
Minutes of the **Regular Meeting** of the **Riverdale City Council** held Wednesday, **November 7, 2007** at 7:15 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; Marilyn Hansen, City Recorder; other city staff and 21 citizens.

A. Welcome & Roll Call

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

B. Pledge of Allegiance

Larry Hansen offered the Pledge of Allegiance. Mayor Burrows read a quote from James Wilson.

C. Moment of Silence

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

D. Open Communications

Austin Price and Jaxson Harrop gave a presentation on their eagle scout project which entailed placing mile markers for the trail system in Riverdale and Golden Spike Park.

Rault Peterson asked for support from the Mayor and City Council to get UDOT on board to install a new sound barrier from 4400 South to Riverdale Road where I-84 and I-15 intersect. He stated that it would really help a lot of people and presented a petition of 45 signatures. Mayor Burrows stated that UDOT will be holding an open house tomorrow night from 5-8 p.m. at the Senior Center to discuss the widening of Riverdale Road and that might be a great time for those citizens to talk with UDOT about this issue.

David Grover reported that when he moved to Riverdale, the freeway went to Riverdale Road and then stopped. He stated that he has seen the traffic increase, trucks use their jake brakes to slow down and when he works in his garden, he can smell the fumes. He stated that since they are going to be working on Riverdale Road, now is the time to get the sound wall installed.

Vivian Peterson reported that she feels the carbon monoxide from the increased freeway traffic is a health hazard and thanked the Mayor and Council for their support and advice on the sound wall issue.

Emily Frandsen stated that she is in support of the proposed fence ordinance as she would like to install a 6 foot fence on the back of their property. She displayed a diagram of the fence she would like to put up. She reported that their house sits on a ½ acre lot with a very large front yard and small side yard. Ms. Frandsen stated that she feels installing a 6 foot fence on their side yard to the sidewalk, will not create any undue risks or site triangle issues. She asked the Council not to restrict them from using their property because they choose to live on a corner lot.

Laren George reported that he is speaking on behalf of his mother Shirley and that her concern is very similar to Ms. Frandsen's. He stated that some years ago they had been advised by neighbors and the City to clean up their yard, which they have done, but in order to finish the project, they want to install a new 6 foot fence. He explained that the current fence needs repairs and doesn't do the job as they have tractors in the back yard and sometimes kids come over the fence and like to play on the tractors, which is a safety concern. He asked the Council to vote to have a 6 foot fence to the edge of the sidewalk or 1 foot off the sidewalk.

Cory Conlin reported that he moved to Riverdale 6 weeks ago and purchased a home on a corner lot in a cul-de-sac with a 6 foot fence on the back property that goes to the sidewalk. He stated that he thought he could add to the fence but found out that the current ordinance wouldn't allow him to do that. He reported that he is in support of the new ordinance.

E. Presentations and Reports

1. Mayor's Report

Mayor Burrows congratulated the successful candidates for City Council, which are Shelly Jenkins, Dave Gibby and Don Hunt. He thanked all those who took the time and effort to run during the campaign. Mayor Burrows reported that UDOT will be holding an open house tomorrow night at the Senior Center from 5-8 p.m. to discuss the widening of Riverdale road.

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

F. Consent Items

1. Approval of meeting minutes from: October 16, 2007 Council Work Session October 16, 2007 Regular City Council

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

Call the Question

The motion passed unanimously.

G. Action Items

1. Consideration of Ordinance 692 amending Title 10: Zoning and Subdivision Regulations, Specifically §10-14-7: Fence Height; Obstruction of View.

Randy Daily reported that the Planning Commission held a public hearing on October 22, 2007 regarding Ordinance 692 where they recommended that the City Council adopt the amendments to the fence ordinance. The amendments include allowing a 6 foot fence in side yards, amending the 10 foot setback off the property line, and allowing property owners to fence up to the sidewalk, which would allow fencing on 1 foot of City property. Councilor Jenkins inquired if they were to

allow a fence to go to the sidewalk and be on the City property by 1 foot, did that fence line establish a new property line and who would own the land. Steve Brooks reported that the City would still own it and that the property owner wouldn't acquire any rights to that land. Councilor Jenkins inquired if they would be creating a line of sight issue for the interior lot when backing out of the driveway, if a 6 foot fence was allowed to go to the sidewalk. Mr. Daily replied that there is no front of the house that would be fenced in with a 6 foot fence. Councilor Gibby inquired if this ordinance is in line with neighboring cities and if there is any record of a 6 foot fence to the sidewalk being a hazard, liability or injury issue. Mr. Daily stated that he spoke with Police Chief Hansen and he couldn't recall any issues where someone was struck by a car because visibility was impaired by a fence. Mr. Daily reported that this ordinance is groundbreaking for us and for other cities.

Motion: Councilor Gibby moved to adopt Ordinance 692 amending Title 10, zoning and subdivision regulations, Chapter 14, regulations applicable to all zones: Section 7, fence height; obstruction of view, to amend portions of said ordinance to make changes in the allocation, size and placement of fences in various yard and lot situations and to make needed grammatical changes; providing for severability; repealing all ordinances in conflict herewith; and providing an effective date upon publication as required by law. Councilor Griffiths seconded the motion.

Councilor Peterson stated that he feels the City is inconsistent regarding fences. He stated that Mr. Conlin lives next door to him and he already has a 6 foot fence that goes to the sidewalk and that others are the same. He stated that either people aren't aware of the fence ordinance or it isn't clear enough for them to act on. He explained that he wants something that is simple to be enforced and protects the City from liability.

Call the Question

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

2. Consideration of Resolution 2007-46 adopting the General Plan Land Use Commentary for Area Four.

Randy Daily reported that on October 22, 2007, the Planning Commission recommended that the City General Plan map and commentary be amended to allow the "Colton Property" to be master planned as a future PRUD development.

Motion: Councilor Gibby moved to adopt Resolution 2007-46 providing for adoption of updates and changes of the Riverdale City General Plan Commentary and General Plan Map(s) and providing for an effective date. Councilor Griffiths seconded the motion.

Call the Question

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

3. Consideration of amending the Combe Pines PRUD site plan.

Mr. Mel Smith, on behalf of the developer of Combe Farms spoke. He reported that this subdivision was approved and the plat signed at the end of 2006 and recorded in January of 2007. He explained that shortly thereafter, the lots were laid out for the construction of some homes and that the homes were to be set back 20 feet. He reported that the plat didn't show the beginning of the property and

that there was a miscommunication with the engineer regarding where to measure for the 20 foot setback. Their employee was told to measure the set back 20 feet from the back of the curb and he should have measured 20 feet from the back of the sidewalk. He reported that once this was discovered, the homes under construction were red tagged by the City. He stated that they have worked diligently to meet with staff and work out a solution to this problem. Mr. Smith presented a packet of information to the Council, in which he went over several pictures showing different transitions from sidewalks with a park strip to just curb and gutter, and neighborhoods with sidewalks on just one side of the street. He stated that they are proposing the following:

- 1) Allow the sidewalk to go against the curb to allow enough room from the back of the sidewalk and garage to park a car in front of some of the homes.
- 2) Allow the sidewalk to transition from a park strip and sidewalk to no park strip in front of some of the homes to allow for adequate set backs.
- 3) Eliminate the sidewalk altogether on the center homes in order to give 20 feet from the back of curb to the front of garage.

Councilor Jenkins stated that the packet indicated that the developer was willing to make a monetary offer to the City as a trade-off for not putting in the sidewalks. Mr. Smith stated that he wanted to ensure that the Council knew that his was an honest mistake and that eliminating the sidewalks is a good solution and was not proposed to create a windfall to the developer. He explained that the cost to install the sidewalk is \$21,600 and that the developer would donate that amount to the City. He stated that staff did not ask for a donation and that the money could go to another area of the City and not just for curb, gutter and sidewalks. Larry Hansen reported that Mr. Moulding gave an estimated cost for the sidewalks of \$25,000 to \$30,000. He stated that administration has spent a lot of time working this project and that he is looking for the best offer that they can get.

Norm Frost, who is the developer of the project, stated that he had an engineer run the linear feet for the sidewalk and came up with 2160 linear feet, which is how they came up with \$21,600. He stated that they could go to \$25,000.

Motion: Councilor Jenkins moved to approve the amendment to the Pines at Combe Farms subdivision PRUD, waive the requirement for placement of the sidewalk in the center island section of the development with a contribution to the City on an agreed amount of \$25,000. Councilor Peterson seconded the motion.

Mr. Daily stated that the motion needs to include eliminating the park strip on lots 19 and 52 and put the sidewalk to the back of the curb. Mr. Smith indicated that would affect lot 20 as well.

Amended Motion: Councilor Jenkins amended the motion to include eliminating the park strip on lots 19, 20 and 52 and putting the sidewalk to the back of the curb. Councilor Peterson concurred.

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.

H. Discretionary Items

Councilor Haws had a question about the voting and the way it seemed the people came in and went to the desks and got in line to the voting machines. He was concerned that at times during the day, when

the line was quite long, that people could have come and went from the line. Marilyn Hansen reported that people did sign the book to vote and left without voting as there were 15 less votes on the machines than signatures in the book. She stated that this election was ran by and oversaw by the County and not the City. Councilor Jenkins wondered if the voting could be held at the Community Center instead of the Senior Center to accommodate parking and the large crowd.

Councilor Jenkins inquired as to when it would be good to discuss the findings and questions that came out from the community while the candidates were campaigning. Mayor Burrows stated that he would ask the candidates to write them down and submit them so that they could be discussed at the upcoming Strategic Planning meeting. Larry Hansen stated that he appreciates the feedback and would like to hear about any operational matters immediately.

Councilor Haws reported that after standing on the corner of 4400 South and 900 West on election day, he would suggest getting flags for pedestrians to use to cross the street. Mr. Daily replied that the traffic committee has discussed this issue and they feel that crosswalks give people a false sense of security.

I. 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 9:04 p.m.

Attest:

Approved: November 20, 2007

Marilyn Hansen, City Recorder

Bruce Burrows, Mayor