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Minutes of the **Regular Meeting** of the **Riverdale City Council** held Tuesday, **October 2, 2007** at 6:09 p.m. at the Riverdale Civic Center, 4600 South Weber River Drive.

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

Others Present:    Larry Hansen, Chief Administrative Officer; Steve Brooks, City Attorney; Randy Daily, Community Development Director; Lynn Moulding, Public Works Director; Lynn Fortie, Business Administrator; Doug Illum, Fire Chief; Marilyn Hansen, City Recorder; other city staff and 11 citizens.

**A. Welcome & Roll Call**

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

**B. Pledge of Allegiance**

Councilor Peterson offered the Pledge of Allegiance. Mayor Burrows read a quote from Christopher Columbus.

**C. Moment of Silence**

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

**D. Open Communications**

Kristi Jones from the Weber-Morgan Health Department gave a presentation requesting that the City consider passing an ordinance to curtail tobacco use in public parks and trails. She reported that they have presented this information to the Weber County Board of Health and want to check with the County Attorney to see what jurisdiction they have to pass a County-wide ordinance and see how it would affect cities. Debbie Armstrong, a Counselor at Riverdale Elementary was introduced. She stated that she is worried about people smoking in the park behind the school and urged the Council to consider an ordinance to eliminate tobacco use from all City outdoor venues.

Chuck Esposito, representing Sherwood Park Condominiums spoke. He reported that they received a large increase in their water bill and has talked to Larry Hansen and Lynn Moulding about it. He stated that he thought there would be a resolution on the large rate increase but nothing has happened. Mayor Burrows reported that this item is on the agenda tonight for consideration.

Debbie Armstrong, Counselor at Riverdale Elementary stated that she is here for the children and it would mean so much to see the park behind the school smoke free. She reported that they have applied for a grant asking for the park to be smoke free during school hours.

## **E. Presentations and Reports**

### **1. Mayor's Report**

Mayor Burrows stated that he received a letter from the State Auditor noting that Riverdale is in substantial compliance with all the fiscal responsibilities from our auditor and that they have accepted the audit. Councilor Haws inquired if it is the audit for last year. Larry Hansen replied that it is for the FY08 budget. Mayor Burrows reported that the grand opening for JC Penney's will be held on October 5 at 7:30 a.m. He reported that there will be a press conference at the Cutrubus Development called The Crossing at 10:00 a.m. on October 12, 2007.

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

#### **a. Sign Ordinance Update.**

Randy Daily reported that he has been doing research on other city signage and going through Riverdale's to see what doesn't fit. He reported that he is trying to simplify the current sign ordinance as much as he can. He explained that they regulate a lot of signs through Developer Agreements and that the sign ordinance is a work in progress.

## **F. Consent Items**

### **1. Approval of meeting minutes from:**

#### **September 18, 2007 Council Work Session**

#### **September 18, 2007 Regular City Council**

Mayor Burrows reported that there have been some changes to the September 18, 2007 City Council minutes turned in.

**Motion:** Councilor Gibby moved to approve the minutes as corrected. Councilor Peterson seconded the motion.

#### **Call the Question**

The motion passed unanimously.

## **G. Action Items**

### **1. Consideration of Resolution 2007-41 approving the Capital Improvement Project Plan.**

Lynn Fortie stated that he and Lynn Moulding attended a required first meeting to obtain Community Development Block Grant (CDBG) funds earlier this week. He reported that if the City wants to be eligible to receive any CDBG funds, a Capital Improvement Project (CIP) plan must be approved by the City Council and submitted to them by October 15, 2007. He stated that the current project they are requesting funding for is curb, gutter and sidewalks on 1000 West in the amount of \$305,000. Mayor Burrows stated that he thinks it has been 10-12 years since the City applied for CDBG funds and feels that would increase our chances for receiving funding.

**Motion:** Councilor Gibby moved to approve Resolution #2007-41 adopting the Capital Improvement Project Plan. Councilor Peterson seconded the motion.

#### **Call the Question**

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

### **2. Consideration of Resolution 2007-40 approving an Interlocal Automatic Aid Fire Agreement.**

Fire Chief, Doug Illum reported that this agreement will require that Roy, Ogden and South Ogden be automatically dispatched when Riverdale Fire Department is dispatched to a structure fire. He reported that on the other hand, Riverdale will also be automatically dispatched to help those cities if they receive a dispatch for a structure fire. Mayor Burrows inquired as to the difference between the current Mutual Aid agreement and the Automatic Fire Aid agreement. Chief Illum replied that the Mutual Aid Agreement states that the fire department must be on scene and realize that they are overwhelmed before they can call for additional help, whereas, the Automatic Aid Agreement automatically dispatches help if the call is for a structure fire. Councilor Gibby inquired as to the status of acquiring an ambulance service so that fire trucks wouldn't be taken out of duty for medical calls. Chief Illum reported that he is waiting to present that again later this budget year.

**Motion:** Councilor Haws moved to approve Resolution 2007-40 approving an Interlocal Automatic Aid Fire Agreement between Ogden City Corporation, Roy City Corporation, South Ogden City Corporation, Northview Fire Agency, Weber Fire District and Riverdale City. Councilor Peterson seconded the motion.

**Call the Question**

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

**3. Consideration of final payment to AAA Excavation in the amount of \$22,475.32 for Storm Channel Upgrade and Sanitary Sewer Repair Project RIV 399.**

Lynn Moulding reported that this is the final pay request for the Storm Channel Upgrade and Sanitary Sewer Repair Project. He explained that the contractor never came back to finish the job and the work was finally finished by City crews. He recommends that this contractor never be awarded work for the City again as he didn't finish this job. Councilor Gibby inquired as to how the value of the work by the City was calculated. Mr. Moulding replied that he used the current pay scale and FEMA's equipment cost breakdown and then added 15% for overhead.

**Motion:** Councilor Gibby moved to approve the final payment to AAA Excavation for storm channel upgrade and sanitary sewer repair Project RIV 399 in the amount of \$22,475.32. Councilor Jenkins seconded the motion.

**Call the Question:**

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

**4. Consideration of Resolution 2007-39 amending the Consolidated Fee Schedule (Large Meter Residential Rates).**

Lynn Moulding reported that the Large Meter Residential rate structure replaces the Res-Com rate structure that had previously been removed from the Consolidated Fee Schedule. He stated that they needed to separate residential rates from commercial and that the Large meter Residential rates are in line with residential rates for single family homes in Riverdale. He explained that this rate structure reflects a 10% increase over the previous Res-Com rate, which is the same increase the rest of the rates were given as of July 1, 2007. Councilor Haws stated that while they were going over the Consolidated Fee structure and decided to remove the Res-Com rate, they didn't understand how that would change the rates to these users. He reported that he would like to have the Large Meter

Residential rate be retroactive to the same time as the other ones, if it passes tonight, and recalculate the charges for Sherwood Condominiums.

**Motion:** Councilor Gibby moved to approve Resolution 2007-39 with the caveat that this resolution takes effect retroactive to July 1, 2007, amending the Consolidated Fee Schedule in the Riverdale Municipal Ordinance Code Title 1, Chapter 12, Section 6. Councilor Peterson seconded the motion.

**Call the Question**

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

**5. Consideration of Final Site Plan for Hayward Business Park located at 5175 South 1500 West.**

Randy Daily reported that the Planning Commission unanimously recommended approval of this site plan. Councilor Haws inquired as to where the minutes were from the Planning Commission and the Board of Adjustments regarding this item. Councilor Jenkins stated that she wondered what the discussion was from the Planning Commission and the Board of Adjustments and if there was discussion of conditions and orientation. Mr. Daily replied that there can't be a conditional approval and that they did discuss orientation. Councilor Jenkins inquired if there was discussion regarding 1500 West, the stub road and the possibility of connecting the road to Ritter Drive. Larry Hansen replied that this a site plan approval and that those questions were included in the discussions with the RDA board. He explained that this site plan does fit the ordinance and the Board of Adjustments acted on the set back issues on the west side.

**Motion:** Councilor Gibby moved to approve the Final Site Plan for Hayward Business Park located at 5175 South 1500 West. Councilor Griffiths seconded the motion.

Councilor Haws stated that he would rather delay the vote as he has not had the opportunity to review the minutes from the Planning Commission and the Board of Adjustments.

**Call the Question**

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

Steve Brooks disclosed that unbeknownst to him, his wife has been working with Major Mortgage to refinance their home loan. Mr. Hayward is the owner of Major Mortgage.

**6. Consideration of Ordinance 691 rezoning the 5.06 acre Brook Haven Development from LM to C-3 located at 4905 S. 1500 W.**

Randy Daily reported that this went before the Planning Commission and they voted unanimously to rezone the property from LM to C-3. He stated that Mr. Farr has been approached to allow a billboard sign on the property and Mr. Daily is concerned that it is an allowed use in a C-3 zone and whether the City and Mr. Farr want to allow a billboard on the property. Don Farr stated that there will not be a sign there. Mayor Burrows asked Mr. Farr if he would be agreeable to stating in the Developer's Agreement that there will be no billboards. Mr. Farr replied he would be agreeable. Councilor Haws inquired if the sign would require use approval by the RDA Board. Larry Hansen replied that an off premise sign would require use approval from the RDA Board.

**Motion:** Councilor Gibby moved to approve Ordinance 691 amending the Riverdale City Zone District Map by changing the zoning of approximately 5.06 acres of land located at approximately 1500 West 4900 South, and rezoning it from LM (Landmark) to C-3 (Commercial), all of which is within Riverdale City, State of Utah; providing for severability and an effective date. Councilor Peterson seconded the motion.

**Call the Question**

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

- 7. a. **Consideration of adjournment into Closed Executive Session for the purpose of strategy sessions to discuss pending or reasonably imminent litigation pursuant to Utah Code 52-4-205(1)(c).**

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

**Call the Question**

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

The meeting adjourned into Closed Executive Session at 7:35 p.m.

The meeting reconvened at 8:39 p.m.

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

Mayor Burrows stated that no action is needed on this item.

**H. Discretionary Items**

Councilor Jenkins reported that she keeps getting letters from a man whose daughter goes to Christian Heritage School regarding the pick up and drop off zones at the school. He feels that the City has not acted on this issue. Randy Daily reported that they have held two meetings with Christian Heritage School and that those issues have been resolved.

**I. Adjournment**

With no further business to come before the Council at this time, Councilor Griffiths moved to adjourn the meeting. Councilor Gibby seconded the motion. The motion passed unanimously. The meeting adjourned at approximately 8:42 p.m.

Attest:

Approved: October 16, 2007

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Marilyn Hansen, City Recorder

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Bruce Burrows, Mayor