
Minutes of the **Emergency Meeting** of the **Riverdale City Council** held Friday, **July 10, 2009** at 12:33 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

Excused: Don Hunt, Councilor

Others Present: Larry Hansen, City Administrator; Steve Brooks, City Attorney; Randy Daily, Community Development Director; Marilyn Banasky, City Recorder; and 2 citizens.

A. Welcome & Roll Call

Mayor Burrows called the meeting to order and welcomed all those present. He noted that all Councilmembers were present except Don Hunt who is excused.

B. Open Communications

Stacey Haws reported that he is surprised that the Mayor and Council are having this meeting since when he was on the Council it was difficult to get a work session scheduled between regular meetings because of the added cost, but with the excess revenues the City has this year, he guesses it is OK. Mr. Haws read portions of Riverdale City Code 10-16-8 and discussed that the code states that pole signs in a commercial zone must be lit internally and since the Wildcat Storage sign has flood lights on the non LED side of the sign, he was wondering if flood lights are considered internal illumination.

C. Action Items

1. Consideration of untabling the relocation of the on-premise sign for Wildcat Storage, located at 3490 Parker Drive.

Motion: Councilor Peterson moved to untable the issue to relocate the sign for Wildcat Storage. Councilor Griffiths seconded the motion.

Call the Question:

The motion passed unanimously.

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

Mayor Burrows reported that there has been some potential compromise language that has been offered from the developer that made this meeting necessary. Steve Brooks stated that he feels they should go forward with the sign relocation as the offer gives the Council some assurances, but no guarantees, and buys time to see if there will be any impact on the residents once the sign is moved and turned on. He reported that if there is problems with sign in the future as to the brightness or

direction of the light, the best option would be to handle that under the nuisance ordinance as those issues don't have any bearing on the location of the sign. He suggested moving forward and dealing with other issues down the road. Randy Daily reported that he spoke to Mr. Eilertson and Mr. Cummins about their proposal to turn the sign off at night. He stated that Mr. Eilertson said they are more than willing to shut off the sign at 10:00 p.m. and turn it back on at 6:00 a.m. as a temporary solution as this would allow time to evaluate the intensity of the lights on the sign. Councilor Peterson stated because that the offer to turn off the sign at night is temporary and no time frame was given, he inquired if a handful of residents petitioned that the sign was a nuisance, could a nighttime shut off be enforced. Mr. Daily replied that just because residents say there is a nuisance, doesn't make it a nuisance. Mr. Brooks stated that the neighbors could initiate a nuisance complaint, but that doesn't guarantee that the sign would continue to be turned off at night. Councilor Peterson inquired about the external and internal illumination question that Mr. Haws discussed during Open Communications. Mr. Daily replied that the section of the ordinance that Mr. Haws referred to describes conditions in a commercial zone and this is not a commercial zone. Councilor Jenkins inquired as to what types of things could be considered a nuisance. She stated that Mr. Eilertson only said he would turn off the sign at night temporarily and that could mean only for 15 minutes. She stated that turning the sign off at 10:00 p.m. works well for this time of year but not when it gets dark at 5:00 p.m. Mr. Daily replied that the Health and Sanitation ordinance explains what a public nuisance is, but is not specific to light. Councilor Griffiths stated that the developer is willing to turn the lights off at night while YESCO does their angle illumination test. He reported that they want to get the sign moved so that it won't interfere with the CBS sign and that they can attack the light issue at another time. He stated that they are specifically here today to consider relocating the sign. Councilor Jenkins asked Mr. Brooks what qualifies as a nuisance. Mr. Brooks replied that nuisances are fairly broad and even if you have three neighbors complain that the light is shining in their bedroom, that is not a good argument and would be hard to enforce. Councilor Peterson stated that he is willing to take that they are offering a compromise in good faith and rather than belabor that or snub their effort, he is willing to support it. He stated that he would still like to see YESCO come back with information at their next meeting.

Motion: Councilor Peterson moved to approve the relocation of the on-premise sign for Wildcat Storage with the understanding that the sign will be turned off at 10:00 p.m. and back on at 6:00 a.m. for a period of review and that YESCO will still provide the information that was requested at the July 7, 2009, City Council meeting. Councilor Griffiths seconded the motion.

Call the Question:

The motion passed unanimously.

D. 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 12:54 p.m.

Approved: July 21, 2009

Attest:

Bruce Burrows, Mayor

Marilyn Banasky, City Recorder