
Minutes of the **Regular Meeting** of the **Riverdale City Council** held Tuesday, **August 15, 2006** at 6:00 pm at the Riverdale Civic Center, 4600 South Weber River 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; Steve Brooks, City Attorney; Randy Daily, Community Development Director; Jan Ukena, City Planner; Lynn Moulding, Public Works Director; Police Chief, Dave Hansen; Doug Illum, Fire Chief; Lynn Fortie, Business Administrator; Marilyn Hansen, City Recorder; other city staff and approximately 10 citizens.

A. Welcome & Roll Call

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

B. Pledge of Allegiance

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

C. Moment of Silence

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

D. Information Items

1. **Open Communications**

Nancy Brough addressed the agenda item to zone certain properties as C-3. She read quotes from Mayor Ben Jones when they were working on the General Plan. She also stated that the area shown as undefined has been defined in the past general plans. She reported that there is a broad spectrum going from what is currently A-1 to C-3. Ms. Brough reported that when she was the on Council, the Planning Commission recommended something different than C-3 zoning and a Developers Agreement would also be required. She stated that a C-3 zone gives our City no guarantees that there will be a bridge, sales tax or development, and that there are no assurances of quality development without the Developer's Agreement. Ms. Brough wants to think that staff and elected officials are looking long range for the community and those who voted them in to office. She distributed a copy of a petition to each Councilmember asking them to go forward with something between agricultural and the highest level of commercial zoning.

Fire Chief, Doug Illum reported that his department has received carbon monoxide detectors. He stated that they are available to all citizens and employees of Riverdale at no cost. He encouraged everyone to stop by the fire department to receive their carbon monoxide detector.

2. Mayor's Report

Mayor Burrows reported that he has certificates of appreciation for Fire Chief, Doug Illum; Police Chief, Dave Hansen; Fire Captain, Dave Ermer; and Police Sergeant, Curtis Jones; in recognition of their contributions for the air show and the major incident exercise. Mayor Burrows presented the certificates to Chief Illum and Chief Hansen.

3. City Administrator's Report

a. Department Information

Larry Hansen reported that since the July report was written, the City has received the first sales tax disbursement under the new SB35 law. He explained that the point of sale amount in the City increased considerably from a year ago but the new law requires that the distribution conforms to the base amount as of 2005. The new method uses the 50-50 point of sale and resident population distribution. Mr. Hansen stated that we received 50% of the point of sale amounts of the 1% of the local option sales tax revenue and then approximately 8% based on our population. He explained that in the past, we were guaranteed \$0.75 cents per dollar and now we are receiving \$0.58 cents per dollar of sales tax revenue. He stated that they are obligated to bring us back to the 2005 revenue level, if the revenues at the end of this year are below the 2005 level. Mr. Hansen reported that the sales in the City are higher than last year and given that the population won't grow beyond the State growth rates, we are hopeful that new retail will be added to help us get back to where we were. He reported that there is no stronger place to do business in the State of Utah than in Riverdale City and that we are optimistic that we can work through this.

b. Employee Recognition

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

Employee	Length of Service	Department
Lynette Limburg	20 years	Administrative Assistant
Dave Griggs	12 years	Fire Fighter
Dean Gallegos	11 years	Fire Captain
Tracy Morning	11 years	Fire Fighter
Allen Miller	10 years	Fire Fighter
Norm Farrell	8 years	Parks/Maintenance Crew Leader
Bart Poll	8 years	Utility Maintenance Operator III
Dennis Miller	6 years	Parks Maintenance Specialist III
Jennifer Davis	2 years	Community Services Clerk
Clara Johnson	2 years	Customer Service – Civic Center
Mike Junk	2 years	PT Prosecutor Court
Jan Ukena	2 years	Planner – Community Development
Jordan Briggs	1 year	Community Services Worker
Trevor Robins	1 year	Community Services Worker

c. Staffing Authorization Plan

Larry Hansen stated that the Staffing Authorization Plan shows actual employees versus authorized employees. He stated that we are under authorized by 4 full time employees, but that it is anticipated 2 more positions will be filled in the near future, bringing us closer to the authorized levels.

4. 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:**
August 1, 2006 Council Work Session
August 1, 2006 Regular City Council
August 9, 2006 Town Hall Meeting

2. **Report on the condition of the Treasury for June and July, 2006**

Mayor Burrows stated that the July report is not yet available due to year-end and the current annual audit. Lynn Fortie, Business Administrator, discussed the June report. He reported that the numbers are pre-audit numbers and could change as the audit progresses.

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

Call the Question

The motion passed unanimously.

F. New Action Items

1. Department of Community Development

- a. **1. Public Hearing to declare certain personal property as surplus to the needs of Riverdale City.**

Lynn Fortie stated that most of the surplus items on the list were evidence at the Police Department and that some additional items have been added from other City departments.

Mayor Burrows opened the public hearing at 6:31 p.m. There were no comments.

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

Call the Question

The motion passed unanimously.

2. **Consideration of declaring certain personal property as surplus to the needs of Riverdale City.**

Councilor Haws asked if they want to exclude the items that are highlighted from the Police Department. Steve Brooks, City Attorney, explained that if another City Department can use the items, then they can be excluded as part of the motion. Councilor Haws stated that he doesn't feel good about surplus handguns and that he would just as soon destroy them. Dave Hansen, Police Chief, reported that in the past when evidence was no longer needed by the courts they were signed over to the Police Department. He explained that they are now following the way the law requires and are declaring them as surplus. He stated that he is not comfortable putting them out on the street for firearms, but that they can have vendors bid on them and give the Police

Department a credit. He reported that some of them are not good for anything and we would like to keep or destroy those that are too dangerous.

Motion: Councilor Gibby moved to approve items for surplus with the exception of those highlighted or otherwise designated as non-surplus. Councilor Peterson seconded the motion.

Call the Question

Roll Call Vote: Councilor Peterson, Yes; Councilor Griffiths, No; Councilor Gibby, Yes; Councilor Haws, No; Councilor Jenkins, No. The motion failed with two in favor and three opposed.

Motion Councilor Haws moved to approve surplus of items, excluding those highlighted as being requested by departments and excluding all handguns from the firearms surplus and authorize the Police Department to destroy the handguns and excluding any guns that have been labeled to be retained or destroyed. Councilor Jenkins seconded the motion.

Councilor Gibby asked if they were on legal grounds to do this. Steve Brooks stated that it is legal to destroy them. He reported that it is not uncommon and he would feel better that we don't handle them or become a gun vendor. Larry Hansen reported that the practice, in the past, has been to use viable hand guns, to receive a credit for the Police Department and the motion, as he understood it, did not allow for that. Councilor Griffiths stated that he was under impression that it would. Councilor Haws stated that only the handguns would be destroyed, not the rifles or shotguns and the ones they want to retain, they can retain. Councilor Peterson asked if we are excluding handguns that could be turned in to a legitimate vendor as a credit. Councilor Haws replied yes. Councilor Peterson asked what is the amount we could expect to get as a credit for these handguns. Dave Hansen, Police Chief, stated that they could expect to receive a \$2,000 credit. Councilor Peterson stated that if going through a legitimate vendor, who is doing background checks, why would we discard \$2,000 of credit that the City could use. He felt that was irresponsible. Councilor Haws stated that there are a lot of jurisdictions who have gun buyback programs, where they spend tax payer dollars to buy the guns and destroy them and he sees this as the same type of program. He stated that we forfeited any dollars from selling them but that it is not costing us any additional money.

Mayor Burrows stated that the motion is to delete those items that are highlighted and that all handguns are to be destroyed, but that other shotguns, rifles, etc. could be put in for a credit. Councilor Haws stated that there are a couple of handguns that the Police Department would retain.

Call the Question

Roll Call Vote: Councilor Griffiths, Yes; Councilor Gibby, No; Councilor Haws, Yes; Councilor Jenkins, Yes; Councilor Peterson, No. The motion passed with three in favor and two opposed.

b. Consideration of Request for Proposals for Web-site Development.

Lynn Fortie stated that they would like to put forth a Request for Proposals to improve the City's web-site.

Motion: Councilor Haws moved to accept the Request for Proposals and direct staff to accept bids. Councilor Gibby seconded the motion.

Call the Question

The motion passed unanimously.

c. Consideration of payment to Advanced Paving and Construction for the Golden Spike Parking Lot – Project No. 380, Final Pay Request, in the amount of \$82,559.22.

Motion: Councilor Gibby moved to approve payment to Advanced Paving and Construction for the Golden Spike Parking Lot – Project No. 380, in the amount of \$82,559.22. Councilor Griffiths seconded the motion.

Councilor Haws noted that Change Order 2 asks for additional time, due to suspension, and extended the completion date until April, but that the project didn't get done until June or July. He reported that there were no additional Change Orders requesting an extension of time to June or July. Lynn Moulding, Public Works Director, stated that they normally don't do Change Orders to extend the time as it doesn't involve any money. Councilor Griffith asked why it only shows a net change of \$2,352.36. Mr. Moulding explained that we received a credit back for things not used. Councilor Haws inquired if the budget was exceeded. Mr. Moulding replied that the budget was not exceeded. Councilor Haws stated that Mr. Fortie's notes said the budget was \$90,000. Mr. Moulding explained that \$12,000 was taken out for landscaping. Mr. Fortie stated that the \$90,000 was for this year so we are fine for the budget for this year.

Call the Question

Roll Call Vote: Councilor Gibby, Yes; Councilor Haws, Yes; Councilor Jenkins, Yes; Councilor Peterson, Yes; Councilor Griffiths, Yes. The motion passed unanimously.

d. Consideration of payment to Advanced Paving and Construction Company for the 2006 and 2007 Roadway Improvement Project, Project Payment Request No 1, in the amount of \$118,501.48.

Councilor Haws inquired what the unit abbreviations LS and SY were. Mr. Moulding reported that LS = lump sum and that SY = square yard.

Motion: Councilor Gibby moved to approve payment to Advanced Paving and Construction Company for the 2006 and 2007 Roadway Improvement Project, Project Payment Request No 1, in the amount of \$118,501.48. Councilor Jenkins seconded the motion.

Call the Question

Roll Call Vote: Councilor Haws, Yes; Councilor Jenkins, Yes; Councilor Peterson, Yes; Councilor Griffiths, Yes; Councilor Gibby, Yes. The motion passed unanimously.

2. Department of Community Development

a. **Unity Development Re-zone Request**

1. **Discussion**

- 2. Consideration of action to amend land use in the General Plan, Area 9**
- 3. Consideration of re-zone request from A-1 to C-3**

Steve Brooks, City Attorney introduced Attorney Jody Burnett. He stated that Mr. Burnett is here to answer any questions that the Council might have.

Jody Burnett reported that he is with a private law firm and his practice focuses on city land use matters. He stated that he has been working with the City staff on the Unity project. He explained that a Developer's Agreement can be a valuable tool and is useful if used properly. He explained that they are not magic and shouldn't be used in an attempt to circumvent any land use regulations. They can be used if there are unique features that are not adequately covered by existing regulations that require special treatment. Mr. Burnett explained that a Developer's Agreement can either be very detailed or address key issues with other key areas to be addressed in a different manner. He stated that the challenge here is that the owner/applicant may not know precisely what they want to do on the project and may be better off having a zoning designation vested for a period of time and address the other issues later. Mr. Burnett stated that the Council needs to assist us in giving us policy direction for the zoning designation. He stated that they need to ask themselves, if you as a city, are comfortable with the full range of uses in a particular zoning, if single-family or multi-family housing appropriate in this area, and if so, what percentages do you want. Mr. Burnett explained that the Mixed Use designation has attraction at some levels but there is the potential that the entire project could go multi-family. He stated that in other circumstances, he has utilized a mechanism to tie the zoning to the Developer's Agreement. This gives the Council the opportunity to conditionally approve the zoning and tie it to the Developer's Agreement. Mr. Burnett stated that they still have to come back and have the Developer's Agreement approved and if they can't come to terms, then the conditional zoning reverts back.

Councilor Gibby asked if the conditional zoning approval would not take effect until the Developer's Agreement is reached. Mr. Burnett replied that when they approve the Developer's Agreement, they will also have an ordinance approve the zoning to take effect. Councilor Jenkins asked if they were to entertain C-3 zoning and elements of the Developer's Agreement are not congruent with the C-3 ordinance in our City, would that be deemed arbitrary on the developer's side that we are trying to get things accomplished. Mr. Burnett replied that they shouldn't go down this path unless they are comfortable that the correct zoning designation has been determined. He stated that they need to decide if they want residential to be a part of the project or not. They need to have a basic understanding of uses in that area before they can move on. Mr. Burnett stated that conditional uses are historically overused by local governments because of the temptation to defer the tough policy decision for later as part of the conditional use permit. He suggested that they take a hard look at the uses for each zone and see if there are uses they are uncomfortable with. Councilor Jenkins stated that on the North side of the City, next to the river and railroad tracks, it is housing. She questions what method did we go through, as a City, to determine that no housing would be reasonable to be put in this area, when the entire City has housing down by the river. She stated that we want to preserve the natural character of this area and feels that can be better accomplished with housing rather than with commercial. Mr. Burnett stated that this is a policy choice and not a legal one and that they need to have that dialogue, as a Council, to decide where to

go. Mayor Burrows stated that in order for the Council to have that dialogue, they need to move one way or another to make a decision to make a provisional opportunity to have that dialogue. Mr. Burnett stated that he would make the same recommendation for whatever zoning you decide as was outlined in his suggested motion, whether it be the C-3 or Mixed Use designation. Councilor Haws stated that they haven't seen Mr. Burnett's suggested motion. Mr. Brooks explained that he does have a copy, but didn't put it in the packet so that it would be fair and not sway the Council until they had their discussion tonight.

Mr. Burnett stated that he would not recommend a Developer's Agreement that is inconsistent with existing ordinances. The Developer's Agreement can be used to address those issues not adequately covered in an existing ordinance. He stated that the challenge is to be clear. Councilor Jenkins inquired if they are not comfortable with uses within a C-3 then they shouldn't think that the Developer's Agreement will shape this into a residential neighborhood. Mr. Burnett replied that the C-3 zoning doesn't allow for any residential. He stated that the Developer's Agreement can restrict uses, but cannot be used to fundamentally change the zoning. Councilor Gibby requested to see Mr. Burnett's suggested motion. The suggested motion was displayed and Mr. Burnett discussed it with the Council. Mayor Burrows inquired if the gifted property would remain under the current zoning. Mr. Burnett stated under State law we are required to have a public hearing and study to approve the exchange of property to make sure there is equity for the City. Councilor Peterson discussed that the zoning would vest after the conditions in the Developer's Agreement are met, but if they are not met then the property retains whatever zoning is there or could go back to something else and/or they could create a new Developer's Agreement with approval by the City Council. Mr. Burnett replied that could happen. Councilor Peterson stated that they need to determine what they envision for the outcome of the project and when in they are in agreement, they move ahead with the Developer and come to terms. Mr. Burnett stated that they need to be comfortable that the zoning they choose has the range of allowable uses that they want to see for this project. Councilor Gibby stated that everyone has concerns about the sensitive nature of the property and that the developer doesn't want to invest further in a project that may not go anywhere. He asked if they could proceed with notice on zoning for either Mixed Use or C-3, or do they have to choose one. Mr. Burnett stated that he thinks we could probably preserve the alternative to go either way but that makes it problematic to answer the other questions. He stated that you may have a vision of a mix of uses but your Mixed Use zone could be all commercial or all residential. Councilor Gibby stated that the Developer hasn't really studied the property to the point he wants to and that preserving an element for potential commercial and residential may be of value to both parties. He stated that if we go ahead and give a conditional Mixed Use zoning, that would allow us to examine both options and see what the developer comes back with for approval. Ms. Ukena reported that the special regulations in the Mixed Use zoning allows for a preliminary review, and a ratio could be applied to residential and commercial.

Mr. Rick Thomas, representing Unity Enterprises stated that they originally requested a C-3 zoning, which at that time, included residential. He stated that the Mixed Use zoning fits what they are interested in doing. Councilor Griffiths stated that Mixed Use does give us options and more movement in the area for development.

Motion: Councilor Gibby moved that we approve the rezoning of the approximately 70 acre parcel of property sometimes referred to as the Unity Enterprises Project to be assigned to the Mixed Use zoning designation, subject to and contingent upon the following conditions:

1. Negotiation and approval by the City Council of an appropriate form of Developer's Agreement incorporating the critical elements that have been discussed with respect to open space, trails, a wetland study and delineation, a traffic study and bridge crossing over the Weber River and other infrastructure and utility improvements necessary to service the project, together with any other issues that may be mutually agreed upon by the City and developer.
2. Staff and legal counsel are directed to present to the City Council an appropriate form of ordinance for approval, and the Mayor will be authorized to sign the ordinance after verifying that these conditions have been met.

Councilor Griffiths seconded the motion.

Councilor Haws made a point of order stated that he wants to make sure they are doing things correctly. He reported that in November they tabled action from the Planning Commission until they had a Developer's Agreement and they haven't taken this off the table. He further stated that during the second Council meeting in July, consensus was reached that the item in regard to the Unity project would be placed on the next City Council agenda for action and was not on the next agenda and this is not the next agenda. Mayor Burrows explained that the reason it was not put on the next agenda was because Mr. Burnett was not available and that he probably should have made them aware of why it was not on the next agenda. Mr. Burnett stated that he was already committed to another City Council meeting and doesn't think it is required to have a separate motion to un-table a motion. Councilor Haws discussed that the other aspect of his point of order, is this motion is not what was laid on the table. He stated that it was 27 acres of R-1-8 and 40 acres of Mixed Use, in December and he is not sure that this takes it off the table. Mr. Brooks stated that he would handle this in a two step process to first un-table the motion and then make a new motion.

Motion: Councilor Gibby moved to un-table the motion. Councilor Griffiths seconded the motion.

Call the Question

Roll Call Vote: Councilor Jenkins, No; Councilor Peterson, Yes; Councilor Griffiths, Yes; Councilor Gibby, Yes; Councilor Haws, No. The motion passed with three in favor and two opposed.

Mayor Burrows inquired if the statement is correct that the current item is different from the item taken off the table how do they consider it in its current form. Mr. Brooks

stated that the motion has been made to take the item off table and now you have to deal with original motion or make a substitute motion.

Motion: Councilor Gibby moved to amend his motion to substitute this motion in place of the one made in December, 2005. Councilor Griffiths seconded the motion.

Councilor Peterson stated that if we go down the path of making it residential the return to the investor is not as great. He wondered if they would still be willing to gift the City the 25 acres of property to finish the trail system. He noted that the petition was presented that they get the land preserved there, but he pointed out that it is not the City's land and it could be fenced off. Councilor Peterson wonders if residential works for Unity and feels that Unity needs to address that issue as it is a critical piece of this development going forward, just as the trail system has become a valuable part of the City. Mayor Burrows reported that Unity has indicated that the gift would still be there and was there when they requested the zoning be Mixed Use. Mr. Rick Thomas from Unity stated that they have been approached by three different people who want to partner with them. These parties want to do residential by the river, office warehouse and town homes. He stated that the gifting of the 25 acres to the City doesn't change.

Councilor Haws stated that the agenda indicated that there would be consideration of action to amend land use in the General Plan, Area 9 and asked if they skipped that. Mayor Burrows stated that technically they are still on the discussion item and that the re-zone motion jumped over it. He doesn't know that it matters what order they go in. Councilor Haws reported that the Planning Commission went with re-zone before the change of the General Plan. Councilor Gibby stated they can deny and delay and until such time that someone else sits on the Council and approves something more invasive. He reported that he likes that we get a gift and can finish the trail system and can protect some of the nature of the area. He explained that the temptation is to be hard nosed and say we don't like change, and if we keep insisting on that, we stymie development and could get one less desirable. Councilor Gibby reported that he thinks this is an opportunity and a generous gift to the City allowing them to finish the trail system and have some control of the development while minimizing the impact to the area as much as possible. Mayor Burrows asked what is the process to handle the update of the General Plan. Mr. Brooks stated that they talked about this early on and it does make more sense to deal with General Plan first.

Motion: Councilor Gibby moved to alter his motion to amend the General Plan as necessary. Second agrees.

Councilor Haws inquired if they are amending the General Plan, what are the goals of the City in regard to changing the General Plan. He stated that he is not comfortable changing the designation of the land without knowing what our goals are. Mr. Burnett stated that the motion is for a conditional approval those issues can be addressed with the actual ordinance, general plan amendment and re-zone.

Call the Question

Roll Call Vote: Councilor Peterson, Yes; Councilor Griffiths, Yes; Councilor Gibby, Yes; Councilor Haws, No; Councilor Jenkins, No. The motion passed with three in favor and two opposed.

b. Consideration of appeal of the Design Review Committee's decision – Stimson's Convenience store at 4090 Riverdale Road.

Mr. Randy Daily, Community Development Director, stated that Mr. Dan Vaughn has acquired the property at 300 West and Riverdale Road and is appealing the decision of the Design Review Committee to strip the paint from the outside of his building. He stated that the owner contracted to have the outside of the building painted to reflect the Texaco brand. The City stopped the painting and requests that the red brick be restored to its natural color.

Mr. Dan Vaughn, President and General Manager spoke. He stated that the building in question was built in the 1980's as Amoco oil and was unproductive. In 1990 it was offered for sale and Tri-valley Distributing leased the property and operated it as an Amoco. Amoco was purchased by British Petroleum who sold their assets to Tesoro. The building was re-branded as a Tesoro until 5 years ago when Tri-valley Distributing went bankrupt and the property has sat vacant for the past 5 years. Mr. Vaughn has been in negotiations with Texaco to bring their brand back to Utah, as they recently merged with Chevron and were unable to be in Utah for the past four years. He stated that it is critically important to the success of his business, to present to his customers with something new and overcome the look of the current building. Mr. Vaughn stated that he has operated for over 25 years and has never encountered an ordinance precluding the opportunity to change the exterior color of a building. He explained that he did not know about the ordinance until he had already contracted to have the building painted and the primer had been put on. He respectfully requests that he be allowed to bring the site to the current national standard for Texaco.

Mayor Burrows explained that one of the reasons that they have traditionally insisted that brick remain in its natural state and not be painted is because it deteriorates and falls into disrepair. He stated that they are not trying to stop him from beautifying the building, but are trying to keep the image there so it does not fall into disrepair. Mayor Burrows reported that it was a unanimous decision by the Design Review Committee to have him remove the paint and that the painting was done without talking to the City.

Mr. Vaughn reported that when he applied for his business license nothing was ever indicated to him that he couldn't change the image of the building. He stated that it is in his interest to maintain a clean image at all times and that Texaco performs regular inspections to ensure that the building is clean and appealing. Mr. Rick Reese, Texaco Vice President, stated that Mr. Vaughn's store will go through six annual inspections, where he will receive either a passing or failing grade. If Mr. Vaughn receives a failing grade, he has thirty days to comply or be de-branded. Mr. Reese stated that it is Mr. Vaughn's best interest to keep a good image and that Texaco will not allow the building to fall into disrepair. Councilor Jenkins inquired if there other color options that would allow Mr. Vaughn to keep the natural color of the brick. Mr. Vaughn stated that he submitted the allowable colors to the City for his Texaco. Councilor Jenkins inquired if he could stucco the front of the building to achieve the same thing. Mr. Vaughn stated that he has no experience with stucco and didn't know if it would work or not. Councilor Griffiths asked if they could cover the existing brick with aggregate panel as outlined by Texaco. Mr. Vaughn explained that the aggregate panel is a

composite material that is similar to a fiberboard that has texture to it. He reported that the requirement with Texaco was to re-paint the brick. Councilor Haws asked if the Design Review Committee has written procedures. Mr. Randy Daily stated that they do have procedures as far as what was submitted. He explained that what is submitted is for color and not for materials and that the aggregate panel would be acceptable. Mr. Daily stated that they do follow the same policy with everyone and ask them to submit plans with exhibits. Councilor Jenkins inquired how are they going to get the paint off the brick. Mr. Vaughn reported that it will cost more to remove the paint than the bid was to paint it. The original bid was over \$6,000 and the cost is close to that for a chemical peel, which will be the least destructive. Councilor Gibby stated that he has seen paints that were very thick and they use them for cement floors. Mr. Vaughn reported that the paint they are using today gives ten years between paintings as it is blisterproof and doesn't peel. He explained that the primer was put on so that the paint has a good surface to stick to. Councilor Haws read ordinance 9-6-1 and stated that after listening to the discussion from the Design Review Committee and the petitioner he has some compassion for him and yet still understand the desires of the City.

Motion: Councilor Haws moved to approve the appeal and allow the petitioner to paint the building as contracted. Councilor Griffiths seconded the motion.

Councilor Peterson reported that they are stuck in the middle as they want to see the corner cleaned up, but would also like to see the natural look of the brick remain. Councilor Gibby concurred with Councilor Peterson, and is concerned that if Mr. Vaughn is forced to remove the paint, we may end up with something they didn't want. Councilor Griffith reported he heard that when the City put a desist order on the project, the paint contractor continued to apply the primer, and he is upset by this. He feels that when a City causes an order to take place it needs to be complied with, nonetheless it has been done, and sand blasting will not correct it. Mr. Vaughn stated that when the City representative indicated that they couldn't continue painting, the painting of the brick was complete. Mr. James Taylor, Store Manager, stated that the brick had already been painted when they were contacted and the wood slats were about 1/3 of the way through and the contractor finished that. Mayor Burrows stated that he has heard commitments that the surface would be kept in prime condition from this time forward. He stated that we have not allowed others to paint brick but if the Council chooses to uphold this option, that he is OK with that.

Call the Question

The motion passed unanimously.

- c. Consideration of Ordinance #663 AN ORDINANCE OF RIVERDALE CITY AMENDING TITLE 10, ZONING AND SUBDIVISION REGULATIONS, CHAPTER 13, SPECIAL USE DISTRICTS, ARTICLE F, HILLSIDE, TO AMEND PORTIONS OF SAID ORDINANCE TO ESTABLISH A MAXIMUM SLOPE ALLOTMENT OF LESS THEN TWENTY PERCENT BEFORE DEVELOPMENT CAN OCCUR ON A HILLSIDE; INCLUDE HISTORICAL LAND MOVEMENTS AS FACTORS OF APPROVAL CONSIDERATION AND MANDATE COMPLETION OF ENGINEERING REQUIREMENTS PRIOR TO PRELIMINARY REVIEW; PROVIDING FOR SEVERABILITY; REPEALING ALL ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING AN EFFECTIVE DATE UPON PUBLICATION AS REQUIRED BY LAW.**

- d. **Consideration of Ordinance #664 AN ORDINANCE OF RIVERDALE CITY AMENDING TITLE 10, ZONING AND SUBDIVISION REGULATIONS, CHAPTER 5, REZONE REQUESTS, TO AMEND PORTIONS OF SAID ORDINANCE TO CHANGE THE MANNER AND PROCESS IN WHICH REZONES ARE PROCESSED; PROVIDES A CLARIFICATION ON APPEALING A COUNCIL DECISION; PROVIDING FOR SEVERABILITY; REPEALING ALL ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING AN EFFECTIVE DATE UPON PUBLICATION AS REQUIRED BY LAW.**
- e. **Consideration of Ordinance #665 AN ORDINANCE OF RIVERDALE CITY AMENDING UNDER TITLE 10, ZONING AND SUBDIVISION REGULATIONS, CHAPTER 19, CONDITIONAL USES, TO AMEND PORTIONS OF SAID ORDINANCE TO ALLOW CERTAIN CONDITIONAL USES TO BE REVIEWED BY THE COMMUNITY DEVELOPMENT DEPARTMENT; PROVIDES ADDITIONAL BASIS FOR REVIEW; SHORTENS THE APPEAL TIME; PROVIDES FOR SEVERABILITY; REPEAL ALL ORDINANCES IN CONFLICT HEREWITH; AND PROVIDES AN EFFECTIVE DATE UPON PUBLICATION AS REQUIRED BY LAW.**

Mayor Burrows reported that Items C, D and E have been withdrawn.

Mayor Burrows recessed the meeting at 8:35 p.m.

The meeting re-convened at 8:40 p.m.

3. Department of Legal Services

- a. 1. **Public Hearing to vacate West Bench Right-of-Way - 4800 South from 1550 W. to the dead end at I-15; 1550 West from the intersection at Cozydale and 1500 West to the dead end at I-15; Cozydale from 4400 South to 1500 West (Right-of-Way width change).**

City Attorney, Steve Brooks stated that he would like to strike the reference to Cozydale from 4400 South to 1500 West. He explained that particular road is not pressing and can be vacated later. He reported that vacating the road is part of the process between the City and Rocky Mountain Power in order for them to build their substation. Mr. Brooks noted that these roads serve no purpose and it doesn't hurt the City to vacate them. He indicated that we want to get our name off these roads and are doing our part by declaring that we are no longer interested in them.

Mayor Burrows declared the public hearing open at 8:45 pm. There were no comments from the public.

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

Call the Question

The motion passed unanimously.

- b. 2. **Consideration of vacating West Bench Right-of-Way - 4800 South from 1550 W. to the dead end at I-15; 1550 West from the intersection at Cozydale and 1500 West to**

the dead end at I-15; Cozydale from 4400 South to 1500 West (Right-of-Way width change).

Motion: Councilor Gibby moved to vacate West Bench Right-of-Way – 4800 South from 1550 W. to the dead end at I-15; 1550 West from the intersection at Cozydale and 1500 West to the dead end at I-15. Councilor Peterson seconded the motion.

Councilor Haws inquired if would this require an ordinance, or is the motion the ordinance. Councilor Gibby reported that these are incidental and very small parcels. Mayor Burrows stated that all we are doing is telling Weber County that we have no interest in the property, and that it is on the books as Utah State property but Weber County won't act until we do. Mr. Moulding stated that there is a question about the the property owner on the north side of 4800, and if he chose to and requested development of his property he wouldn't be able to do that anymore if we vacated that portion of the road. Councilor Gibby asked if they just want to vacate 1550. Councilor Peterson stated that if they vacate 1550 there is no access to 4800. Mr. Moulding stated that he is not sure why we have to vacate it anyway, as the road is in the State's name and Weber County. Mr. Hansen explained that as long as Rocky Mountain Power can put their footprint down on that right of way then there is no problem with leaving 4800 alone for the time being. He noted that there are other easements that may still be active on 4800 and 1550 and will need to be dealt with accordingly.

Councilor Gibby stated that he would withdraw his original motion and make a substitute motion.

Motion: Councilor Gibby moved to approve an Ordinance vacating a portion of 1550 W from 4800 S to the dead end at I-15 located within the corporate limits of Riverdale City. Councilor Griffiths seconded the motion.

Councilor Jenkins asked if we still needed to get the roads into our name. Mr. Hansen explained that we thought early on we needed to get it in the name of Riverdale, but it appears that if we take action by ordinance to vacate our interest in this, that is satisfactory to revert to both adjacent property owners and clears the way for Rocky Mountain Power to put their foot print down.

Call the Question

Roll Call Vote: Councilor Griffiths, Yes; Councilor Gibby, Yes; Councilor Haws, Yes; Councilor Jenkins, Yes; Councilor Peterson, Yes. The motion passed unanimously.

b. 1. Public Hearing to declare certain real property (South of 4308 South 600 West) as surplus to the needs of Riverdale City.

City Attorney, Steve Brooks explained that this property sits south of Kent Eskelson's property by the kayak park. This procedure started off with a request from Mr. Eskelson because the kayakers were using his property. He requested to purchase the property to put up a fence and for personal use. Mr. Brooks stated because of the parking lot for the

kayaker's, some things have changed, but Mr. Eskeleson is still interested in purchase the property.

Mayor Burrows declared the public hearing open at 8:57 pm. There were no comments from the public.

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

Call the Question

The motion passed unanimously.

b. 2. Consideration of declaring certain real property (South of 4308 South 600 West) as surplus to the needs of Riverdale City.

City Attorney, Steve Brooks, stated that he took the original purchase price and broke it down per acre and then per square foot and it came out to \$0.91 cents per square foot. He stated that this amount does not take into consideration any appreciation. He reported that during negotiations with Mr. Eskelson, the best price was \$1.00 per square foot, which is under \$4,000 for the total purchase price. He stated that any amount the City receives from this parcel will be put back into the park parcel. Mr. Brooks noted that Mr. Eskelson had originally asked for 35 feet but eventually the parcel came out to be 50 feet in depth. Mayor Burrows stated that it is a different price than the gifted railroad property price. Mr. Brooks reported that this is double the price of the railroad property. Councilor Jenkins asked Mr. Moulding if he cleared all the trees off the lot. Mr. Moulding replied that he had not. Councilor Jenkins asked who did. Mr. Moulding replied that Mr. Eskelson must have. Councilor Jenkins stated that this property is currently City owned property and she feels strongly about tearing trees down on property that doesn't belong to them. Councilor Jenkins inquired if this will this be an outright sale or RDA financing. Mr. Brooks replied that it is his understanding that Mr. Eskelson will pay cash outright. Councilor Haws asked if the lot size should be 95 feet instead of 75 feet. Mr. Brooks replied that it should be 95 feet. Mr. Hansen stated that the sales price will be \$4,750 based on a 95' x 50'.

Motion: Councilor Gibby moved to approve an Ordinance declaring certain real property located southwest of 4308 South 600 West to be surplus and selling the same as allowed and provided by law; repeal all ordinances in conflict herewith; and provides severability and an effective date. Councilor Peterson seconded the motion.

Mr. Brooks stated that the motion does not include the price.

Motion: Councilor Gibby amended the motion to say at \$1.00 per square foot. Councilor Peterson stated that the second agrees.

Mr. Moulding stated that the property is actually southeast.

Motion: Councilor Gibby moved to amend the motion as per description on the exhibit. Councilor Peterson stated that the second agrees.

Councilor Haws reported that he is bothered that the discussion indicated that this property was requested for screening mitigation of the use of the kayakers. He stated that he was never aware that they were using the property south of the Eskelson's. Mr. Brooks stated that the property will be used for screening and for personal reasons. Jane Eskelson, stated that the purpose of purchasing the land is for privacy. She reported that they still have cars parking beside their cars and want the property for protection of their vehicles and the surrounding of their home.

Call the Question

Roll Call Vote: Councilor Gibby, Yes; Councilor Peterson, Yes; Councilor Haws, Yes; Councilor Jenkins, No; Councilor Griffiths, Yes. The motion passed with four in favor and one opposed.

4. Department of City Administrator

a. Consideration of adjournment into Closed Executive Session for the purpose of strategy sessions to discuss the purchase, exchange, or lease of real property pursuant to Utah Code 52-4-205(1)(d).

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

Call the Question

Roll Call Vote: Councilor Peterson, Yes; Councilor Haws, No; Councilor Jenkins, Yes; Councilor Griffiths, Yes; Councilor Gibby, Yes. The motion passed with four in favor and one opposed.

The meeting recessed into Closed Executive Session at approximately 9:11 p.m.

The meeting re-convened at approximately 9:25 p.m.

G. Discretionary Items

Councilor Haws inquired as to how much the City is watering the park. He stated that it has really green grass and it grows fast, specifically the ball fields. Mr. Hansen indicated that he will check on the watering schedule and let Councilor Haws know.

Councilor Jenkins discussed the sales tax graph on the employee newsletter stating that it was our City goal to increase our sales tax revenue by 1/3 and asked if that was our policy. She reported that it looked like staff had a goal to increase the sales tax revenue and asked when are we going to get to those policy decisions. Mr. Hansen explained that this is not a policy decision but in light of SB-35 and Strategic Planning session, we have communicated with staff, over the last six months, our concerns about the loss of revenue. He reported that as part of the quarterly training he let them know that in order for us to reach a point to exceed our 2005 revenues, we are looking at \$800,000,000 in sales. Mr. Hansen stated that it is our target and that when we receive that amount, we will grow.

Councilor Haws inquired about the comment cards from the August 9, 2006 Town Meeting discussing the City spending money outside of the City. Mr. Hansen noted that when the statute changed and required us to begin recording our meetings, he was approached by Music Village who does sound systems and has helped some other municipalities in this area. He stated that we found a very low cost

approach to record our meetings. They felt like they could have been some service to us and possibly could be in the future.

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 9:37 p.m.

Attest:

Approved: September 5, 2006

Marilyn Hansen, City Recorder

Bruce Burrows, Mayor