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Minutes of the **Regular Meeting** of the **Riverdale City Council** held Tuesday, **July 21, 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; Randy Daily, Community Development Director; Dave Hansen, Police Chief; Doug Illum, Fire Chief; 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 except Councilor Peterson who will join the meeting in progress.

**B. Pledge of Allegiance**

Councilor Jenkins offered the Pledge of Allegiance. Mayor Burrows read a quote from Abraham Lincoln.

**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 Utah League of Cities and Towns annual meeting will be held in Salt Lake City in September. He stated that former Riverdale Police Officer Rod George passed away from an automobile accident.

**2. Administrator's Report**

**a. Department Information**

Larry Hansen discussed the department information.

Councilor Peterson arrived at 6:13 p.m.

Mr. Hansen discussed the advantages of paperless billing and the auto-debit option for utilities and that participation in both programs is increasing. Councilor Jenkins inquired if the residents who opt for the paperless billing also receive an e-mail link to the City's newsletter. Mr. Hansen

replied that he didn't know, but would check into it. Councilor Gibby suggested encouraging residents to view the newsletter on line instead of mailing it by having expanded articles in the on-line version.

**b. Employee Recognition**

The following are employees whose anniversary date falls in the month of July.

<u>Employee</u>	<u>Length of Service</u>	<u>Department</u>
Connie Daily	26 years	Police
Randy Koger	19 years	Fire
Karen McIntosh	14 years	Police
Tony Perfetto	12 years	Police
Kevin Fuller	11 years	Police
Trent Thompson	11 years	Police
Mickey Layton	10 years	Senior Program
Brandon Peterson	7 years	Police
Lynn Wright	7 years	Police
Doug Illum	5 years	Fire
Michelle Heward	4 years	Judge

**c. Staffing Authorization Plan**

Larry Hansen discussed the report.

**3. Update from UDOT regarding the Riverdale Road widening project**

The representative from UDOT was not present when this item was called but joined the meeting in progress. Mayor Burrows allowed Eric Lyon from UDOT to give his report later in the meeting.

**F. Consent Items**

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

**July 7, 2009 Work Session**

**July 7, 2009 Regular City Council**

**July 10, 2009 Emergency City Council**

**2. Review and Comment by July 28, 2009 on Ordinance #740 – Noise Ordinance.**

**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 approval of the improvements to the property on Freeway Park Drive between the Piano Gallery and the UTA park and ride lot for Backyards Inc.**

Randy Daily reported that the Planning Commission has reviewed this item and recommended final approval by the City Council. Cameron Cook, representing the Boyer Company stated that they have been looking for 10 years to find a use for this property and are excited to have Backyards Inc. as a tenant in the center. Councilor Jenkins stated that she understands that there are a number of easements on this property and wondered if that was a problem. Mr. Daily replied that the Boyer

Company has received permission from each of the utility companies who have easements on this property as well as Riverdale City. He stated that the utility companies and Riverdale City are fine with the improvements as long as there is the understanding that they can go in and fix things on the property if they need to. Nathan Ashby with Lifetime Products dba Backyards Inc. stated that they wanted an outdoor showroom for their products and went over the improvement plan with the Council. He reported that they specialize in sheds and playsets and will be putting up a small vinyl two-rail fence around the property. He reported that they will only have one small concrete piece and that everything else will be gravel. He stated that they are not planning on doing any excavating and will probably bring in back fill. Councilor Hunt inquired if there will be any signage on the property. Mr. Ashby replied that they will probably put up a banner to direct customers to come in to the retail store. Councilor Hunt stated that he is worried that the outdoor showroom could have the appearance of a playground. Mr. Ashby stated that any playset that they build will be playable or be roped off. Councilor Griffiths reported that he is concerned about security but it sounds like it is not an issue to Backyards Inc. Mr. Ashby stated that they are not worried about security. Councilor Peterson stated that he is worried about the liability if someone gets hurt at night. Mr. Ashby reported that they will post signs that adult supervision is required and that there is no trespassing after hours.

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

**Call the Question:**

The motion passed unanimously.

**2. Consideration of changes to the In-fill lot ordinance.**

Mayor Burrows reported that this item was discussed during the last City Council meeting and it was decided that the Councilmembers would submit any comments for review at this meeting. He stated that no comments were received, but that Councilor Jenkins reported that she has comments but was unable to attach files to her e-mail. He explained that they will discuss the proposed changes and if there is consensus to implement changes the ordinance could be sent back to the Planning Commission. Councilor Jenkins reported that she is concerned about the references to density in the ordinance. She wants to look at the density that currently exists to ensure there are compatible areas of density where the zones currently allow it or have previously allowed it. She stated that she is also concerned that they are not speculating and that they look that a development on an in-fill lot is compatible with the existing, surrounding developments. Councilor Jenkins reported that another area of concern was in section 2 the Review Criteria. She feels it is subjective by asking the Planning Commission or City staff to approve a development and determine if it improves and enhances the residential area with a higher quality development than is currently present on properties abutting the proposed in-fill development. A discussion was held regarding how to determine if the development will improve an area and having a Developer's Agreement to ensure that the development improves the area. Councilor Jenkins stated that she thinks they should identify the areas where the In-fill Lot Ordinance could apply. Randy Daily stated that identifying the lots could be subjective as he might see a lot as meeting or not meeting the criteria when someone else could see it differently. He thinks each request should be looked at on a case by case basis. Mayor Burrows stated that he feels like there is sufficient protection for the City and the developer under the current ordinance and feels that the Developer's Agreement helps satisfy all the needs of the ordinance. Councilor Jenkins stated that there are a couple of words under the Purpose section that she would like to change and would also like to add the word "existing" to the last line

of 10-12-3(A) before “adjacent properties and surrounding neighborhood.”, so they are not spot zoning. Steve Brooks explained that the Purpose section just describes the purpose of the ordinance and he feels that section doesn’t need changing as it wouldn’t be a section that they would ever be challenged on, but he doesn’t mind adding the word “existing” to 10-12-3(A).

**Motion:** Councilor Peterson moved to send the In-fill Lot Ordinance back to the Planning Commission with the discussed changes. Councilor Hunt seconded the motion.

Councilor Gibby inquired as to exactly what the proposed changes are for the ordinance. It was decided that the only change to the ordinance would be to add the word “existing” before the phrase “adjacent properties and surrounding neighborhood.”, in the last sentence of 10-12-3(A). Councilor Gibby inquired if the entire ordinance needed to go back through a public hearing process with the Planning Commission for such a minor change. Mr. Brooks replied that he feels just adding one word to the ordinance doesn’t have a significant impact to the ordinance and wouldn’t send it back to the Planning Commission.

**Substitute Motion:** Councilor Gibby moved to insert the word “existing” before “adjacent properties and surrounding neighborhood” in the last sentence in 10-12-3(A) without sending the ordinance back to the Planning Commission. Councilor Peterson seconded the motion.

**Call the Question:**

The motion passed unanimously.

**H. Discretionary Items**

Mayor Burrows stated that they held a meeting with DDRC this morning concerning payment for River Park Drive road construction and reported that there may be a resolution to make the community whole by repairing that road. He stated that there was some significant progress made and that should be addressed at the next RDA meeting.

Update from UDOT regarding the Riverdale Road widening project.

At this time, Eric Lyon from the UDOT Right-of-Way division, gave his presentation regarding the Riverdale Road widening project. Mr. Lyon reported that UDOT is moving ahead as quickly as possible on acquiring the properties that they need to finish the project. He stated that a handful of property owners are concerned because UDOT is taking landscaping for the road widening project which is making the property owners out of compliance with Riverdale City current codes and that the property owners have asked for a letter from the City or assurances from UDOT that they could re-build under the current codes if that became necessary. He reported that UDOT can’t speak for the City and is asking for reassurance from the City. Mayor Burrows stated that he has previously told UDOT that the City’s intent is to work with property owners on a case by case basis, and if there are property owners who have questions the City will be happy to talk to them and review each one. He stated that the City’s intent is to not hold the property owner liable for lack of landscaping, because the property owners didn’t cause the problem. He requested that Mr. Lyon provide Mr. Daily with information so that the City can administratively look at each one and could provide a general intent letter.

**Discretionary Continued**

Councilor Peterson requested that the fence ordinance be reviewed for corner lots and have them follow the previous setbacks, except for backyard to backyard or backyard to an existing fence. Mayor

Burrows inquired if Councilor Peterson is requesting that be put on the City Council agenda. Councilor Peterson replied yes.

Councilor Jenkins inquired as to what the process will be on the 1500 West Road once it is complete and stated that she would like to have a discussion about it. Larry Hansen stated that there is no intent to bring that item back on a City Council agenda once the road is open. He explained that when the road extension is done, the City plans to open it and have people use it. He stated that as a Council they would want to have dialog and perhaps a Town Meeting regarding the impact to Ritter Drive after the road has been in use for a few months, in order to evaluate the impact to Ritter Drive. Councilor Jenkins replied that she thinks once it opens they are probably going to get concerns, and thought it would be favorable to know the plan. Councilor Griffiths inquired if there was any way to get data from the speed sign that is currently in place on Ritter Drive and find out how many vehicles are using the road. Mr. Hansen replied that he would look into that and that they could probably get some traffic counts.

**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 7:28 p.m.

Approved: August 4, 2009

Attest:

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Bruce Burrows, Mayor

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Marilyn Banasky, City Recorder