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Minutes of the **Regular Meeting** of the **Riverdale City Council** held Tuesday, **April 1, 2008** at 6:03 p.m. at the Riverdale Civic Center, 4600 South Weber River Drive.

Members Present: Bruce Burrows, Mayor  
David Gibby, Councilor  
Shelly Jenkins, Councilor  
Don Hunt, Councilor  
Doug Peterson, Councilor

Excused: Gary Griffiths, Councilor

Others Present: Larry Hansen, Chief Administrative Officer; Steve Brooks, City Attorney; Randy Daily, Community Development Director; Dave Hansen, Police Chief; Doug Illum, Fire Chief; Jody Burnett, Legal Counsel; Marilyn Hansen, City Recorder; other city staff and 13 citizens.

**A. Welcome & Roll Call**

Mayor Burrows called the meeting to order and welcomed all those present. He noted that Councilor Griffiths is excused as he is out of town.

**B. Pledge of Allegiance**

Councilor Peterson offered the Pledge of Allegiance. Mayor Burrows read a quote from Frederic Bartholdi.

**C. Moment of Silence**

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

**D. Open Communications**

Al Fernandez reported that he would like the City Council to know that the resolution regarding Riverdale Dinner and Bingo has opened up an opportunity for the Kings Castle Bingo to come to Riverdale and open up internet gambling. He displayed game cards that were purchased for \$25 a sheet to win jackpots without purchasing any dinner, calling cards or internet time. He stated that these cards are being taken into hospitals and rest homes and if a card is a winner, the jackpot is collected at Riverdale Dinner and Bingo. He reported that he is against the Resolution and feels that the City Council hasn't had enough time to look at this.

Stacey Haws read a statement in which he expressed his disappointment to see that effort has been expended to negotiate an agreement with Blue Sky Entertainment and has concerns with the agreement. He discussed some of the terms of the agreement and feels that these terms do not change the fact that bingo is still being played and he feels that it is still gambling.

Stan Hadden, President of the Weber Mosquito Abatement Board, presented their annual report to the Mayor and Council. He stated that there have been no recorded instances of West Nile virus in Weber County. Mayor Burrows commended Mr. Hadden for his continued service on this board.

Rob Mooney, Attorney representing Blue Sky Entertainment, stated that he is grateful for the opportunity to have an open correspondence with the City through their Council to resolve the concerns of Judge Lyon and ensure that Blue Sky Entertainment is compliant and addresses the concerns of the Council.

## **E. Presentations and Reports**

### **1. Presentation by Mike Medina of NAI for sale of real property to the City**

Mike Medina from NAI stated that he is representing the owner of 12.7 acres near the Classic Waterslide property and is proposing that the City purchase this property for \$0.90 per square foot. He reported that 50% of the land is on a hillside and feels that this land could be used for recreational purposes. He stated that this parcel includes 32 acre feet of water. Councilor Gibby inquired if the seller was willing to negotiate on the price. Mr. Medina replied that the seller is looking to sell and if he is given an offer in writing, he would present it to the seller. Larry Hansen inquired if the seller would entertain an installment sale. Mr. Medina indicated that there is an opportunity for that. A discussion was held regarding access to the parcel. Mr. Medina indicated that there is an access point for traffic going north on Riverdale road and an access point under Riverdale Road that is owned by the state and railroad. Mayor Burrows stated that he doesn't believe the road under Riverdale Road is a viable option as it is a private railroad road now. **Mayor Burrows asked for consensus to explore the concept. Consensus was reached.**

### **2. Mayor's Report**

None

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

None

## **F. Consent Items**

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

**March 18, 2008 Council Work Session**

**March 18, 2008 Regular City Council**

### **2. Approve appointments of two City Councilmembers and three resident property owners to the Fire Services Ad Hoc Committee.**

Mayor Burrows recommended Ron Hales to serve as a community member for this committee. He asked the Council if they had any names to submit for the committee. Councilor Jenkins asked if they could submit the names to the Mayor via e-mail. Mayor Burrows replied yes and that they could approve the Council committee members tonight and add the other names and use some as alternates. Larry Hansen stated that this committee wouldn't convene until the end of April, which would give the Council an opportunity to appoint the additional members on the April 15<sup>th</sup> agenda. He reported that the committee currently consists of three City Admin staff – Larry Hansen, Lynn Fortie and Steve Brooks; and three Fire staff – Fire Chief Doug Illum, Dave Ermer, and Allen Miller. Mayor Burrows presented the names of Councilors Gibby and Griffiths along with himself to serve as the Councilmembers on the committee.

**Motion:** Councilor Jenkins moved to approve the consent items including the Ad Hoc Committee Council members. Councilor Peterson seconded the motion.

**Call the Question:**

The motion passed unanimously.

**G. Action Items**

Mayor Burrows requested that Action Item G5 be heard first.

**5. Consideration of Resolution #2008-09 approving a business license agreement for Riverdale Dinner and Bingo.**

Steve Brooks reported that the business license agreement is a result of negotiations by Jody Burnett and his firm with Blue Sky Entertainment. He stated that the goal was to reach a compromise, based on Judge Lyon's ruling, to address his items of concern to ensure that Riverdale Dinner and Bingo operates under the law.

Jody Burnett reported that the legal issue is whether this business constitutes an illegal lottery under state law and whether customers who don't purchase a product are treated differently than those who do. He stated that pending an appeal, Blue Sky Entertainment approached the City and asked them to try to address the Judge's concerns. He indicated that there is much more to the agreement than just a name change and changing the hours of operation. Councilor Gibby inquired if patrons can get additional free cards for the Magic Ball Sweepstakes once they receive the initial ten. Rob Mooney, Attorney for Blue Sky Entertainment, stated that there is no purchase necessary to receive the initial ten game pieces, however if they offered unlimited game pieces at the site, it would take away the promotion aspect. He stated that you can't go to McDonalds and get a lot of cards for free and the law requires that they give free chances. He explained that they have went beyond the Pepsi or McDonalds sweepstakes by offering patrons free Magic Ball Sweepstake game pieces by coming in and providing the opportunity for unlimited game pieces by requesting them through the mail. Mr. Burnett stated that the agreement does not endorse or validate illegal internet gambling and that the agreement allows both parties to pursue remedies by law. He stated that Blue Sky Entertainment has been good to work with and feels that they have reached a point that addresses the concerns of the Judge. He recommends approval of the business license agreement and stated that the agreement doesn't endorse an illegal lottery or gambling.

Mayor Burrows stated it is a state law that prohibits gambling and reported that the Deputy Attorney General recently went on Television stating that the March Madness brackets and pools at various businesses constituted gambling. He stated that Riverdale City is limited in their resources and has asked the State Attorney General's office to review the activities and this agreement. He reported that they have not responded and is uncomfortable passing the Resolution without that review. He recommended tabling the Resolution until the Attorney General's office has had time to review the issue and give comments on it. Councilor Jenkins concurred and feels they are in uncharted territory as a City Council as gambling is really not in their realm of responsibilities. Councilor Peterson stated that as a citizen, living in Riverdale, he is not pleased to have a business such as this in Riverdale. He feels that under the current statute it is out of their arena, as they don't create the law, that is the arena of the Utah State Legislature. He reported that it is his hope that the legislature will address this issue and then they can act on it. He stated that the Attorney General may or may not support Riverdale, but he would like to wait and see what he says and what their thoughts are.

**Motion:** Councilor Gibby moved to table Resolution #2008-08 to get a reasonable chance for response from the Attorney General's office and if that is not forthcoming, then take it off the table and act on it. Councilor Peterson seconded the motion.

**Call the Question:**

The motion passed unanimously.

**1. Consideration of Ordinance #701 amending Title 10, Chapter 25 Commercial and Manufacturing Developments.**

Randy Daily reported that Title 10, Chapter 25 Commercial and Manufacturing Developments, needed to be amended to include residential areas, which goes hand in hand with Title 10, Chapter 21 Subdivisions. He stated that the Planning Commission has recommended this Ordinance for approval. Councilor Jenkins expressed several concerns with the changes in the ordinance and submitted a marked-up version of the ordinance with her suggested changes to Mr. Brooks. A discussion was held regarding how ordinances are reviewed by the Mayor and Council. Mayor Burrows suggested that Councilor Jenkins' comments be sent out to the Councilmembers. Councilor Peterson suggested tabling the item until they could see Councilor Jenkins comments. Steve Brooks reported that there is a large number of comments from Councilor Jenkins and some of them he doesn't agree with. He stated that he met with Randy Daily earlier in the day to go over the comments, but there wasn't enough time to get with the other Councilmembers or respond to each comment. Mayor Burrows recommended that Mr. Brooks and Mr. Daily respond to Councilor Jenkins comments and let everyone look at them.

**Motion:** Councilor Gibby moved to table Ordinance #701 until such time to see Councilor Jenkins comments and recommendations and Mr. Daily's and Mr. Brook's comments. Councilor Peterson seconded the motion.

Larry Hansen reported that he has some concerns about the process of adopting and amending ordinances and that it doesn't seem to be working well for the Council or for Staff. He inquired if it would serve a greater purpose to originally submit the ordinance for discussion and comments on the City Council agenda and then place it on the next agenda for consideration of action. That would give each Councilmember the opportunity to mark up the ordinance with their comments and return them by a deadline so that staff can add their comments. It was agreed to try a new process of adopting and amending ordinances.

Councilor Peterson left at 7:48 p.m.

**Call the Question:**

The motion passed unanimously.

**2. Consideration of Ordinance #702 amending Title 10, Chapter 16 Sign Regulations.**

Randy Daily reported that a public hearing was held and the Planning Commission recommends adoption of the ordinance. Councilor Jenkins stated that this version of the sign ordinance is different from the one Ms. Ukena drafted which was what the Planning Commission previously discussed and thinks it would be valuable for the Council to look at both ordinances. Mr. Daily replied that the ordinance Ms. Ukena drafted doesn't fit Riverdale at all. Councilor Jenkins also submitted a marked up version of this ordinance to Mr. Brooks and Mayor Burrows recommended that they look at Councilor Jenkins comments. Councilor Jenkins stated that she wants to look at

both ordinances as she felt the verbiage was clearer in some parts in Ms. Ukena's and wants to table this ordinance and move forward with this one like the previous ordinance.

**Motion:** Councilor Jenkins moved to table Ordinance #702. Councilor Hunt seconded the motion.

**Call the Question:**

The motion passed unanimously.

**Mayor Burrows asked for consensus for the Council to see Ms. Ukena's sign ordinance. Consensus was not reached.**

**3. Consideration on Kap property disconnect and industrial use located at approximately 244 West South Weber Drive.**

Randy Daily stated that he informed Mr. Kap that this item would be addressed tonight, but he is not here. The City received letters from Mr. Kap and South Weber City requesting that Riverdale City consider allowing Mr. Kap's property to become part of South Weber City so the property could be zoned for an industrial use. Councilor Gibby reported that he is against it for the following reasons: 1) it forces development in Riverdale's back yard without any City influence or control; 2) he feels that a commercial development with the current road structure is ill advised; and 3) there are complications with South Weber City intruding into Weber County. Councilor Jenkins stated that she is not saying that we don't want them to use the land in a viable way, but cannot see that road being able to bear the traffic that the industrial use would bring. Mr. Daily stated that he feels that the transportation issues need to be addressed before any development would be allowed in that area. Councilor Hunt reported that he had a resident ask him about the heavy trucks on this road prior to this item being on the agenda and doesn't feel it would be safe to create an even more adverse nature on the road. Councilor Gibby stated that commercial development may be appropriate in the future, if the transportation issues are resolved.

**Motion:** Councilor Gibby moved to disallow the disconnect. Councilor Jenkins seconded the motion.

**Call the Question:**

The motion passed unanimously.

**4. Consideration on payment to Combe's for water break damages.**

Steve Brooks reported that when they started the Combe Farms project, a contractor asked the City crew to mark where the water lines were. The City crew wasn't sure that their marks were accurate and told the contractor to proceed with caution and pothole before he started digging. The contractor started digging and hit the main water line causing water to flow into the Combe home causing a lot of damage. Mr. Brooks stated that the Combe's now have bills for the restoration work and are being charged interest on the unpaid balances. He reported that the Risk Management Committee recommended that the City pay the bills. Larry Hansen stated that URMMA would pay the claim in full and then the City would reimburse URMMA over a 5 year period, which would be budgeted from the Water Enterprise Fund.

**Motion:** Councilor Gibby moved to approve payment, not to exceed \$48,542.26 to the Combe's for restoration and damages. Councilor Jenkins seconded the motion.

Councilor Hunt inquired if URMMA charged interest. Mr. Hansen replied that they do not. Mr. Brooks stated that he will work with the Combes to see what finance charges they incurred.

**Call the Question:**

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

**H. Discretionary Items**

None

**I. Adjournment**

With no further business to come before the Council at this time, Councilor Gibby moved to adjourn the meeting. Councilor Jenkins seconded the motion. The motion passed unanimously. The meeting adjourned at approximately 8:28 p.m.

Attest:

Approved: April 15, 2008

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Marilyn Hansen, City Recorder

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Bruce Burrows, Mayor