
Minutes of the **Regular Meeting** of the **Riverdale City Council** held Tuesday, **July 18, 2006** at 6:00 pm at the Riverdale Civic Center, 4600 South Weber Drive.

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

Others Present: Larry Hansen, Chief Administrative Officer; Stevin Brooks, City Attorney; Lynn Fortie, Business Administrator; Randy Daily, Community Development Director; Jan Ukena, City Planner; Doug Illum, Fire Chief; Dave Hansen, Police Chief; Marilyn Hansen, City Recorder; other city staff and approximately 7 citizens.

A. Welcome & Roll Call

Mayor Burrows called the meeting to order and welcomed all those present. He reported that Councilor Jenkins will be arriving late to the meeting.

B. Pledge of Allegiance

Councilor Gibby offered the Pledge of Allegiance. Mayor Burrows gave a quote from Benjamin Franklin.

Councilor Jenkins arrived at 6:03 p.m.

C. Moment of Silence

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

D. Information Items

1. **Open Communications**

None.

2. **Mayor's Report**

Mayor Burrows reported that the Utah Department of Transportation (UDOT) is holding a public hearing/open house on July 27, 2006 at the Riverdale Community Center from 4:00 - 7:00 p.m. UDOT is inviting everyone to view displays regarding the draft Environmental Impact Study for Riverdale Road from 1900 W. to Washington Boulevard and give their opinions. Mayor Burrows read a letter from Bonneville High School thanking the City for the contribution it made toward their graduation party.

3. City Administrator's Report

a. Department Information

Larry Hansen explained that this report contains information from the various City Departments. He noted that this report also included the trail expenses for the last five years, as per a request from Weber Pathways in a previous City Council meeting.

b. Employee Recognition

Larry Hansen recognized the following employees whose anniversary date falls in the month of July.

<u>Employee</u>	<u>Length of Service</u>	<u>Department</u>
Connie Daily	23 years	Police – Admin Assistant
Randy Koger	16 years	Fire Captain
Trent Bills	11 years	Police Officer
Karen McIntosh	11 years	Police Officer
Tony Perfetto	9 years	Police Officer
Kevin Fuller	8 years	Police Sergeant
Trent Thompson	8 years	Police Officer
Mickie Layton	7 years	Senior's Program Coordinator
Brandon Peterson	4 years	Police Officer
Lynn Wright	3 years	Police Officer
Doug Illum	2 years	Fire Chief
Michelle Heward	1 year	Judge

c. Police Department Organizational Changes Fiscal Impact Report

Larry Hansen explained that this report outlines the fiscal impact of the recent organizational changes within the Police Department.

d. Staffing Authorization Plan

Larry Hansen indicated that the Staffing Authorization Plan is a significant report and has been a work in progress since the end of December, 2005. This report details the staffing in each department and shows the authorized positions vs. the filled positions. He noted that 74.00 positions have been authorized and that there are currently 69.75 positions filled. Mr. Hansen explained that he plans to update this report on a semi-annual basis and distribute it to the Mayor and Council. He indicated that this report will also be available on the City's Intranet web-site so the City employees can access it.

4. Police Chief Report on External Operational Audit

Police Chief, Dave Hansen, reported that an external evidence and financial audit have recently been completed of the Riverdale Police Department. He explained that this is a recommended procedure when there is a change in Police Chief. He stated that they received many recommendations that they will be implementing. Councilor Haws requested copies of the completed audits. Larry Hansen explained that he and Chief Hansen have discussed assessing and responding to the recommendations from these audits and then providing a report to the Mayor and Council. Mr. Hansen requested that this report be ready to submit to the Mayor and Council by the second meeting in September. Chief Hansen indicated that he would have the report ready for that meeting.

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

There were no comments on the Recorder's Report.

E. Consent Items

1. Consideration of meeting minutes from: July 5, 2006 Council Work Session, July 5, 2006 Regular City Council

Mayor Burrows asked if there were any changes to the minutes included in their packets. There were no changes.

2. Consideration of setting a public hearing on August 15, 2006, to declare certain personal property as surplus to the needs of Riverdale City.

Larry Hansen explained that due to the evidence audit, the Police Department has several items that need to be declared as surplus so they can be disposed of. He noted that the surplus personal property is principally weapons.

3. Consideration of setting a public hearing on August 15, 2006 to declare certain real property (South of 4308 South 600 West) as surplus to the needs of Riverdale City.

Mayor Burrows reported that this piece of property is adjacent to a home and has been requested for purchase. He noted that it is considered an insignificant parcel and according to our Ordinance needs to go through a public hearing to be declared surplus before it can be considered to be sold. Councilor Jenkins inquired about the storm drain issue and how this parcel ties into the UDOT project and Riverdale Road. She also stated that she doesn't agree that this parcel is insignificant as she feels that more property may be needed for the detention basin which could affect the Kayak parking lot that was just finished. Mr. Hansen explained that this parcel is deemed insignificant according to our City Code because it is less than ½ acre and valued at less than \$25,000. He stated that he has talked with Mr. Moulding in regard to the storm water issue and UDOT and Mr. Moulding does not feel that this is an issue with regard to this particular piece of property.

4. Consideration of liability insurance payment to URMMA for \$47,716.68.

5. Consideration of property insurance payment to Fred A. Moreton for \$73,911.00.

Lynn Fortie, Business Administrator reported that it is city policy that the Mayor and Council approve payments over \$25,000. He explained that the payment to URMMA is for liability insurance and the payment to Fred A. Moreton covers property and auto insurance.

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

Call the Question

The motion passed unanimously.

Mayor Burrows reported that it is his understanding that payment requests over \$25,000 would be separate agenda items and not part of the consent agenda items. He asked that consent items 1 through 3 be considered as the consent items for the previous motion and that items 4 and 5 be considered separately.

Motion: Councilor Gibby moved to approve the liability insurance payment to URMMA in the amount of \$47,716.68. Councilor Haws seconded the motion.

Call the Question

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

Motion: Councilor Gibby moved to approve the property insurance to Fred A. Moreton in the amount of \$73,911.00. Councilor Jenkins seconded the motion.

Call the Question

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

F. New Action Items

1. Department of Legal Services

a. Continue discussion on West Bench Right-of-Way issue.

City Attorney, Steve Brooks reported that there has been some movement on this issue and that he did receive an e-mail from the County Attorney. The County Attorney stated that as per case law, roads are not considered a county or city road just because it is recorded that way. The county technically owned those roads when this area was unincorporated but since Riverdale has taken over the care of these roads, it is his opinion that Riverdale is the only one who has jurisdiction of these roads. Mr. Brooks is recommending moving forward with vacation of these roads. He noted that Mr. Moulding found a document showing that one road was a State owned road. Mayor Burrows reported that he has been working with Weber County Commissioner Dearden and they found county survey documents that indicate that the right-of-way is owned by the state. He reported that they approached the State but have not been able to resolve this issue. Mr. Brooks stated that Mr. Wilson from the County feels that once Riverdale City records the vacation, that it is a done deal and no one else can have a claim on it. He recommends setting a public hearing based upon the sensitive nature and timeliness of this issue. Mayor Burrows indicated that a public hearing could be placed on the next City Council agenda. Councilor Gibby asked if it is our intent to vacate the road in favor of the RDA. Mr. Hansen explained that they want to get the road conveyed to the city so it can be brought to the RDA.

2. Department of Community Development

a. Discussion on Unity Development re-zone request.

Larry Hansen gave an overview of the administrative perspective on this rezone request. He reported that along with the accompanying development, the petitioner has offered to construct a bridge which would serve beyond the potential of the development to provide ingress and egress to the area. They have also offered to give the City additional acreage to finish the trail system, which would complete the trail from one end of the city to the other. Mr. Hansen noted that the City wants 25 acres but that this amount is negotiable. He explained that with the effects of SB-35 still ahead of us and the revenue constraints that this legislation will bring, this offer looks appealing on the surface. He explained that based on the previous Council's decision not to acquire the property, he doesn't want to look back and wish they had approved the re-zone. He reported that the potential sale price of \$15 to \$20 million will preclude site acquisition by the City or other parties. Mr. Hansen explained that the Planning Commission and the City Council, in a combined meeting, discussed tabling the re-zone request in favor of a mutually agreed upon Developer's Agreement. He explained that this is problematic. Mr. Hansen stated that there needs to be a consensus from the Council as to their intent on the re-zone as we are spending a lot of time and resources without clear direction.

Mr. Hansen read an excerpt from the May 2, 2006 City Council meeting minutes which states:

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

Mr. Hansen pointed out that it is wasting time to anticipate and obtain this mutually acceptable Developer’s Agreement prior to the zone change as every time we discuss it, new issues are brought up. He stated that they do not want to look back and say if we could have moved forward with a conditional approval they could have put the burden on the Developer to complete the list of questions as submitted through the normal public process and have some control to obtain what we might find advantageous and put the burden on the petitioner. Mr. Hansen stated that he is looking for consensus from the Council on how to proceed.

Councilor Gibby asked if a re-zone be could be granted conditionally. Meaning, that if a mutually agreed upon Developer’s Agreement is not reached, the zone would go back to the previous zoning. Mr. Brooks stated that he presented that same question to Attorney Jody Burnett. Mr. Burnett told him that conditional zoning is frowned upon and that he has only used it once to add another legal level, called Legal Approval, to a Developer’s Agreement. Councilor Gibby stated that if the conditional approval of a re-zone could be like a Conditional Use Permit, which would provide insurance for the developer to proceed and safety for the City that the re-zone is not granted until a Developer’s Agreement is reached then he would be in favor of that.

Councilor Jenkins stated that it is quite clear that we have had certain issues that needed to be defined. She would like to see what regulatory agencies will be involved in the property and how much of this property is useable. She would like to see where the bridge will be and how much of the 90 acres is developable once the flood plain and wetland areas are delineated. She stated that she is not against them doing something with the property but feels it is reasonable to see a professional document as we would not venture what is the best use for the land at this time.

Larry Hansen stated he understands her position, but that we are hung up as the petitioner has not expressed the willingness to expend the resources at this time to complete the answers to Councilor Jenkins questions until they have an understanding that the property will be re-zoned. He noted that there was a discussion, in principle, that there would be no Council action on a re-zone request without an acceptable Developer’s Agreement. Mr. Hansen said that we hear what the Council is saying and if that is still their consensus then that makes it clear that there will be no further consideration of a re-zone until those things are completed, but in the administrative process, he wants to discuss what is the middle ground that protects the City’s interest moving forward and preserves the opportunity to acquire the things that the petitioner has put on the table and not look back with disappointment.

Randy Daily explained that he is concerned that the Chairman of the Board for Unity will pull the plug and the City will get nothing. He reported that they have offered 1/3 of the property to the City to finish the trail system. Mr. Daily stated that this property could be rezoned at any time and our interests protected as far as sensitive land issues. He explained that Unity cannot do a thing without a wetlands study, nor can they put in a bridge without the Corps of

Engineers, the State Engineer's, and FEMA's approval. He stated that it is a matter of the City telling Unity what we want for this property and what our vision is for that property. Mr. Daily reported that he is opposed to dwelling units on the property and would recommend re-zoning it commercial rather than mixed use.

Rick Thomas from Unity spoke and explained that at one time they wanted to make a presentation to the City Council, which they did not do, but they did make a presentation to the Planning Commission. He reported that Dr. Nick sent a letter when they first started working with the Planning Commission explaining what they want to do, where they want to go and the history of this project. He discussed that they want the zoning change before they spend an exorbitant amount of money for studies. He stated that they will have a wetland study, a traffic study and a study for the bridge completed once the re-zone is approved. Mr. Thomas stated that they would agree to conditional use language in the Developer's Agreement that if nothing happens after 15 years, the zoning will revert back to A-1. He noted that everything has to go back to Executive Committee, but that is where they now stand.

Councilor Jenkins inquired if it is unreasonable to ask someone who is petitioning the City to re-zone 90 acres from agricultural to commercial for a defined plan and the possible uses of the ground. Jan Ukena, City Planner, answered that it is an unreasonable request. She explained that in regard to a re-zone, the City's ordinances will dictate what they can and can not do. Ms. Ukena discussed that a Developer's Agreement can be used to get everything the Council wants. She stated that in her 10 years, she has never seen a developer submit plans prior to a re-zone request being approved or denied.

Councilor Griffiths stated that he thinks they need to move forward. He reported that adding the trail system as a priority, would help be beneficial. Rick Thomas reported that the 25 acres is a gifted parcel to the City to finish the trail system by the river. Councilor Gibby reported that he is involved in development in another city and stated that you don't commit resources if you don't have the zoning. He stated that he is in favor of conditional zoning.

Mayor Burrows asked for consensus to put this item on the next City Council agenda for action. **Consensus was reached.**

Councilor Peterson stated that he has not seen the letter that was sent by Dr. Nick and requested that they receive a copy of this letter. Mayor Burrows asked for consensus to include the letter from Dr. Nick and the presentation that was made to the Planning Commission by Unity on the next City Council Agenda. **Consensus was reached.**

Councilor Haws stated that that it was never said that we won't let you do this, we said if you bring us a Developer's Agreement that is acceptable then we will let you do this. Mayor Burrows replied that he didn't think it was ever said that clearly. Councilor Haws stated that they tabled it and he thought they specifically said we would re-zone when they received an acceptable Developer's Agreement. Mayor Burrows stated that going back to Mr. Hansen's comments, we don't know where we will arrive when that will happen, but that the Council needs to decide if they want to move on with the re-zone or not.

3. Mayor

a. Consideration of changing the date of the August 10, 2006 Town Meeting.

Mayor Burrows reported that due to a community event, there is a conflict with the August 10, 2006 date for the Town Meeting and he is looking for another date to hold this meeting.

Motion: Councilor Gibby moved change the date of the Town Meeting to August 9, 2006 at 7:00 pm at the Senior Center. Councilor Peterson seconded the motion.

Call the Question

The motion passed unanimously.

G. Discretionary Items

There were no discretionary items.

H. Adjournment

With no further business to come before the Council at this time, Councilor Gibby moved to adjourn the meeting. Councilor Peterson seconded the motion. The motion passed unanimously. The meeting adjourned at approximately 7:24 p.m.

Attest:

Approved: August 1, 2006

Marilyn Hansen, City Recorder

Bruce Burrows, Mayor