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Minutes of the **Regular Meeting** of the **Riverdale City Council** held Tuesday, **December 2, 2008** at 6:03 p.m. at the Riverdale Civic Center, 4600 South Weber River Drive.

Members Present: Bruce Burrows, Mayor  
David Gibby, Councilor  
Doug Peterson, Councilor (Participated via telephone)  
Shelly Jenkins, Councilor  
Don Hunt, 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; Dave Hansen, Police Chief; Doug Illum, Fire Chief; Marilyn Hansen, City Recorder; other city staff and 7 citizens.

**A. Welcome & Roll Call**

Mayor Burrows called the meeting to order and welcomed all those present. He noted that all Councilmembers were present and that Councilor Peterson was participating via telephone.

**B. Pledge of Allegiance**

Mayor Burrows offered the Pledge of Allegiance. Mayor Burrows read a quote from Benjamin Franklin.

**C. Moment of Silence**

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

**D. Open Communications**

None

**E. Presentations and Reports**

**1. Mayor's Report**

Mayor Burrows reported that the re-opening of Riverdale Road with all seven lanes open from I-84 to the Viaduct was a success. He expressed his appreciation for all the efforts and cooperation to ensure a timely opening.

**2. Report on dumpsters for resident's emergency use and recycling bins.**

Steve Robinson from Robinson Waste reported that he prepared recycling options a few months back and gave them to the City. He stated that he has asked Larry Gibbons from Rocky Mountain Recycling to also be present tonight. Mr. Robinson explained the three recycling options:

- 1) Roll-off Stations – Newsprint Only: He noted that this is already being done;

2) Roll-off Stations – Co-mingled recyclables: He reported that these are recycling stations where residents can take their recyclable items. He stated that it is best to have in an area that is secure and monitored for this option, so that it doesn't become a dump. He explained that he is not sure this option is the most cost effective as the cost to dispose of the items is high as there is no compaction.

3) Curbside Services (automated): He reported that either Robinson Waste or the City would provide an additional container that would typically be picked up every other week. He stated that he thinks this is the most efficient use of time.

Larry Gibbons from Rocky Mountain Recycling stated that their business is headquartered in Salt Lake and that they operate in 11 Western States providing recycling services to businesses and communities. He reported that curbside recycling has gained popularity as landfills become full and costs increase. He gave an overview of the recycling program and benefits. Mayor Burrows inquired if it was better to have a mandatory or optional recycling program. Mr. Gibbons replied that mandatory programs work better. Mayor Burrows noted that during the survey process, residents want recycling programs, but don't want to pay extra for it. He inquired if there were any programs to help with start up costs. Mr. Gibbons replied that there are a few options that he could help the City look at to acquire funds. Mr. Robinson stated that if the City went to a mandatory curbside recycling program, the cost would be approximately \$3.50 for every-other week service.

### 3. Follow-up Code Enforcement report.

Police Chief, Dave Hansen, gave a follow up report on the code enforcement issue that Frank Rogers brought before the City Council at their last meeting. He reported that both the owner and the tenant have been cited and that both have pre-trials set for December 11, 2008 in the Riverdale Justice Court. He reported that once the issue goes to the court, it assumes the responsibility for proper disposition of the complaint.

4. Recorder's Report (*Review status of Council requested follow-up items*)  
None

## **F. Consent Items**

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

**November 18, 2008 Work Session**

**November 18, 2008 Regular City Council**

**November 18, 2008 Strategic Planning**

### **2. Set public hearing for December 16, 2008 to consider Ordinance amending Judge's salary.**

### **3. Approve appointment of Stan Hadden to the Weber Mosquito Abatement District.**

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

### **Call the Question:**

The motion passed unanimously.

## **G. Action Items**

### **1. Consideration of Ordinance #720 amending Title 2, Chapter 4, Board of Adjustments.**

Randy Daily reported that the proposed changes will help clarify the language in the ordinance. Councilor Jenkins inquired if the Land Use Authority has been specified. Mayor Burrows reported that it hasn't yet been determined, and that they are looking at the model language from the Utah League of Cities to be brought forth, once this language is passed.

**Motion:** Councilor Gibby moved to approve Ordinance #720 amending Title 10, Zoning and Subdivision Regulations, Namely Title 10, Chapter 4, Board of Adjustments, Providing for severability and an effective date. Councilor Hunt seconded the motion.

Steve Brooks noted that the title of the Ordinance refers to Title 10 instead of Title 2 and felt the motion should be amended to reflect that.

**Amended Motion:** Councilor Gibby moved to amend his motion to reflect Title 2, Boards and Commissions and not Title 10. Councilor Hunt agreed.

#### **Call the Question:**

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

### **2. Consideration of Ordinance #721 amending Title 10, Chapter 9-Residential Zones, Article C-Single-family and single-family with rental unit residential zone (R-2), Sections 1 and 3.**

Randy Daily reported that the Planning Commission recommended adoption of this ordinance as presented. Councilor Jenkins stated that she still has difficulty understanding how the City can get around the underlying zone of a residential designation and the possibility of two dwellings per lot and completely remove any future two-family dwelling uses. She stated that she does not disagree with the intent but is not sure that changing the R-2 ordinance will solve the problem by approaching it this way. She thinks that there are areas of the City where the R-2 zone could be changed to R-1 and would be less legally challenged. Steve Brooks stated that it would be cleaner to do it that way as this is a gray area. He reported that there isn't any city out there that has done it this way. Mr. Daily reported that the R-2 zone is the most challenging zone in the City as there are restrictions to putting in a two family dwelling. He stated that there are 100 registered duplexes in the City and recommends leaving those in an R-2 zone rather than taking those in an R-1 zone and making them legal non-conforming. Larry Hansen stated that they shouldn't ignore the fact that the R-2 zone allows for the continuation of two family units and thinks there is a purpose to have the zone. He suggested separating out the issues that seem to be most difficult with regard to code enforcement and non-owner occupied units and pull that language out. He stated that in Section 10-9C-1 they could strike the language after the sentence "The creation of new Two Family Dwelling units is not permitted." and strike section 10-9C-3 as it would no longer be applicable. He reported this would accomplish what they want to and the existing two-family dwellings could continue and it would prohibit the building of any more two-family dwellings. He stated that they could then come back with a small lot subdivision ordinance. Mr. Brooks stated that it is the insertion of the termination of two family dwellings that is causing his concern. Councilor Gibby reported that he likes Mr. Hansen's suggestion of dropping the language beyond the creation of two-family dwelling is not permitted as it is the rest of the language where he had problems. Mr. Daily replied that the additional requirements is something the Planning Commission felt could add accountability, but that the ordinance could be enforced using the Health and Sanitation ordinance.

Councilor Jenkins stated that they could look at this problem from a General Plan aspect and put together areas for duplexes like the PRUD's. Mr. Daily stated that they would need to be creative to look at an alternative of the duplexes, such as twin homes that are owner occupied. He stated that the current problem stems from changes to lot size and width requirement for two-family dwellings that were made in 1996. Councilor Jenkins stated that she wants to review this closer from a General Plan concept and look at rezoning in residential areas for the future. Councilor Gibby stated that he sees merit in what Councilor Jenkins is saying but wants to put people on notice that the City doesn't want anymore two-family dwellings. He stated that it might make is slightly easier to get buyoff by changing the zoning instead of the ordinance. He reported that they need to look at a small lot subdivisions ordinance and other options. **Mayor Burrows asked for consensus to look at this closer and send it back to staff. Consensus was reached.**

Mayor Burrows stated that he hasn't heard anyone say that the City should not be opposed to encourage additional two-family dwellings. He reported that there are currently 813 single family dwellings and 1,363 rental units in the City. He stated that they would like to encourage growth in single family owner occupied dwellings within the City.

**Motion:** Councilor Gibby moved to table Ordinance #721 and direct staff to look at those areas of the City that would properly be put from an R-2 zone to an R-1 zone and that Legal Counsel work with staff to ensure that potential challenges are resolved to this or to a subsequent Ordinance that may be developed, in order to accomplish the goal that they want and do it in a clean manner. Councilor Jenkins seconded the motion.

**Call the Question:**

The motion passed unanimously.

**3. Consideration of Ordinance #722 amending Title 10, Chapter 2, Section 2: Definitions.**

Randy Daily reported that the Planning Commission recommends to adopt the new language of what constitutes a family. He stated that they looked at a lot of cities and felt that this definition was simple and would work. He explained that the Planning Commission was unsure what the definition of a transitional home was and that he couldn't find one. He recommended removing the term "transitional home". Councilor Gibby suggested stating transitional homes of all types.

**Motion:** Councilor Gibby moved to approve Ordinance #722 amending Title 10, Zoning and Subdivision Regulations, Chapter 2, Definitions, Section 2, Definitions; to amend the current definition of family to make changes in the general definition, number, relationships and specific exclusions; providing for severability; repealing all ordinances in conflict herewith; and providing an effective date upon publication as required by law, with the addition of the words of all types after transitional homes. Councilor Griffiths seconded the motion.

**Call the Question:**

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

**4. Consideration of Resolution #2008-48 amending the General Plan land use area five.**

Randy Daily reported that the Planning Commission recommends approval of the changes to area five of the General Plan. He reported that they took out the language referring to clustering as the last piece of land that can be developed in this area, is an Army Corp of Engineers issue. Councilor

Jenkins inquired if that piece of property could be banked for wetland bank. Mr. Daily replied that it happens and that the owner is apparently going through the process of a wetland study.

**Motion:** Councilor Gibby moved to approve Resolution #2008-48 providing for adoption of updates and changes of the Riverdale City General Plan Alternative Land Uses – Area Five, and providing for an effective date. Councilor Griffiths seconded the motion.

Councilor Jenkins stated that the General Plan is a guiding document and potential buyers would be led to believe that the use of that property is residential. She stated that she feels that open space or a park to tie into and buffer the storage unit effect would be best. Mayor Burrows reported that the General Plan doesn't tie their hands and that those uses can be looked at in the future.

**Call the Question:**

**Roll Call Vote:** Councilor Peterson; Aye, Councilor Griffiths, Aye; Councilor Hunt, Aye; Councilor Gibby, Aye; and Councilor Jenkins, Nay. The motion passed with four in favor and one opposed.

**5. Consideration of Resolution #2008-49 amending the General Plan Transportation Plan.**

Randy Daily reported that the Planning Commission held a public hearing and recommends adoption of these changes. Lynn Moulding reported that the changes to the Transportation Plan reflect the changes due to development in the City. Councilor Gibby stated concern with the commentary and map regarding Ritter Drive and Freeway Park Drive by putting in a left turn lane. He stated that where the City is pursuing the extension of 1500 West, he was wondering if making that portion of Ritter Drive one way was still being considered. Mr. Moulding replied that he doesn't think any of the traffic studies that were done indicated that was a desirable thing to do. He stated that they would be better off doing something different such as making a cul-de-sac on the west end of Ritter Drive, installing a traffic signal, or adding a roundabout if there was room at the intersection. Councilor Gibby stated that he feels putting a left turn lane on Ritter Drive and Freeway Park Drive would increase the traffic and doesn't think the 1500 West extension alone will reduce the traffic without adding a traffic calming plan. It was discussed to accept the Transportation Plan and exclude the reference and map referring to Ritter Drive and Freeway Park Drive.

**Motion:** Councilor Gibby moved to approve Resolution #2008-49 providing for adoption of updates and changes of the Riverdale City General Plan Transportation Plan and providing for an effective date excluding that portion of the Plan dealing with Ritter Drive and Freeway Park Drive. Councilor Griffiths seconded the motion.

**Call the Question:**

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

**H. Discretionary Items**

Councilor Jenkins reported that she recently received an e-mail from a resident stating that the post office was willing to put mail drop boxes up and wondered if the City could request that be done. Councilor Jenkins suggested putting one in front of the Senior Center and the City offices. Mr. Daily reported that he talked with the post office two years ago and they said they don't put those in anymore. He explained that the post office suggested having residents drop off their mail inside at the Senior Center and have the postman pick it up. Larry Hansen suggested putting something in the newsletter.

Mayor Burrows stated that he has addressed it in the newsletter. He reported that they could check on it again, but that he thinks they will get the same answer.

Councilor Jenkins inquired if the City knows if UTA will be putting in covered bus stops now that Riverdale Road is finished. She stated that UTA had been discussing the option with property owners. Mayor Burrows reported that he didn't know the status of those discussions between UTA and the property owners. Mr. Daily reported that he had talked to a company about doing this and then got an e-mail saying that UDOT or UTA will handle it.

**I. Adjournment**

With no further business to come before the Council at this time, Councilor Gibby moved to adjourn the meeting. Councilor Hunt seconded the motion. The motion passed unanimously. The meeting adjourned at approximately 8:02 p.m.

Attest:

Approved: December 16, 2008

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Marilyn Hansen, City Recorder

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Bruce Burrows, Mayor