
Minutes of the **Regular Meeting** of the **Riverdale City Council** held Tuesday, **August 4, 2009** at 6:04 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; Marilyn Banasky, City Recorder; 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.

B. Pledge of Allegiance

Councilor Peterson offered the Pledge of Allegiance. Mayor Burrows expressed his appreciation for the veterans serving our country both past and present.

C. Moment of Silence

Mayor Burrows remarks were followed by a Moment of Silence.

D. Open Communications

Stacey Haws reported that the last City Council meeting he attended was the Emergency meeting on the Wildcat Storage sign where he got up and made comments about how surprised he was that an Emergency meeting was being held. He stated that he wanted to inform the Mayor and Council that the sign is in the same place as it was when the Emergency meeting was called and that no work has been done. He stated that he remembers when he was on the Council they were highly encouraged to approve a deal with the power company on the substation as they said they had to have it approved that night and then it was 6 months before they started the project. Mr. Haws reported that he knows the Mayor made comments after the meeting but never did hear on the record as to why that meeting was an Emergency meeting and why the City had to expend close to \$1,500 to do that.

E. Presentations and Reports

1. Mayor's Report

Mayor Burrows encouraged everyone to attend the Weber County Fair. He read a letter from Brett Gailbraith thanking the Mayor and Council for passing the recent rezoning change from R-2 to R-1-8 in order to help preserve property values. Councilor Gibby reported that an incident occurred in front of their greenhouse last week where an older gentleman had run out of gas and was walking with two other people, one of which was mentally handicapped. Councilor Gibby stopped to help them and let the

gentleman use his cell phone. While the gentleman was on the phone, the mentally handicapped man became combative and started screaming and running around. Councilor Gibby reported that he became concerned that the man would run into traffic as he was standing close to the road and called police dispatch. He stated that Sergeant Fuller and Officer Perfetto responded and handled the situation perfectly. He expressed his appreciation for their professionalism in a very difficult situation.

F. Consent Items

- 1. Approval of meeting minutes from:
July 21, 2009 Work Session
July 21, 2009 Regular City Council**

Motion: Councilor Peterson moved to approve the consent item. Councilor Hunt seconded the motion.

Call the Question:

The motion passed unanimously.

G. Action Items

- 1. Consideration of Resolution #2009-24 adopting amendments to the Riverdale City Personnel Policies & Procedures Handbook.**

Larry Hansen reported that some of these changes are housekeeping and some are new policies. He went over the changes and additions. Councilor Jenkins inquired if the City requires background checks for contractors. Larry Hansen replied that background checks are ran on city employees as well as volunteers in the recreation department. Steve Brooks replied that running background checks on others than are specified in the current policy is overreaching where the City should go. Councilor Griffiths suggested adding criteria for discipline in Chapter 7, Section 6, if an employee fails to inform the City of a suspended or revoked drivers license. **Mayor Burrows asked for consensus to add that language. Consensus was reached.**

Motion: Councilor Gibby moved to approve Resolution #2009-24 adopting amendments to the Riverdale City Personnel Policies & Procedures handbook with one change. Councilor Peterson 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 Ordinance # 742 rezone request from R-2 to A-1.**

Randy Daily reported that the rezone requests that the City receives from petitioners are all based on some need or desire by the property owner and that in all rezone situations they look at the land to ensure that the property conforms with the requested zone. He stated that this property conforms to the A-1 zone and that the Planning Commission felt that because of the slope issues on this property, which would limit uses and the proposed amendments to the A-1 zone ordinance, that this rezone request would not be controversial and fits with the area. Steve Brooks reported that he feels like the City is trying to do a variance to the rezoning process as this request was initiated because of the homeowners wanting to keep four dogs where the ordinance only allows two dogs in the R-2 zone and that the slope issues didn't come to the surface until recently. He stated that he has received complaints on the dogs and that the rezone request seems to be the wrong way to go about it. He

explained that because Riverdale is no longer a rural farming community it would be going backward to rezone this property from an R-2 zone to an A-1 agricultural zone. He feels it doesn't set good precedent to approve a rezone in order to accommodate an extra dog.

Nanette Combe, petitioner, reported that it started out with a problem with the dogs and when they looked at the part of the property that was zoned R-2, it seemed easier to have it all rezoned A-1 for tax purposes. She stated that they are paying taxes on residential property that will never be residential as they did surveys and were told they couldn't build there. She reported that they don't ever want to develop it and that water and the hillside is a problem. Councilor Peterson inquired how much of the 26 acre parcel is currently zoned R-2 and how much is zoned A-1. Mr. Daily replied that the upper east portion on the top is R-2 and is approximately 12 to 13 acres and the lower portion is A-1 or approximately 12 – 13 acres. He stated that they could put the property into the "greenbelt" and that the taxes would be lower if the property is rezoned. Councilor Jenkins reported that decisions were made when Combe farms was developed and feels that the property needs to be compatible with the PRUD across the street and feels that the R-2 zone is more congruent with the use that it is surrounded by. Councilor Gibby reported that he hates to tell someone they can't use 13 acres the way you would like to. He stated that if that property is not suitable for residential development then they should let the Combe's rezone their property. Councilor Hunt inquired as to how many lots they could put in if the property remained R-2. Mr. Daily replied that if the geotec reports came back positive they could put in a cul-de-sac between the two homes and maybe get 5-6 homes on 8,000 square foot lots. He stated that the geotec report on Combe Pines came back that they cannot build anything that is west of that road as it is too sensitive. Councilor Hunt inquired why the Combe's can't apply for a kennel license to keep the four dogs on the current A-1 property and then they wouldn't need the rezone. Mr. Daily replied that these dogs are household pets and they come into the house. Councilor Hunt stated that the dogs are not being kept at a home now and inquired if the number of dogs was temporary. Ms. Combe reported that she and her husband have two dogs and their married children have moved in with them and they have two dogs and because they can't all be in the same household, they have moved two of the dogs off the property. She stated that they want to encompass the entire acreage in A-1 and keep the dogs in the house and that they will fence in the yard. Councilor Jenkins stated that given that they have different recommendations from the City's legal department and administration, she wondered if it would be appropriate to table this item and get legal clarification. Mr. Brooks replied that the rezone is not illegal but he feels that it sets a bad precedent. Councilor Hunt stated that he is approaching this like the infill lot ordinance as this is a unique piece of property. He wondered if they could impose conditions on the rezone. Mr. Daily replied that conditions can't be imposed on a rezone and the only thing they can look at are possible amendments to the zone. He stated that there is another aspect to the rezone as the police have to approve a kennel permit for the dogs and just because the property is rezoned A-1 doesn't mean they will approve a kennel permit to allow more than two dogs. Police Chief, Dave Hansen, reported that this problem came to light when someone got bit by the dog. He explained that there are other residents with more than two dogs in the City that the police department doesn't know about because there are no complaints. He stated that he is not excited about issuing a kennel permit when there are problems with the animals. Mr. Daily reported that the issue, aside from the dogs, is the potential impact to the residential neighborhood across the street. Councilor Gibby reported that most residential areas like to be near a green area and that it could be looked at as a plus unless there are pigs or something like that. He stated that they need to look at what is allowed in the A-1 zone to ensure compatibility. Larry Hansen reported that both the A-1 and R-2 Combe parcels are currently assessed as "greenbelt" as per the County tax records. He stated that the designation was changed a few years ago to reduce the taxes on the properties.

Councilor Jenkins stated that she is looking at this with her own subdivision in mind which has an agricultural use that was grandfathered in and then residential built up around it. She reported that 20 years down the road there are serious compatibility issues when you have an A-1 zone that borders a residential area. Mr. Daily agreed and suggested having a type of Developers Agreement as part of the rezone stipulating what would not be allowed on that property. Councilor Peterson inquired if the agreement would then run with the land. Mr. Brooks reported that parties can always enter into contracts, but as far as running with the land, he wasn't sure and didn't know if the agreement would stand up in court. He stated that they could record it and it could be challenged.

Motion: Councilor Gibby moved to table and direct the City Attorney to work with the property owners to see if a legal agreement could be binding in order to resolve this issue. Councilor Peterson seconded the motion.

Call the Question:

The motion passed unanimously.

3. Consideration of Ordinance #740 - Noise Ordinance.

Steve Brooks reported that this ordinance was originally generated from the police department as they need an ordinance in order to enforce noise complaints within the City. He stated that Riverdale is a unique City between the business and residential districts and that the City needs to protect both their interests. Councilor Jenkins reported that she feels the ordinance should address both business and residential needs as the City has a Mixed Use Ordinance that mixes business and residents together. She feels that allowing noise to begin at 6:00 a.m. is not conducive for a residential area that 8:00 a.m. would be reasonable. She suggested designing something for the mixed use areas that would require both parties to be better neighbors. Mayor Burrows reported that he feels this is a good ordinance and should have been in place ten years ago. He stated that once the ordinance is in place, it can be evaluated and could then be reviewed to see if corrections are necessary. Police Chief, Dave Hansen, reported that this ordinance is close to what surrounding cities have and is happy that they will now have a standard to go by. He explained that they will first issue warnings and then citations, if the problem isn't resolved.

Motion: Councilor Peterson moved to approve Ordinance #740 adopting a new chapter under Title 4, Public Health and Safety, Chapter 8, Noise Abatement, to enact regulations designed to protect the health, safety and welfare of Riverdale citizens concerning noise(s) occurring within City limits, providing definitions, penalties, severability and an effective date. Councilor Griffiths seconded the motion.

Call the Question:

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

H. Discretionary Items

Councilor Peterson stated that there is a new advertising tactic happening in his neighborhood where a bag with sand or rocks is tossed onto a driveway with advertising attached. He reported that this has happened three times in his neighborhood this summer. He wasn't sure if this fit under the littering ordinance and wondered if someone could look into it. Mr. Daily replied that he will get their phone number and talk to the company to stop this type of soliciting.

Larry Hansen stated that they were questioned about the necessity of the Emergency meeting in Open Communications and he feels it is fair to clarify that this project has a serious history, including legal issues. He reported that the money the City spent for the Emergency meeting was money well spent as the City would have spent far more money in legal fees, if legal action had ensued.

I. Adjournment

With no further business to come before the Council at this time, Councilor Gibby moved to adjourn the meeting. Councilor Peterson seconded the motion. The motion passed unanimously. The meeting adjourned at approximately 7:40 p.m.

Approved: August 18, 2009

Attest:

Bruce Burrows, Mayor

Marilyn Banasky, City Recorder