
Minutes of the **Regular Meeting** of the **Riverdale City Council** held Wednesday, **November 8, 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; Lynn Moulding, Public Works Director; Lynn Fortie, Business Administrator; Doug Illum, Fire Chief; Marilyn Hansen, City Recorder; other city staff and approximately 8 citizens.

A. Welcome & Roll Call

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

B. Pledge of Allegiance

Councilor Jenkins offered the Pledge of Allegiance. Mayor Burrows gave a quote from James Madison.

C. Moment of Silence

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

D. Open Communications

Cheri Argyle asked permission to speak after item E2.

E. Presentations and Reports

1. URMMA Inspection Award presented by Carl Parker and Dean Steele.

Carl Parker and Dean Steele from Utah Risk Management Mutual Association presented the Mayor with a Risk Management Excellence Award. Mr. Steele stated that when they perform inspections, cities are scored and compared with entities of similar size. He reported that Riverdale came out on top in the cities our size. He thanked the Council for their participation in helping the City earn this award.

2. Mayor's Report

Mayor Burrows reported that there will be a groundbreaking ceremony at 1:30 tomorrow for the new South East Weber County Library in Washington Terrace. He read a letter from the Mayor of Uintah Town thanking Riverdale City for the donation of a fire truck and office furniture.

a. Outstanding Citizen Award – Mike Argyle

Mayor Burrows reported that he has received many positive comments regarding the Hunter Springs trailhead access and sign and wanted to acknowledge Mike Argyle who designed and built the sign with donated labor and materials. Mayor Burrows read the proclamation and

presented it to Mike Argyle as Riverdale Outstanding Citizen. Cheri Argyle also expressed her thanks to the City, especially Councilor Shelly Jenkins.

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

Mayor Burrows discussed the issue regarding the timekeeper software and noted that a response was attached to their packets regarding this issue. Councilor Gibby stated that he would like to see other systems checked out. Mayor Burrows asked for consensus from the Council to see if they would like to have additional information brought back. **Consensus was not reached and this item will be removed from the Recorder's Report.**

F. Consent Items

**1. Approval of meeting minutes from:
October 17, 2006 Council Work Session
October 17, 2006 Regular City Council**

There were no comments on the minutes.

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

Call the Question

The motion passed unanimously.

G. Action Items

1. Consideration of Resolution #29-2006 to recover unclaimed property from the State.

Lynn Fortie, Business Administrator, reported that the City received a notice from the Unclaimed Property Division of the State of Utah that they had funds belonging to the City of Riverdale. In order to obtain these funds the State requires a Resolution authorizing the release of these funds.

Motion: Councilor Gibby moved to adopt Resolution #29-2006 establishing a claim to recover property currently held by the State Treasurers office and designating authorization to the Mayor to act on the City's behalf to recover said property. Councilor Peterson seconded the motion.

Call the Question

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

2. Consideration of approval of Final Site Plan for Krey Subdivision located at 5200 South 1150 West.

Randy Daily, Community Development Director, reported that it is the recommendation of the Planning Commission and staff to approve the five lot subdivision called Krey Subdivision No. 2. He noted that the subdivision meets all zoning requirements and all requirements imposed by staff.

Motion: Councilor Gibby moved to approve the Final Site Plan of Krey Subdivision No. 2. Councilor Griffiths seconded the motion.

Call the Question

The motion passed unanimously.

3. Consideration of payment to Advanced paving and Construction Company in the amount of \$220,136.92 and Change Order #1 in the amount of \$9,247.60 for the 2006 and 2007 Roadway Improvement Project.

Lynn Moulding, Public Works Director, reported that this pay request is for work completed to date. Councilor Haws stated that the note on this item indicated that we didn't budget for the total contract was and that there will be some cutbacks in the contract. Mr. Moulding replied that was correct.

Motion: Councilor Gibby moved to approve the payment to Advanced Paving and Construction in the amount of \$220,136.92 and approve Change Order #1 in the amount of \$9,247.60. Councilor Griffiths seconded the motion.

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.

4. Consideration of Advanced Paving contract materials price adjustment.

Lynn Moulding, Public Works Director, reported that some unique things have happened with the price of asphalt and it has skyrocketed resulting in a 63% increase on the price of oil that is used in chip seal. He reported that a representative from Advanced Paving Company is here to talk to the Council.

Will van der Stappen with Advanced Paving and Construction addressed the Council. He reported that the primary supplier of liquid asphalt is Sinclair Oil in Wyoming who is in the process of doing adaptations to their refinery. This caused the supply of oil byproducts to run out and the suppliers had to go elsewhere and incurred additional costs. These costs have now been passed onto Advanced Paving and Construction. Mr. van der Stappen estimated that they will need an additional \$45,000 above and beyond what they had originally anticipated. Mayor Burrows explained that Riverdale City is dealing with a decreased budget this year due to SB35 changing how the City retains sales tax and doesn't know where they could come up with that amount of money due a shortfall of \$500,000 in sales tax revenue this year.

Councilor Griffiths reported that he knew that the Sinclair Oil plant was upgrading to meet standards and that many refineries have decided to not make liquid asphalt. He stated that we can plan on higher prices from here on out. Councilor Haws inquired as to what percentage of the asphalt is not going to be used based on cutting back the original bid. Mr. Moulding stated that he doesn't have a number, but the original bid was \$843,000 and will be cut back to approximately \$560,000. Councilor Gibby stated that he was not clear if the \$45,000 Advanced Paving is requesting is that for the whole \$850,000 contract price. Mr. van der Stappen replied that it was for the original contract amount. Councilor Gibby asked if the increase in price will cut into Advanced Paving's profits and wanted to know how much Advanced Paving really needs once the scope of the bid has been cut back. Mr. van der Stappen stated that the price increase will definitely cut into their profit but they will not go broke. Mayor Burrows asked if there any other place where funds are available. Mr. Hansen replied that the City could cut somewhere else to come up with some money, but on the other hand the Business Administrator is concerned about where that money comes from and how we do that. He stated that the Council will have a tough time approving this increase without any contract language to allow for this. Mr. Hansen explained that not having the language in the contract to adjust price and not having the money, the Council may have a difficult

time answering to their constituents. Mayor Burrows stated that his feelings are similar and recommends taking this issue under advisement to do further research and bring this item back to the next City Council meeting, or the one following, to discuss approval or denial.

Motion: Councilor Haws moved to table this item while staff gets more information in regard to actual costs, any additional adjustments that might be made to the contract and/or other funds that might be available, and any other legal questions that might help in deliberating and determining how to proceed. Councilor Jenkins seconded the motion.

Call the Question

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

5. Consideration of Ordinance #669 vacating a portion of road beginning at 4450 South and 700 West.

Steve Brooks, City Attorney, stated that this is a follow-up to a previous City Council meeting where Mr. Cutrubs requested that the City vacate a portion of the road in order for him to proceed with the proposed development. Mayor Burrows reported that the City Council voted to approve vacation of the road but there needs to be an Ordinance to finalize the vacation of the road. He recommended approval of the ordinance, but not authorizing the Mayor to sign the ordinance until the following items are completed: negotiation and approval of an Agreement to Develop Land (ADL) by the RDA; negotiation and approval of a Developer's Agreement by the City Council; and an updated site plan approved by the City Council.

Motion: Councilor Gibby moved to approve Ordinance #669 vacating a portion of 4450 South Street from the intersection at 700 West and proceeding a westerly direction for approximately 377 feet or to the approximate end of the property owned by H & P Properties, reserving easements for water, storm water and sewer lines; all located within the corporate limits of Riverdale City, contingent upon a successful negotiation and approval of the Agreement to Develop Land by the RDA and negotiation and approval of a Developer's Agreement and approval of an updated Site Plan. Councilor Peterson seconded the motion.

Call the Question

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

6. Consideration of Woods property purchase set-back issue.

Steve Brooks, City Attorney, reported that Steve and Karen Robinson came in to purchase the piece of Woods property that is adjacent to their existing property and inquired if they could build a garage on the rear property line of the front lot. The previous City Council's decision outlined that the original property line is to be used for setbacks and not the gifted property line.

Karen Robinson stated that she and her husband came in a week or so ago to purchase this property and were under the assumption that when they purchased the additional property from Riverdale City and recorded it, the two pieces of property would become a single piece of property. She stated that they thought this piece of property would be like other properties and have same setbacks as any residential building lot. She explained that they want to know if they can use the

setbacks on the lot as a whole, or do they have to use the setbacks from the original lot. Mayor Burrows explained that the Council vote was that the original property boundaries were to be used and that they voted that no buildings could be put on the gifted property that was then being sold to the residents. He reported that any building of any type would have to go to the original property lines or setbacks and that the additional property couldn't have any buildings built on it and was to be used as additional yard space. Ms. Robinson explained that they are unique because they have not built on their lot and felt that some residents have setbacks grandfathered into this agreement and that buildings that are existing are being grandfathered in. Mayor Burrows stated that if this Council was to hear this appeal they would have to take this under advisement and change the ruling of the former Council. Mayor Burrows inquired what the Robinson's want to use the setbacks to build. Ms. Robinson stated that they want to take the building to the back of the property and use the property line for the setback. She also indicated that they wanted to build a garage for their boat.

Councilor Jenkins stated that she was the single no vote to sell the property privately due to too many inequities amongst the owners regarding the size and amount of property that could be acquired and that the land had been a gift to the city from the railroad for the completion of the Riverdale trail, a public amenity. However there were residents in the area that supposedly had an agreement with the railroad to make esthetic improvements. The wisdom of the balance of the Council at the time was to give the owners the assurances that the investments they had made in preserving this area would not be taken from them; so the sale of the property, with no development rights was approved, and these conditions were to be recorded with each sale. This would explain why the property was sold at the .50 cents a square foot price. All of these considerations were discussed at the time of the agreement to sell, and to do otherwise would be opening Pandora's box. Councilor Gibby stated that this is a much larger piece than what most people have and sees no harm in building 100 feet from their property line. Councilor Peterson stated that he was on the Council when this was originally brought up and sees no harm to go back and change the previous ruling. He discussed that changing the setbacks to be a minimum of 30 feet from the back of the property would allow residents to enjoy a benefit from purchasing this property. Mr. Brooks stated that the previous ruling was a Council decision and this item is a Council interpretation. He explained that he didn't see a problem if this Council wanted to change the restrictions. Councilor Gibby stated that it is best to come up with a policy and sees no harm in letting people use their property unless there is some kind of real reason for not allowing them to use it. Randy Daily discussed that imposing anything different than the R-2 zone allows needs an overlay as part of the Ordinance, which will allow a future inspector to know which property line to follow. Councilor Haws discussed the difference between conditions being put on the property and restrictive covenants being recorded with the deeds. Mr. Daily stated that he didn't think any restrictive covenants have been recorded with the deeds. Mayor Burrows recommended that no decision be made at this time, but several things need to be looked into prior to a decision being made. **Mayor Burrows asked for consensus to direct staff to bring back further information to see if an overlay and ordinance are needed and look at options for all property owners. Consensus was reached.**

7. Consideration of Ordinance #670 completing legislative action on April 4, 2006 repealing Title 10, Chapter 22, Planned Residential Unit Development (PRUD).

Steve Brooks, City Attorney, reported that at the April 4, 2006 City Council meeting a number of ordinance changes were heard and discussed. One of those changes involved repealing Title 10, Chapter 22, Planned Residential Unit Development in its entirety. The Council voted to repeal the

language, but the ordinance didn't have any language to repeal that section. This ordinance will clarify the action of the City Council and complete the process. Councilor Gibby inquired if they could come up with new PRUD ordinance and repeal the old language and adopt the new language at the same time. Mr. Brooks stated that initially he thought that could be done, but doesn't think that the new PRUD ordinance is close enough to being ready for approval. Mr. Daily reported that there is draft PRUD language, but doesn't think it is ready.

Motion: Councilor Gibby moved to table this until such time as the new ordinance is ready. Councilor Peterson seconded the motion.

Councilor Jenkins asked if table is the right word as this ordinance is still in play. Mr. Brooks reported that the minutes state that the PRUD language was repealed because the motion was to repeal it and the public would have thought, based upon what was said, that it was repealed. He explained that he feels that it is off the books. Councilor Jenkins asked if they really want to have the PRUD language repealed as we lose all creative ability to develop smaller lot developments. She is in favor of keeping it in place until we have another one and rescind and approve the new ordinance. Mayor Burrows noted that the legal opinion is that it has been repealed and the only thing that hasn't been done is the formal ordinance completing the action. Councilor Gibby stated that this really this is a housekeeping item to make this clean and wants to work harder to get the new PRUD language. Mr. Hansen stated that he will get together with Mr. Daily to get the new PRUD language.

Motion: Councilor Gibby amended his motion to approve Ordinance #670 amending Riverdale Municipal Ordinance Code (2001) Title 10, Chapter 22, Planned Residential Unit Developments by repealing it in its entirety; providing for severability; repealing all ordinances in conflict herewith; and providing an effective date as required by law. Councilor Peterson seconded the motion.

Call the Question

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

H. Closed Executive Session

1. Motion to close the Public Meeting 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 Gibby moved to adjourn into Closed Executive Session. Councilor Peterson seconded the motion.

Call the Question

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

Mayor Burrows called a five minute recess at 8:15.

2. Consideration of action regarding the purchase, exchange or lease of real property.

The meeting re-convened at 8:33.

Larry Hansen stated that he is looking for the approval of the Council to direct staff to prepare a purchase offer for the Sound Warehouse property not-to-exceed \$1,237,500, conditioned upon the completion of the Agreement to Develop Land (ADL) prior to the end of November 2006.

Motion: Councilor Haws moved to direct staff to prepare a purchase offer for the Sound Warehouse property not-to-exceed \$1,237,500, conditioned upon the completion of the Agreement to Develop Land (ADL) prior to the end of November, 2006. Councilor Gibby seconded the motion.

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.

I. Discretionary Items

None

J. Adjournment

With no further business to come before the Council at this time, Councilor Gibby moved to adjourn the meeting. Councilor Griffiths seconded the motion. The motion passed unanimously. The meeting adjourned at approximately 8:35 p.m.

Attest:

Approved: November 21, 2006

Marilyn Hansen, City Recorder

Bruce Burrows, Mayor