Minutes of the **Regular Meeting** of the **Riverdale City Council** held Tuesday, **May 17, 2005** at 6:00 pm at the Riverdale Civic Center, 4600 South Weber Drive

Members Present: Bruce Burrows, Mayor
Nancy Brough, Councilor
David Gibby, Councilor
Stan Hadden, Councilor
Stacey Haws, Councilor
Shelly Jenkins, Councilor

Others Present: Larry Hansen, City Administrator
Lynn Fortie, Business Administrator
Lynn Moulding, Public Works Director
Shawn Douglas, Asst. Public Works Director
Stevin Brooks, City Attorney
Jan Ukena, Planner
Stacey Comeau, Human Resource/Office Manager
Victoria Barrett, Senior Utility Clerk
Bonnie Jones, Animal Control Officer
Cindi Mansell, City Recorder

Kent Eskelsen
Laurie Gibby
Alan Gibby

Mayor Burrows called the meeting to order and welcomed those present. Mr. Hansen offered the Pledge of Allegiance. Mayor Burrows then read a quote written by Francis Scott Key; followed by a Moment of Silence.

Mayor's Report

Mayor Burrows reported that Councilor Hadden has been negotiating for upstream users of a storm water line to accept diversion into a pond that is proposed to clean up and be utilized as a filtering engineered wetland over to the south of the Civic Center. He explained there had been a meeting with Washington Terrace, and they had concerns as to costs for sediment cleanup, etc. He stated they have been reassured that costs would not be significant, nor would they be extremely frequent; and Riverdale would even most likely assist. He stated Washington Terrace is hoping to obtain approval from their City Council this evening.

Councilor Haws stated he would like to question an item listed under payment of claims. He inquired as to a recent $3200 purchase to RC Willey for digital cameras and memory cards. It was stated these were purchased by the Department of Public Safety for their patrol cars. Inquiry was raised as to the fact the vehicles already have video systems, with Mr. Brooks stating digitals are sometimes utilized to gather evidence and assist in prosecution whereas the video is fixed and mounted within the vehicle. He stated he feels these to be a valuable asset.

City Administrator's Monthly Report

Mr. Hansen stated he would like to call attention to a new segment in this report; major projects in Riverdale. He stated he would like the Council to allow staff time to polish this report; and stated he intends to begin implementing a project tracking system of those projects, programs or services that are lightning rods for attention within the community and amongst the City Council. He stated this is a fairly good list, but may not be all-inclusive; and he hopes to update the list each month. Mr. Hansen also noted the inclusion of the monthly business license listing, per the new process.

Councilor Jenkins made reference to the Legal Department reporting section of the report. She inquired as to the bullet item regarding work on a legal complaint from Dr. Johns. Mr. Brooks stated this involved a resident complaint regarding the billboard on Parker Drive in Riverdale. He stated the resident was offended and felt that pornography was being allowed to be advertised within our city. He stated although he does not think such a complaint would get far relative to legal aspects, he did make contact; and it has since been replaced with a much more subdued picture.

Employee Recognition

Mr. Hansen stated he appreciates all of the staff present. He proceeded to recognize the following employees and their years of service:

- Victoria Barrett 20 years
- Shawn Douglas 14 years
- Bonnie Jones 7 years
- Michelle Douglas 7 years
- Tracy Bessinger 7 years
- Sheila Mitchell 5 years
- Pat Rohr 3 years
- Brad Sears 1 year

The Mayor and Council thanked the employees for a job well done. Councilor Gibby gave exceptional accolades to Bonnie Jones for her great service in a recent situation.

Consent Items

Approval of Minutes

Mayor Burrows stated that the Council has the minutes from the April 5, 2005 Work Session. One amendment to the minutes was proposed.

Motion: Councilor Gibby moved to approve the minutes of the April 5, 2005 work session, as amended. Seconded by Councilor Brough. The motion passed unanimously.

Consideration of Auditing Services Bids & Award of Contract

Mr. Fortie explained he did receive five responses; one being the current firm the City has been utilizing. He stated it appears that all the firms would be capable of providing the services as requested in the Request for Proposal. He stated he has the actual bid responses for Council review.

Councilor Haws expressed concern all firms appear similar and qualified, and he does understand why Administration is not making a recommendation; but he would have liked the opportunity to look over the responses prior to this meeting. Mr. Fortie referenced the summary spreadsheet, stating most of the information is included. Councilor Haws inquired as to narrative as far as intentions; what they have done in the past; and why they should be chosen over someone else. Mr. Fortie stated there was some detail included in the actual responses. Councilor Haws stated he feels it would have been favorable to utilize the detail information as a basis to make a recommendation. He stated he would like to obtain the information and table this issue until June 7, 2005.

Discussion followed regarding the timeline given within the Request for Proposal. Mr. Fortie stated the request does state that a selection will be made by May 15; however, that obviously did not occur. Mr. Hansen stated he does not feel it significant to take additional time to review the proposals. Inquiry was raised as to when the auditing firm would begin, with Mr. Hansen stating it is typical to begin preliminary work in June. Mr. Fortie stated he does not feel such a delay would hurt either the City or the contracted auditor. Councilor Haws stated his request is not a requirement, but rather, his own personal feeling.

Councilor Jenkins referenced the single audit fee, and whether the City has any experience with Crane, Christensen & Ambrose in this regard. She stated most firms did not list this function. Mr. Fortie stated those are grant related, and he has never had to have one performed. He stated he believes a grant would have to be around several hundred thousand dollars before requiring this particular type of audit.

Councilor Jenkins referenced the fact that Litz & Company performs work for surrounding cities, various counties, and school districts. She stated she would view them as qualified to do the work, and there would be significant savings realized over the course of five years. She stated it is not about money, but perhaps it is a time for change. Mr. Fortie commented the hourly difference is significant.

Inquiry was raised as to whether it will take longer to get an unfamiliar auditor up-to-speed on Riverdale issues. Mr. Fortie stated the firm may actually lose money the first year due to time requirements in order to gain an additional five years. Further discussion followed regarding the benefits associated with fresh views and perspectives.

Motion: Councilor Jenkins moved to accept the Litz & Company audit proposal in the amount of $5650 in 2005; followed by increase of $200 per year to cover cost of living charges. Seconded by Councilor Gibby.

Roll call vote: Councilor Gibby, Yes; Councilor Haws, Yes; Councilor Jenkins, Yes; Councilor Hadden, Yes; and Councilor Brough, Yes. The motion passed unanimously.

Resolution #10-2005 amending the Personnel Policies & Procedures Handbook

Mr. Hansen stated the proposed resolution provides for amendments to the Riverdale City Personnel Policies & Procedures Handbook relative to working hours for police officers. He stated staff would recommend amendment to reflect the current Fair Labor Standards Act (FLSA) to provide for clarification and consistency. He explained when the firefighter shifts were changed to 24 hour shifts, they were included at that time. Mr. Hansen stated what most administrative staff works is also included in the policy; so staff felt the need to include police officer hours as well. He summarized this as being a matter of housekeeping and clarification.

Motion: Councilor Brough moved to adopt Resolution #10-2005 providing for amendments to the Riverdale City Personnel Policies & Procedures Handbook relative to working hours for police officers. Seconded by Councilor Hadden.

Roll call vote: Councilor Haws, Yes; Councilor Jenkins, Yes; Councilor Hadden, Yes; Councilor Brough, Yes; and Councilor Gibby, Yes. The motion passed unanimously.

Resolution #11-2005 certifying the 2004 Municipal Wastewater Program Report

Mr. Moulding explained this report is an annual report required to be submitted to the State for Waste water. He stated staff would recommend approval of the proposed resolution assessing Riverdale City compliance and certifying the 2004 Municipal Wastewater Planning Program.

Councilor Haws inquired as to the Council adopting the 2004 report last year. Mr. Moulding stated last year's report was improperly labeled as 2004; and the State is aware of this error.

Motion: Councilor Gibby moved to adopt Resolution #11-2005 assessing Riverdale City compliance and certifying the 2004 Municipal Wastewater Planning Program as submitted. Seconded by Councilor Brough.

Roll call vote: Councilor Jenkins, Yes; Councilor Hadden, Yes; Councilor Brough, Yes; Councilor Gibby, Yes; and Councilor Haws, Yes. The motion passed unanimously.

Further consideration – Mixed Use Ordinance

Mrs. Ukena explained the Planning Commission has worked long and hard, and it has taken them a few months to compile the final draft Mixed Use Ordinance. Mr. Hansen stated the Executive Summary reflects the desire for City Council discussion and review of the ordinance prior to scheduling a public hearing. He stated staff is not requesting adoption at this time, but rather, final draft review before taking it to the public.

Mrs. Ukena continued that Riverdale City does not have a mixed use where housing, commercial, manufacturing and other types of uses are mixed together. She stated she was asked to compile something that would fit into other areas of the City; and not just one

area. She stated the ordinance is not site specific; but a tool that will be beneficial somewhere down the line should development be considered.

Inquiry was raised as to examples of where this mixed use concept has been successfully utilized within the local areas. Mrs. Ukena stated Park City has a wonderful mixed use; as does lower 25th Street in Ogden; Riverwood in Provo; Draper Peaks; Jordan Landing; Gardner Village; Gateway; and Salt Lake City has this in mind for their downtown in the future. She stated more places are utilizing this concept than not, as people seem to be tired of maintenance and yard care and having to drive to local establishments. She stated the concept of being able to walk to restaurants or shops is becoming very desirable; much like designs from the past where people lived on top of a commercial building. Mrs. Ukena stated some mixed use concepts take on a theme, and include commercial and housing mix. She stated this depends on the size and location of a proposed development.

Councilor Hadden stated he feels the generation of today, not having had this experience from the past, need to try it. He stated he feels good mixtures within should be available to all; and although no one wants to see something obnoxious in a neighborhood, he would be supportive of a mixed use concept. Mrs. Ukena stated she feels that society had moved away from the mixed use concept, yet are now moving back. Discussion followed regarding the fact that mixed use does not always have to include retail, with Mrs. Ukena stating this would depend on location.

Councilor Jenkins stated she has been very proactive to this type of development, and stated she feels many of these principals have been modeled from Envision Utah concepts. She stated the reason for evolving back is because land is becoming less available and areas are becoming more crowded. She discussed the fact that many mixed uses involve outlying areas, and she feels that having an ordinance and being prepared is the right thing to do at this time.

Councilor Jenkins stated she feels that Riverdale has been encroached by big boxes, but an ordinance that speaks to these issues keeping the uses mixed and compatible is being put in front of what is going to come out soon anyhow. Mayor Burrows stated he has always envisioned the area near Best Burger as including double fronted buildings that are attractive both on Riverdale Road and 550 West. He stated access would be provided from 550 West; all parking interior, and easy walking access to shops.

Councilor Gibby referenced the front setback of 50 feet, and discussed the potential of buildings on the exterior and parking on the interior. He suggested verbiage to that effect include the option with design approval. Mrs. Ukena stated verbiage could be included "except if the Planning Commission deems a smaller setback could be utilized". She discussed unknown elements and stated this provides options and staff feels it to be sufficient as listed to be able to move back and forth.

Councilor Brough referenced site development standards, and expressed concern over the minimum lot area and minimum lot width being none. Mrs. Ukena offered clarification those are the exact same standards as included within the commercial zone. She stated the

methodology is based on it being unknown as to where mixed use will go; and she feels it is better not to set criteria.

Councilor Brough discussed the rear setback as being none, except 50 feet adjacent to a public street. She stated she does not like to see situations where there is no distance between the buildings next to a residential area. She stated she has a problem with the wording requiring no rear setback; only if Planning Commission deems a reasonable setback is necessary. Mrs. Ukena explained there is no carte blanche' and the Planning Commission will scrutinize any proposal; depending on the development, where it is at and what it is. Councilor Brough stated she is considering the worst-case scenario and has a problem with no setback requirements.

It was stated that wording is included to reference "where a reasonable setback is necessary". Councilor Brough stated she would like wording included to state "except adjacent to a public street or residential area". There was not consensus for the change as proposed. Councilor Jenkins stated she does recognize the concerns, however, she does feel that it is the Planning Commission's job to look at these issues and she would suggest the City Council put trust in their scrutiny; especially with something as sacred as the privacy of our community. She stated for that matter, nor would staff.

Councilor Brough discussed worst-case scenario where a developer moves directly to the property line. It was argued that the Planning Commission can determine; and Councilor Jenkins stated she prefers ambiguity in this situation and feels it provides more authority to the Planning Commission. She stated this concept allows them to set limits; and the City will get more than if limits were already mandated. Mrs. Ukena stated she feels any development abutting residential will be highly scrutinized by the Planning Commission. Councilors Jenkins and Gibby stated they acknowledge and understand the concerns as stated, however, feel the concern is addressed and should remain as proposed.

Mayor Burrows asked for consensus to leave the wording as is and allow Planning Commission latitude or to include descriptive language as suggested by Councilor Brough. Councilor Brough expressed concern as to whether there is sufficient protection of residential areas the way it is worded. Mr. Brooks stated if this issue is going to be left at the Planning Commission discretion, which is typical in a mixed use scenario; it should work. He stated if there is the desire to lock into specifics; he feels there may be room to argue.

Councilor Jenkins discussed the desire to allow and even facilitate creative berming and buffering by not leaving discretionary. She stated she does not see Riverdale getting any more than the minimum setting if such is clarified. She stated when footage is included in an ordinance and given to a developer, they are going to review the discretionary and take the minimum on everywhere allowances are taken. Councilor Haws stated the Planning Commission would never allow a zero lot line that would have significant impact on a residential area.

Mrs. Ukena stated there is building code, fire marshal, public safety, and all the other checks and balances; and this leaves a very open door. She stated, having served on the

Planning Commission, there were times when a developer presented a proposal that was not necessarily desirable but met all stipulations. She stated the Planning Commission could not do anything but comply. She stated she feels 50 feet adjacent to a street hinders decision ability or options.

Councilor Gibby stated he would rather see no stipulation unless the Planning Commission deems necessary. Mrs. Ukena explained that 50 feet was put in there because of Council discussion. She cited the example if property happens to land on Riverdale Road and 4400 South; and to keep it residential looking. She stated the property could have a double front yet not really a rear setback. Discussion followed regarding this concept. Councilor Jenkins stated the Planning Commission is advisory, and will recommend and advise to the City Council; who technically have the final say. She stated she is not afraid to put her trust in the Planning Commission. Councilor Brough stated that may work now, but what about considering a number of years down the road and if there are members who simply do not care.

Mayor Burrows stated there are 3 options: (1) insert a number instead of "none" on rear setback; (2) accept the proposal the way it is; and (3) delete the 50 feet and just leave "as the Planning Commission deems a reasonable setback is necessary". ***There appeared to be consensus on deleting the 50 foot setback adjacent to a public street, except if deemed reasonable by the Planning Commission as necessary.***

Councilor Brough inquired as to height restrictions. Discussion followed regarding height being the exact same scenario as setbacks; just depending on location. Councilor Jenkins stated she feels by leaving it open provides latitude without telling what is expected. Inquiry was raised as to legal opinion. Mr. Brooks stated he feels that generally, mixed use is open to interpretation or decision-making by bodies; not binding. Councilor Brough inquired as to the appearance of being arbitrary and capricious. Mr. Brooks stated there is always that risk; and each will be case by case scenario because of locations, wants and needs. He stated mixed use is generally very broad and open; and if there are findings of fact to support the position and reason – this removes any arbitrary appearance.

Councilor Gibby discussed the potential to have developers come in and brainstorm the City. He stated he feels more restrictions will cap that type of innovative thinking; and if options are kept open, the City is able to entertain all the creative thinking that developers may wish to pursue. Mrs. Ukena stated the Fire Department and Public Works would also have huge influence over height due to services that are required to be provided. She stated she feels the consideration provides latitude as well as allowing creativity.

Councilor Jenkins she does understand the concerns of Councilor Brough, but does not know how nice of a tool this would have been in looking at plans which developers have brought in to maximize square footage. She stated they meet criteria and the Planning Commission has no flexibility; this allows discretionary involvement. She stated it is not like the Planning Commission can rubber stamp without City Council approval.

Mayor Burrows stated again there are three options: (!) restrict height lower than 4 stories; (2) leave as is; or (3) delete the portion that delineates height and allow Planning Commission discretion. ***There appeared to be consensus to leave open to the discretion of the Planning Commission; and for the maximum height to list none; unless the Planning Commission deems a height restriction is necessary.***

Councilor Brough raised the question as to the uses as listed; and the statement that all uses are conditional and only authorized by conditional use permit. Mr. Brooks expressed concern due to the recent law change on conditional uses where a use is allowed with conditions; and becoming obligatory in that aspect. Mrs. Ukena stated when everything is a conditional use for the Planning Commission and City Council consideration, there is no permitted use. She stated staff could not rubber stamp everything, as it would all be conditional as part of the mixed use ordinance.

Inquiry was raised again as to the appearance of being arbitrary and capricious, with Mr. Brooks stating this would not be the case if it could be backed up. Councilor Brough stated if the idea is to make all uses conditional; and involves a land area that allows zoning but has problems; is there reasons why it can be said this is not a good fit. Mayor Burrows stated he feels this provision allows additional control. Councilor Brough stated there are a couple of uses that raised her eyebrows and which she feels are intense (roller skating rink and theater). Mrs. Ukena clarified these uses are a society thing and may or may not come back.

Mayor Burrows inquired if all uses are conditional – why is a list provided. Mrs. Ukena stated the list is provided as a general idea; does not need to be included, but does provide a starting point. Councilor Brough stated she likes some listings to provide ideas as to what would like to be seen. Discussion followed regarding the concept of utilizing more of a general statement such as amusement enterprise; and not list detail. Councilor Jenkins suggested a brief description within the General Plan as to what the City would like to see included in their mixed use areas. Mr. Brooks stated he would agree the wording is confusing and should be removed; but leave the statement that every use is conditional. ***There appeared to be consensus to remove the listing of uses and to include a brief description within the General Plan as discussed.***

Councilor Brough addressed landscaping and the concept that all landscaped areas should be planted with live material; a minimum of 20% of trees should be conifer trees.
Mrs. Ukena explained the first paragraph entails expectations; 10% of property outside of park strip and required setbacks to come up with 10% more of which 5% can be hardscape. She offered clarification all landscaped areas shall be 10%; the same in general for park strips. Councilor Jenkins stated the Herridge Plan had included large trees on the park strips; and should this be allowable. Councilor Gibby stated he feels there are some areas, such as corners, where this may be appropriate.

Discussion followed as to the conifer wording, and the consideration to be more discretionary. Mrs. Ukena stated she had talked with Master Gardner, Dennis Miller, these are an evergreen variety; of which there are some that do not lose their leaves. She stated

she feels the intent is not to lose color during seasons or to add coloring. Councilor Gibby expressed concern that he feels conifers consume huge amounts of space. He stated they are pretty, but to specify a percentage – how can this be done when the use detail was not specified. Mrs. Ukena stated she could remove the percentages and come back to discretionary considerations. She stated she would agree the Council has been far more discrepant in areas such as height and setbacks and now nitpicking trees and percentages.

It was felt the statement should read "landscaping percentage types will be at the discretion of the Planning Commission"; all front, corner side, and rear (that abuts a public street) shall be maintained as landscaped yards; 20% of the total site must be landscaped; and landscaping plans must be approved by the Planning Commission and Governing Body.

Councilor Hadden stated he would argue the 20% inclusion, stating he would like to state all open space will be landscaped subject to approval. Discussion followed regarding unpaved or open space areas, with Mrs. Ukena cautioning that certain developers will do anything not to landscape. The suggestion was made to handle this issue within the Developer's Agreement or even as part of the nuisance ordinance. It was felt there is the need to keep the 20% landscape minimum wording. ***There appeared to be consensus to change the wording to: at least 20% of the total site shall be landscaped; and all landscaping plans must be approved by the Planning Commission and Governing Body.***

Councilor Jenkins expressed concern as to the requirement that trees, equal to the amount of one tree per 30 feet of frontage….Councilor Gibby stated he would like to retain the wording that landscaped areas shall be planted and include a permanent automatic irrigation system; and to remove the trees equal wording.

Further discussion followed regarding the landscaping provisions, with Councilor Jenkins stating she would like to remove the height restriction of landscaping in the park strip. Councilor Hadden stated he thought the height restriction was included for vision purposes. Mrs. Ukena stated the fencing ordinance requirement lists two feet; and that is the reasoning for this reference. Councilor Jenkins stated she feels this should be handled differently. ***There appeared to be consensus to "parking area landscaping shall be 10% of the parking surface, and a plan presented and approved by the Planning Commission".***

Discussion continued regarding landscaping, or all landscaped areas shall be planted with live plant material and include a permanent automatic irrigation system. Inquiry was raised as to the concept of xeriscape; with Councilor Haws stating he feels that would be part of the landscaping plan and the Planning Commission could specify what is required.

Consensus was given to remove the entire paragraph regarding landscaping in the park strip.

Councilor Hadden compares landscaping to the reference on fencing; stating there should be uniformity if the Council's desire is to structure the ordinance with flexibility.

Mr. Hansen stated as a matter of process in going through discussion on the proposed ordinance, there are views and techniques to allow latitude. He encouraged the use of findings of fact that accomplish the objectives as stated within the General Plan. He stated by removing two pages of detail, and if there is the desire to compile the ordinance on a consistent basis, he is less inclined to try to stipulate detail and more inclined to give general governance and guidance.

Discussion followed regarding the businesses and uses section, and the concept to avoid the storage of semi trucks. Mrs. Ukena offered clarification there is no outside storage of any stock, motor vehicles, or other property; and storage of delivery vehicles three-quarter ton or smaller. Councilor Brough expressed concern that a mixed use area should appear nicer than a "C" zone; and feels the need to specify some of the things they would not desire such as outside storage. She stated she gets the perception this evening that some people would like not to include any restrictions, yet she is not comfortable leaving this up to the City Council and Planning Commission. She stated there must be guidelines associated with outside storage, odor, etc.

Further discussion followed regarding the difference between outdoor storage, outdoor display, and sidewalk sales.

There appeared to be consensus to read "no outside storage shall be allowed of any stock, motor vehicles or other property, or as otherwise specified by the Planning Commission; except for two delivery vehicles three-quarter ton or smaller".

Discussion followed regarding screening, and potential removal of the minimums. Wording was suggested "screening may be required at Planning Commission discretion". Councilor Jenkins inquired if the Planning Commission is looking for some type of plan, and gave the example of berming. Mrs. Ukena stated the developer could talk to someone of expertise, such as the City's Master Gardener.

Mayor Burrows stated he would like to see some sort of checklist that would cover all aspects of mixed use development. He stated a petitioner would not even be placed upon an agenda until the entire checklist has been addressed. He suggested wording "screening shall be erected in a landscaped front yard or a side yard which faces a street on corner lots to adequately screen the parking areas from the residential properties".
Mr. Brooks suggested the following "Screening may be required and shall be approved by the Planning Commission to minimize noise and visibility from on-site parking areas adjacent to public streets, and adjacent to residentially zoned property"; and the removal of all other wording. ***There appeared to be consensus for the wording as suggested by legal counsel.***

Mrs. Ukena addressed the signage aspect; and explained one of her upcoming and pending projects is the new sign ordinance for Riverdale. She stated she had tried to get a feel for signage within the mixed use before tackling the entire sign ordinance. She stated signage is important in mixed use because of the potential for a basic development inside of development. Councilor Jenkins questioned the 1 square foot per linear foot of store

frontage; and stated these signs could potentially be very large to adhere to these requirements.

Discussion followed regarding off-premise signage, and the fact this is sometimes important to the viability of business. Mrs. Ukena stated the current sign ordinance does not allow off-premise signs. Further discussion followed regarding the desire not to have non-useful interior traffic. It was stated that mixed use signage must agree with Riverdale sign ordinance; with Mrs. Ukena stating she will simply be forced to go ahead and look at signage. The suggestion was given to make a general statement regarding compliance; and to include the concept that all off-premise signs are conditional.

Councilor Hadden stated he feels signs should be consolidated and not all over different locations. Councilor Jenkins suggested the idea to contact sign companies and confer with their expertise. She stated the technology offered by companies such as Young Electric Sign is so incredible because they can model individual ordinances and actually produce a visual product of appearance. Mrs. Ukena stated she could contact various sign companies, and Councilor Jenkins stated she would contact YESCO and arrange a presentation.

Councilor Brough stated she feels that signage in a mixed use area should be more subdued than on C-3 areas. She discussed the need to have a sign ordinance for mixed use that is not the same as out on Riverdale Road.

Mayor Burrows suggested the verbiage "all signs will be reviewed by the Planning Commission and governing Body; and signage must comply with the sign ordinance and must be approved by the Planning Commission".

Mr. Brooks inquired if the Council desires mixed use to be different from everything else. It was felt there is the need to rewrite the sign ordinance to include a separate section for mixed use and one for general. Councilor Brough stated she would prefer lower impact signage for mixed use; and it was felt that perhaps a sign company could suggest something that could work in both situations. Councilor Jenkins stated she does not want to refer to a sign ordinance within the mixed use ordinance; stating this will involve a great deal of political will that will have to be enforced and cannot be tackled overnight. Mrs. Ukena stated all existing signs will remain; and any changes would have to comply. She cited the example of the 2008 road widening, stating many of these signs in question will be forced to be removed.

Councilor Gibby stated he would recommend that Mrs. Ukena work on verbiage and present back. Mayor Burrows suggested "all signage would have to be approved by the Planning Commission and Governing Body"; and minimum restrictions would be consistent with the sign ordinance.

Another suggestion was offered "all signage must be approved by the Planning Commission and Governing Body; shall comply with the sign ordinance; but additional restrictions could be imposed". Both Councilors Brough and Jenkins stated they are not comfortable with not first looking at the sign ordinance before making these types of determinations.

The suggestion was offered "all signage is a conditional use and must be approved by the Planning Commission and Governing Body". Councilor Brough expressed her concerns that this could become a mess if there is not some sort of minimum standards. Discussion followed regarding this section being left conditional for this point; to go back, review, and get technology behind decisions when writing a new sign ordinance. It was felt the Council may then have a better idea of what they expect to see.

Mayor Burrows recommended this item be placed on the Recorder's Report to ensure follow-up. Discussion followed regarding the consensus that signs in mixed use should be different than signs on Riverdale Road. Further discussion followed regarding access and design considerations.

Mrs. Ukena offered clarification that she would remove the section of definitions; and place them into the definition list in the front of the Chapter. The Council felt this to be appropriate.

Discussion followed regarding the scheduling of a public hearing, with Councilor Haws stating he does not want to hold another public hearing in the middle of the budget process. Discussion followed regarding a July or August timeframe.

Motion: Councilor Gibby moved to schedule a public hearing on the proposed ordinance for July 19, 2005; and to direct staff to notify the public per legal requirements. Seconded by Councilor Hadden. The motion passed unanimously.

Discretionary Business

Budget Process Considerations

Councilor Haws stated he would like to discuss the budget process. He stated discussions have implied that funding for capital projects come from the surplus that is accumulated at the end of each year. He stated he would just like to suggest actually allocating general fund dollars towards capital projects. Councilor Haws explained a project like building the ball fields to the south of the Civic Center would most likely consume the entire surplus generated in any particular year. He stated therefore, the only way to accomplish these types of larger projects is to begin allocating designated funding amounts each year as opposed to just having an amount to utilize at the end of the year.

Mr. Hansen stated there have been a couple of instances where money from the general fund has been earmarked; such as the senior center years ago. He stated this was prior to the establishment of the current budget process. He stated the statements are true in that these types of projects compete with day to day operations; however, that has been the Council prerogative. He discussed the procedure of being more liberal in estimates of expenditures and more conservative in revenues; typically resulting in surplus. He stated whether intentionally or by default, implications are to utilize the general fund balance. Mr. Hansen stated the certified tax rate does require consideration of the tax levy as well; unless choosing a rainy day fund balance or surplus within the general fund.

Councilor Jenkins discussed her concerns with the need to assess aging infrastructure and putting money away because there may be a window of time for upgrades to be made. Mr. Hansen stated that would be crossing over to different types of funds; in that a capital project within an enterprise fund such as water, sewer, storm water, etc. is different. Councilor Jenkins stated the question is whether Riverdale will have the money necessary to do what needs to be done if they do not set money aside.

Mr. Hansen stated historically, money was borrowed when the water tanks were built. He stated there is typically not a user fee assessed for major capital improvements like that (such as funding operations and maintenance). He stated if major projects arise, these will not be set aside and will not accumulate within an enterprise fund. Mr. Hansen stated money could legally be moved from capital projects or more could be earmarked from the general fund; but this procedure is not typical. He stated Riverdale is lucky in that they have not had to rely on bonding similar to most cities. He stated the general fund is typically utilized for day-to-day operations of the municipality.

Councilor Haws inquired as to financing of the Community Center; and whether this involved accumulation of one year of capital projects. Mayor Burrows stated this related to property that was sold on Parker Drive that had been slated as a park. Funding went back into recreation and went over at least two budget years; however, was basically paid for with that kick start and the fact that it was put together with the Fire Station and all built as one project under one project manager. He stated the entire process resulted in great savings.

Councilor Haws stated he would like to see a line-up of projects and start committing money to them. Mayor Burrows stated this suggestion could be addressed as the budget is opened for consideration. Mr. Hansen stated if this is the case, he would recommend taking those priorities for major capital improvements projects and earmarking or reserving part of those funds for these projects.

Councilor Haws stated he feels staff does an exceptional job of making sure there is a surplus of revenues over expenses; however, does not know they do as good of a job of anticipating revenues to be spent or allocated toward certain capital projects. He stated he would like to see designation of a revenue percentage put into the budget as savings towards desired projects. Mr. Hansen clarified such projects would always be subject to demands of general fund needs.

Councilor Haws stated this is just a point of interest, and timing is problematic to begin this budget year. Councilor Jenkins stated she would agree as to goal setting for future projects. ***There appeared to be consensus to explore this type of budget allocation as an option in the future.***

Proposed Town Meeting

Mr. Hansen referenced a tentative agenda for a proposed town meeting. He stated the idea is for staff to take 2-4 minutes on each specific bullet point to provide a summary of the issue. He stated he would envision a table of displays around the room. Discussion can be

opened up to the public, with a question and answer period. Mr. Hansen stated following the presentation, the meeting can then breakout to the individual displays. Mayor Burrows stated he likes this type of format because it allows public dialogue.

Councilor Hadden stated he feels it was a big error to include a question about the desire for a swimming pool within the citizen survey. He stated now it is on the town meeting agenda, and he does not feel the city should keep bringing it up. Mr. Hansen stated it is in effort to show good faith in listening to public notions about what is wanted in Riverdale. He stated staff can then explain reasoning or clarification as the associated capital costs, feasibility or liability. Discussion followed regarding the fact that construction of a swimming pool in Riverdale would require a bond or an incredible donation. Mr. Hansen stated staff is checking into a possible discount for Riverdale residents at Roy's Aquatic Center.

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 8:59 p.m.

Attest: Approved: June 7, 2005

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Cindi Mansell, City Recorder Bruce Burrows, Mayor