
Minutes of the **Regular Meeting** of the **Riverdale City Council** held Tuesday, **May 18, 2010** at 6:04 p.m. at the Riverdale Civic Center, 4600 South Weber River Drive.

Members Present: Bruce Burrows, Mayor
 David Gibby, Councilor
 Shelly Jenkins, Councilor
 Don Hunt, Councilor
 Norm Searle, Councilor
 Alan Arnold, Councilor (Via telephone)

Others Present: Larry Hansen, City Administrator; Steve Brooks, City Attorney; Lynn Moulding, Public Works Director; Randy Daily, Community Development Director; Lynn Fortie, Business Administrator; Dave Hansen, Police Chief, James Ebert, Police Lieutenant; Marilyn Banasky, City Recorder; and 22 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 Arnold was participating via telephone.

B. Pledge of Allegiance

Councilor Gibby offered the Pledge of Allegiance. Mayor Burrows read a quote that was given in Marlboro, Massachusetts during the tea party era.

C. Moment of Silence

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

D. Open Communications

Stan Hadden distributed the 63rd Annual Report from the Weber Mosquito Abatement District. He reported that there was only one case of West Nile Virus reported and that it was a horse. Councilor Jenkins inquired if Mr. Hadden had the report in an electronic version. Mr. Hadden replied that he didn't. Councilor Jenkins inquired if the report could be scanned by staff and e-mailed to the Council. **Mayor Burrows asked for consensus to have staff scan and e-mail the report to the Councilmembers. Consensus was reached.** Mr. Hadden reported that the Mosquito Abatement District will spray an area for mosquitoes at no cost, for gatherings of any kind, if they will just notify him or the district. He stated that they also provide fish that eat the mosquitoes to be placed in residential ponds at no cost.

Jay Tillotson reported that he discussed his concerns two weeks ago at the previous City Council meeting. He stated that he discussed three items that didn't get any action. He stated that there was a decision on Ritter Drive and it was said that it would take about two weeks for the signs to be taken down. He reported that he stopped there on the way to this meeting and the signs are all still up. He stated that he will be glad to take the signs down and deliver them to the City offices. He reported that he gave the Mayor a copy of a small souvenir plaque that the Idaho Veterans use for their Veteran's

Memorial plaques. He stated that he wonders why there is landscaping at the car dealership on Freeway Park Drive if they are going to use it as a parking lot.

Dave Leahy gave an update on the Veteran's enhanced Memorial. He reported that there is a model in the lobby of the Civic Center which depicts what the Memorial will probably look like. He stated that the Veteran's Committee decided on Concrete Now! as the contractor for the project. He reported that they talked with Bott's who is doing the monument and made a few additions to it. He reported that the symbols for the various branches of service will have more detail, another ring around them has been added, and the branch of service symbol will be identified. He stated that there was no cost for these changes. He reported that they are getting ready to send letters to businesses to ask for help and that they are gearing up for the 4th of July to raise money. Councilor Searle reported that the Veteran's Committee will not have a ground breaking for the memorial on Memorial Day, but are planning a dedication ceremony for Veteran's Day.

Allen Glines reported that he is here on behalf of nearly 4,000 people who would like to see the Cinedome 70 Theater restored, instead of becoming the 14th dealership on Riverdale Road. He believes the misconceptions about the building have gone a little too far and feels it is not in as bad a shape as people believe. He stated that if it is restored it would be a good beacon for the community as it has been for the past 40 years. Mayor Burrows reported that Riverdale doesn't have any control over that property and that it is under contract. He stated that the City didn't solicit Larry H. Miller to come in and it is a private enterprise decision between two private individual parties.

Kevin Higgs stated that he took a sound specialist to look at the amphitheater as the Riverdale band will be playing there. He reported that the sound specialist is concerned about the conduit and stated that power and microphone lines can not be placed in the same conduit. He is concerned that it won't work for microphones. He stated that it might be better to get it fixed now before it is completely built.

Pat Crezee discussed traffic problems. She reported that on March 17th there was a tanker rollover on the freeway which sent traffic off the freeway at Clearfield and they thought they could get back on at 5600 S which drove traffic on Freeway Park Drive. She stated that there isn't any signage on Freeway Park Drive stating where the I-15 or I-84 freeway's are. She inquired if there could be signage placed on Freeway Park Drive in case this happens again. She stated that the design of the corner is horrible at 1500 West and Ritter drive and requested that the Council address it while addressing Ritter Drive. She reported that traffic cuts through the gas station at the intersection of Riverdale Road and 1050 West as there is no right turn lane there.

Kevin Carson stated that it was his understanding that the town homes on 4400 South were supposed to be owner occupied. He reported that he has seen rental signs in front of them and that people are moving in. Mayor Burrows reported that will be addressed on the agenda tonight. Mr. Carson inquired as to who is responsible for maintaining the potential swamp next to his back yard. Mayor Burrows replied that H & P is responsible.

Brody O'Connor reported that he has questions on Action Item 2 and wondered if they will be able to ask those questions at that time. Mayor Burrows replied that they would normally not be allowed to have discussions from the audience during the agenda item, but that he may allow for comments at that time rather than under Open Communications.

E. Presentations and Reports

1. Mayor’s Report

Mayor Burrows reported that they will hold a Strategic Planning work session on Saturday, May 22, 2010 at the Senior Center beginning at 8:00 a.m. He reported that there will be a dedication for the Roy City Hope Community Center on May 20, 2010 from 6:00 to 8:00 p.m. He reported that there will be a county-wide CERT exercise at the Weber County Fairgrounds on May 21, 2010 from 10:00 a.m. to 2:00 p.m.

2. HAFB Restoration Advisory Board Update

Mayor Burrows reported that minutes from the HAFB Restoration Advisory Board were included in the packet.

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 May.

Employee	Length of Service	Department
Vicky Barrett	25 years	Public Works
Shawn Douglas	19 years	Public Works
Tracy Bessinger	12 years	Fire
Bonnie Jones	12 years	Police
Abraham Torres	4 years	Public Works
Darren Berens	3 years	Business Administration

c. Staffing Authorization Plan

Larry Hansen discussed the report.

4. Recorder’s Report (Review status of Council requested follow-up items.)

F. Consent Items

1. Approval of meeting minutes from:

May 4, 2010 Work Session

May 4, 2010 Regular City Council

2. Report on Condition of the Treasury for the month ending April 30, 2010.

3. Review and Comment by May 26, 2010 on Resolution #2010-17 adopting changes to the HR Policy Manual Section 8-4 Professional Development.

4. Review and Comment by May 26, 2010 on Resolution #2010-20 to support the White Paper suggestions to URMMA in an effort to help contain litigation costs to URMMA participating cities.

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

Call the Question:

The motion passed unanimously.

G. Action Items

1. Consideration of Conditional Use Request for a ham radio tower located at 1198 West 5525 South.

Randy Daily reported that the Planning Commission has approved this Conditional Use Permit request with conditions and that the ordinance also required approval from the City Council. He stated that the Council may also impose conditions that they feel are necessary. Councilor Hunt stated that the Planning Commission specified that Mr. Morrison get letters from the adjoining properties that they are OK with the proposed tower and inquired if Mr. Morrison had them. Mr. Daily replied that Mr. Morrison has done this, but he hasn't seen them yet. Councilor Hunt inquired about the wind resistance of the tower. Mr. Daily replied that the tower meets the wind resistance requirements and will be lowered in windy weather. Richard Morrison reported that he took the minutes from the Planning Commission meeting and had the neighbors sign it. Councilor Gibby inquired if there was any risk of electronic feedback. Mr. Morrison replied that with the new law for digital TV, there is not much of a risk for feedback. He reported that he has had four antennas on his house for several months and hasn't received any complaints from his neighbors.

Motion: Councilor Gibby moved to approve the Conditional Use Request for a ham radio tower. Councilor Hunt seconded the motion.

Call the Question:

The motion passed unanimously.

2. Consideration of Resolution #2010-18 amending H & P Developer's Agreement.

Randy Daily reported that H & P has requested to amend their Developer's Agreement to remove the owner occupied requirement for the town homes and offer a lease to own option in order to have them occupied.

Jim Rumpsa from H & P reported that these town homes are on separately plotted ground with a separate deed for each one and were intended to be owner occupied. He stated that the construction of the town homes was completed 18 months ago, just as the real estate market hit bottom and that financing has not allowed these to be sold. He explained that the smallest unit is 3,000 square feet and that they do not want to rent or lease them, but that there is a good deal of money invested and they need to buy time in order to sell them. He stated that it is not in the neighborhoods best interest to have them continue to remain vacant. Councilor Arnold inquired what is stopping them from renting them out other than the Developer's Agreement. He stated that if he owns his home and wanted to rent it, he wouldn't need the Council's approval. Mayor Burrows replied that the only reason they have to come before the Council is because of the requirement in the Developer's Agreement that the town homes be owner occupied. Councilor Gibby inquired if the lease with an option to purchase agreement requires a down payment and arrangements as he feels this gives the renter incentive to take care of the property. Mr. Rumpsa they are not requiring that people obligate themselves to purchase, but that they will give them incentives that they hope will result in a purchase. He reported that H & P will maintain the exterior and yards to make them suitable for sale. Councilor Gibby reported that he understands the economic conditions and their desire to mitigate the cost. He recommends that some consideration be given. Councilor Jenkins stated that she saw a moving truck at one of the town homes and inquired if someone has moved in. Mr. Rumpsa replied that they have let two people move into two different units on a letter of intent. Councilor Jenkins inquired if the town homes are competitively priced. Mr. Rumpsa replied that

based on appraisal, they are competitively priced. Councilor Searle stated that he agrees with Councilor Gibby and would like to see this taken care of and is happy that H & P will take care of the exterior and yards. Mayor Burrows inquired if there a minimum length of time for the leases. Mr. Rumpsa replied that they are targeting one to two year leases. He stated that they anticipate having buyers if they don't exercise that option. Councilor Hunt inquired why the City mandated that the town homes be owner occupied. Mr. Daily replied that it was requested because the town homes are in a Mixed Use zone and not a PRUD. He stated that they wanted to ensure that they couldn't be used commercially in any way and they wanted to see them be owner occupied. Councilor Jenkins reported that there has always been a firm commitment from the Council that there is no commercial on 4400 South, and the concern with this property being Mixed Use and the increased density was why they wanted the town homes to be owner occupied and to remain residential. She stated that she would favor a position of doing something on this and wondered if this was a temporary or permanent condition. Councilor Arnold inquired if there is a possibility of having a Home Owners Association that allows renters to be responsible for upkeep and care of the development. He worries that once the properties are sold they would go out of control of H & P to maintain the exterior. Mr. Rumpsa replied that they anticipate those restrictions in the lease/rental agreement as they have the same concerns and stated that he will provide a copy of that to the City. Councilor Jenkins stated that she would like to look at this on a temporary scenario and amend the Developer's Agreement temporarily and reevaluate it in two years. Larry Hansen stated that because they have sat vacant for 18 months he suggested giving the petitioner a two year period of time to offer a lease/purchase option, after which the Developer's Agreement would revert back to owner occupied. Councilor Gibby stated that he agrees with Mr. Hansen, but would make it three years instead of two. Councilor Jenkins reported that she favors Mr. Hansen's position, but feels they will see intent within two years. Mr. Rumpsa stated that if it is a situation to review it in two years he is OK with that, but if they want to end the lease/purchase option, then he feels three years makes sense.

Mayor Burrows allowed the public to express their concerns.

Brody O'Connor reported that he has concerns with rentals and if they are requiring a minimum credit score and if they are participating in the Good Landlord program. Police Chief, Dave Hansen, replied that the City does have a crime free multi-housing contract for high density apartment complexes, but that it would not be applicable for these town homes. Mr. O'Connor is concerned with the type of people moving in if these are rental units and wondered if they will do background checks. He stated that he is disappointed that they haven't lowered their prices in 18 months.

Kevin Carson reported that he contacted the realtor and there is no incentive for these people to rent and if they want out, they leave. He stated that these are business men and that he doesn't feel sorry for them. He stated that as an owner living next door he would love to see them sold. He stated that they built homes next to a place which appraised for \$155,000.

Mayor Burrows reported that the City put certain requirements on the developer that they had to go above and beyond what they would have done otherwise and the developer got a trade off for the density. He stated that the developer upheld their part of the bargain and more. Mr. Rumpsa stated that they didn't reduce the price but that they did offer owner participation in the down payment and owner financing. He reported that they do not intend the town homes to be rentals and that their main concern is credit score, no animals, no smoking, and the background of the person coming in.

Mayor Burrows suggested that they allow the amendment to the Developer's Agreement and review it in two years with a three year sunset.

Motion: Councilor Gibby moved to approve Resolution #2010-18 amending the H & P Developer's Agreement to allow non owner occupied for three (3) years with a request to have it reviewed in two (2) years for possible action at that time. Councilor Searle seconded the motion.

Councilor Hunt inquired what "review in two years" means. Councilor Gibby stated that it would just be a progress report. Councilor Jenkins inquired if it would have any benchmarks in it. Councilor Gibby replied that they would have to demonstrate progress after two years. Mayor Burrows stated that the amendment would sunset in three years and revert back to the owner occupied requirement. Larry Hansen suggested having the developer provide an annual progress report.

Amended Motion: Councilor Gibby moved to amend the motion to receive annual progress reports with a sunset clause to revert the town homes back to owner occupied in three (3) years. Councilor Searle agreed as second.

Call the Question:

Roll Call Vote: Councilor Gibby; Aye, Councilor Jenkins, Nay; Councilor Hunt, Nay; Councilor Searle, Aye; and Councilor Arnold, Aye. The motion passed with three in favor and two opposed.

Mayor Burrows recommended recessing the City Council meeting to convene the RDA meeting.

Motion: Councilor Gibby moved to recess into the RDA meeting. Councilor Jenkins seconded the motion.

Call the Question:

The motion passed unanimously.

The meeting recessed at 7:45 p.m.

The meeting reconvened at 8:28 p.m.

3. Consideration of Resolution #2010-19 adopting the Riverdale Youth City Council Charter.

Councilor Jenkins reported that she only received one comment on the Youth City Council Charter which related to ensuring that home schooled youth are eligible to participate. She stated that she added language that needed to be changed to reflect their current process.

Motion: Councilor Arnold moved to approve Resolution #2010-19 adopting the Riverdale Youth City Council Charter. Councilor Gibby seconded the motion.

Councilor Jenkins reported that the Executive Summary states that the current budgeted amount for the Youth City Council is \$2,000 and that she would like to increase that amount. She stated that the budget for Bountiful's Youth City Council is \$4,000 but they have a bigger group. She stated that she is not sure Riverdale needs \$4,000, but Ms. Hall felt they may need that much. She wanted to ensure that the Council is mindful of that request. Larry Hansen stated that he thinks it is a good idea to look at the budget as there is a strong possibility of broader participation.

Call the Question:

Roll Call Vote: Councilor Jenkins; Aye, Councilor Hunt, Aye; Councilor Searle, Aye; Councilor Arnold, Aye; and Councilor Gibby, Aye. The motion passed unanimously.

4. Discussion on amending Title 1, Chapter 12 – Snowbird Fees.

Lynn Moulding stated that he personally doesn't feel that the residents that stay here should be subsidizing those that go south for the winter. Councilor Jenkins stated that she appreciates the documentation from the other cities and it seemed like a split of those who charge and those who don't. She suggested putting in an option for residents who are gone more than 90 days to shut off their water and charge them a \$20 shut-off and a \$20 turn-on fee. Councilor Gibby stated that he doesn't think the City is out of line by doing it the way they currently do it. He reported that he would be in favor of leaving it alone, but if they did want to take off fees, maybe reduce it by 50%, as services are still being used. He suggested charging a reconnect fee of \$25.00. Councilor Searle stated that he thinks the City is reasonably in line with the other cities and wouldn't mind seeing a reduced fee. Larry Hansen stated that everyone who is hooked into the system has a vested part of ownership of the system and that is why, from an accounting perspective, what the City is doing is OK. He stated that they have always prided themselves for being on the lower end of fees. He feels if they are going to make accommodations for someone who can afford another residence in another location, then they also need to look at social issues such as single parents and seniors that may not be able to afford the fees. Steve Brooks stated that he doesn't like the thought of giving special favors to a particular group and feels the City is asking for problems. Councilor Jenkins stated that this is not necessarily looking at a hardship, but is a matter of fairness. She doesn't think this is a concession but a policy and how Riverdale falls in line with other cities. Councilor Arnold stated that he thinks it is unfair to make concessions for a particular group, but this is about paying for service. He stated that the residents have the ability to turn it on or off and if service is off, the City is not billing that program. He stated that this is not a social program. Mayor Burrows inquired if the City currently charges a fee to connect or reconnect. Mr. Moulding replied that they are not. He explained that if the City shuts off water for non-payment then there is a reconnect fee. Mayor Burrows suggested that this be discussed at the Saturday, Strategic Planning session when the Consolidated Fee Schedule is discussed. **Mayor Burrows asked for consensus to discuss Snowbird Fees at the Strategic Planning Work Session to be held Saturday, May 22, 2010, under the Consolidated Fee Schedule. Consensus was reached.**

5. Consideration of setting hours and dates of operation for the Riverdale Splashpad

Lynn Moulding reported that he is proposing to set the hours for the splashpad from 10:00 a.m. to 8:00 p.m. everyday except Wednesday, when the hours would be from noon to 8:00 p.m. He explained that would give them five hours to do any maintenance on Wednesday. He stated that those hours would be in effect from Memorial Day to Labor Day when the splashpad would official open and close. Councilor Jenkins stated that she is concerned about the noise for the neighbors around the splashpad and inquired if the hours could be modified if the neighborhood didn't like it. Mr. Moulding stated that it would be better to modify the hours sooner than later.

Motion: Councilor Gibby moved to approve the hours and dates of operation for the Riverdale Splashpad. Councilor Searle seconded the motion.

Call the Question:

The motion passed unanimously.

H. Discretionary Items

Councilor Jenkins stated that Pat Crezee’s comments about signage on Freeway Park Drive was good and inquired if UDOT would see that as important. Mayor Burrows replied that he didn’t think UDOT would find that important as he has made a request for signage regarding Riverdale on I-15 and UDOT has said no. Councilor Jenkins inquired if it would be fair to ask. Mayor Burrows stated that he will ask about Freeway Park Drive interstate signage, as well as the other appeals to have signage that Riverdale exists.

Councilor Jenkins inquired if a permit was needed from the City to bring in equipment on a trailer for yard work. Mr. Moulding replied that a permit isn’t required if it is for their own private property. He explained that it would only be regulated if someone was doing work in the right-of-way. Councilor Jenkins inquired if there were any load limit concerns. Mr. Moulding replied no.

Councilor Jenkins reported that she has been looking at other city websites in preparation for the budget. She stated that the budget posted on the Washington Terrace web site is great and suggested that everyone look at it.

I. Adjournment

With no further business to come before the Council at this time, Councilor Gibby moved to adjourn the meeting. Councilor Jenkins seconded the motion. The motion passed unanimously. The meeting adjourned at approximately 9:00 p.m.

Approved: June 1, 2010

Attest:

Bruce Burrows, Mayor

Marilyn Banasky, City Recorder