
Minutes of the **Regular Meeting** of the **Riverdale City Council** held Tuesday, **June 5, 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
 Doug Peterson, Councilor
 Shelly Jenkins, Councilor

Excused: Gary Griffiths, Councilor

Others Present: Larry Hansen, Chief Administrative Officer; Steve Brooks, City Attorney; Randy Daily, Community Development Director; Lynn Fortie, Business Administrator; Dave Hansen, Police Department; James Ebert, Police Department; Doug Illum, Fire Department; Marilyn Hansen, City Recorder; other city staff and approximately 20 citizens.

A. Welcome & Roll Call

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

B. Pledge of Allegiance

Councilor Jenkins offered the Pledge of Allegiance. Mayor Burrows read a quote from James Polk.

C. Moment of Silence

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

D. Open Communications

None

E. Presentations and Reports

1. Mayor's Report

Mayor Burrows reported that there is a Town Meeting scheduled on June 13, 2007 at 7 p.m. at the Senior Center. The purpose of the Town Meeting is to have an open dialogue about the budget and it's proposed changes.

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

None

F. Consent Items

- 1. Approval of meeting minutes from:
May 15, 2007 Council Work Session
May 15, 2007 Regular City Council
May 19, 2007 Strategic Planning Work Session**

2. Approval of a Class A beer license for Lighthouse Station 1.

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

Call the Question

The motion passed unanimously.

G. Action Items

1. Public hearing to receive and consider public comment regarding proposed amendments to the FY 2007 budget.

Lynn Fortie reported that the only amendment to the FY 2007 budget is a \$12,000 adjustment to the Streets budget for engineering. Councilor Haws inquired if this is usually where the surplus adjustment is put. Mr. Fortie replied that he has done that in the past and that different auditors vary on whether or not the surplus is a true expenditure. He stated that it is not an expense but a transfer. Mayor Burrows asked if the current auditors prefer to see that amount listed or not. Mr. Fortie replied that he wasn't sure, but he would check on it.

Mayor Burrows opened the public hearing at 6:16 p.m.
There were no public comments.

Motion: Councilor Gibby moved to close the public hearing. Councilor Peterson seconded the motion.

Call the Question

The motion passed unanimously.

Mayor Burrows closed the public hearing at 6:17 p.m.

2. Public hearing to receive and consider public comment regarding proposed FY 2008 budget for all funds.

Lynn Fortie discussed the proposed amendments to the FY 2008 budget.

Mayor Burrows opened the public hearing at 6:19 p.m.

Allen Miller stated he understands that in the past Riverdale had lower taxes and the time has come to raise taxes. He wants the City Council to not base everything on the budget in relation to SB-35, as the legislature may or may not adjust it. He noted that even though we have a good revenue base, he would encourage the City to start programs that could generate revenue instead of passing everything off to the residents. Mr. Miller stated that one way the City could generate revenue is to have their own ambulance service and he feels that the City could supply the same service, if not better, than the surrounding communities. He also stated that he has contacted other cities and we are the only one that does not charge for traffic class. He felt that could generate additional revenue and not push everything off on the tax payers.

Mike Erickson inquired what the projected cost of the new 911 services are for FY 2008. Mayor Burrows stated that a special service district was created and the City no longer has a budget for that.

He explained that item has been rolled back into the budget and last year we decreased the amount of mill levy to compensate for that.

Motion: Councilor Gibby moved to close the public hearing. Councilor Peterson seconded the motion.

Call the Question

The motion passed unanimously.

Mayor Burrows closed the public hearing at 6:26 p.m.

Councilor Haws reported that the budget for previous years included a fee to the 911 dispatch center and that the last charge was around \$89,000. He stated that when the special service district was created, that gave the 911 dispatch district the authority to tax property in the district. They implemented a property tax on all properties in the district to pay for their costs and because of that they no longer charged each city a fee.

Councilor Peterson stated that Mr. Miller's comments were insightful and helpful and that the sentiment of the Council is the same as his and they do not want to shift the burden onto the citizens. He explained that with the implementation of SB-35 two years ago, there will be a \$1.2 million dollars impact and \$400,000 of that came in the first year. Councilor Peterson reported that they have worked with the legislature and have opened the way for some action next year that may give us the option to have a nominal sales tax increase that would be unique to Riverdale and other retail cities. This action would put the burden back on those that are consuming the services. Mayor Burrows stated that the Town Meeting, next week, is to specifically address those items so that everyone understands that this is a much lower burden than was originally reported and that it is not being done lightly. He stated that this has been one of the toughest decisions that they have made. Mayor Burrows stated that there hasn't been a tax increase on the mill levy for 20 years and the current 30% proposed increase would take the mill levy rate back to the 1997 level.

Councilor Haws reported that they only really addressed one item on the Consolidated Fee Schedule during the Strategic Planning worksession and wanted to let everyone know he is going through it and is still not comfortable with all of the numbers that are in it, including the franchise tax fees. Councilor Jenkins stated she hopes that the public will come to the Town Meeting. She noted that staff has done a tremendous job in keeping their departments flat and that they are running short on employees. She commended the employees for taking that on in behalf of the community and not allowing services to suffer.

3. Consideration of declaring unclaimed property as public interest use.

Police Lt. James Ebert stated that they have met all the statutory requirements to surplus the unclaimed property at this time. Councilor Jenkins inquired about the process that the Police Department's uses to notice owners of any stolen articles to be claimed. Lt. Ebert replied that when property is seized, they are given a paper outlining their options and contact information and that any safekeep property is held for 90 days. He also explained that property that is being held as evidence is released by prosecutors. He stated that when property is released, the Police Department attempts to reach the owner by phone and certified mail.

Motion: Councilor Haws moved to approve the request for unclaimed property to be declared public interest use. Councilor Peterson seconded the motion.

Call the Question

The motion passed unanimously.

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

Councilor Peterson inquired as to when the surplus property would be made available to the public. Larry Hansen replied that the surplus property sale has been scheduled for 3rd week of June at the Community Center and that information will be published in the newsletter.

Mayor Burrows opened the public hearing at 6:42 p.m.
No public comments were given.

Motion: Councilor Gibby moved to close the public hearing. Councilor Haws seconded the motion.

Call the Question

The motion passed unanimously.
The public hearing closed at 6:42 p.m.

b. Consideration of declaring certain personal property as surplus

Motion: Councilor Gibby moved to declare the property described as personal property as surplus. Councilor Peterson seconded the motion.

Call the Question

The motion passed unanimously.

5. Consideration of Resolution 2007-20 adopting an Interlocal Agreement with Weber County for Animal Control.

Police Chief, Dave Hansen stated that he is seeking approval for the Interlocal Agreement with Weber County for Animal Control services. He reported that, in the past, they have gone back and forth between Weber County and Ogden City for these services and that the two entities are currently negotiating to combine their services. He stated that they want to continue with Weber County until those negotiations are finalized.

Motion: Councilor Gibby moved to approve Resolution 2007-20 approving an Interlocal Agreement for Animal Shelter services between Weber County and Riverdale City. Councilor Peterson seconded the motion.

Councilor Jenkins inquired what was budgeted for those services. Chief Hansen replied that \$6,000 was budgeted last year and \$10,500 for FY 2008. He stated that was due to a raise in the fees and an increase in animals.

Call the Question

Councilor Peterson, Yes; Councilor Gibby, Yes; Councilor Haws, Yes; Councilor Jenkins, Yes. The motion passed unanimously.

6. Consideration of Resolution 2007-21 adopting the General Plan Land Use Commentary by Area.

Randy Daily reported that the Commentary and maps have went before the Planning Commission and is seeking City Council approval. Councilor Jenkins stated that she would like to make a point that Area 5 has been in flux and that when the General Plan was being considered for amendments, Area 5 was a piece of property that was brought into the City through a Boundary Line Adjustment. She explained that when the Planning Commission and City Council had joint meetings and before adding the commentary, it was looked at very favorably to tie this property into open space and extend the housing area. Councilor Jenkins stated that the new land use commentary is written toward the previous decision that was made and because there isn't congruency with the commentary she would ask to bypass Area 5 and not make any amendments to the General Plan at this time. Councilor Gibby stated that he has looked at some of the General Plan Areas and is concerned with the area south of Home Depot. He feels that trying to keep that area designated as Office Park is just land banking that area, as the chances of that becoming an office park seem to be slim and he doesn't feel ready to move ahead with the changes to the General Plan at this time.

Motion: Councilor Peterson moved to table Resolution 2007-21 adopting the General Plan Land Use Commentary by Area. Councilor Gibby second the motion. Unanimous

Call the Question

The motion passed unanimously.

Councilor Jenkins stated that there were some issues that needed clarification as to how they were written and asked what the most appropriate dialogue would be to have with staff. Mayor Burrows stated that they could give written commentary back to Mr. Daily and suggested that if they have concerns on specific items they could have a meeting to discuss those in detail. Councilor Peterson asked if they could communicate by e-mail and include a copy to Mr. Daily and others as necessary. Larry Hansen suggested that when the Council e-mails regarding this topic, they could use the "marked-up" word version of the Commentary and add their comments, that way the full commentary, with all comments, could be brought back.

7. Discussion of Light Industrial Business Park Ordinance.

Mayor Burrows reported that the Light Industrial Park Ordinance particularly entails the west bench of Riverdale. He explained that the Herrige study and other processes have been used to try to identify the best long term use and benefit of the City in that area, while making it compatible with the gateway project at the airport and bringing in higher paying jobs. Randy Daily reported that this area is associated with the General Plan and is now designated as light manufacturing business park. He explained that because we do not have an ordinance pertaining to a light industrial business park, this ordinance was created to implement the zone on the west bench and move the manufacturing zone off the Credit Union property. Councilor Jenkins stated that in the first chapter of the ordinance it discusses the intent to transition developments to protect the landmark zone. She expressed concern that there is only one landowner that was willing to be included in the landmark development zone and questioned if they leave the landmark zone or look at dissolving that. Mr. Daily recommended removing that designation. Larry Hansen stated that they could change the wording from "It is also the intent of the LIBP to transition development to protect the integrity of the Landmark Development Zone" to "It is also the intent of the LIBP to transition developments to protect the integrity of the transition of uses within the zone."

Amendment: Councilor Peterson moved to incorporate the language to change the last sentence in the first paragraph of the Light Industrial/Business Park ordinance to read “It is also intent of the LIBP to transition developments to protect the integrity of transitional use zone. Councilor Haws seconded the amendment.

Councilor Jenkins stated that there are multiple zones in that area that this ordinance wouldn't apply to and thinks zone is the wrong word. Randy Daily stated that they could substitute the word “area” for the word “zone”.

Amendment: Councilor Peterson agreed to replace the word “zone” with “area”. Councilor Haws agreed as the second.

The amendment passed unanimously.

Councilor Gibby expressed concern about having the term manufacturing in the ordinance, as most of the areas in Riverdale that are suitable for manufacturing have higher values that put them out of competition with other areas in the greater Ogden area. He feels that the word “industrial” could be substituted for the word “manufacturing”. Councilor Peterson asked if this change was for the entire ordinance or just Section D of Principal Uses. Councilor Gibby replied just section D. **Mayor Burrows asked for consensus to change the word “manufacturing” to “industrial”. Consensus was reached.**

Councilor Haws stated that enclosed storage facilities not associated with a main use, is listed under Section D of the Conditional Uses paragraph. He asked if they want to include this use as a previous Council declined a use of personal storage units in the zone for that area. Larry Hansen stated that the section could read “enclosed storage facilities associated with LIBD” as opposed to “not associated with a main use”. Councilor Haws stated that he was OK with taking out the word “not”. Councilor Peterson stated that there may be some demand for storage on west bench or a need for an off-site professional use storage facility that would not be storage units commonly thought of, but that business complexes may have a need to store things off-site. Mr. Daily replied that was the concept and it just needs clarification. Mayor Burrows asked the Councilmembers to forward any language changes/suggestions to Mr. Daily via e-mail by the close of this week.

8. Discussion of proposed use for Wildcat Storage at 3490 Parker Drive.

Randy Daily referred to the Executive Summary that he prepared for this item. He stated that the proposed storage development is at the preliminary approval stage with the Planning Commission and that staff has determined, after consulting with legal counsel, that the property must be zoned to a manufacturing use. In order to do this, Riverdale ordinance 10-11 must be amended to allow Personal Storage in the manufacturing zone. Mr. Daily reported that he has prepared an amendment to the manufacturing zone ordinance and created a new M-0.5 zone which would allow Personal Storage Units within that zone. He indicated that other allowed uses could include office space and assisted living facilities. Mr. Daily stated that he is preparing the required documents for the public hearing on the rezone of the property. Councilor Haws inquired if the proposed new zone will have to go through the Planning Commission. Mr. Daily replied that it would go to the Planning Commission for recommendation and then be forwarded on to the City Council. Councilor Haws inquired that once the zone has gone through and if approved, would there be a request from the landowner to re-zone the property to the newly created zone. Mr. Daily replied that the landowner has requested the re-zone. Mr. Hansen explained that legal counsel has advised them that the

connection with Ogden City that was effective in 2004, did not implement any zone on the property and that zoning would need to be adopted for this property and in order to do that a public process is needed. He stated that the property owner has requested the zoning considerations that were associated with the Boundary Line Adjustment. The attorney also suggested that concurrent with the zoning consideration, language should be considered to specifically address Personal Storage Units somewhere in a zone, and in this particular case, a manufacturing zone.

Councilor Haws stated that when the land disconnect was approved, they spent a significant amount of time talking about the zone and the fact that, in Ogden City, it was one zone and his understanding was that it was brought in with the same zoning designation that the land had in Ogden City. He inquired if they are now saying that the land doesn't have any zoning designation at all. Mr. Hansen replied that the attorney advised him that the intent of the Council, at that point and time, to allow for zoning to make a transition as requested by property owner, could only happen subject to the proper public process and that no zone was adopted with the Boundary Line Adjustment. Mr. Hansen explained that the attorney also stated that the use needs to be addressed in the ordinance. Councilor Jenkins stated that Councilor Peterson made a valid argument that Council's change and the way new councilmembers look at decisions of the past also change. She stated that it is not her intent to be in an adversarial position with the homeowners or the landowner and will speak from her own perspective. She explained that there are issues with the infrastructure and services provided on the subject property. Councilor Jenkins stated that she sent an e-mail outlining that we have created a housing development nearby and the subject property is in an area that is a gateway to Riverdale and it wouldn't seem congruent to allow storage units next to the housing development. She feels that bringing the property in gave the City the opportunity to work with the landowners for a good development for the City. She noted that at one time, the City had a desire to obtain that property for open space and that since 2004 there has been a lot of things that have happened to improve that area. Councilor Jenkins stated that she did not feel that there was any assurance that this project would come out to be storage units.

Councilor Gibby stated that he remembers that meeting well when the Boundary Line Adjustment was approved and Mr. Cummins came into the meeting and said that he would not fight the Boundary Line Adjustment, if he would be allowed the same uses as were allowed in Ogden City. Councilor Gibby pointed out that Mr. Cummins was not vague about the use he wanted and the use that was discussed was storage. He stated that in his opinion, we made a verbal contract and a moral contract with Mr. Cummins and he believes in integrity and follow up in moral choices. Councilor Gibby stated that it is not up to the Council to tell Mr. Cummins how to run the property and noted that by acquiring the property the City was able to have a trailhead and finish the residential area. He stated that these projects are now completed and he doesn't feel that the Council should renege on the previous decision. Councilor Gibby stated that he appreciates the fact that the neighbors don't want storage down there and maybe they could convince him to change that, but the fact remains that the property doesn't belong to either the City or the residents.

Councilor Peterson stated that he was on the Council in 2003 when they bought the land that is the now the trailhead and the intent was that they wanted to take control of that land, as a City, to ensure that area was nice. He explained that he was not on the Council in 2004 when the Boundary Line Adjustment action took place. He reported that he has been in government long enough to know that nothing is bound by previous legislative actions and that unless that action had been taken in 2004, which it was not, we are not bound to do that. At the same time, Councilor Peterson said, he

recognize that Mr. Cummins has spent a lot of time in this effort and thinks there might be other uses that would meet their needs and hopes that they would be considered.

Councilor Haws stated that he was in the 2004 City Council meeting and noted that there was significant confusion. He explained that there was discussion as to what zoning the property actually was and what zoning it would come into Riverdale as. He thinks that everyone from that meeting expected that it would be zoned M-1 in Riverdale, but that is not the case. Councilor Haws stated that he respectfully disagrees with Councilor Gibby that absolute assurance were given that night.

Mayor Burrows reported that each councilmember has been heard from and opened the meeting up for public comment.

Don Cummins stated that he owns the property in question and displayed a drawing of the proposed facility. He reported that the storage units are high end and some of them are environmentally controlled. He explained that at the time Riverdale initiated the boundary change, he protested it and said he wanted to stay in Ogden City. He later stated that he would consider withdrawing his protest if certain conditions were met and believes that Councilor Jenkins was in that meeting and agreed to it. He stated that they are now seven months into this project, costing thousands of dollars, and all of these problems come up. He reported that the main reason he came into Riverdale is because he wanted to keep the same M-1 zoning that Ogden City had and the Council agreed to it. Mr. Cummins stated that he thinks that he should be allowed to proceed as anticipated as the Council was well informed and knew his intentions.

Lynn Barnett, from Barnett Structures, stated that for the past 10 years he has built almost 5 million feet of storage. He reported that Mr. Cummins has partnered with Doug Eilertson who is also involved with storage units. He stated that they are committed to build the finest storage facility in Riverdale City. Mr. Barnett noted that it was mentioned that it was not good to build storage units next to housing, but pointed out that residential customers constitute 60% of the storage market. He also stated that the storage project will make an excellent buffer between the park and the housing as there is a complete landscape buffer on all sides of the project. Mr. Barnett stated that a traffic study showed that there would be a 24 car per day increase in traffic in the area and that the facility will be very secure and quiet.

Mike Loughton stated that he lives in the River Glen area and that it is not his intent, or his neighbors, to be adversarial. Mr. Loughton read excerpts from the 2004 City Council meeting minutes and stated that many people remember that meeting differently. He stated that he is sorry that Mr. Cummins has spent seven months and thousands of dollars, but can't understand why he would do that if it isn't zoned to allow that use. He stated that if we build a park, they don't want a buffer of storage sheds, they would want the park next to the houses.

Marty Reynolds stated that he lives in the River Glen subdivision and is a real estate agent and is familiar with property values. He stated that as a homeowner, they paid for their homes, knowing that the location and type of building going in there would help property values. He stated that with his real estate experience, storage sheds will definitely hurt property values and even though it would be a nice storage facility, they bring a negative stigma to an area. Mr. Reynolds reported that allowing the storage units by the trailhead is crazy. He stated that he understands that it is Mr. Cummins' property and that he can do what he wants to with it, but hopes that he would talk to his neighbors to get their feel of what they want to see go in there.

Mike Erickson, from the River Glen community, stated that he doesn't believe that they will only see 24 cars a day on that road and that the ingress and egress from this facility is going to create a problem as the subject property is on a blind corner and the road isn't wide enough.

Amy Ann Spiers stated that both she and her husband are real estate agents and that they agree with Marty Reynolds. She stated that she is aware of stigma that comes with storage units. She stated that the CC&R's are so regulated as well as the new building permits, and landscaping ordinance, but doesn't see things enforced in River Glen as it is. She asked what assurances will they have from the governing body in Riverdale that any of this will be kept up. She stated that they already live next to the Weber River and the railroad and adding storage units doesn't add value to their property.

Doug Day, a resident of River Glen, stated that he feels that having long trucks come in and out of the storage units on a blind curve is dangerous and a potential safety hazard. He agrees with Councilor Jenkins in that storage units are not congruent with a residential area and exit from the City.

Nadine Cummins, property owner, stated that there is obviously a well organized group here tonight, but they do not represent 100% of River Glen. She stated that she talked with someone last week who said storage units would be a wonderful thing and are needed in Riverdale.

Miranda Rizzi stated that she moved in last summer and choose this development because of the type of neighborhood it is. She stated that she called Councilor Gibby today, and is concerned with the attitude of the residents coming across as we just don't like it. She stated that this is where our children live. She stated that she is sorry that the property owner spent that money, but feels he shouldn't have until it was on the records. She stated that they are concerned as a neighborhood and would hope that the Council takes their reaction into consideration.

Randy Wilson inquired if this facility would be maintained by someone on site. Mr. Cummins replied that there will be a resident manager. Mr. Wilson stated that the storage sheds overall don't bother him too much, but the problem is the wetlands. He inquired how Mr. Cummins would get sewer to the project without going through the wetlands. He stated that area isn't overly suitable to build on top of and that he would need to dig down to support those structures.

James Purin stated that he understands the viewpoint of Mr. Cummins and doesn't think it is right to not be able to do something with your land but also sees the point of the homeowners.

Don Cummins, property owner, stated that he made a decision, when he heard that there would be a well organized group here tonight, to not bring other neighbors in to make enemies.

Amy Ann Spiers stated that they are landowners and are not throwing derogatory comments at anyone but that they are talking about legal rights. She stated that it has nothing to do with a little group. She stated that she doesn't go to church with these people but has sold seven houses in the River Glen Subdivision and lives there. She stated that she is speaking as a concerned homeowner.

Mayor Burrows called for a recess at 8:09 p.m.
Mayor Burrows reconvened the meeting at 8:17 p.m.

Mayor Burrows stated that since the property officially came in with no zone and according to the land use attorney, does not transfer the zone over from Ogden City, he recommends sending this item back to the Planning Commission to go through the public process to establish a zone and deal with the allowed uses within that zone. City Attorney Steve Brooks stated that in speaking with Attorney Jody Burnett, it was their feeling that the hoops hadn't been jumped through and the public process needed to be started.

Motion: Councilor Gibby moved to direct the Planning Commission to look at the property and potential uses and a hold public hearing to establish a zone and make recommendations to the City Council with those recommendations. Councilor Peterson seconded the motion.

Councilor Jenkins inquired how to sequence that properly with regard to the possible changes and updates to the General Plan. She asked if they table the whole General Plan update until then. Mr. Daily stated that they will wait for the recommendation from the Planning Commission to the Council on what the property should be rezoned to and then go forward with the General Plan changes.

Call the Question

The motion passed unanimously.

Mayor Burrows recommended recessing from the City Council meeting into the Riverdale Redevelopment meeting.

Motion: Councilor Gibby moved to recess the City Council meeting in favor of Riverdale Redevelopment meeting. Councilor Peterson seconded the motion.

Call the Question

The motion passed unanimously.

The meeting recessed at 8:24 p.m.

The meeting re-convened at 8:29 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).

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

Call the Question

The motion passed unanimously.

The meeting adjourned into Closed Executive Session at 8:30 p.m.

The meeting re-convened at 9:39 p.m.

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

Mayor Burrows indicated that no action from the Closed Executive Session was necessary.

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 Jenkins seconded the motion. The motion passed unanimously. The meeting adjourned at approximately 9:36 p.m.

Attest:

Approved: June 19, 2007

Marilyn Hansen, City Recorder

Bruce Burrows, Mayor