
Minutes of the **Regular Meeting** of the **Riverdale City Council** held Tuesday, **May 6, 2008** at 6:08 p.m. at the Riverdale Civic Center, 4600 South Weber River Drive.

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

Others Present: Larry Hansen, Chief Administrative Officer; Steve Brooks, City Attorney; Randy Daily, Community Development Director; Lynn Moulding, Public Works Director; James Ebert, Police Lieutenant; Doug Illum, Fire Chief; Jeannette Hall, Community Services, Marilyn Hansen, City Recorder; other city staff and 12 citizens.

A. Welcome & Roll Call

Mayor Burrows called the meeting to order and welcomed all those present. He noted that all Councilmembers were present.

B. Pledge of Allegiance

Larry Hansen offered the Pledge of Allegiance. Mayor Burrows read a quote from Samuel Adams.

C. Moment of Silence

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

D. Open Communications

Marty Reynolds expressed his concerns regarding the Wildcat storage project in regard to some research he did on the FEMA website. He stated that he lives in River Glen and is concerned about flooding. He reported that he tried to find public records on the Purin and Cummins property to see if permits were pulled for fill and grading. He stated that he knows that there has been fill put on there and doesn't think it is proper fill for a flood zone. He read from a statement regarding fill in a flood plain and inquired if the fill in the flood plain puts the City at risk of losing certifications from FEMA.

Doug Day reported that he has heard about flooding concerns with the Wildcat Storage property. He stated that he did some research and had a map that he pulled from FEMA's website designating the flood plain. He stated that he is concerned with the fill and wondered where the City was in regard to that. He explained that he is not necessarily saying to stop the project but wants to make sure that the neighborhood is protected.

E. Presentations and Reports

1. Outstanding Riverdale Citizen Proclamation

Mayor Burrows presented the Outstanding Riverdale Citizen Proclamation to LuAnn Farr for her efforts in coordinating the Emergency Preparedness Expo which was held at the Riverdale Community Center.

2. Stroke Awareness Month Proclamation

Mayor Burrows read the proclamation proclaiming May as Stroke Awareness Month.

3. Mayor's Report

Mayor Burrows reported that there will be a fire exercise at an abandoned house on the west bench on May 19, 2008 at 9:00 a.m. Fire Chief Doug Illum stated that the Roy, South Ogden, Washington Terrace, Ogden and Riverdale Fire Departments will participate. Mayor Burrows reported that while Police Chief Dave Hansen was conducting a concealed weapons class at the Riverdale police station there was an accidental discharge of his service weapon and the round hit him in the left ankle. He stated that Chief Hansen went through surgery that day and is recuperating at home. Mayor Burrows reported that an internal investigation was conducted which included a couple of individuals from the community. He stated that the internal investigation report has now been turned over to Weber County for a further independent investigation and review of the initial investigation. He explained that when they finish their independent study of the report and finalize their own investigation, the City will make that information available as quickly as possible.

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

None

F. Consent Items

1. Approval of meeting minutes from:

April 15, 2008 Council Work Session

April 15, 2008 Regular City Council

2. Approve appointments of three resident property owners and alternates to the Fire Services Ad Hoc Committee.

Mayor Burrows presented the names of Norm Baker, Braiden Mitchell and Mike Bailey to serve on this committee.

3. Consideration of setting a public hearing on June 3, 2008 to receive and consider public comment regarding proposed amendments to the FY 2008 budget.

4. Consideration of setting a public hearing on June 3, 2008 to receive and consider public comment regarding proposed FY 2009 budget for all funds.

5. Consideration of setting a public hearing on June 3, 2008 to receive and consider public comment regarding amending §1-7-2; Salaries; Expense, §1-7F-6 Justice Court Judge and updating §1-7-1 Human Resource Manual.

Motion: Councilor Gibby moved to approve the consent items including setting the public hearings as outlined. Councilor Peterson seconded the motion.

Call the Question:

The motion passed unanimously.

G. Action Items

1. Consideration of allowing Wildcat Storage, located at 3490 Parker Drive, to proceed with property development.

This item was withdrawn from the agenda.

2. Consideration of Resolution #2008-13 approving a RAMP agreement for Basketball Height Adjusters.

Jeannette Hall reported that this money will be used to install electric basketball height adjusters on the six basketball standards at the Community Center.

Motion: Councilor Gibby moved to approve Resolution #2008-13 approving an Interlocal Agreement between Riverdale City and Weber County relating to Recreation, Arts, Museum and Parks (RAMP) funding for Basketball Height Adjusters. Councilor Peterson seconded the motion.

Call the Question:

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

3. Consideration of Resolution #2008-14 approving a RAMP agreement for Restrooms at Riverdale North Trailhead.

Lynn Moulding stated that he would recommend approval of this agreement and has budgeted for the restroom in the FY 09 tentative budget. Councilor Gibby inquired if the RAMP funds would cover the entire cost of the restroom. Mr. Moulding replied that the RAMP funds would cover about one-half the cost and that the rest of the money would come out of Capital Projects.

Motion: Councilor Peterson moved to approve Resolution #2008-14 approving an Interlocal Agreement between Riverdale City and Weber County relating to Recreation, Arts, Museum and Parks (RAMP) funding for Restrooms at Riverdale North Trailhead. Councilor Gibby seconded the motion.

Call the Question:

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

4. Consideration of payment request #1 to Tom Parker Construction for the Kayak Park Restroom.

Lynn Moulding recommended approval of the payment and stated that the project is about 95% complete.

Motion: Councilor Gibby moved to approve Payment Request #1 to Tom Parker Construction in the amount of \$57,037.34 for the restroom at the Kayak Park. Councilor Jenkins seconded the motion.

Call the Question:

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

5. Consideration of Resolution #2008-12 adopting the tentative budget for FY 2008-09.

Larry Hansen reviewed the FY 09 tentative budget. He reported that Utah State law requires that it be presented to the City Council at their first meeting in May. He stated that once the tentative

budget is adopted, the City Council and staff will go over the budget details at the May 17, 2008 Strategic Planning meeting, which will be held at the Riverdale Senior Center from 8:00 a.m. to 4:00 p.m.

Motion: Councilor Gibby moved to approve Resolution #2008-12 adopting a tentative budget for the City of Riverdale for Fiscal Year 2009 (July 1, 2008 – June 30, 2009). Councilor Peterson seconded the motion.

Call the Question:

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

6. Consideration of Ordinance #705 adopting a local option sales tax effective January 1, 2009.

Mayor Burrows reported that the State Legislature passed HB-172 allowing the remaining “hold harmless” communities the ability to implement a local option sales tax of up to .20% to help regain sales tax revenues that were re-distributed as a result of SB-35. Larry Hansen reported that as a result of SB-35 Riverdale has lost approximately two million dollars in sales tax revenues that otherwise would have come to the City. He stated that if this ordinance is passed, the budgeted increase for FY 09 is roughly \$450,000. He explained that the local option sales tax would impose an additional \$.02 cents on a ten dollar purchase. He reported that the tax has an automatic sunset clause and would expire in June 2016.

Councilor Peterson reported that Riverdale provides daily services to 50,000 people and that it is not fair to tax Riverdale residents a disproportionate amount for the citizens who come here. He stated that he is in favor of sharing the burden among those who consume those services. Councilor Jenkins stated that just because the legislature gave the affected cities the latitude to go to 0.20%, doesn't mean that they need to start there and she feels they could increase the tax as the need arises. She explained that she would hate to have it perceived that it is a more expensive place to shop. Councilor Jenkins reported that she is in agreement with placing the burden where it belongs, but questions passing the local option sales tax at the full amount right now. Mayor Burrows reported that the City has lost sales tax revenue for three years and that recouping it up front in today's dollars is better than in tomorrow's dollars. Mr. Hansen stated that the Council could decide in the future to back off the tax, but recommends that they proceed at the 0.20%.

Motion: Councilor Gibby moved to approve Ordinance #705 adopting a Municipal Local Option Sales Tax applicable to transactions occurring within the boundaries of Riverdale City, providing a repealer, severability and an effective date. Councilor Griffiths seconded the motion.

Call the Question:

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

7. Consideration of Ordinance #703 amending Title 9-6-1 Design Review Committee.

It was determined that this item needed a public hearing before the Planning Commission prior to being considered by the City Council.

8. Consideration of Ordinance #704 amending Title 2 Boards and Commissions.

Randy Daily recommended adopting this ordinance as presented. Councilor Jenkins reported that she presented comments and Mr. Daily rejected them. She stated that she does have problems with this ordinance and feels that the Design Review Board is a valid board for the City to have and that she has a different perspective as to how the board is valuable for the public process. She stated that the actions of the Design Review Board would work best by being a board that works in concert with the Planning Commission as a plan comes through the process. She believes that the board could provide good input as the petitioners work through their project and go to the board before their final site plan is approved. Councilor Jenkins recommended amending the order that the Design Review Board meets and use it as a tool to work in concert with the Planning Commission. Mr. Daily reported that the Design Review Board has no power to change any determination of the City Council and that the Council always see the final pallets and materials that are being proposed. He stated that it is up to the Design Review Board to ensure that a developer follows the Planning Commission's recommendations and the City Council's requirements. Councilor Gibby stated that if they make development more cumbersome, it increases costs and they will get less development, which makes Riverdale less attractive as a City. Councilor Peterson stated that he doesn't entirely agree and thinks they need to do all they can to ensure quality developments in Riverdale.

Motion: Councilor Jenkins moved to amend 2-6-5 that the Design Review Board is a recommending body to work in concert with the Planning Commission process and their information and recommendations would be before the final site plan. Councilor Peterson seconded the motion.

Call the Question:

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

Motion: Councilor Gibby moved to approve Ordinance #704 without the amendment. Councilor Griffiths seconded the motion.

Call the Question:

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

The meeting recessed at 7:52 p.m.

The meeting reconvened at 8:03 p.m.

9. a. Consideration to remove Ordinance #701 from the table.

Motion: Councilor Gibby moved to remove ordinance #701 from the table. Councilor Hunt seconded the motion.

Call the Question:

The motion passed unanimously.

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

Randy Daily reported that he took some of the comments he received into consideration and made some adjustments to the ordinance based on those comments. He stated that this ordinance covers development in all zones. Councilor Jenkins reported that she would like to discuss her intents as she reviewed other cities ordinances and that they didn't refer to zones but uses. Mr. Daily stated that Lynn Moulding suggested that the City have a process that developers are required to follow and in doing that, elements of the ordinance needed to be changed so that all developments would follow this same process. Councilor Gibby inquired if there has been a misunderstanding as to the intent of this ordinance and if that is the case, then they could go ahead with the original ordinance as drafted and as Mr. Daily has amended it. Councilor Peterson stated that he doesn't think it is the best use of the Council's time to go through the ordinance and had hoped for amendments to go through. He reported that he is OK with passing the ordinance as it is and dealing with it by exception in the future.

Motion: Councilor Gibby moved to approve Ordinance #701 with the original language. Councilor Griffiths seconded the motion.

Councilor Jenkins noted that Mr. Daily had made changes to the original ordinance. Mayor Burrows recommended amending the motion to include Mr. Daily's amendments.

Amended Motion: Councilor Gibby moved to approve Ordinance #701 with staff approved amendments. Councilor Griffiths seconded the motion.

Call the Question:

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

10. a. Consideration to remove Ordinance #702 from the table.

Motion: Councilor Gibby moved to remove ordinance #702 from the table. Councilor Peterson seconded the motion.

Call the Question:

The motion passed unanimously.

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

Randy Daily presented a portion of a video from the Utah Sign Association. He reported that he has tried to address the needs of Riverdale City with this ordinance. Councilor Peterson proposed getting consensus from the Council on the changes that have been proposed and agreed to by staff and incorporate those into the ordinance. **Mayor Burrows asked for consensus to adopt the changes that have been agreed to. Consensus was reached.**

Section 10-16-2(F)(2) Location of Signs: was discussed. Councilor Jenkins felt that there are problematic issues in deferring setbacks to the Design Review Board. Mr. Daily reported that he has no problem with striking the Design Review Board review but wants to leave the language that signs would be allowed at one foot from the property line. **Mayor Burrows asked for consensus to remove the Design Review Board in comment RD3. Consensus was reached.**

Section 10-16-2(H) Types of Prohibited Signs: was discussed. Mr. Daily reported that he sees this as a staff level decision. Councilor Peterson stated that it is not something that they can tackle tonight and it leaves the City more open to law suits. Mr. Daily stated that if it becomes a bigger problem than staff can handle it will come to the Council. **Mayor Burrows asked for consensus to be more definitive in defining immoral or obscene/indecent. Consensus was not reached. Mayor Burrows asked for consensus to leave the language alone. Consensus was reached.**

Section 10-16-2(J) Pasting or Gluing Prohibited: was discussed. Mr. Daily reported that this language gives him the ability to enforce temporary signs. **Mayor Burrows asked for consensus to leave the language. Consensus was reached.**

Section 10-16-2(N)(3) Removal of Nonconforming Signs: was discussed. Mr. Daily reported that because signs have to meet ICC code, staff can determine if something is damaged and needs to be taken care of. **Mayor Burrows asked for consensus to accept the language as proposed. Consensus was reached.**

Section 10-16-2(P) Sign not to Cover Windows, Doors, or Similar Openings: was discussed. Mayor Burrows stated that they should give discretion to police and fire to ensure safety on this issue. **Mayor Burrows asked for consensus to accept the language as proposed. Consensus was reached.**

Section 10-16-2(W) Tethered Devices: was discussed. Mayor Burrows stated that he likes the restriction of three days and ten times per year. Mr. Daily reported that the biggest concern are the large inflatable displays. Councilor Gibby inquired if tethered devices also include balloons. Mr. Daily replied yes and also includes flags and windsocks that car dealers use all the time and are required by the manufactures to put up. Councilor Gibby reported that his biggest concern is safety and that the tethered devices do not cross property lines and not how often they are used. A discussion was held as to prohibit or regulate the large inflatables. **Mayor Burrows asked for consensus to prohibit the large inflatables entirely. Consensus was not reached. Mayor Burrows asked for consensus to allow the large inflatables to not be used for more than two consecutive weeks and not more than ten times per year. Consensus was reached.**

Councilor Jenkins inquired if the ordinance should include a definition of a sniper sign. **Mayor Burrows asked consensus to put in the definition of a sniper sign. Consensus was reached.**

The meeting recessed at 9:29 p.m.

The meeting reconvened 9:34 p.m.

Councilor Peterson left the meeting at 9:34 p.m.

Section 10-16-3(E) Political or Campaign Signs: was discussed. Mayor Burrows reported that Councilor Peterson made a recommendation that political signs on private property or public right of way be required to get the owners permission. Mr. Daily reported that the biggest concern is the State right of way with their fence. Mayor Burrows stated that he talked with UDOT who said if the sign is not a public nuisance and taken down quickly after an election, that they really don't object to them as long as there is no damage to the public right of way. **Mayor Burrows asked for consensus to add that political signs cannot be placed on public or private property without the owner's permission. Consensus was reached.**

Section 10-16-7(B) Nonconforming Business Signs: was discussed. Councilor Jenkins feels that the language is ambiguous. Mr. Daily reported that there are other cities who gave businesses a certain time period to come into compliance if a new sign ordinance made their sign “non conforming”. Mr. Daily noted that nonconforming signs are covered in 10-16-2 and language could be added to allow the “grandfathering” of signs and Section 10-16-7(B) could be deleted in its entirety. **Mayor Burrows asked for consensus to add “grandfathering” language to Section 10-16-2 and delete Section 10-16-7(B) in its entirety. Consensus was reached.**

Section 10-16-8(B)(3) Business Signs: was discussed. Mr. Daily reported that the car dealerships who sell multiple lines of cars need more sign area. He added language to accommodate this. **Mayor Burrows asked for consensus to add the language. Consensus was reached.**

Section 10-16-8(D) O-1 Zone: was discussed. Councilor Jenkins feels that only regulatory signs should be allowed in an open space zone and that no advertising should be allowed in those areas. Mayor Burrows recommended going back the original plan of the Community Center of allowing advertisers to place signs there, if they have made a contribution, instead of advertising in an O-1 Zone. Mr. Daily stated that he feels that any signage in open space needs to be reviewed by the Design Review Board. **Mayor asked for consensus to have the Design Review Board review sign proposals in an O-1 Zone. Consensus was reached.**

Motion: Councilor Gibby moved to approve Ordinance #702 as amended. Councilor Hunt seconded the motion.

Call the Question:

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

11. Consideration of Resolution #2008-15 adopting the City Administrator’s contract FY 2000 - FY 2012.

Larry Hansen reported that his current contract expires June 30, 2008. He went over the contract and the proposed changes. Mayor Burrows reported that he recommended changing the term of the agreement from three years to four so that the contract will not expire in conjunction with an election cycle. Councilor Jenkins suggested changing the limit for receiving mileage from outside of Riverdale City to outside of Weber County. **Mayor Burrows asked for consensus to change Riverdale City to Weber County. Consensus was reached.** Councilor Jenkins stated that the change which would allow Mr. Hansen to collect twelve months of severance pay instead of six months concerns her. Mayor Burrows suggested language that would be a range of not less than six months and not more than 12 months, which would be mutually agreed upon by the Council as a whole, and the City Administrator. Councilor Gibby stated that language would put the city at a disadvantage to attract and hold someone of quality. **Mayor Burrows asked for consensus for 12 months severance pay. Consensus was not reached. Mayor Burrows asked for consensus for the language to include a range for the severance pay of up to six months but not more than 12 months. Consensus was not reached. Mayor Burrows voted for the 12 months option to break the tie.**

Motion: Councilor Gibby moved to approve Resolution #2008-15 as amended. Councilor Griffiths seconded the motion.

Call the Question:

Roll Call Vote: Councilor Hunt, No; Councilor Gibby, Yes; Councilor Jenkins, No; and Councilor Griffiths, Yes. Mayor Burrows voted Yes to break the tie. The motion passed with three in favor and two opposed.

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 Griffiths seconded the motion. The motion passed unanimously. The meeting adjourned at approximately 10:33 p.m.

Attest:

Approved: May 20, 2008

Marilyn Hansen, City Recorder

Bruce Burrows, Mayor