property had been surveyed and did the property owner know where the wetlands are. Rick Thomas, representing Unity, stated that a wetland survey had not been done as there has been no reason to do one yet because there isn't an agreement. He also stated that there was no sense in moving forward if the zoning won't change. Councilor

Jenkins inquired if the Army Corps of Engineers charges to do a wetland study. Mr. Daily replied that they do charge. The Army Corps of Engineer's studies are based on needs that they feel they have and feel the need to have protected. Mr. Wayne Belka, an agent for Unity, replied that the Army Corps of Engineers responds to studies that have been commissioned. They don't do the studies themselves. The State Engineer and the Army Corps of Engineers review those studies, but it would be Unity that would pay to create the document. Mr. Daily explained that the Corp can do a walk-through at any time and tell us where they feel there may be sensitive areas. Councilor Jenkins asked if language could be added requesting that the Army Corps of Engineers provide us with preliminary information to understand where those areas might be, versus doing a full blown engineering study. Mr. Daily stated that we could ask the Army Corps of Engineers to walk the property, but they might not feel comfortable doing that and might not be able to tell us much without having a study completed first.

Councilor Haws asked if the developer isn't going to go further with studies until the zoning is changed and the Council has indicated that the zone change isn't going to happen until we have a Developer's Agreement that we are comfortable with how can we go forward. Mayor Burrows replied that it will take mutual agreement.

Mayor Burrows asked if there was consensus on adding a variety of entities including the Army Corps of Engineers and perhaps the DWR to be advisory on the non-regulatory items and adding a layer of people who would review the document as an advisory group or as a regulatory group. The City Council reached unanimous consensus.

Mayor Burrows asked if there was consensus to have the documents coincide one with the other and that there needs to be a comfort level between the City and Developer that the Agreements will be mutually binding. Zoning would also go along with the approval of the Developers Agreement. The City Council reached unanimous consensus.

Mayor Burrows asked for any additional comments or questions and reminded the Council that this document will come before them again. Councilor Haws inquired if the City has anything to gauge the value of the land that is proposed to be exchanged. Mr. Hansen replied that there is a dated appraisal that was looked at by a previous Council when they were taking into consideration purchasing this property. Councilor Haws asked if the relative value had been looked at in the exchange for 4 acres of a canal for 20 acres of land. Mr. Hansen replied that an updated appraisal would reflect present day values.

b. Consideration of action to amend land use in the General Plan, Area 9

Mayor Burrows reported that item has been withdrawn under further consideration of the Developer's Agreement.

4. Mayor

a. Consideration of appointment of the members to the Riverdale City Board of Adjustments.

Mayor Burrows provided list to the Councilmembers outlining his recommendations for appointment to the Board of Adjustments. They are as follows:

<u>Name</u>	<u>Term Expires</u>
*Don Farr	October 2006
Alan Arnold (replaces Braiden Mitchell)	October 2007
*Mike Roubinet	October 2008
Dave Hall (re-appoint)	October 2009
Greg Limburg (replaces Brady Ketchum)	October 2010
* Current members	

Motion: Councilor Jenkins moved to approve the appointments to the Riverdale City Board of Adjustments as presented. Councilor Peterson seconded the motion.

Mayor Burrows called for discussion on the motion. Councilor Haws asked if Dave Hall's appointment had expired. Mayor Burrows replied that it had expired in 2004. Councilor Gibby asked how often this Board has met in the past. Mayor Burrows replied that they had not met in the last five years. He explained that they only meet when there are pending issues that require a meeting.

Call the Question

The motion passed unanimously.

- b. **Consideration of adjourning into Closed Executive Session pursuant to §52-4-205(1)a) discussions regarding the character, professional competence, or physical or mental health of an individual.**
- c. **Consideration of any other necessary action resulting from Closed Executive Session.**

Mayor Burrows reported that the Closed Executive Session and the Consideration of action resulting from Closed Executive Session is not needed at this time.

G. Discretionary Items

Councilor Jenkins asked about the cost of the gas services in the senior center. She noted that they are double the cost of everything else. Mr. Hansen explained that they have met with the contractors and HVAC people to discuss this issue. It appears that when the facility was built, we opted for continuous hot water and there are two hot water heaters behind the kitchen that continually keep the water hot. The cost has also been exaggerated by the increased cost of natural gas.

H. Adjournment

With no further business to come before the Council at this time, Councilor Gibby moved to adjourn the meeting. Councilor Jenkins seconded the motion. The motion passed unanimously. The meeting adjourned at approximately 7:11 p.m.

Attest:

Approved: May 16 2006

Marilyn Hansen, City Recorder

Bruce Burrows, Mayor