
Minutes of the **Regular Meeting** of the **Riverdale City Council** held Tuesday, **July 6, 2010** at 6:00 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

Others Present: Larry Hansen, City Administrator; Steve Brooks, City Attorney; Randy Daily, Community Development Director, Dave Hansen, Police Chief; Lynette Limburg, Deputy City Recorder; and 9 citizens.

A. Welcome & Roll Call

Mayor Burrows called the meeting to order and welcomed those present. He noted that all Councilmembers were present.

Austin Schafer of Scout Troop #266 introduced himself. He was in attendance for a merit badge required to earn the Eagle Scout award.

B. Pledge of Allegiance

Councilor Searle offered the Pledge of Allegiance.

C. Moment of Silence

Mayor Burrows read a quote from the Continental Congress held July 8, 1778, which was followed by a moment of silence.

D. Open Communications

Crystal Nies thanked Larry Hansen and the Council for their help on the 4th (veteran's memorial fundraiser).

David Leahy, Chairman of the Veteran's Memorial Committee, gave an update on their progress. The committee has received the civil engineering plans and after some final changes have approval from the engineer. They will get the plans to the City Building Inspector for his approval. They hope to get started soon on the project. Lois Davis stated that the fundraiser at Old Glory Day's raised \$487.00. The committee has a total of \$7, 606.79 in their account for the memorial.

E. Presentations & Reports

1. Mayor's Report

Mayor Burrows thanked staff and council for all the work done on the Old Glory Day's celebration, especially Colleen Winget for all of her work. The celebration went very smoothly.

A five year commemoration of Senior's Center was held this week. Of all the residents there are eleven that have been living at the apartments since they were opened 5 years ago.

2. Recorders Report

No comments for recorders report.

F. Consent Items

1. Approval of meeting minutes from:

June 15, 2010 Work Session

June 15, 2010 Regular City Council

June 15, 2010 Closed Executive Session

2. Reschedule Strategic Planning work session for Tuesday, August 17, 2010

Mr. Hansen will be out of town so a request to reschedule the meeting to August 17, 2010 has been made.

3. Set a public hearing for July 20, 2010 to declare certain personal property as surplus to the needs of Riverdale City.

One Vehicle needs to be added to the surplus list.

Mayor Burrows asked for any comments on the consent items. Councilor Jenkins noted that the last time the Planning Commission was invited to a joint meeting with the Council the discussion with the Commissioners was scheduled at the end of the meeting. The Commissioners had to wait most of the evening for their involvement in the meeting. She suggested alternating the night of the joint meetings between the Planning Commission Meetings and the Council Meetings. Mayor Burrows said that they could look at that suggestion for future meetings. She asked if it would be possible to schedule this next meeting during a regular Planning Commission Meeting. Councilor Arnold stated that he will be out of town on the 17th. Mr. Hansen stated that the 10th would not work for him but they could defer to the August 24th. He also mentioned that there is a fifth Tuesday in August. Consensus was reached to hold the meeting on a Planning Commission night. After discussion of the dates mentioned available in August consensus was reached to hold the meeting on August 31, 2010, at 6:30 p.m.

Motion: Councilor Gibby moved to approve the consent items with the date change for the Strategic Planning Meeting to August 31, 2010. Councilor Hunt seconded the motion.

Call the Question: The motion passed unanimously.

G. Action Items

1. Consideration of Resolution #2010-25 adopting the Certified Tax Rate.

Larry Hansen presented the certified tax rate of .001278. He proposed that this rate be ratified by adopting resolution #2010-25.

Motion: Councilor Gibby moved to ratify the certified tax rate of .001278 for the City of Riverdale for fiscal year 2011 by adopting Resolution #2010-25. Councilor Searle seconded the motion.

Mr. Hansen noted that this tax rate is lower than the prior tax year, it being .001313.

Call the Question:

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

2. Consideration of Ordinance #761 creating a new section in Title 10 for Property Line Adjustments.

Mr. Daily stated that the Planning Commission has reviewed and held a public hearing on this ordinance and they recommend that it be adopted. This ordinance was brought about to satisfy the County's requirements for lot line adjustments. Currently the City does not have an ordinance that regulates how this is done. Typically it is done by a meets & bounds description or a quit claim. Councilor Hunt stated that he is not necessarily opposed to this but he asked what safeguards exist so that the City doesn't get into trouble with not being transparent in its process or with causing problems for adjacent property owners. Mr. Daily believes that this ordinance addresses those concerns plus it goes through legal counsel for review. If something comes in that is a civil matter such as an original bad survey that would affect the entire subdivision that would go back the Planning Commission. Council Hunt asked if this would cover primarily situations similar to the last person that came in who met all conditions, had no zoning ordinance violations, and was not controversial. Mr. Daily stated yes that would be the case and that he has looked at what other cities do and their process is similar to this. This covers what the county wants, which is basically something from the city saying that the boundary adjustment request has been reviewed and approved. The basis of this ordinance is to streamline the process for the petitioner. Generally the request is not one that would affect any other property owners adversely. Councilor Jenkins can see that an ordinance is appropriate when the County is requiring one. She just wants it to be a public process. She wants the Council to be aware of what may be going on. She doesn't feel that there are enough requests for this to be a burden to the Council. She appreciates that an ordinance is needed but she wants these requests to come through the public process. Mr. Daily clarified that any change in the boundary would have to comply with the zoning ordinance. The zone is in place and a petitioner cannot be in violation of the zoning. Mr. Brooks has reviewed the ordinance and feels that paragraph 8-3 requiring that zoning ordinances are met protects the City. Nothing new is being created and if zoning requirements are met why would a council deny a process that simplifies things to handle it at a lower level. He is comfortable with the ordinance as written. Councilor Gibby feels that if it is a non controversial request with all zoning requirements met why put a petitioner through the additional process of going through the Council when it can be handled administratively.

Motion: Councilor Gibby moved to adopt Ordinance #761 creating title 10, zoning and subdivision regulations, chapter 14, regulations applicable to all zones, section 13, property line adjustments, to provide for changes in handling simple property line adjustments throughout the city, providing for severability and an effective date. Councilor Searle seconded the motion.

Call the Question:

Roll Call Vote: Councilor Jenkins, Nay; Councilor Hunt, Aye; Councilor Searle, Aye; Councilor Arnold, Aye; Councilor Gibby, Aye. The motion passed 4 votes in favor, 1 vote opposed.

3. Consideration of Ordinance #762 amending title 10 Chapter 8, Agricultural Zone.

Mr. Daily stated that the Planning Commission has reviewed and held a public hearing on the proposed amendments to this ordinance. Their recommendation is to approve the amendments. It was noted that nothing commercial has ever been envisioned south of I-84 overpass. Mayor Burrows stated however that there are some businesses that have retail use such as the Motor Vu Drive In and Riverside Golf Course. Councilor Gibby suggested that the language be changed regarding sale of products at green houses and nurseries. Mr. Daily has added language as a conditional use that allows for the sale of materials produced on the premises, also to allow the sale of imported materials associated with the nursery operation. Councilor Gibby agrees with the proposed language. Councilor Jenkins clarified that this would be conditional. Mr. Daily concurred. Discussion followed and it was determined that it would be best to have this language in the A-2 portion of the ordinance requiring it to go through a conditional use process.

Motion: Councilor Gibby moved to approve Ordinance # 762 amending title 10, zoning and subdivision regulations, chapter 8, agricultural zone, to amend the statute to add a new agricultural zone and to better clarify the specific uses, restrictions and changes in each of the agricultural zones, providing for severability and effective date with the added language suggested on nurseries. Councilor Hunt seconded the motion.

Councilor Jenkins asked for clarification does this include food stands or does this just include nurseries. Mr. Daily stated that the selling of fruit or vegetable in an agricultural zone has never been regulated. Clarification was made that this is related more to a regular business and that sod farms would also be added to the list of uses. Councilor Gibby agreed as did Councilor Hunt. With that change the motion stands.

Call the question:

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

4. Consideration of Ordinance #763 Title 9, Chapter 1, Section 1: Building Codes Adopted; Chapter 3, Section 1: Plumbing Code Adopted; Chapter 4, Section 1: Mechanical Code Adopted.

Mr. Daily stated that the state mandates that these codes are adopted every 3 years. If the City wanted to amend any of these codes we would have to go before a state agency to request those changes. The city has always adopted the new codes when necessary.

Motion: Councilor Hunt moved to approve Ordinance #763 adopting current editions of the building, plumbing, and mechanical codes, providing a repealer, severability and an effective date. Councilor Arnold seconded the motion.

Call the Question:

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

5. Discussion of Proposed Council Rules and Procedures.

Motion: Councilor Gibby moved to untable the Discussion of Council Rules and Procedures. Councilor Jenkins seconded the motion.

Call the Question: The motion passed unanimously.

Mayor Burrows stated that the Council has before them a copy of proposed Council Rules and Procedures. The general concept of the policy is that the meetings remain orderly and in view of the public and that the newer guidelines given by the state for the Open Meetings Act are followed.

Mr. Brooks stated that Dave Church (Utah League of Cities & Towns) suggested that clear written policies and procedures be adopted by cities to clarify processes to be followed. Mr. Brooks has looked at the policies of other cities, some are short and others are huge and very complex. He put this one together with the intent of having a policy that allows for clarification of issues and creating a process that runs smoothly.

Discussion followed on the powers of the council. Councilor Jenkins is concerned that any changes made can be binding not only for this council but for future councils. Mr. Brooks stated that the difficult things to change are those that are in place such as the powers that the Mayor already has. According to state code those cannot be changed unless the full council decides to make changes. He again stated that the policy was written to clarify how things proceed.

Councilor Jenkins asked about getting additional information in regard to items on the agenda. Mr. Brooks stated it is about what the full body of the council wants that is why this is being addressed. There is nothing wrong with getting all the information one wants but it still comes down to a group decision. Mayor Burrows noted that there is a difference in self education and going to a specific agency to get information when it could be conceived that one person is representing the entire council. Councilor Gibby concurred that for one member to incur costs to the city for that type of information is wrong. Mr. Brooks stated that is why having a rule of some kind in place would be helpful. Mr. Brooks reminded the council that that it is a majority rule you always have the power to vote no if you are uncomfortable with information. He understands the frustration of different people having different comfort levels with the information they have. He wants a core set of rules in place that can be added to as we move along. Discussion followed concerning the flow of information. Mr. Hansen stated that the flow of information to the council is not being curtailed by staff. However, for the common good of the organization it seemed best to go through the one person requesting that information. Mr. Hansen clarified that when staff looks at agenda items they try to use good judgment to supply information for the council to make good judgments. Realizing that each councilmember has a different comfort level and each a different perspective the intent is to provide good information for all in a timely and efficient manner. Mayor Burrows suggested that if something else is needed for items being

discussed to bring it up earlier and not at the last minute. Councilor Arnold is concerned that it takes 2 members to get something on the agenda but it takes 3 members to get specific additional information. He asked how some of these policies are going to be enforced. His concern is that this policy may hamstring future councils. He is not comfortable with this policy. Mr. Brooks stated that he just wanted to get a discussion going with this policy. He is trying to make the process better but he did remind the council that majority rules and to make any changes it will take 3 members to pass any decisions on how to proceed with this policy.

Councilor Searle read this policy over and personally thought that it was well written and that it would be good to have something to follow. He said that it is how we do business and it's in black and white. He does not feel that anything is out in left field and feels that is it is good policy. Councilor Jenkins supports what Mr. Brooks has done. Her concern is not what it says but what it doesn't say. She feels that the council needs something that evolves, she also mentioned the possibility of appropriating funds to hire a council advisor to advise the council. Mr. Brooks again stated that this policy is just a starting point. Mr. Hansen reminded the council that a review and comment process has been put into place to get the information that staff needs to understand the concerns of the council on items before them. This policy was tabled on May 4th it has been two months and the only mark-up comments have been from the Mayor and Mr. Hansen. There is no way to accomplish consideration of action as it is now. He asked that each councilmember go through and mark the document up with their comments and notes. Or decide if they want this policy at all. It is administrations intent to help the council get things accomplished and with this process staff can have a better understanding of the concerns of the council. Mayor Burrows would like to start with state statute, then look at what the Utah League suggests and then look at other city policies and go from there with compiling this policy.

Motion: Councilor Searle moved to table discussion on the Policies and Procedures to allow members of the council to add their comments on the items that they feel need to be in the policy; these comments to be written (put it in black in white) for all to review. Councilor Gibby seconded the motion.

Call the Question:

The motion passed unanimously.

H. Discretionary Items

Councilor Gibby stated that he has received a comment from a neighbor near the splash pad requesting that the closing time be changed from 8:00 p.m. to 7:00 p.m. The same resident has talked to Councilor Searle and voiced his concern that the splash pad was open every day. He suggested that it be closed one day a week. He also has had a problem with people dumping the charcoal from their grills along his fence and leaving food in the area attracting seagulls. Cooking in designated areas is an issue that needs to be addressed. Mayor Burrows will have the current guidelines of park use e-mailed to each of the council members. Mr. Hansen appreciates the feedback in regard to appropriate use of facility. He noted that if the policy at the park is to be altered it should be put on the agenda of a council meeting. Discussion followed on the use of the park and problems that need to be addressed. Consensus was reached to have issues and guidelines for use of the park by placed on the next council agenda.

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 7:50 p.m.

Approved: July 20, 2010

Attest:

Bruce Burrows, Mayor

Marilyn Banasky, City Recorder