
Minutes of the **Regular Meeting** of the **Riverdale City Council** held Tuesday, **October 20, 2009** 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
 Gary Griffiths, Councilor
 Shelly Jenkins, Councilor
 Don Hunt, Councilor

Others Present: Larry Hansen, City Administrator; Lynn Moulding, Public Works Director; Randy Daily, Community Development Director; Lynn Fortie, Business Administrator; Dave Hansen, Police Chief; Doug Illum, Fire Chief; Marilyn Banasky, City Recorder; and 20 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 will join the meeting in progress.

B. Pledge of Allegiance

Councilor Gibby offered the Pledge of Allegiance. Mayor Burrows read a quote from John Quincy Adams.

C. Moment of Silence

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

D. Open Communications

Lael Gibby stated that she would like to address the Veteran's Memorial. She reported that her husband, Don Gibby, contracted a fatal disease while serving in the military during the Persian Gulf War and that he died for his country after suffering for 16 years. She stated that she is disappointed in the Council for canceling the funding of the Veteran's Memorial at this time. She stated that it was promised on July 4th along with the amphitheater and water park and they were told that the Veteran's Memorial would be in place for Veteran's Day. She understands that bids were put forth, but were not accepted by the City Council. She says they should start now and not in the spring as prices may be higher next year. She stated that donations will be forthcoming as people see things being done and feels that the veterans have waited long enough to be honored.

Carol Nash stated that she is offering her services as a volunteer for the Veteran's Memorial and would like to offer her talents and expertise to ensure that there is some type of memorial dedication on November 11, 2009, at the 11th hour. She reported that she has contacted the VFW and they will provide a flag ceremony on that date. She stated that this would not cost anything but some time to put down platforms at the site. She stated that she is also willing to help in an advisory capacity and with fundraising efforts. Ms. Nash feels that now is the time to recognize the veterans and understands the

list of veteran's names that the City has gathered is small compared to what is out there. She stated that it would only take a maximum of 15 minutes for the ceremony, to give people the hope that something is going to happen and that they need to have pride in the past and faith in the future.

Councilor Peterson arrived at 6:13 p.m.

David Combe stated that he is here regarding his rezone request from R-2 to A-1 to keep more than two dogs on his property. He reported that they will probably never have more than two dogs on the premises from now on. He stated that a great portion of the R-2 section has been deemed unstable by a geotec study and cannot be developed. He stated that he has lived there for over 50 years. He stated that they were told 1 ½ months ago that the City is looking to have another A-2 zone brought forth and that was denied, which cost him about two months time. He explained that they are back to where they were on June 2nd and that he wants an answer to get it resolved. He stated that it is not their fault that the A-1 has so many uses in it.

Dennis Howland reported that he is the Senior Vice Commander in the State of Utah for the VFW. He stated that the leaders of the Veteran's groups are excited to see Riverdale take a step forward and honor the men and women who serve their country and are excited to see that Riverdale would give everyone the chance to be recognized. He stated that he came to ask Councilors Griffiths, Hunt and Jenkins why they now oppose the memorial as they voted nay two weeks ago, which to him is a vote of no to the veterans in Utah. He stated that it sounded as if they were looking for private donations when City funds were already earmarked. He feels if the City waits for private donations it will take longer and pointed out that South Ogden City took 2 ½ years to raise the money. He also feels that the private donations will be paid for by the veterans in this community and that they are now asking for veterans to build the memorial that the City pledged to build. He asked the Council to place it back on the table and reconsider their action from two weeks ago.

E. Presentations and Reports

1. Mayor's Report

Mayor Burrows reported that they have doubled the amount of veteran names in the last two weeks and there are now over 200 names. He stated that he is excited about that and to have everyone have their names on the memorial. He encouraged everyone to turn in veterans names to the City so that all veterans can be honored. Mayor Burrows gave an update on the Riverdale Road widening project. He reported that he has talked with Dave Asay from Frontline Public Involvement, who is the public information firm for UDOT and he said that UDOT is still optimistic to have five lanes open by Thanksgiving and the start of the Christmas shopping season. He indicated that they may have to put asphalt down, instead of concrete in some areas in order to meet that deadline. Mayor Burrows encouraged everyone to get out and vote.

2. Auditor's Report on FY2009

Brent and Allison Litz from Litz and Company distributed handouts outlining key points of the audit and summarized the reports. Brent Litz thanked Lynn Fortie and the City staff who assisted them during the audit process.

3. Administrator's Report

a. Department Information

Larry Hansen discussed the department information.

b. Employee Recognition

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

Employee	Length of Service	Department
Richard Flaig	27 years	Fire
Eddie Graham	12 years	Fire
Aaron Byington	10 years	Fire
Larry Seibel	9 years	Community Services
Amy Marks	5 years	Court
Krystn Hinojosa	5 years	Fire
Britney Gines	1 year	Community Services

c. Staffing Authorization Plan

Larry Hansen discussed the report.

4. Recorder’s Report

F. Consent Items

- 1. Approval of meeting minutes from:
October 6, 2009 Work Session
October 6, 2009 Regular City Council**

- 2. Request from VFW Post 1481 for the surplus float trailer.**

Mayor Burrows reported that the City has loaned the float trailer to the VFW in order for them get started on their float for the Veteran’s Day parade until the Council makes their decision tonight. Doug Larsen from VFW Post 1481 stated that they are grateful for the loan of the float trailer and that it will be greatly used. He invited everyone to attend the Veteran’s Day activities this year. Councilor Gibby stated that he feels the value of the surplus trailer would be minimal to the City’s budget and wants to donate it permanently to the VFW. Councilor Griffiths agreed as it has already been surplus and feels it will be a nice thing for the VFW to have and use.

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

Call the Question:

The motion passed unanimously.

G. Action Items

- 1. Consideration of Resolution #2009-33 authorizing the issuance and confirming the sale of \$1,502,000 aggregate principal amount of Sewer Revenue Bonds, Series 2009.**

Lynn Fortie reported that this is the final public step in the process to secure the Sewer Revenue Bonds and that a closing is scheduled for October 26, 2009 if the resolution is approved tonight.

Motion: Councilor Gibby moved to approve Resolution #2009-33 authorizing the issuance and confirming the sale of \$1,502,000 aggregate principal amount of Sewer Revenue Bonds, Series 2009. 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 # 747 creating a small subdivision for the Hayward Business Park located at 5157 South 1500 West.

Randy Daily reported that Mr. Hayward is requesting to subdivide the Hayward Business Park. He stated that the affected parcel is the furthest north piece of property and that the subdivision wouldn't change the approved site plan in any way. He reported that the Planning Commission recommends approval of the subdivision.

Motion: Councilor Hunt moved to approve Ordinance #747 creating a two lot subdivision located at approximately 5157 South 1500 West in the City of Riverdale, providing for severability and an effective date. 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.

3. Consideration of final pay request and balancing change order to Advanced Paving and Construction for the 2009 Roadway Improvement Project.

Lynn Moulding reported that this project is finished and he is recommending payment. Councilor Jenkins inquired about the change order. Mr. Moulding replied that the actual bid amount was more than budgeted and the chip seal portion was cut back because the Engineers estimate was high and that left the contract with a positive balance.

Motion: Councilor Gibby moved to approve the payment to Advanced Paving and Construction in the amount of \$260,598.55. Councilor Peterson 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. a. Consideration of untableing Ordinance #742.

Motion: Councilor Peterson moved to untable Ordinance #742. Councilor Jenkins seconded the motion.

Call the Question:

The motion passed unanimously.

b. Consideration of Ordinance #742 rezone request from R-2 to A-1.

David Combe stated that if this ordinance is not passed tonight, he doesn't know what he can do with the ground if he can't have horses and cattle on it. He asked the Council to take a good look at his request and grant him something that he has done on the property for over 50 years. Randy Daily reported that the Planning Commission has reviewed this request and recommends rezoning the property to A-1. Councilor Jenkins stated that Mr. Combe indicated that the rezone was no longer about the dogs coming back and inquired if that was true. Mr. Combe replied yes. He stated that the reason the dogs were there is because his daughter and son-in-law came to live with them while they went to Weber State University. He reported that the additional two dogs are now at the farm in Marriot-Slaterville and will probably stay out there. Nanette Combe

reported that the ideal situation would be for them to have their dogs with them in Riverdale. She stated that they still want to present this rezone in order to try to get the kennel permit. Councilor Jenkins stated that she has looked at the proximity of the Combe's homes to the patio homes across the street and feels there should be a buffer zone. She wonders, from a planning perspective, if it makes sense to have an A-1 zone next to the PRUD. She reported that she feels the Sportsman permit is a better fit for the Combe's than the Kennel permit as it seems like they would be setting a precedent to rezone in order to allow dogs. Councilor Jenkins inquired if they rezoned the property to A-1 if that would fix the problem of the Combe's illegal building. Ms. Combe stated that the building would still need to meet the agricultural building requirement. She reported that they put the shed next to the house in order to keep track of their equipment. Mr. Daily stated that if the property is zoned A-1, the shed will be in conformance as it will just be storage for equipment to maintain an agricultural area. Councilor Peterson stated that he is wondering where the Combe's see their property 50 years from now as the City has been burned by a zoning ordinance passed by the Ogden City Council in 1950. Mr. Combe replied that he would like to see the farm stay in the family and be passed down to their grandchildren and stay a farm, but he can't promise that it will never be sold. Councilor Hunt stated that because of the nature of the ground and the topography he thinks the City Council needs to look seriously at accommodating the rezone request. Councilor Gibby stated that he doesn't feel that it is a bad thing to live next to a farm and his only concern would be the density of animals on the property. He reported that he thinks it is a downgrade to zone from an R-2 to an A-1 zone. Councilor Jenkins stated that she is in favor of getting recommendations from staff and their recommendations regarding the proposed changes to the A-1 zone which would eliminate some of the more intense uses. Ms. Combe asked for the Council to give approval tonight for the rezone and then they could look at petitioning again for a rezone once the ordinance is changed. Glenna Combe stated that they tried to purchase additional water from Weber Basin and they can't. She stated that without water, they couldn't have any of the uses that the Council is concerned about. Councilor Peterson stated that he thinks this is a down zone.

Motion: Councilor Peterson moved to approve Ordinance #742 amending the Riverdale City Zone District map by changing the zoning of approximately 13 acres of land located at approximately 5447 South 600 West, from R2 (Single Family with Residential Unit) to A1 (Agricultural), all of which is within Riverdale City, State of Utah. Councilor Gibby seconded the motion.

Councilor Jenkins stated that Ms. Combe put the offer on the table to petition for a rezone once the new A-1 zone is passed. She inquired if that should be part of the motion. Mr. Daily replied that is not necessary as the Combes are vested under the current ordinance and if they have a use that exists now and it is removed, it would be grandfathered in.

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 stated that there is obviously a lot of passion around the Veteran's Memorial and Amphitheater and the position of why the vote went the way it did. She thinks it was unfortunate to be looked at as a show of disrespect to the veterans and stated the opposite is true as she values veterans. She stated that spending money should be looked at with a very fine eye and felt that they should

understand the plan as this isn't a typical capital project. She reported that she is luke warm about the Amphitheater, but felt that the Veteran's Memorial sold the project. She stated she has been called by veterans who are concerned about the integrity of the list and feels this is a part of the process that the Council needs to be a part of. Councilor Jenkins reported that she felt it was her fiduciary responsibility to ensure that they knew what they were buying before they approved it. She stated that she feels like her actions were congruent on how she deals with every issue that comes by the Council and is sorry that the veterans got caught up in this. Mayor Burrows stated that Councilor Jenkins cast dispersions at the last meeting that this was an election issue. Councilor Peterson told Councilor Jenkins that her comments last meeting were inappropriate and told the Council to discuss this item as though there were no campaign. Councilor Griffiths stated that he is a Councilman first and a candidate second. Councilor Peterson stated again that it is inappropriate to bring the campaign into this discussion. Councilor Griffiths reported that during the last meeting they didn't have the latest set of plans for the memorial and when he asked the City Engineer about it, he said there had been several revisions since then. He stated that they were told there would be three monuments for names, then one, and now they get the RFP and there is no monument in it. He feels that City staff and the Mayor had plenty of time to clarify what the City was buying and let the Council know, but that didn't happen and as a result, he voted nay. Councilor Hunt reported that during the last meeting he stated that he had a certain uneasiness with the process of the project and how it was evolving. He stated that as the meeting went on he was vacillating back and forth as it is a good project and he is confident that it will be completed. He stated that he was concerned that the plans weren't complete and had changed and that until he knew all the facts, he felt it was better to wait and do it right. Councilor Gibby stated that he is hearing that they didn't understand this and everything was too vague and that they had to be real careful with money, but what he is seeing is a missed opportunity to put something nice in the City that could be added upon. He realizes that there was some uncertainty but before he voted, he felt those questions were answered. He feels the cost will move beyond them when they get ready to do this as prices increase and feels they missed an opportunity unless those who voted against it, vote to reconsider.

Councilor Peterson stated that he thinks it is amazing that this has become such an issue. He stated that in mid 2008 they agreed unanimously to apply for RAMP funds for the amphitheater and in April of this year they were given preliminary designs. He stated that six months ago those preliminary designs were out there and there were no comments, questions, or anyone saying they wanted to be involved. He reported that in May, 2009, they voted unanimously to put \$180,000 in the budget for this project and again there were no comments, questions, or anyone asking to become involved. He stated that in August, 2009, it again came up and they voted unanimously to commit themselves to the Amphitheater when they approved \$39,000 to order the superstructure. He stated that on September 15, 2009 the Mayor suggested having a phone conference to approve the bids and agreed to wait for next meeting. Councilor Peterson wondered how many Councilmembers came up and talked to the Mayor from September 15 to October 6. He stated that a lot has been said about the Mayor's communication to the Council but when does the Council communicate to the Mayor? He stated that they have went through bids for restrooms on the trail and no one wanted to see where the conduits for lights would be, but now they want to. He stated that knowing the budget and the Engineer's estimate they were looking at a sale, and they should have bought on sale. He stated that they have an opportunity, before the bids expire, to relook at this issue. He reported that he talked to Councilor Jenkins and told her that those voting on the prevailing side need to bring it back up so it can be re-looked at. He stated that he could not figure out why it was turned down and feels they need to move forward with it now. Councilor Jenkins stated that the Engineer indicated that the low bidder is amenable and may hold his bid so that they can all get involved now. Mayor Burrows reported that the low bidder is required to hold his bid for 60 days. Councilor Jenkins stated that the Engineer determined that the low bid contractor may extend beyond

that. She stated that she welcomes this back on the agenda and thinks a Steering Committee with veterans could be set up. She wondered what the City required to have a name on the list as a veteran. Dennis Howland from the VFW reported that a veteran is any man or woman who has served in the military services at any time. He explained that they have military records to verify anyone. He stated that if the City plans to sell pavers and bricks to finance the memorial, it will never get it built. He stated that any veteran's organization would be happy to help verify veterans and where they are from.

Motion: Councilor Peterson moved to adjourn the meeting. Councilor Jenkins seconded the motion.

Councilor Hunt stated that he had another item to discuss under Discretionary Items that is unrelated to the Veteran's Memorial. Councilor Peterson noted that a motion has been made and needs to be voted on.

Call the Question:

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

I. Adjournment

With no further business to come before the Council at this time, the meeting adjourned at approximately 8:03 p.m.

Approved: November 4, 2009

Attest:

Bruce Burrows, Mayor

Marilyn Banasky, City Recorder