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Minutes of the **Regular Meeting** of the **Riverdale City Council** held Tuesday, **July 7, 2009** at 6:05 p.m. at the Riverdale Civic Center, 4600 South Weber River Drive.

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

Others Present:    Larry Hansen, City Administrator; Steve Brooks, City Attorney; Lynn Moulding, Public Works Director; Dave Hansen, Police Chief; Stacey Comeau, Human Resources; Marilyn Banasky, City Recorder; and 6 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**

Councilor Gibby offered the Pledge of Allegiance. Mayor Burrows read a quote from Thomas Payne.

**C. Moment of Silence**

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

**D. Open Communications**

Stacey Haws reported that he wanted to talk about the Certified Tax Rate. He stated that he was not able to attend the budget public hearing and was disappointed that the Council is not cutting back the Certified Tax Rate. He reported that when the property tax was raised it was discussed that if the City was able to get relief on the sales tax issue that they could reduce the tax rate. He stated with the fact there is a surplus in the budget and the Mayor and Council didn't take a raise it would have been nice to see relief.

Amy Ann Spiers stated that she is representing the Board of Realtors and wanted to discuss the Wildcat Storage action. She reported that she wants to make it a win-win situation for both residents and Wildcat Storage. She stated that she was appalled when the Board of Adjustment agreed to a variance of 70 feet instead of 40 feet for the sign and in the summary of the Findings of Facts it states that the sign will not directly impact the residents. She disagrees. Ms. Spiers reported that while the adjacent property is vacant there are still properties in River Glen that are affected. She stated that the flood lights shine into the windows of the homes on the back road and if the Council allows Wildcat Storage to keep the 70 foot LED sign, when it lights up, the residences will look like the Las Vegas strip. She suggested that if they lowered the sign to the 40 foot height that it was originally supposed to be at, it will have less impact to the residents on that corridor. She asked them to consider the children and giving the residents peace of mind at night.

Donald Cummins, representing Wildcat Storage, stated that he has had three years of these same negative things. He inquired how there can be bright lights when there is no electricity to the sign yet. He reported that the ridiculous allegations have cost thousands of dollars extra. He stated that he only sees two people represented tonight and that these things have been going on for three years on a project that should have taken seven months. He reported that CBS sign company came out and made several trial runs down the freeway to see where the Wildcat Storage sign would be most useful and not interfere with their sign. He stated that moving the sign is still within the parameters that were originally approved and asked that the Mayor and City Council approve the sign relocation and put an end to the fruitless allegations.

Stacey Haws reported that a fence has been installed under the current fence ordinance at the corner at 4100 South and Parker Drive so that you have to pull past the stop sign to see past Parker Drive to leave from that corner.

## **E. Presentations and Reports**

### **1. Mayor's Report**

Mayor reported that former Councilmember Stan Hadden's wife passed away this morning. He thanked Councilor Gibby for suggesting that Ron Mann speak at the Sunrise Service during Old Glory Days and thanked the City staff for making it such a successful and safe event. He reported that tonight is Riverdale City swim night at the Roy Aquatic Center and that tomorrow night is the free Riverdale City night at the Ogden Raptors. He stated that the Standard Examiner ran a newspaper article on the Warren family who have a daughter who has leukemia and that the City has given assistance through the RDA housing program and that the Kyle Korver foundation is also helping.

#### **a. 10 year anniversary of the Riverdale flood**

Mayor Burrows discussed the 10 year anniversary of the Riverdale flood. He thanked the staff and volunteers who came together during that time. Councilors Griffiths and Hunt shared their thoughts and insights on the flood.

## **F. Consent Items**

### **1. Approval of meeting minutes from: June 16, 2009 Work Session June 16, 2009 Regular City Council**

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

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

The motion passed unanimously.

## **G. Action Items**

### **1. Consideration of Resolution #2009-21 amending job description.**

Stacey Comeau stated when the City applied and received their ambulance license it requires anyone working on the ambulance to be EMT-intermediate certified and that is why the job description needs to be changed.

**Motion:** Councilor Peterson moved to approve Resolution #2009-21 adopting amendments and additions to Riverdale City Job Descriptions. Councilor Hunt seconded the motion.

**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 Resolution #2009-18 adopting the Certified Tax Rate.**

Larry Hansen reported that the Certified Tax Rate calculations are guided by State statute and the only allowable increase in property tax revenue is provided by new growth. He explained that the calculations on the Certified Tax Rate impact every individual property based on the assessed value and that some property owners whose assessed values went up or remained the same will see a slight increase in their property taxes to the City. He reported that because some of the large commercial businesses challenged their assessed value and got them lowered, it would raise the homeowners tax as the amount the City receives is supposed to remain constant, except for new growth. Mayor Burrows reported that a representative from the Weber County Assessor's office gave a presentation at their WACOG meeting and if the Council wanted, that representative would be willing to give the presentation during a Council meeting to explain the process. Councilor Peterson reported that the property tax system is confusing, but the intent is that everyone theoretically pays the same and that the property tax revenue to the City is supposed to be flat other than new growth. He reported that the tax rate goes up because assessed property values have gone down. He stated that preserving the value of the commercial corridor is also significant as it is a significant piece of the property tax pie and that Riverdale's property tax rate is still one of the lowest in the County.

**Motion:** Councilor Gibby moved to approve Resolution #2009-18 adopting the Certified Tax Rate for the City of Riverdale for Fiscal Year 2010 (July 1, 2009 – June 30, 2010). Councilor Peterson 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.

**3. Consideration of Ordinance #734 Special Events.**

Steve Brooks reported that this ordinance came about as a result of a Council request. He explained that the Draft Special Event Packet that was included has not been finalized but will be looked at once the Ordinance is in place. He stated that this Ordinance will require an individual to obtain a Special Event Permit when it involves City property so that the event can be organized and receive clearance from the City departments. Councilor Gibby stated that his concern is if someone had a special event that cost the City, how would the City get reimbursed. Mr. Brooks replied that needs to be discussed but fees associated with the event would need to be added to the Consolidated Fee Schedule so that if police or fire personnel were used for the event, the individual would need to reimburse the City for that cost.

**Motion:** Councilor Gibby moved to approve Ordinance #734 Special Event Licensing. Councilor Griffiths seconded the motion.

**Call the Question:**

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

**4. Consideration of Ordinance #738 establishing a procedure and policy for approving written minutes for the public bodies of Riverdale City.**

Steve Brooks reported that the State Legislature mandated that public bodies come up with a written policy and procedure for their written minutes. He recommended approval of this Ordinance.

**Motion:** Councilor Peterson moved to approve Ordinance #738 establishing a policy and procedure for the approval of written minutes for public meetings of the City Council and other Public Bodies of Riverdale City. Councilor Gibby 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.

**5. Consideration of approving the relocation of the on-premise sign for Wildcat Storage, located at 3490 Parker Drive.**

Randy Daily stated that he was unaware that the wall pack lights at Wildcat Storage were bleeding onto the adjacent property as discussed by Ms. Spiers and that he will talk to Mr. Menlove to get that taken care of. He reported that the on-premise sign for Wildcat Storage has been approved and that Wildcat Storage is requesting to relocate the sign in order to accommodate a potential law suit between them and CBS signs.

Matt Wren with Young Electric Sign Company (YESCO) stated that there are two separate issues, one is the intensity of the light emitted from the sign and the other is to move the sign. Mr. Wren discussed the potential lawsuit with CBS Sign and reported that when the approved on-premise sign was installed, it blocked part of the billboard owned by CBS Sign and they are requiring that the sign be moved in order to avoid a lawsuit. He reported that representatives from CBS sign flew out and showed Wildcat Storage where the sign could be installed to avoid the lawsuit. Mr. Wren reported that they are requesting to move the sign 25 feet 2 inches from the center of the pole into the parking lot of Wildcat Storage. He stated that they will landscape the area and bring the curbing around the relocated sign. He reported that relocating the sign still gives the property 20 feet from the building for the fire lane and that he is asking the City Council to approve the relocation of the sign.

Councilor Jenkins stated that she feels that relocating the sign nearer to the residences will impact the people living in the neighborhood. Mr. Wren stated that the south exposure of the sign will be lit by LED lighting and the other half is a static face that will be lit with lights shining up. Councilor Hunt inquired if the LED lit side would have flashing lights or colors. Mr. Wren replied that the LED sign is meant to target the freeway traffic and will be angled in a V shape to get the maximum amount of exposure on the freeway. He explained that the LED lights can be dimmed at nighttime and are set up on an automatic dimmer to match the daylight as they want the sign to be read but not be obtrusive. He stated that in no means are they intending to have flashing lights to affect the people who live on the south end of the sign. He explained that by angling the sign and having the auto dimming device, they have great control so that it won't affect the citizens. Larry Hansen suggested rotating the sign 180 degrees so that the fixed portion would be read by north bound traffic. Mr. Wren replied that he wouldn't be the one that makes that decision, but explained that the brightness on the LED side will be no brighter than the opposite side that is illuminated with the

lights that shine upward. He replied that the only difference between the two sides is that the LED side will have animation. Councilor Peterson inquired if the sign has been turned on. Mr. Wren replied that there is a significant cost to get power, so the sign has not been lit yet. Councilor Petersen stated that this has been a long process and that he has been pleased with the way the storage units look. He reported that having the sign there has everyone concerned with the brightness issue and the impact to the neighboring residents, but that there is no way to gauge the impact until they see it on. He stated that he likes Mr. Hansen's idea very much and suggested turning on the sign and seeing if it is really as bad as everyone fears. Councilor Hunt suggested that a compromise could also be turning the sign off at night.

Donald Cummins, owner of Wildcat Storage, stated that he has spent 3 million dollars on the facility and that it is an asset to Riverdale. He reported that if they turn that sign 180 degrees as suggested, it causes a whole redesign and would cost \$70,000. He stated that he thought the issue would be resolved by moving the sign 25 feet and doesn't want to rehash this all over again. He stated that he thinks the sign is in good taste will have a dimming device in accordance with weather conditions and will not be flashing. He reported that the sign is oriented for the freeway and not pointed at the River Glen subdivision. He asked the Council to approve the relocation of the on-premise sign.

Councilor Gibby reported that LED lights are very directional and get dimmer the farther off-center you get. He stated that if these LED lights are aimed toward the freeway, he feels the impact to the residents will be far less than what they are thinking they will be, but until the lights are up these are questions to be asked. He stated that they granted the sign based on the height and a greater chance of worse lighting with a lower sign than a higher one. Councilor Jenkins stated that she took some pictures of the sign coming from the Cottonwood Subdivision and it can be seen from River Glen. She reported that she is receiving calls from people who live there and they have asked about a 40 foot sign height versus the approved 70 foot sign height. She stated that she felt lowering the sign to 40 feet would have less impact on the majority of the neighborhood. Councilor Griffiths stated that an LED light is brighter, but just in the direction it is intended and will save energy. He feels there are a lot of advantages to the LED lights and they are designed to lessen the impact of those it is not intended for. Mr. Wren stated that on center is the maximum brightness of the LED light, but every degree off center it does lose brightness. Mayor Burrows inquired as to what is prohibiting lighting the sign to see how bright it would be. Mr. Wren replied that their first intention is to avoid the law suit and have it moved. He reported that Riverdale City Code does allow for the electronic sign. He stated that they can get a generator and turn it on, but that would be an expense. Councilor Jenkins inquired if the sign would be a legal issue, in its current location, if it were lowered to 40 feet. Mr. Wren stated that if they lowered the sign or moved it further back, then the sound wall inhibits the sign. He reported that they have spent \$70,000 on the sign and if it is lowered so that it isn't viewed, then there is no benefit. Mayor Burrows reported that there was a legal granting for height variance and just because they are requesting a relocation of the sign, that variance is not vacated. He stated that the height of the sign is not an issue tonight.

**Motion:** Councilor Gibby moved to allow the relocation of the sign and if there are complaints about the light from the sign being too bright in the surrounding neighborhood, be allowed to revisit this issue through mediation. Councilor Griffiths seconded the motion.

**Call the Question:**

**Roll Call Vote:** Councilor Hunt; Nay, Councilor Gibby, Aye; Councilor Jenkins, Nay; Councilor Peterson, Nay; and Councilor Griffiths, Aye. The motion failed with two votes in favor and three votes opposed.

Councilor Peterson reported that Councilor Griffiths found an Ordinance from a city in Georgia that talks about LED billboard limitations. He inquired if Mr. Wren had information on what the LED light levels of the sign will be. Mr. Wren replied that he has those statistics but doesn't have them with him tonight as he came prepared to discuss the relocation of the sign.

**Motion:** Councilor Peterson moved to table until the next Council meeting or until YESCO has additional information regarding the brightness of the sign, the angle of the sign, etc. Councilor Jenkins seconded the motion.

**Call the Question:**

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

Mr. Wren stated that Riverdale City's sign code says what it says, but he doesn't see how it impacts moving the sign from point A to point B. Councilor Peterson stated that the angle changes the brightness when the sign is moved. Mr. Wren replied that he will get the Council the information on the light output that will be coming off the sign when they move it, but wondered if it is brighter, does the City Code prohibit that. Mayor Burrows stated that he understands what Mr. Wren is saying but that they are trying to protect the neighborhood in an unfavorable situation. Mr. Wren inquired if the sign relocation could be denied if it is brighter after the relocation. Mayor Burrows stated that he doesn't know and that will need legal review.

**6. Consideration of approving payment to UDOT for sewer and water improvements for Phase 1 of the Riverdale Road widening project.**

Lynn Moulding reported that this request is from UDOT for Phase I of the Riverdale Road widening project for sewer and water improvements and he recommends payment as all the work is completed.

**Motion:** Councilor Gibby moved to approve payment of \$577,266.12 to UDOT for the first phase of sewer and water improvements. Councilor Peterson 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.

**7. Consideration of Resolution #2009-22 authorizing a Quit Claim Deed for ~1188 Square Feet east of 1500 West Right of Way.**

Lynn Moulding reported that this is a small sliver of ground adjacent to the Coleman property which is surplus to the needs of the City. He stated that the Coleman's have been very cooperative on the 1500 West road extension project and recommend quit claiming this property to them.

**Motion:** Councilor Peterson moved to approve Resolution #2009-22 approving a property and Quit Claim Deed to discontinue ownership of an inconsequential piece of property

resulting from the installation of the roadway located at approximately 5200 South 1500 West. Councilor Hunt seconded the motion.

**Call the Question:**

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

**8. Consideration of Resolution #2009-23 approving an agreement with Central Weber Sewer.**

Lynn Moulding reported that this contract is for waste water treatment services for the City with the Central Weber Sewer Improvement District and he recommends approval.

**Motion:** Councilor Peterson moved to approve Resolution #2009-23 approving a Wholesale Wastewater Treating contract between the Central Weber Sewer Improvement District and Riverdale City. Councilor Gibby 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.

**9. Consideration of final payment for the North Trailhead Restroom.**

Lynn Moulding stated that this is the request for the final payment and balancing change order for Parker Drive trailhead and he recommends approval.

**Motion:** Councilor Gibby moved to approve the final payment to Wasatch West Contracting, LLC for the restroom building at Parker Drive Trailhead in the amount of \$8,828.02. Councilor Hunt seconded the motion.

**Call the Question:**

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

**10. Discussion of Infill Lot Ordinance.**

Mayor Burrows stated that when the infill lot ordinance was put in place they recognized this was a new situation for the Council as well as the City. He reported that there is a development going in on South Weber Drive under the new infill lot ordinance and that Councilor Jenkins has asked to review the current ordinance and discuss whether or not things may need to be re-looked at. He stated that if there is consensus, they can reprocess the ordinance. A discussion was held as to the pros and cons of the current ordinance. **Mayor Burrows asked for consensus for Councilmembers to submit comments on this ordinance by July 15, 2009 to Larry Hansen, to be reviewed at the July 21, 2009 City Council meeting. Consensus was reached.**

**H. Discretionary Items**

Councilor Peterson stated that he also saw the fence that Mr. Haws commented on as he drove up 4100 South. He reported that it is difficult to have visibility on that road and the fence makes it worse. Randy Daily stated that the fence was put up with a fence permit and meets all the requirements, but that it can be addressed if it is a safety issue. Councilor Peterson reported that there is also a bush growing larger and larger at the same intersection to the left, that blocks as much visibility as the fence.

Councilor Hunt inquired if the Mayor received any information from the young men regarding the bike park. Mayor Burrows replied that he hasn't seen any information from them. Councilor Hunt reported that he has had others who want to make suggestions for improvements to the bike park. Mayor Burrows replied that if they have suggestions to make it better that he would be happy to look at them.

Councilor Jenkins inquired as to who takes care of the weeds next to the fence on the sidewalk on Parker Drive. Randy Daily replied that the adjacent property owner is responsible to take care of them.

**I. Adjournment**

With no further business to come before the Council at this time, Councilor Peterson moved to adjourn the meeting. Councilor Gibby seconded the motion. The motion passed unanimously. The meeting adjourned at approximately 8:52 p.m.

Approved: July 21, 2009

Attest:

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Bruce Burrows, Mayor

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Marilyn Banasky, City Recorder