



Minutes of the **Regular Meeting** of the **Riverdale City Council** held Tuesday, **June 7, 2011** at 6:03 p.m. at the Riverdale Civic Center, 4600 South Weber River Drive.

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

Others Present: Larry Hansen, City Administrator, Steve Brooks, City Attorney,
Lynn Fortie, Business Administrator, Shawn Douglas, Acting
Public Works Director, Dave Hansen, Police Chief, Ember
Herrick, City Recorder and 13 citizens.

A. Welcome & Roll Call

Mayor Burrows called the meeting to order and welcomed all in attendance.

B. Pledge of Allegiance

Mayor Burrows led the Pledge of Allegiance after which he read a quote from John Adams stating that without religion this world would be something not fit to discuss in polite company.

C. Moment of Silence

Mayor Burrow's quote was followed by a moment of silence when he asked everyone to remember those serving in our armed forces.

D. Open Communications

Chuck Kerkvliet reported that the Veteran's Memorial now has 167 tiles memorializing the names of 220 service members. There were no additional comments.

E. Presentations and Reports

Mayor Burrows said the city newsletter announcing the recycling program is getting mixed responses. He thanked the Veteran's Committee for their efforts to make the city's Memorial Day celebration a success. According to Mayor Burrows, Fire Chief Doug Illum is not attending tonight's meeting because he is overseeing efforts to prevent flooding by pumping irrigation water down stream. He also read from the Proclamation for the Pink Fire Trucks Tour and encouraged everyone to support the event on Thursday June 9, 2011.

City Administrator Larry Hansen gave a brief flooding update in the absence of Chief Illum stating that the area between River Glen and the Weber River is a channel used to drain water. According to Mr. Hansen, this latest flooding is irrigation water accidentally sent downstream. He said the storm channel has been dammed off for now and the city's pumping efforts are working to protect homes in the area.

Mr. Hansen excused Jim Robinson who was scheduled to present at tonight's meeting but is busy as a member of the fire department currently working to prevent the flooding.

City Attorney Steve Brooks informed the Council and staff that the 2011 Legislative Report is available for their review. Councilor Jenkins asked if she could send her comments and questions to Mr. Brooks and he encouraged her to send him an email.

Mayor Burrows asked if anyone had any questions about the Community Development Report and Councilor Jenkins asked about the status of In-N-Out Burger and Mr. Hansen said they are tied up opening stores in Texas until later this year. Mayor Burrows said the city is working to encourage them to start construction as soon as possible. Councilor Jenkins also asked about Five Guys Burgers and Fries and Mr. Hansen said there was nothing official, just a reference in the newspaper that they planned to open a location in Riverdale City at some point in the future.

Mayor Burrows asked if there were any corrections or amendments to the May 17, 2011 meeting minutes and none were noted.

Mayor Burrows informed the Council that they have a week to review and comment on the city administrator Larry Hansen's contract renewal proposal.

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

Call the Question: The motion passed unanimously.

G. Action Items

Mayor Burrows opened the public hearing to receive and consider public comment regarding proposed amendments to the FY 2010-2011 budget and with no comments from the public he asked the Council and staff for their input. Councilor Jenkins asked about the parks engineering budget and a \$16,000 change and Mr. Hansen said he believed part of the expense was to pay the city engineer for the work he did to prepare the bids for the trail reconstruction proposal. He said that he would get the exact information to the Council before they vote on it on June 21, 2011.

Motion: Councilor Gibby moved to close the public hearing. Councilor Jenkins seconded the motion.

Mayor Burrows asked for any discussion on the motion and Councilor Jenkins asked City Administrator Lynn Fortie why the new tentative budget showed the cost to buy new Christmas decorations in 2012 when the funds had already been budgeted for but unused in 2011. Mr. Fortie explained that the budget started from scratch annually, with no funds held over and items not paid for in previous years being budgeted for in the next fiscal year. Councilor Searle asked about the cost of the proposed new roundabout at 700 West and 4400 South and Mr. Hansen said there was money in the RDA budget to help pay for the project.

Call the Question: The motion passed unanimously.

Mayor Burrows opened the public hearing to receive and consider public comment regarding proposed amendments to FY 2011-2012 budget for all funds and there were no comments from the public, Council or staff.

Motion: Councilor Gibby moved to close the public hearing. Councilor Jenkins seconded the motion.

Councilor Jenkins said that the \$381 reference in the proposed draft of ordinance 787 be removed from the final version to the amendment

The first and second on the motion both agreed to the amendment to strike the \$381 amount from Ordinance 787.

Call the Question: The motion passed unanimously.

Mayor Burrows opened the public hearing to receive and consider public comment regarding proposed amendment to Riverdale City Code 1-7F-6 Justice Court Judge and updating 1-7-1 Human Resource Manual and there were no comments from the public.

Mr. Fortie said this ordinance will establish the wage of the mayor, council, and staff by adopting a salary schedule and specifying the salary of the justice court judge.

Motion: Councilor Gibby moved to close the public hearing. Councilor Hunt seconded the motion.

Call the Question: The motion passed unanimously.

Councilor Jenkins said there was an error in Resolution 2011-13 under the Council and Mayor heading it should read “new” in stead of “same” for the salary schedule. Mr. Brooks noted the change and explained to the Council that the state statutory requirement have established that the average increase to all of the employees in the system will be the raise that the justice court judge receives

Motion: Councilor Gibby moved to add the word “new” to the heading of Resolution 2011-13. Councilor Arnold seconded the motion. Mayor Burrows asked for any discussion on motion, there was none.

Call the Question: The motion passed unanimously.

Mayor Burrows opened the public hearing to receive and consider public comment regarding proposed amendments to Code Chapter 12 The Consolidated Fee Schedule and asked for comments, there were none.

Motion: Councilor Gibby moved to close the public hearing. Councilor Jenkins seconded the motion.

Call the Question: The motion passed unanimously.

Mayor Burrows asked Mr. Hansen for a report on the bid process for the proposed sanitary sewer liner project. Mr. Hansen said this is specialized work and that accounts for only one bid being received from Insituform Technologies, Inc. He said that the bid amount of \$185,427.00 came in under the amount the engineer estimated for the project and that this company's liner technology will prevent the city from digging up the street to perform the work.

Motion: Councilor Gibby moved to award the bid for the Sewer Liner contract to Insituform Technologies Inc. in the amount of \$185,427.00. Councilor Hunt seconded the motion.

Mayor Burrows asked for discussion on the motion and Councilor Jenkins asked when the project would begin and how it might affect traffic. Mr. Hansen said this type of work is quick and would be performed at night to avoid tying up traffic. He said that although Insituform has other projects in the works he was not aware of any reason that the project would not be completed expeditiously.

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

Mayor Burrows said the next item for consideration is Ordinance 786 amending the Larry Miller Subdivision at 1481 West Riverdale Road. Mr. Daily said the Planning Commission recommend approval of taking all the parcels and combining them into one subdivision for the new property owners and asked the Council if they had any questions. There were no comments or questions from the Council.

Motion: Councilor Gibby moved to approve Ordinance 786 for the subdivision and consolidation of properties owned by the Larry Miller Group for the purpose of the development of the Larry Miller Chrysler/Jeep auto dealership, located at 1481 West Riverdale Road. Councilor Searle seconded the motion.

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

Mayor Burrows asked Mr. Daily for an overview of the proposed zoning map changes stipulated in Ordinance 785 which would amend the zoning map at 1481 West Riverdale Road from various zones to CP-3. Mr. Daily told the Council that the rezone was what the city had agreed to in a 2010 Agreement to Develop Land (ADL) and that the Planning Commission had given their favorable recommendation after a public hearing in which no one from the public attended to voice any concerns about the change. Mayor Burrows asked the Council for their questions and comments and Councilor Jenkins said she

thinks the land should be zoned CP-2 which will allow for the auto dealership but will limit future commercial uses of the property to prevent traffic congestion. Mr. Daily said he is confident the dealership will be a long-term owner of the property and he reminded the Council that all of the surrounding properties already zoned CP-3 have approved building site plans already on file with the city.

Councilor Gibby said the Council is legally bound to approve the petitioner's request for a zone change because they previously agreed to this CP-3 zone change as part of the ADL. He also expressed concern that the city could be subject to lawsuits if the Council now tries to rezone the entire area to a CP-2 designation. Mr. Hunt asked what would happen if the Hayward Business Park approached the city about a different use than office park for their property. Mr. Hansen said if the change was within the allowable uses for the zone, there is only so much discretion the city can exercise over the property owner. He added that the city doesn't have an ADL with Hayward like they do with the Larry Miller Group stating that a CP-3 designation will be granted. Councilor Jenkins said the ADL reads: "CP-3...or a similar commercial zoning district" and as car dealerships are allowed in CP-2 zones she would prefer that zoning designation to limit the future uses of the property. Mr. Brooks said the petitioner is requesting CP-3, not CP-2 and in his legal opinion it is too late to require them to accept a CP-2 designation.

Councilor Gibby said there are financial ramifications to downgrading a property's zone from CP-3 to CP-2 and in his opinion the Larry Miller dealership has made it clear they want to be considered a regional commercial rather than a residential commercial property. Councilor Arnold said if a car dealership is still allowed in a CP-2 zone he doesn't see why the property owner would object to a CP-2 designation. Mr. Daily said the viability of the future of the property for resale would be greatly affected. Dee Hansen a representative for the Larry Miller Group addressed the Council and said that originally the owners had asked for a C-3 zoning and had compromised with the city for a CP-3 designation, he said they do not want a CP-2 designation for their property.

Councilor Hunt said in his opinion it is too late to consider a zone change for this parcel and he recommended that the Council focus instead on the site plan for the Hayward Park to create a residential housing buffer. Councilor Gibby said a regional commercial zoning designation for this property on Riverdale Road is appropriate now that the developer has invested their money to create this new car dealership and he thinks any other zoning designation would be poorly advised. Councilor Jenkins said this property is a special case because the intersection cannot handle high traffic flow. Mr. Daily said the ADL also protects the city as the Larry Miller Group is required to run their business without becoming a nuisance to the residential properties in the area. He said if issues arise that affect the residential areas, the city can deal with those at that time. Councilor Searle said in his opinion the ADL requires the city to rezone this property to CP-3 and the area to the South is where there is a real concern about impact on the residential neighborhoods. Mr. Daily said most of the properties to the South are already zoned CP-3.

Motion: Councilor Gibby moved to approve Ordinance 785 amending the land use map for 10.9 acres of property, located at 1481 West Riverdale Road and used for the Larry Miller auto dealership from the existing zones of CP-3, CP-2, A-1 and R-1-10 to CP-3. . Councilor Arnold seconded the motion.

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

Mayor Burrows asked Mr. Daily for a summary of the Planning Commission's recommendation regarding the Scenic Development land use petition for a 16.9 acre parcel zoned office park at approximately 900 W. River Park Drive. Mr. Daily told the Council the proposal from Scenic Development and their discussion including the Planning Commission meeting minutes were included in their packet. Mr. Daily said his executive summary included an outline of the zoning process so that the Council could see the different steps in the process. He said the developer was looking for some guidance from the Council on how to successfully proceed with their request to develop apartments. Mr. Daily said that he had created a new zone to accommodate the developer's proposal but the Planning Commission had recommended that the developer work to fit their project within the existing zones and were also asking the Council for direction as to future use of the property and whether or not the Council would allow apartments to be built at this location.

Councilor Jenkins said the developer was told by the Council that they were proceeding at their own risk. She said that since a newspaper article on the proposal was published she had received feedback from residents in opposition to the construction of a high density apartment complex in the area. Councilor Jenkins said the developer appears to have a good track record but added that there is no guarantee they will own and maintain the property long-term. She said that with the current economy apartment vacancies are low right now but in the future she is worried the requirements for tenants could decrease to fill the complex and she is concerned and the costs outweigh the benefits for the city. Mayor Burrows asked that Councilor Jenkins qualify her remarks that those residents that contacted her, not the entire city, feel this way. Councilor Jenkins said that she is also concerned about the additional traffic rental housing could create on Ritter Drive.

Councilor Hunt said he shares the Planning Commission's concerns about the impact of 300 units in that part of the city and that although it appears to be a nice development on paper, the density concerns him. Mr. Daily said the developer didn't request that he write a new zone to accommodate their development but he did it because he thought it would give the city more flexibility. He said his draft was modeled after similar Weber County ordinances for overlay zones. Councilor Hunt said the precedence for overlay zones in Riverdale like Zupas and Noodles and Jiffy Lube have an inconsequential impact on the city compared to what this complex could have on the city. Councilor Gibby said this is the toughest issue he has looked at since Ritter Drive because he believes the developer should be allowed to use their property and he can see the benefits of more residential shopping in the commercial core but he is also concerned about the density and traffic in the area.

Councilor Arnold said he is opposed to the proposal because it is so near the river and flood plain and he believes the traffic and density aren't desirable for the area. Councilor Searle said he was impressed with Scenic Development's proposal and thinks as long as they are managing it, it would be well taken care of but he is also concerned about the density and traffic on Ritter drive. He said that he may be in favor of a proposal with lower density.

Kim Rindlisbacher of Scenic Development said they looked at Randy's rezone as a way to work between the two parties but the layout was just a sketch idea and they would consider less density. He said this piece of ground is expensive and they will only be able to reduce density to the point they can still make a profit on the venture. According to Mr. Rindlisbacher traffic studies indicate that office park brings in considerably more traffic than an apartment complex and his company is eager to take the recommendations of staff and the Council to find something that will work for all of the parties as they view this as a great location that will lend itself to a successful community.

Chris Terry said he works for a local Real Estate Firm as a mediator with Scenic Development and DDRC and that this property has sat vacant for so long because there is no market for an office park. He confirmed that in their traffic studies an office park would create more congestion than the proposed multi-family housing development. Councilor Hunt asked what hazards this kind of density could create so near the river on the ecosystem and said he would like to see the trail system incorporated into the plan to create a buffer between the development and the trailer park. Councilor Jenkins asked if the plan called for basement apartments and the developer said there were not any and that the plan attempted to avoid the flood plain. Mr. Terry said this is the best proposal DDRC has received for the property to date.

Mr. Rindlisbacher asked the Council what kind of density they would be willing to work with and Councilor Gibby said he feels better about 200 than over 300. Councilor Hunt said he would like to see a traffic study comparing the congestion for this housing development over an office park. Mr. Rindlisbacher said they will do a traffic study and added that in his opinion because of its location this parcel is only viable for multi-family housing as it too close to commercial for private homes and too far off Riverdale Road to be attractive for commercial use. Mayor Burrows said the city would be willing to put them on a future agenda to review their traffic study.

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

Call the Question: The motion passed unanimously.

Mayor Burrows called for a five minute adjournment. The Council took a short break from 7:55 PM until resuming for an RDA meeting at 8:05 PM. The City Council meeting continued at approximately 8:50 PM.

Mayor Burrows asked Councilors Jenkins and Arnold to explain why they requested a discussion of future strategy for the replacement of the Public Works Director. Councilor

Arnold asked if the Council should recess into an executive session and Mr. Brooks said the discussion would be appropriate in an open meeting setting unless they were going to discuss the competency or qualifications of a particular individual. Mayor Burrows asked if Councilors Jenkins and Arnold were proposing that the Council be given oversight in the hiring process and Councilor Jenkins said she believes the city would be better served with a Public Works Director who is also an engineer. She added that with department heads retiring she would like the Council to have input on the future restructuring of these positions but she said she feels she can only speak freely in a closed executive session where they can discuss the specific people that work in these positions. Mayor Burrows told the Council that these department heads aren't appointments made by the Council but are public employees and work under the City Administrator. He said it is the city's policy to promote qualified candidates from within when someone capable and qualified is available and when they are not, to hire someone from the outside.

Councilor Gibby said he feels the Council can discuss whether or not the city's best interests would be served by hiring an engineer to fill the position in an open meeting. He said he thinks the city needs someone that knows what is under the city and can work alongside the staff. Councilor Jenkins said if the city hires an engineer it could save the city money and she asked if the department could run with the acting public works director and an engineer co-managing the department. Councilor Searle said he is concerned that an engineer won't be able to do many of the duties of a public works director and from a legal standpoint, many things must be peer reviewed, so the city would need to contract with an outside engineering firm either way. He said in his opinion the city has a contract with a competent City Administrator who is qualified to hire for this position and he doesn't want the Council to micromanage this decision.

Mr. Hansen said this is a significant change when someone with institutional knowledge and tenure like Mr. Moulding retires. He said coming from a banking background he values money and people and sees these opportunities as chances to change and improve the organization. He asked the Council to give him their confidence as he slowly works through the vetting process to choose a new Public Works Director. Mr. Hansen said the staff is qualified and experienced enough to move forward with Shawn Douglas as the acting director and pointed out that during the transition people have rallied around Mr. Douglas and synergies are being created. He said organizationally the city wants to be careful about the message it sends if we hire based on credentials and not fit and he added that having an engineer won't save the city engineering costs. Mr. Hansen said he wants to proceed cautiously and suggested an new RFP would be appropriate to see if there is money that can be saved on engineering expenses and to redefine the scope of professional services provided by the city's engineer. Mr. Hansen said he sees viable considerations to look at before making a decision but he is open to saving money where the departments can.

Councilor Arnold said he is impressed with Mr. Hansen's approach to fill the position but said that he would like responsibilities to be divvied out to those within the organization that can do the jobs to save the city the cost of hiring outside expertise. Mr. Hansen said it is his responsibility outlined in his job description to create a successful organization and in his opinion all the parties want the same outcome, but have different perspectives on how to get there. Councilor Jenkins said asking that this discussion be put on

tonight's agenda was merely to understand the process and not to micromanage the decision. Mr. Hansen said because he has the support of the staff he has been able to downsize and fix the organization along the way as opportunities have come up by using the staffing authorization plan as a benchmark.

Mayor Burrows asked if the Council wished to adjourn into an executive session to discuss Mr. Hansen's contract renewal and Councilors Arnold, Hunt, and Gibby said that they didn't see the need for one at this time. Mr. Hansen said in the packet he had provided the Council with a Tech Net survey of what other city administrators are paid in Utah. He said the cities were not identified and if the Council wanted to see that information he would be happy to provide it for them in an executive session setting.

Motion: Councilor Gibby moved to recess into an executive session for the purposed of receiving the information about city administrator's salaries. Councilor Jenkins seconded the motion.

Call the Question: The motion passed unanimously.

The Council adjourned into an executive session at 9:40 PM and resumed again at 9:45 PM.

Discretionary Items

Councilor Searle asked about a possible tripping hazard associated with the bricks around the Veteran's Memorial and a sharp drop from the curb to the road along the sidewalk and asked if the risk management committee or someone from public works could take a look at these problem areas.

I. Adjournment:

With no further business to come before the Council at this time, Councilor Gibby moved to adjourn the meeting. Councilor Searle seconded the motion. The motion passed unanimously. The meeting adjourned at approximately 9:50p.m.

Approved: June 21, 2011

Attest:

Bruce Burrows, Mayor

Ember Herrick, City Recorder