

Minutes of the **Regular Meeting** of the **Riverdale City Council** held Tuesday, **July 5, 2005**  
at 6:00 pm at the Riverdale Civic Center, 4600 South Weber Drive

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

Excused: David Gibby, Councilor

Others Present: Larry Hansen, City Administrator  
Wayne Hoaldrige, Director of Public Safety  
Randy Daily, Community Development Director  
Lynn Fortie, Business Administrator  
Jan Ukena, City Planner  
Stevin Brooks, City Attorney  
Stacey Comeau, Human Resource/Office Manager  
Cindi Mansell, City Recorder

Al Contreras  
Wendy Needham  
Bill Turner  
Phil Hancock

Mayor Burrows called the meeting to order and welcomed those present. He explained that Councilor Gibby has asked to be excused this evening due to a death in his family. Councilor Hadden offered the Pledge of Allegiance. Mayor Burrows then read a quote, followed by a Moment of Silence.

#### **Mayor's Report**

Mayor Burrows reported that South Ogden City is conducting an open house on their new building tomorrow at 6:00 p.m. He stated even though the building is not entirely complete, they are going forward with the open house and everyone is invited.

Mayor Burrows stated the Weber Morgan Health Department grand opening ceremony for their new facility will be held on July 8, 2005 from 9-11:00 a.m. at 477 23<sup>rd</sup> Street.

Mayor Burrows stated the storm sewer line relocation has begun on 300 West and 4400 South in Washington Terrace; and there is the need to take the detour on Highland Drive for approximately two weeks.

Mayor Burrows offered his compliments to the staff for their efforts towards the Old Glory Days 4<sup>th</sup> of July celebration. He stated the celebration, parade, carnival and fireworks events were all well done and the patrons appeared to be happy and pleased.

**Consent Items**

**Approval of Minutes**

Mayor Burrows stated that the Council has the minutes from the June 7, 2005 Regular Meeting; June 15, 2005 Town Meeting; June 21, 2005 Work Session and Regular Meeting. Several amendments to the minutes were proposed.

**Scheduling of Public Hearing - Rezone request at 5100 South Weber River Drive**

Mayor Burrows explained there is the need to schedule a public hearing for August 2, 2005 to consider the rezone request for 67.74 acres from A-1 to C-3 and located at approximately 5100 South Weber River Drive.

Councilor Brough inquired if appropriate signage would be placed in the rezone location; and inquired at which location this would be placed. Mr. Daily stated the sign will be placed at the end of the City property; and everyone within 500 feet of that boundary line will be noticed. Councilor Jenkins expressed concern that the East Bench could be affected, yet would exceed 500 feet. Mr. Daily stated staff can only notify based on state mandated ordinance. Inquiry was raised as to whether the railroad would receive notification, with Mr. Daily assuring the Council that every property owner within 500 feet would receive notification.

Councilor Haws inquired as to whether it is appropriate to place an information item within the City Newsletter. Mayor Burrows stated notice is provided on the City Website, the regular newspaper, and posted at three public locations as well. Mr. Hansen cautioned the Council on straying away from the ordinance requirements.

**Motion:** Councilor Haws moved to approve the common consent items as presented; including the corrections to the minutes as proposed. Councilor Brough seconded the motion. The motion passed unanimously.

**Litz and Company**

Mr. Fortie introduced Mr. Litz of the Litz and Company Accounting Firm, which was recently selected as the new City Auditor.

Mr. Litz addressed the Council, and distributed a handout. He explained when a City Council does not have a formal Audit Committee - the City Council themselves assume this role. He stated there are specific reporting requirements in conjunction with the committee itself, so part of the process is to begin to solicit input as to financial areas of concern or fraud. He stated at the end of the process, the firm can go back with response to questions which may arise. Mr. Litz further discussed party transactions relative to employees and/or elected officials, stating it is best to be informed of these types of relationships in advance. He encouraged the elected body to spend a few moments and fill out the form; stating he will be glad to answer any questions relative to the audit process.

Councilor Haws inquired as to timeframe on the audit completion. Mr. Litz stated his firm is estimating September delivery of the audit. He thanked the Mayor and City Council, and stated he is looking forward to working with the City of Riverdale.

**Resolution #17-2005 providing for Personnel Policy Amendments**

Human Resource Manager Comeau addressed the Mayor and Council. She explained there is the need to consider amendments to the Riverdale City Personnel Policies & Procedures Handbook relative to appeals of discipline/grievance; sexual harassment; penalties for misconduct; reporting violations of sexual harassment; paid holidays; and Family Medical Leave Act. She stated this involves several policies all wrapped up into one; and explained the desire to provide options and have these available to employees in addressing grievance situations or issues. She stated the remaining amendments include clarification, consistency, and Family Medical Leave Act updates to comply with Federal Law.

Councilor Jenkins expressed concern as to the ambiguous wording. She stated in reading the changes and wording delete/inserts; she would have concern that the policy still reads as a City that does not have a Human Resource Director or someone to address Human Resource problems. She inquired as to how to provide continuity in procedure when much is left up to the individual departments.

Councilor Jenkins stated there is the need to add to the list of people that this complaint can be brought forward to and to add that it must be checked off by the Human Resource Manager and City Attorney. She stated personnel issues are highly legal issues, and Department Heads have not typically acted on the supervision of Federal Standards. She stated now there is a Human Resource Manager, would it not make more sense if this position were checking off on these types of issues. She stated she feels this would be of less subjective nature to the way of how things are handled from one department to the other.

Mr. Hansen referenced 13.3 reporting violations of sexual discrimination. He stated a procedure to guide the employee has been updated, and includes a matter of policy that employees have a timely responsibility to report situations. He stated a complaint must be filed in writing, and the employees with whom this can be filed have been specified. The need to add the Human Resource Manager to this list was suggested. Councilor Jenkins stated again, she feels any disciplinary action should be checked off and approved by the Human Resource Manager and the City Attorney. Mr. Hansen stated he would disagree.

Mayor Burrows stated a report can be filed with any one of those people with whom an employee feels comfortable. Councilor Brough stated she would agree that the Human Resource Manager and the City Attorney should be the initial contact. Mr. Hansen stated this is the policy of the City as well as all supervisors and Department Heads in the event system; and the City Administrator is heavily involved. He stated he respects these thoughts; however, there is the matter of defining expectation, philosophy, and establishment of procedure.

Councilor Haws stated he feels there is a better way to define "city" in conducting an investigation. Mr. Hansen stated he does not want to modify this wording, as he feels it fairly likely that one or more of them may have a conflict and would then be excluded from the investigation. He stated he does not want to have to identify the group within the policies and procedures, and then have to stray from the listing due to conflict. He stated he would lean heavily on the City Attorney and the Human Resource Manager when getting into this type of situation; and specifically, to protect the integrity of the employee. Mayor Burrows stated he feels there is the desire for the options to remain; even if they were not the one with the problem. He stated they would still have to be made aware of complaints, even if it were against them.

Councilor Jenkins argued she would like to see this changed. She stated regardless of what department people are involved, the City Attorney is involved with issues of legal ramification and it should be standard procedure to have it signed off with legal and human resources. She stated the Department Head or supervisor may not be in the right situation; and the investigative process will determine whether this has actually taken place and if there is a legitimate claim.

Mr. Hansen stated he would not agree; feeling this is a statement of policy rather than standard operating process. He proceeded to discuss the difference between policies and procedures; and a policy statement creating expectation on the term of employee. He stated the organization has a responsibility to respond in a timely and thorough manner, and procedurally, can determine how to handle each case. He stated on the other hand, good practice would dictate the appropriate people. He stated Human Resources and the City Attorney will be involved and help guide through this process.

Mayor Burrows stated Human Resources and the City Attorney will be apprised of the situation and will articulate those positions. Councilor Jenkins stated Department Heads have never been expected to be Human Resource people; and Mr. Hansen stated he would argue that they still need to have working knowledge of the issues. Inquiry was raised as to a situation where one of those individuals was the problem and choices involved. Councilor Jenkins discussed the need to legally ensure the City is following good procedure that is safe from a legal protective session for the City.

Mr. Hansen discussed the handling of issues in procedural process. Mr. Brooks explained this puts the burden onto individuals; whether supervisors, Department Heads, etc.; and all employees should fully cooperate. He stated discipline will be taken against any employee that fails to report, obstructs, etc. He stated he would hope that employees would feel free to come in with any kind of complaint. He stressed the requirement for the Department Head to report rather than specific procedure; and cautioned not to make a world in which you cannot live. He stated putting something in stone obligates every individual there. Councilor Jenkins stated she would like include a statement as to putting obligation to report on anyone involved.

Discussion followed that action will be taken against any employee that fails to report; and sets in motion and takes care of concerns without outlining specific procedure. Mrs. Comeau

stated when conducting training regarding sexual harassment, it is important to note the Department Heads and supervisors can be named by name in a lawsuit regarding those types of issues.

Councilor Hadden stated he feels it would be beneficial to include in the rules a procedural change of action if the Department Head is involved. He stated he feels it more than likely that these problems exist within departments; and Councilor Jenkins expressed the need for a check and balance system.

Mayor Burrows stated he feels this has been covered by retaliation (as referenced in Section 7-4) and that is part of this change and would be double coverage. Mr. Hansen the policy does state the City will conduct a thorough investigation and all employees shall fully cooperate and shall not fail to report or obstruct or retaliate. Inquiry was raised as to definition of the "city" and could it be the immediate supervisor in some situations. Councilor Haws stated there is the need to define "the city" and it should be more than one person. He stated this needs to be defined broader to provide confidence that more than one person is going to be involved in the investigation. The need to change the wording to include City Administrator was suggested; along with the hope that the City Administrator is never the problem.

The Council determined it would suffice to add the word "administration" after "city" to promptly conduct a thorough investigation.

Inquiry was raised as to the proposed change in paid holidays. Mrs. Comeau explained this issue was raised when doing payroll that included the Memorial Day holiday. She stated as she got looking at the timecards, she noticed that some part-time employees were thinking they get variable pay hours. She stated for consistency and fairness, she feels it to be appropriate to put into policy that part-time get 4 hours; full-time get 8 hours.

**Motion:** Councilor Brough moved to adopt Resolution #17-2005 of the Riverdale City Council adopting amendments to the Riverdale City Personnel Policies & Procedures Handbook as proposed; and including the wording amendments as outlined. The motion was seconded by Councilor Hadden.

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

**Resolution #18-2005 adopting amendments to the Emergency Operations Plan**

Chief Hoaldrige explained the need to update the City's Emergency Operations Plan that has not been updated for three years. He stated the City has reorganized in several different ways over the last few years, new requirements have been added, etc. He stated staff would recommend approval to adopt the changes as recommended by the Emergency Operations Committee; and as reviewed by Department Heads.

Discussion followed regarding the amendments as proposed; and inquiry was raised as to Page 46, Recovery Plan. The suggestion was given to include City Administrator "or his

designee". Councilor Brough stated she feels the amended version to be more flexible according to the organizational chart, and inquired as to a current chart as to who is what. She inquired if this chart should be incorporated by reference, with Chief Hoaldrige stating there is an appendix that will include this information. He stated the phone list is something that is kept with this by position as well.

Councilor Brough addressed the deletion of the call-down list; and inquired how this is now being covered. Chief Hoaldrige explained as the review was conducted and the contents reviewed, the committee thought of things that might not exist and removed these.

Councilor Brough inquired as to a listing for Community Development regarding the inspection of buildings to be relocated or removed so there would not be further problems. Chief Hoaldrige explained this is included; and anything that was mentioned in two places has been consolidated to one location.

Councilor Jenkins inquired if this amended plan is the same as the original plan; and inquired as to updated plans. Chief Hoaldrige offered clarification that everyone will receive a new updated clean copy.

**Motion:** Councilor Brough moved to adopt Resolution #18-2005 adopting an amended Emergency Operations Plan for the City of Riverdale as presented. The motion was seconded by Councilor Hadden.

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

**Conditional Use Permit - Temporary "Snow-Shack" Building**

Mr. Daily explained the proposal is for consideration of a Conditional Use Permit for a Snow-Shack temporary, portable building to be located at 5460 South Weber Drive (Schneider's Riverside Golf Club - 9<sup>th</sup> Hole). He stated the Planning Commission rendered a favorable recommendation to the City Council for approval. He explained the temporary structure is to be all self-contained and located adjacent to existing restroom facilities.

Councilor Jenkins discussed the need to be site specific as to location, as the restroom facilities are not located near the 9<sup>th</sup> hole; but more between the 5<sup>th</sup> and 6<sup>th</sup> hole.

Wendy Needham, petitioner, stated she has not personally visited the proposed site, but did intend on being adjacent to the restroom facilities. Mr. Daily stated he would have to inspect and determine the appropriate location.

Inquiry was raised as to the timeframe associated with temporary, with Mr. Daily stating approval is based on the seasons and being able to operate. Ms. Needham stated although it is an enclosed building, she doubt she would sell many snow cones in December and intends to remove the building when the weather is no longer hot. Mr. Daily offered clarification that a three-month approval window is typical.

**Motion:** Councilor Jenkins moved to approve the Conditional Use Permit for a temporary, portable building to be located at Riverside Golf Course between the 5<sup>th</sup> and 6<sup>th</sup> hole in the restroom area for a Snow Shack. The motion was seconded by Councilor Hadden; and passed unanimously.

**Conditional Use Permit - Apartment Use at 4465 South 600 West**

Mrs. Ukena explained the purpose this evening is to provide review of the Planning Commission recommendation regarding a Conditional Use Permit for the requested use of Apartments in a CP-3 zone located on 1.5 acres located at 4465 South 600 West. She explained that Mr. Bill Turner is present this evening to represent Andrew Adams.

Mrs. Ukena explained the Planning Commission had reviewed this proposal prior, and had concerns regarding approval. She stated Senate Bill 60 has changed the process for Conditional Use consideration and review; as all conditional uses are allowed uses that the City may impose conditions on during development review. Mrs. Ukena explained this development request was filed prior to the ordinance change to remove apartments from the commercial list of uses.

Bill Turner, Prudential Utah Real Estate, explained Mr. Adams had a family emergency and is out of town and could not be present to represent his client in the purchase of the property. He stated he is here to request granting of the Conditional Use Permit under the necessary guidelines.

Councilor Jenkins referenced the Planning Commission approval, including the 9 conditions. She stated although a geotech report has been performed, she would like the Riverdale Engineer to also be involved because of the nature of this property; the fact the hillside has slid before; and the health and safety welfare being high due to slide concerns. She stated she feels it would be wise to get validation. Mr. Turner stated he is sure his client would not see a problem with this request.

Councilor Jenkins stated the geotech report made reference to test holes to be redone after the waterslide removal; and inquired as to timeframe. Mrs. Ukena offered explanation that every recommendation would have to be followed. Mr. Turner stated the buyer would have to take this recommendation under advisement when pursuing the property purchase; as there may be risk after drilling those holes that he could not build. He stated he does feel the developer is willing to go to whatever lengths it takes to make this project happen.

Councilor Jenkins stated if it were determined the load would not accommodate the amount of units and they have to be reduced; would the project remain feasible. Mr. Turner stated these issues would all be incumbent upon the developer to protect himself in the purchase of the property. He stated the request is for the developer to at least be afforded the opportunity through approval of the Conditional Use Permit.

Councilor Jenkins referenced the developer background, stating Mr. Hedman has built and managed multiple deluxe apartment complexes. She stated if this site is determined a

viable piece of property, expectation would be for deluxe units. Mr. Turner stated he is unable to represent the finished product; however, when Mr. Adams made his initial presentation, he discussed the building of nice upper-end stay-for-awhile type units; and not shacks. Inquiry was raised as to whether the deluxe assumption is reasonable based upon the background summary. Mr. Brooks cautioned the Council that unless a condition specifically ties into something within the ordinance; that could be construed as stretching their powers.

Mr. Daily referenced 9.6.1, architectural configuration, stating this new ordinance as adopted less than a year ago requires that all new buildings submit to design instruction. He stated the developer obviously has to follow requirements of the Building Code. He stated there is the ability to consider materials; however, rental prices and amenities are not considered. Councilor Jenkins offered clarification that she is referring to material pallets and the difference between deluxe and exterior aesthetics. She stated her question is whether the quality and materials of the exterior will meet the expectation as suggested that Mr. Hedman manages deluxe apartment complexes. Mr. Brooks stated there is the ability to control some factors; such as double pane windows, security gates, etc. He stated there is not the ability to dictate everything, but some items would have to meet approval of the Design Review Committee.

Mr. Daily stated there is a different twist in protecting the apartments from their surroundings rather than having to protect anything surrounding from the apartments being constructed. He discussed the desire to want to ensure the railroad does not impact residential use.

Councilor Jenkins inquired as to liability for the railroad, should the train derail with chemicals. Councilor Brough inquired if the City is creating liability for themselves; and expressed concern for health, safety and well-being issues for those that would actually live there. She discussed red flags associated with hazards; water in the hillside and the base; railroad tracks; hazardous spill potential; only one access onto Riverdale Road and resulting potential fire hazard; and the fact the nature of this approach is hazardous in itself. She stated she would have serious issue with putting people in this kind of situation with these potential hazards; and not having a second way to get out of there. Discussion followed regarding the potential to add another condition to require another way out. Mayor Burrows stated Councilor Gibby had also made this request.

Mr. Turner stated whatever needs to be addressed should be placed within conditions; and then can be addressed upon approval of the Conditional Use Permit. He stated until a Conditional Use Permit is granted, the developer cannot begin to address these valid concerns.

Mayor Burrows stated Councilor Gibby had expressed concern with emergency services always having access; and the need to have some type of ingress/egress in case there is an emergency situation. Mr. Turner discussed the desire to establish a secondary access plan, and inquired if this could also be utilized for normal use. Mayor Burrows stated the primary concern during emergency would be for a second access. He further discussed the right

in/right out at the intersection of Riverdale Road; protection for residents from hazards; concerns with the hill sliding because of the water in the soil; and stated he is also concerned about the potential for the existing soils to be contaminated. He stated he feels another condition should be for soils testing for hazardous materials.

Councilor Brough stated with this area being in a remote location as far as accessibility; and units with multiple people; would they be fire sprinkled. Mr. Turner stated upon approval of the Conditional Use Permit, the developer would discuss this issue with the Fire Department to provide the necessary equipment. Mrs. Ukena stated that would be a Building Code issue.

Councilor Brough inquired as to sidewalk connection to Riverdale Road. Mr. Turner stated this is unknown until the Conditional Use Permit is granted and the process and design of the buildings can continue. Mr. Daily stated this involves development that is not on the owner's property; and would involve a City dedicated street to meet City standards. Discussion followed regarding the need to work with UDOT to get the street dedicated in some way.

Councilor Jenkins inquired if the road currently meets standard and if this should be another condition; for the street to meet City standards and include sidewalk, curb and gutter. Mr. Daily stated he feels this already exists within the requirement for connection to the existing sidewalk on Riverdale Road. Councilor Jenkins stated she would like the additional condition to connect to the road. Mrs. Ukena stated she feels this is already covered in Condition #2. Mr. Brooks stated he feels #2 refers to road; and if the Council wants sidewalks, it should be a separate condition.

Councilor Brough stated the City does not have an approved storm drain facility in that area; and discussed the need for development of an engineered design to the storm drain that would be up to Phase II requirements. Mr. Daily stated other utilities are available, but storm drainage is problematic. Councilor Brough referenced the canal mentioned within the geotech report; and Mr. Daily stated this is the canal in which the City has interest. He stated this is separate from storm water.

Councilor Brough stated she would like to emphasize that canal easement may be owned by the City and maintained as a waterway; either piped or fenced in such a way that will not create a hazard. Mr. Daily stated there is the need for water collection to get into the storm drain. Councilor Jenkins stated if water coming off the hill is collected, it is not allowed to be piped. Mr. Daily stated these are conditions which the City Engineer and Department of Public Works would have to consider. Councilor Jenkins reiterated the need for appropriate engineer and geotech information before anything is done to this hillside.

Discussion followed relative to other uses ongoing in this area, with Mr. Daily stating there is one dwelling and the remainder entails agricultural type uses. Councilor Brough stated apartments do not fit within the General Plan; and discussion followed regarding the existing zoning being because of the waterslides. Councilor Brough stated that use should have never been made a permitted use on agricultural land. Mr. Daily stated indeed this is sensitive, and zoning never considered having apartments in this area.

Mr. Daily inquired as to screening from the railroad and relative safety issues. He stated this type of screening may not be as aesthetic and include high fences due to the railroad tracks and the river. He stated the Planning Commission had requested the development to be fenced and gated; but perhaps the Council could extend this and request safety screening as well.

**Motion:** Councilor Haws moved to approve the Conditional Use Permit for the use of Apartments in a CP-3 zone located on 1.5 acres located at 4465 South 600 West; and for approval to include the 17 conditions as follows:

1. Meet all the requirements, with written approvals from Fire Department, issues addressing but not limited to turn around location hammer head, etc., fire hydrant locations, height of building.

Public Utility, issues addressing but not limited to right away, streets, UDOT, water, sewer and storm water, flows for fire hydrant, storm water detention, curb gutter and sidewalks, stub to adjacent property to south, city standards for street.

Police Department, issues addressing, but not limited to and solutions they would have with housing that close to rail yards and the transient population.

Engineering, issues addressing but not limited to the Geo-Tech Report including the Geologic Hazards Evaluation, water table, natural springs, landslides, etc.

2. Provide written approval from UDOT for street improvements (to City standards) and access to Riverdale Road. Acquire and record UDOT property north and west of waterslide property that is unimproved to be part of the development to be developed as a street to be built to City standards and dedicated to Riverdale City.
3. Provide a 10' trail easement from the Southeast of the property to the public right-of-way on the west.
4. Complex is gated with full time security and maintenance manager at the site; and including security lighting.
5. Double pane windows and central air conditioning to mitigate train, traffic and airplane noise.
6. No off site signage.
7. Property will maintain its landscaping and have a maintenance person on site 24-7 even if the facility is closed and sold, the new owners would be subject to these same requirements.
8. If more than 36 units are proposed; a new traffic report will be provided.
9. Meet all of the ordinance requirements in regards to building design, parking, landscaping, lighting, signage.
10. Any other conditions the Planning Commission deems appropriate.
11. Utah State Engineer Office Geological Survey to be involved in the geotech study.
12. Ingress/egress and secondary access for emergency services and protection from hazmat accidents.

13. Contact UDOT regarding right-in/right-out option onto Riverdale Road.
14. Perform soils testing for hazardous ground contamination; mitigate if necessary.
15. Provide for sidewalk and improvements to Riverdale Road to facilitate walkable community.
16. Emphasize mediation of storm drain and water retention issues.
17. The canal owned by the City would need to be maintained as a canal; additional provisions made for storm water retention.

The motion was seconded by Councilor Jenkins; and passed unanimously.

#### **Final Site Plan Approval - Destiny Enterprises**

Mrs. Ukena reviewed the final site plan as proposed for Destiny Enterprises (Chevron Station) located at 4101 South Riverdale Road. Inquiry was raised as to whether the proposed site plan would actually fit on the parcel, with Mrs. Ukena stating it will fit when taking in the former Taco Johns site also. She clarified an ingress/egress and cross-access agreement has been worked out with John Paris Furniture; as well as a retaining wall and specification of a 20-foot right-of-way and easement anywhere on John Paris property to 300 West.

Mrs. Ukena stated with this in mind, there is the need to determine the most optimal right-of-way location; and both parties are in agreement that right next to the business complex along the Valley West Apartments would be best. Councilor Brough stated she would like to have this right-of-way in written agreement form between John Paris and the developer; and Councilor Jenkins stated she would concur. Mr. Daily stated the Council would be approving the site plan with the right-of-way easement illustrated; and Mrs. Ukena stated she does have a legal document on file. Councilor Jenkins offered comparison and expressed concern as to the Discount Tire road/property line discrepancy situation which originally was an agreement between property owners.

Phil Hancock, petitioner, explained there are actually two cross-easements. He stated one was required by previous agreement; but was not explicit and open to interpretation. He stated he was able to work out remaining cross-easement on the west side as well as east side; with the east side to allow delivery trucks to back into the dock and the west being for customer traffic.

Inquiry was raised as to the 20% landscaping requirement, with Councilor Brough inquiring about the pending Riverdale Road widening and how much landscaping will be lost as a result. Mrs. Ukena stated this cannot be taken into account, as the amount is unknown and the widening has not yet occurred. She stated the final site plan now meets the 20% requirement. Councilor Jenkins inquired as to the landscaping location, when it is obvious that the majority will be lost due to the road widening. Mr. Daily discussed the need not to tie the developer's hands; and Councilor Jenkins stated she feels the site plan could be reoriented so that it will not take such a proportionate landscaping hit.

Mayor Burrows explained indications have been that UDOT will be utilizing as much property on the east side of the road as possible. Mr. Daily expressed concern as to placing Mr. Hancock in a disadvantage pending what UDOT is going to do. Councilor Jenkins offered

comparison to speculation associated with build and design of a building on a parcel where it is known that widening would be a good thing for the business to accommodate traffic. She stated it is known that it will take more property on the east than the west; and based on that, why is it too much to request the petitioner move things around. She expressed concern that there is substantial landscaping in this area that will go away, and she would like to spread it around the building instead of the xeriscape concept. Mrs. Ukena explained xeriscape is allowed in the current City Ordinance and can be counted as part of the overall landscape; and the percentage is not specified. Councilor Jenkins stated the Council can specify a percentage if they desire, stating she feels there are drought tolerant plants that can be planted around the building.

Mrs. Ukena stated staff believes the City is asking for more than the 20% required landscaping. Councilor Haws stated the Council wants to have 20% after Riverdale Road is widened, as his property line will not change. Inquiry was raised as to the estimated percentage of landscaping in pavers; with Mrs. Ukena stating 3.6% in pavers; 6.5% in decorative landscaping; and 9.8% grassy.

Mayor Burrows stated this developer has gone way above and beyond what would be expected for a gas station/convenience store. He suggested the Council take a look at what currently exists, and look at what is attempting to be accomplished. He stated to penalize the developer and put them through these stringent requirements is not reasonable. He stated the developer obviously wants greenery and a nice appearance, but the Council should be reasonable in the fact that these people are going the extra mile to make that corner appear better than it ever has.

Mrs. Ukena stated Riverdale is moving into a new phase of development - with existing older buildings coming down and being rebuilt. She stated there are several other areas of the City that can also be considered for this type of development and in effort to replace with something nicer than existing. She stated this is not a shabby development, and Administration is very pleased the petitioner has gone above and beyond to make something beautiful for this area.

Councilor Jenkins stated in this case, there is the opportunity to reconfigure and prevent connecting asphalt to asphalt. Mr. Daily cautioned the Council in that the petitioner also has the opportunity to take and remodel the existing building and leave it as is.

Mayor Burrows asked for some type of consensus to move forward. Councilor Jenkins stated she has proposed reconfiguration on the landscaping issue in some way versus approval as is and letting this developer move forward.

Councilor Hadden inquired if pavers are considered a driving surface, with Mr. Hancock stating they are decorative hardscape, both for driving and walking surface. He stated he is unable to take these out and plant plants. He explained he has met extensively with UDOT, and they currently have 6-7 options for widening with absolutely no commitment as to which one is going to be utilized. He stated their timeframe has been moved

considerably; and is now somewhere between 2006-2008; and perhaps even later. He expressed concern as to the unknowns and having to shoot at a moving target.

Mr. Hancock stated in order to make that corner this quality of a building, the owners have to have enough income stream to justify putting all of the costs into that building; and inside sales and the car wash are the only way to make this work. He stated to make them design for an unknown in the future may well indeed stop that extensive of a project; or in the least, it would be scaled back potentially to half the size, half the cost, and be much less appealing. He stated overall, it really is a bit more complicated than moving a bit of green off Riverdale Road.

Mr. Hancock explained the final site plan involves over a year's worth of effort to come up with the existing site plan. He stated although he cannot say for sure the owner would have to pull the project, they do have the desire for style, characteristic and public curb appeal. He stated they cannot realistically do what is being requested and still have a successful project; as it entails a big effort and may well change the entire approach to the facility.

Councilor Hadden inquired as to existing underground tanks, with Mr. Hancock stating there are three existing and two have been removed. He stated the site originally had 6-7 entrances which it is felt that corner cannot accommodate; so the owner has already given up over half these site entrances.

Councilor Brough stated the City has worked long and hard to increase landscaping in the commercial district; and to accept stamped concrete as part of the landscape is a struggle. Discussion followed regarding ratio limitation on hardscape, with Mr. Daily stating this can be scaled back to something typical. Councilor Haws inquired if the Planning Commission conditions have been met, with Mr. Daily stating the petitioner has been working on these.

Councilor Jenkins inquired as to a trade off for the landscape area, with Mr. Daily stating additional property simply is not available. Mrs. Ukena stated the brick pavers only entail 3% of the entire piece of property; and Councilor Jenkins stated she does not feel the appearance will be favorable. Mayor Burrows offered comparison to the pavers utilized within the roundabout; stating they still look good years later.

Mr. Daily discussed the desire obtain a unique and improved development in Riverdale. He stated both he and Mrs. Ukena had belabored over this site plan and he feels there is the need to look at the landscaping ordinance to allow flexibility. He stated obviously, there is the need to look at ways to get what is desired, make it look good, and yet provide flexibility.

Mr. Daily suggested elimination of parking space, and Mr. Hancock stated the developer is already willing to spend \$40,000 to install underground storm water. He explained it is an impossible site to do storm water detention above ground and incorporate into the landscaped area; all has to be piped in order to make this site possible and yet still accommodate the artistic and landscape requirements.

Mr. Hancock suggested some design architectural potted plants be placed in the area where there is a great deal of concrete sidewalk that has been extended wider. He stated perhaps these could provide vertical relief; as he could not recommend cutting out parking space or a fuel dispenser. He stated an impact study has shown there should be no less than 10 fuel dispensers, yet the developer has sacrificed down to six in order to provide a covered roof as well as relief to the site for traffic flow. He stated he is not trying to argue the Council's feelings, but merely trying to present years of work of brainstorming and discussion.

Councilor Hadden suggested the area between the building and the pavers may support the pots. Mayor Burrows stated the landscaping as is meets the existing criteria. He stated let them build, and if and when UDOT changes the landscaping, the Council can then come back and request additional items to enhance landscaping to accommodate that change in the property. He stated he feels this to be a more reasonable approach rather than making the developer commit to something that does not exist. Councilor Jenkins stated she would argue if the City does not do it now and once developed, the reality is the City would have to accept it and live with it.

Mr. Brooks stated the Council can only work within the parameters of the ordinance, and how can they deny the site plan. Councilor Jenkins discussed the parameter of the pavers, and inquired why they have to be allowed and why the Council cannot ask for green in place of the 3% because they know some will be lost in the future. Discussion followed regarding the lack of ratio of hard to soft landscaping. Mayor Burrows stated the Planning Commission has made a recommendation and the City Council has the ability to accept it - or recommend alternatives. Councilor Jenkins stated there has to be some way to break up the 3% of pavers.

There appeared to be Council consensus for the landscaping to remain as is. Councilor Brough suggested the petitioner entertain the concept of considering areas for placement of planters, or something to soften the area next to the building. Mr. Hancock stated his owners want to be amongst the elite and he is sure they would consider and entertain these types of suggestions.

**Motion:** Councilor Haws moved to approve the Final Site Plan for Destiny Enterprises (Chevron Station) located at 4101 South Riverdale Road with conditions as follows: 1) the petitioner receive written approvals from UDOT on new approach and abandoning existing approach on Riverdale Road; 2) the petitioner provide the City with a copy of the properties being combined into one parcel, along with the legal description, and have it recorded with the County Recorder's Office; and 3) provide the City with written information on traffic flow for the trucks delivering fuel; and 4) provide a letter from John Paris Furniture acknowledging the easement agreement. Seconded by Councilor Hadden.

Roll call vote: Councilor Hadden, Yes; Councilor Brough, Yes; Councilor Haws, Yes; and Councilor Jenkins, No. The motion passed 3-1.

**Consideration of City Entry Signage Proposals**

Mr. Daily discussed Welcome to Riverdale entry signage, stating the Council had asked staff to research and prepare costs and types of signage. He stated they can either choose to go with the precast signs at an approximate cost of \$3,056 - \$5,432 plus freight, compared to the waterfall option at \$19,594.

Mayor Burrows stated Councilor Gibby had informed him of his preference for the waterfall option. Discussion followed regarding the river rock or stacked brick option, possibility of including the new City logo; and perhaps including some sort of sheen behind the water. Mayor Burrows suggested the waterfall could flow out both sides, but only include the logo on one side. Councilor Jenkins inquired as to the potential for some type of combination of stacked rock and river rock. Mrs. Ukena stated if the Council will state exactly what they want, she can have the exact drawings prepared. She stated she merely needs ideas or suggestions.

Suggestion was given for river rock to the first ledge and then stacked rock or cast feature on the top. Some of the Council felt the proposed lettering to be old fashioned. Mrs. Ukena stated the lettering is lighted behind when utilizing cast lighting, or there is the potential to utilize flood lighting. The Council felt the Roy City entrance signs are very nice. Mrs. Ukena stated there are five entrances into the City which could each entail different design. Councilor Jenkins stated she would prefer theme and continuity, especially to the main entrances. Mrs. Ukena stated she would return with additional renditions illustrating different mixes of materials; including lighting and lettering and design. The Council felt this to be appropriate.

**Resolution #19-2005 Authorizing Developer's Agreement & Escrow**

Mr. Daily stated there is the need for consideration of approval of the Developer and Escrow Agreement with Diversified Properties and Development, Inc. for Carter's Farm Subdivision Plat "C", Phase 5.

**Motion:** Councilor Brough moved to adopt Resolution #19-2005 authorizing execution of a Developer's Agreement & Escrow Agreement between Riverdale City and Diversified Properties and Development Inc. as presented. The motion was seconded by Councilor Hadden.

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

**Senior Housing/Facility Update**

Mr. Hansen stated tenants have moved into the new Senior Facility, and are impatient as staff is attempting to tie up loose ends. He stated various issues have surfaced, however, the Resident Manager relates very well to the seniors. Mr. Hansen explained the senior side of the facility will not be ready for three weeks or more, and furnishings are being delivered next week. He stated the entire facility is starting to come together and really

looking good. Mr. Hansen explained there is currently a waiting list for the two-bedroom apartment units.

Inquiry was raised as to the status of the Comcast agreement, with Mr. Hansen stating they did agree to change the definition of the system from a seven-year to two-year term with non-exclusive. He stated this cannot be completed until July 15, 2005; however, temporary arrangements have been made and an antenna has been placed on top of the building.

With no further business to come before the Council at this time, Councilor Hadden moved to adjourn the meeting. Councilor Brough seconded the motion. The motion passed unanimously. The meeting adjourned at approximately 9:00 p.m.

Attest:

Approved: August 2, 2005

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Cindi Mansell, City Recorder

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Bruce Burrows, Mayor