
Minutes of the **Regular Meeting** of the **Riverdale City Council** held Tuesday, **October 5, 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; Randy Daily, Community Development Director; Dave Hansen, Police Chief; Marilyn Banasky, City Recorder; and 23 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 excused City Attorney Steve Brooks.

B. Pledge of Allegiance

Councilor Arnold offered the Pledge of Allegiance. Mayor Burrows read a quote from the Continental Congress.

C. Moment of Silence

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

D. Open Communications

Bruce Budrow thanked the Mayor and Council for the help that was given to him on his utility bill after he spoke a few months ago in Open Communications. He presented a Thank You card to the Mayor and Council.

Justin Baker reported that he lives in the Tibbets subdivision. He stated that he is here to talk about the requirement to have a dog on a leash on private property and would like that changed. He stated dogs that roam should be watched over and dogs that attack should be restrained, but his dog stays in his yard. He reported that he will be cited if he is playing fetch with his dog in the front yard if his dog isn't on a leash. He doesn't think that every dog needs to be restrained at all times and feels it isn't fair to the owner or the animal. Mr. Baker reported that he started a petition in his neighborhood and wants to get the ordinance changed to allow dogs to be unrestrained on private property, with the owner's permission. He understands that if the dog leaves the property or attacks another dog is another matter as he doesn't think people should leave their dogs unattended if they are unrestrained. Mayor Burrows stated that Mr. Baker can contact either the police or the animal control officer and because of the current situation the current ordinance will be reviewed and could be brought back to the Council in the future. Mr. Baker reported that he has already talked to the Police Chief and Randy Daily and that no one has a clear answer. Larry Hansen reported that administration will review the ordinance and will

coordinate with the City Attorney to draft an ordinance that is applicable. He stated that they will be in contact with Mr. Baker.

Dave Leahy with the Riverdale City Veteran's Committee thanked the City for the outstanding job of getting the memorial ready. He reported that the bushes have been removed, all the lights are up, and the handicap access is completed. He stated that they are presently in the process of finalizing the Memorial dedication program with Councilor Searle as the Master of Ceremonies. He stated that it has been brought to his attention that the Jacobs brothers needed to be on the memorial as they were the only two veterans killed in action from Riverdale. He reported that the Veteran's Committee is giving them two 8 x 8 tiles with emblems on them. He stated that they are trying not to leave anyone out and if anyone knows a veteran that wants to get on the Memorial, please let the Committee know.

Jason Glassman reported that he loves Riverdale and has been here four years. He stated that he is here to give support to Justin Baker and that Mr. Baker's dog gives the neighborhood character. He stated that the dog doesn't leave the yard.

Joni Ray reported that she supports Justin Baker too. She wondered if anything was going on to make Spice illegal in Riverdale. She stated that she has a family member addicted to it and feels it needs to be banned from our City so that it doesn't reach the rest of the families.

Councilor Gibby read a letter into the record (attached) regarding his thoughts on the Veteran's Memorial and not allowing all those with military service to be on it.

Jerry Seifert reported that he is here about the leash law. He stated that if he is in his front yard with his dog, he doesn't understand why the dog would need to be on a leash on private property. He expressed concern that if Justin Baker wants to throw the ball for his dog in the front yard, the dog would have to have a leash on. He suggested that Mr. Baker could possibly get a variance if the ordinance can't be changed.

E. Presentations and Reports

1. Mayor's Report

Mayor Burrows read letters from the Utah Local Government Trust regarding an insurance rebate, and a letter from Weber County informing the City that the City's application for funds for storm water improvement on 4400 South was approved in the amount of \$100,000.

F. Consent Items

- 1. Approval of meeting minutes from:
September 21, 2010 Work Session
September 21, 2010 Regular City Council
September 21, 2010 Closed Executive Session**
- 2. Review and comment by October 13, 2010 on Ordinance #772 Title 10, Chapter 14, Section 4: Yard Regulations.**
- 3. Review and comment by October 13, 2010 on Compensation & Benefits review.**

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

Call the Question: The motion passed unanimously.

G. Action Items

Agenda Item G3 was heard first.

3. Consideration of appointing the Riverdale Justice Court Judge.

Mayor Burrows reported that the Judicial Review Committee forwarded him three names for the Riverdale Justice Court Judge and that he interviewed all the candidates. He recommended appointing Reuben Renstrom for the Riverdale Justice Court Judge. Councilor Searle reported that Mr. Renstrom represented his son and family recently in a child custody case and that he was in no way involved in the selection process and wanted to state that for the record.

Motion: Councilor Gibby moved to appoint Reuben Renstrom as the Riverdale Justice Court Judge. Councilor Arnold seconded the motion.

Call the Question:

The motion passed unanimously.

Reuben Renstrom gave a brief history of himself and his family. He stated how proud he is to serve in Riverdale as he was a former resident and a victim of the Riverdale flood. He looks forward to repaying the debt to Riverdale for the kindness that was shown to him during that time.

1. Consideration of Resolution #2010-37 adopting an Agreement to Develop Land (ADL) with Miller Family Real Estate, LLC.

Larry Hansen reported that he and Mr. Brooks have been working with the attorney for the Miller group and came up with the Agreement to Develop Land (ADL) which includes the vacation of the right of way. He stated that this ADL combines elements that would normally be found in a Developer's Agreement and consolidated what was necessary into the ADL so there is one legal document that serves both Riverdale City and the RDA.

Motion: Councilor Arnold moved to approve Resolution #2010-37 adopting an Agreement to Develop Land (ADL) with Miller Family Real Estate, LLC. Councilor Searle seconded the motion.

Councilor Jenkins stated that a Developer's Agreement allows for things that are possibly outside of the zoning ordinance and is somewhat concerned that a significant part of the site plan procedure seems to have been skipped as there was no conceptual site plan approval. She reported that she came to the Planning Commission meeting to see what was there during the preliminary site plan approval. She stated that the RDA discussed the Use approval but not the specifics of the site. Councilor Jenkins feels that traffic is an issue and hoped that elements for the gateway to the City of Riverdale could have been incorporated in a Developer's Agreement. She feels since there is no Developer's Agreement and no discussion with the Council regarding conceptual site plan issues that there are probably a lot of gaps. She stated that this is a gateway project and wants it to be welcome to Riverdale and not welcome to Larry Miller. Larry Hansen stated that the development of the site in this ADL refers to the fact that they will be coming through the Planning Commission and the public process to get approvals associated with the site plan, which would include many of the elements she mentioned. He stated that the Design Review Committee will also talk about the look of the project. He feels the demolition of the Cinedome and replacement with a car dealership

will be a significant improvement to the entry to the City. He stated that the RDA gave the Use approval, the Planning Commission gave preliminary site plan approval, and this project is moving forward. He stated that Title 10 issues can be handled and that the ADL deals with the vacation of the road. He stated that if there were a consensus to have something specific added to the ADL, it could be marked up, but he feels the ADL is good. Mayor Burrows stated that traffic is addressed in the final site plan review. Randy Daily stated that the concept and preliminary aspect of review process is handled with the Planning Commission and not the City Council. He reported that the City Council gives final site plan approval. He stated that the RDA approved the concept when it gave Use approval and then the project moves forward to the Planning Commission for preliminary site plan approval. He stated that he and Mr. Hansen went through a Developer's Agreement line by line and feels any issues are being met under the requirements of the zone. Councilor Jenkins read from Title 10 code and discussed the difference between a Use approval of the RDA and a conceptual plan by the Planning Commission. She feels the conceptual step was missed. She is open to marking the ADL up and leaving the door open on traffic needs. Mr. Daily stated that he feels the RDA did do the conceptual plan. Councilor Arnold agrees with Councilor Jenkins, but feels this doesn't have anything to do with the Miller group and that it could be discussed under Discretionary. Councilor Arnold called the question.

Call the Question:

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

Mayor Burrows suggested recessing from the City Council meeting into the RDA meeting.

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

Call the Question:

The motion passed unanimously

The meeting recessed at 7:12 p.m.

The meeting reconvened at 7:18 p.m.

2. Consideration of Resolution #2010-38 adopting a settlement agreement between Riverdale City and Reagan Signs.

Larry Hansen stated that the Riverdale City and URMMA attorneys have recommended and negotiated the agreement to settle litigation with Reagan Signs over the Freeway Park billboard sign that could be installed on the UTA park and ride lot. He recommended approving the agreement.

Motion: Councilor Hunt moved to approve Resolution #2010-38 approving a settlement agreement and release with Reagan Outdoor Advertising of pending litigation arising from the placement and size of a billboard off I-15 within Riverdale City limits. Councilor Gibby seconded the motion.

Call the Question:

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

4. Consideration of Resolution #2010-13 establishing Council Rules and Procedures.

Mayor Burrows asked for consensus to proceed without discussing this item. Consensus was reached.

H. Discretionary Items

Councilor Arnold stated that he thinks that Councilor Jenkins read the code word for word and that she is not being unreasonable in her concern that the conceptual site plan step was missed on the Larry H Miller project. Councilor Jenkins stated that when things come before the RDA Board they are specifically asked to look at the use and then it goes through the normal process. She feels it is an unfair burden to a developer to make changes after they get to a preliminary plan and she sees value in the conceptual plan. Larry Hansen reported that they have had some previous discussion about clarifying the RDA Board duties and Use approval. He stated that he has had discussions with the RDA attorney. He feels her questions have merit and may need clarification to get rid of any unnecessary redundancy. He reported that the RDA attorney has given him preliminary information that there probably is less latitude in the RDA Board authority to be able to discriminate on uses if they are not specifically addressed in the project area plan. He stated there may be the possibility that the RDA Board takes into consideration additional things during a Use approval presentation and may not prohibit the review of the conceptual site plan process at that time. He stated that the RDA Board has restrained themselves to a narrow view of Use approval process and that they have advised the RDA Board to steer clear of site plan related issues, but the project area does allow consideration of those questions and the attorney says the RDA Board does have that latitude. He stated that he is hoping to get a letter back from the RDA attorney by the next RDA meeting. He feels that if the RDA addresses it, then he thinks that is sequentially correct. Councilor Jenkins stated that this is a public process and she never wants to see a development get so far and be a burden to the developer to make them backtrack. She stated that if the RDA can deal with it then they should adjust Title 10 to specify it. Larry Hansen stated that this project has been before the public for a while and was well intentioned. Randy Daily stated that the process has been when the RDA Board approves the Use it then goes to the Planning Commission for preliminary site plan approval. He stated that if the RDA wants to see a concept plan that can be done. He reported the Miller project is in a Planned Commercial zone which doesn't require a conceptual plan. Councilor Arnold stated that they have an opportunity with the Miller group to have an identity of the City and that they have previously talked about lampposts and hanging baskets throughout the City. He felt this was a good opportunity to begin the identification process.

Councilor Jenkins reported that the City will hold a pumpkin decorating class at the Community Center on Saturday.

Councilor Jenkins inquired about the Spice issue that was brought up during Open Communications. Police Chief, Dave Hansen replied that the State Legislature is taking it up and feels it will be state law that Spice will be illegal.

I. Adjournment

With no further business to come before the Council at this time, Councilor Arnold moved to adjourn the meeting. Councilor Gibby seconded the motion. The motion passed unanimously. The meeting adjourned at approximately 7:37 p.m.

Approved: October 19, 2010

Attest:

Bruce Burrows, Mayor

Marilyn Banasky, City Recorder