



**RIVERDALE CITY COUNCIL AGENDA
CIVIC CENTER - 4600 S. WEBER RIVER DR.
TUESDAY –JULY 3, 2012**

Minutes of the **Regular Meeting** of the **Riverdale City Council** held Tuesday, **August 7, 2012** at 6:02 PM at the Riverdale Civic Center, 4600 South Weber River Drive.

Members Present: Bruce Burrows, Mayor
Don Hunt, Councilor
Norm Searle, Councilor
Alan Arnold, Councilor
Braden Mitchell, Councilor
Michael Staten, Councilor

Others Present: Larry Hansen, City Administrator; Randy Daily, Community Development Director, Steve Brooks, City Attorney; Dave Hansen, Police Chief; Ember Herrick, City Recorder and seven members of the public including Chuck Kerkvliet, David Leahy, Captain Earl Simmons, Holli Simmons, Richard Malumby, Kim Cox and Steven H. Eichemeier.

A. Welcome & Roll Call

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

B. Pledge of Allegiance

Mayor Burrows led the Pledge of Allegiance. In place of a quote, Mayor Burrows stated his support for the military's Community Covenant program on the agenda to be considered by the Council.

C. Moment of Silence

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

D. Open Communications

Mayor Burrows invited any member of the public with questions or concerns to address the Council.

Riverdale Resident Kim Cox said on Saturday August 4, 2012 a band was playing at the Riverdale amphitheater and the decibel levels were so high that her windows were vibrating and pictures were falling off the walls of her home. According to Ms. Cox, her understanding of Riverdale's city code is that park concerts are exempt from the city's noise ordinance so when she called the police and asked them to request that the band turn the sound down, levels continued to be loud. Ms. Cox said other cities don't exempt

park concerts from the city's noise ordinance and in consideration of her school aged children, her husband who goes to bed early to leave for work at 4 a.m., and other affected neighbors, she would like the city to reconsider allowing people to play loud music in Riverdale Park until 11 p.m.

Riverdale Resident Richard Malumby said the concert on Saturday was too loud and negatively impacted the homes that border Riverdale City Park. He said the new venues the amphitheater and the splash pad were installed without the city consulting with the neighbors' that would be impacted. He said now there are problems he would like to have input on possible solutions. Mr. Malumby also complained that he was offended by a recent Standard Examiner newspaper editorial and comic where Councilors Hunt and Arnold were quoted complaining about residents "whining" about the splash pad hours.

Mayor Burrows stated for the record that the Council members were misquoted and misrepresented in the Standard Examiner article.

Riverdale Resident Steven Eichemeier said the two new venues in Riverdale Park are excellent but he said he is concerned about the impact on the neighborhood if this becomes a popular venue for outdoor concerts and bands. He said if Riverdale City doesn't put restrictions in place this won't be the last loud concert at the amphitheater and he recommended staff consult with other neighboring cities to see what policies work to protect neighbors from park noise.

Riverdale City Attorney Steve Brooks said new park rules have been in place since March 2011 when the splash pad opened. According to Mr. Brooks, an entire section of Riverdale City's code addresses park rules and there is an acceptable decibel level stipulated in the ordinance to protect neighbors. He questioned if this event should have obtained a Special Event Permit from the city and said the city would need to research if the park's large pavilion was reserved on the evening of Saturday August 4, 2012. Councilor Searle said RCC 4-A 4 states that outdoor concerts in the park are exempt from the city's noise ordinance and he said when he researched neighboring city ordinances like Washington Terrace they do not have a different noise standard for special events. He said this discrepancy needs to be addressed so that neighbors of the park aren't negatively impacted moving forward.

City Administrator Larry Hansen said the Council previously tabled discussion on the splash pad hours until September 18, 2012 and he asked if the Council would like to address other park rules identified as concerns by residents in tonight's open communications during the September 18, 2012 meeting.

There were no additional questions or comments from the public.

E. Presentations and Reports

Mayor Burrows said the Utah League of Cities and Towns annual conference is coming up and registration forms should be submitted by Council members to Administrative Assistant Lynette Limburg as soon as possible. He said the Riverdale Fire Department is testing fire hydrants throughout the city to ensure that they are working properly and the

Weber County Fair will start on Wednesday August 8th and will run through Saturday August 11, 2012.

Councilor Searle said he is excited so many Riverdale City businesses are remodeling as indicated on the Community Development Report. According to Councilor Searle, this is a positive sign of economic growth for the city.

There were no comments or questions on the Recorder's Report or the Community Development Report. The City Recorder gave a brief report on new microphone options to improve the quality of the city's meeting recordings and said that the Council will have options to review at their September 21, 2012 Council meeting.

F. Consent Items

- 1. Review of meeting minutes from:
July 17, 2012 City Council Work Session
July 17, 2012 City Council Regular Session**

Mayor Burrows asked if there were any changes to the meeting minutes and none were noted.

- 2. Review draft agenda and set August 21, 2012 for a Joint Strategic Planning Meeting with City Council, Planning Commission and Staff**
- 3. Consideration of setting a public hearing on August 21, 2012 to declare city property as surplus to the needs of Riverdale City**
- 4. Review and comment by August 14, 2012 on Ordinance 812 proposed amendments to Riverdale's On-Premise Signs Ordinance RCC 10-16**

Councilor Arnold said when he drove on Parker Drive after dark recently he noticed a bright green hue coming from the Riverside Storage sign illuminating the nearby River Glen subdivision and he asked Community Development Director Randy Daily for an update on the broken dimmer function of this sign. Mr. Daily said Code Enforcement Officer Randy Koger had spoken with the storage facility's manager as soon as residents informed the city that the sign was not dimming properly. He said Riverside Storage had agreed to turn their sign off after 10 p.m. until the dimmer switch was fixed. According to Mr. Daily, a resident had recently called him to report that the sign had been fixed and was dimming again normally at night but he said he would investigate further to ensure that the dimmer function is working properly and not negatively impacting the adjacent neighborhood. Councilor Staten said he recently drove on Parker Drive at 9:30 p.m. and the neighborhood seems to be flooded in the green light and it did not appear that the dimmer was working properly. Councilor Mitchell said he has observed that the sign is turned off at 10 p.m. Mr. Daily said he would follow up with General Electric Signs who reportedly was hired to fix the problem to ensure that the dimmer function is operating properly. Councilor Arnold said he has not reviewed the new proposed on-premise sign ordinance yet, but he asked if it sets a time when electronic signs must be dimmed. Mr. Daily said in drafting this new sign ordinance he consulted with numerous sign companies and learned that there is a standard for electronic signs and their brightness

that if calibrated correctly automatically adjust to read the ambient light and dim appropriately depending on the time and day and weather conditions. There were no additional comments or questions.

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

There was no discussion on the motion.

Call the Question: The motion passed unanimously.

G. Action Items

1. Consideration of Resolution 2012-17 adopting “The Community Covenant Program”

Mayor Burrows welcomed Captain Joseph Earl Simmons and his wife to the meeting and read Resolution 2012-17. He said the purpose of the Community Covenant is to recognize the sacrifices of local service members and their families in our community and foster support for them and their families through partnerships between government, business owners and local civic and religious leaders while they are in active service or deployed.

Motion: Councilor Searle moved to adopt Resolution 2012-17 adopting “The Community Covenant Program”. Councilor Hunt seconded the motion.

There was no discussion on the motion.

Roll Call Vote: Councilor Staten, aye; Councilor Hunt, aye; Councilor Searle, aye; Councilor Arnold, aye; and Councilor Mitchell, aye. The motion passed unanimously.

Mayor Burrows presented a signed copy of the Community Covenant to Captain Simmons and thanked him for his service. Captain Simmons thanked Riverdale City for taking the initiative to join this program and said communities throughout Utah have already been working to support military service members during the past 10 years. He said the Community Covenant is a program designed to partner what the military has in place for service members and their families and the communications network of cities to disseminate the information so that soldiers and veterans aren't lost in the shuffle. Captain Simmons thanked City Administrator Larry Hansen for agreeing to be the city's liaison to work with the military to ensure a smooth chain of communication in disseminating information. He said he would send a newsletter to the city shortly that could be made available to the public by being posted on the city's bulletin board, website, or mailed out to resident's homes along with the city's newsletter. He also invited Mr. Hansen and the Mayor and Council to a quarterly training in September to discuss integration of community and military programs.

2. Consideration of Ordinance 813 creating a subdivision at the Crossing 700 West Riverdale Road for Buffalo Wild Wings

Community Development Director Randy Daily said the proposal outlined in Ordinance 813 creating a subdivision at the Crossing 700 West Riverdale Road for Buffalo Wild

Wings was reviewed and recommended for approval by the Planning Commission to be recorded with Weber County. Mayor Burrows asked for any questions or comments and there were none.

Motion: Councilor Arnold moved to adopt Ordinance 813 creating a subdivision at the Crossing 700 West Riverdale Road for Buffalo Wild Wings. Councilor Searle seconded the motion.

There was no discussion on the motion.

Roll Call Vote: Councilor Hunt, aye; Councilor Searle, aye; Councilor Arnold, aye; Councilor Mitchell, aye; and Councilor Staten, aye. The motion passed unanimously.

3. Consideration of awarding a construction bid to United Contractors to finish the Police Department Building Basement Project for \$112,770.97

Riverdale Police Department Lieutenant James Ebert said two contractors submitted bids for the Police Department Basement Project: Sound Development and United Contractors. He said United Contractors is being recommended as the lowest contract bid, but he told the Council that there were some differences in the itemizations of the two bids regarding the quoted prices for the concrete work, ceiling tiles and stained floor. Councilor Mitchell asked if the city has a history of contracting construction projects with either of these contractors in the past and Lieutenant Ebert said he asked Riverdale's Building Inspector Jeff Woody and Mr. Woody said United Contractors is doing the current remodel of the Ken Garff Dealership. Councilor Searle said in reviewing the United Contractors bid he observed that they have worked on commercial projects for numerous large companies in Utah.

Councilor Hunt said he had heard some complaints from members of the community about the police department basement project and he asked for an explanation of the proposed project for the public record. Lieutenant Ebert said a finished police department basement will serve as a secondary emergency response center for the city and as a training area where officers can work out to stay physically fit. He said it will also be used as a center where a phone bank can be set up to receive tips in a missing person case or to conduct murder investigations and will allow the police to expand and secure their armory. Lieutenant Ebert said the basement will also have a shower, washer and dryer so that if officers are exposed to hazmat chemicals they can decontaminate themselves and their clothing in a secure facility. Councilor Arnold asked why lawnmowers are stored in the police department basement and Lieutenant Ebert said it serves as a secure holding facility for recovered stolen property. There were no additional questions or comments.

Motion: Councilor Hunt moved to award a construction bid to United Contractors to finish the Police Department Building Basement Project for \$112,770.97. Councilor Searle seconded the motion.

Mayor Burrows asked for discussion on the motion and Councilor Arnold asked Lieutenant Ebert if in his opinion the bid discrepancies he mentioned earlier should be taken into consideration by the Council before awarding this contract to the lowest bidder. Lieutenant Ebert said the police department discussed these differences before making their recommendation to the Council and he simply wanted to make them aware of the differences in the two bids so that they will be prepared if the contractor submits work change orders in the future. Mayor Burrows said a change order can only be submitted when something unexpected is encountered during the construction process, not to compensate for poorly calculated project bids. Lieutenant Ebert said Kier Construction bid the basement project a few years ago and their bid was similar to Sound Development's bid amount with both coming in higher than United Contractors' low bid. Councilor Hunt said United's bid may be the lowest because they have greater buying power due to the scope of their work and the size of their business. Councilor Hunt agreed with Mayor Burrows that change orders must be negotiated with the city and he asked who Lieutenant Ebert consulted to verify the bids are in line with the scope of the work. Lieutenant Ebert said he reviewed the two bids with the architect hired to create the plan and materials list. Councilor Arnold asked if Lieutenant Ebert is comfortable with the bid and scope of the basement construction project and Lieutenant Ebert said that he is. There was no additional discussion on the motion.

Roll Call Vote: Councilor Searle, aye; Councilor Arnold, aye; Councilor Mitchell, aye; and Councilor Staten, aye; Councilor Hunt, aye. The motion passed unanimously.

4. Consideration of amendment to amount of \$122,000 for purchasing police department administration vehicles

Lieutenant Ebert said back in May the Council had approved the purchase of some administration vehicles through Utah's state bid system. According to Lieutenant Ebert, the Ford F-150s have been delivered but there is a two to four month delay on the other vehicles so the police department would like to amend their request to purchase Chevy Tahoes instead. He said Tahoes are available immediately, have worked well for the North Ogden Police Department in the past, and were selected because they are reliable utility vehicles with a high blue book resale value into their fourth year which will allow the police department to stay on their longer vehicle rotations. Councilor Searle asked if the price of the Tahoes is comparable to the previously approved vehicles and Lieutenant Ebert said the total expenditure will not exceed the purchasing amount of \$122,000 approved by the Council in May. Councilor Searle stated for the public record that Riverdale City purchases high-end administrative vehicles that have a high resale value because this policy has proven to be a good return on investment for the city over time. Councilor Hunt asked if the price includes the cost to modify the vehicles to make them police vehicles and Lieutenant Ebert said even after the upgrades the police department will still be under the allotted budgeted amount. Councilor Mitchell asked what these administrative vehicles will be used for and Lieutenant Ebert said they will be instrumental in undercover operations and emergencies. Councilor Arnold said when they approved this expenditure last May he believed they were giving the police department discretion in determining which vehicles would work best for their needs. He

said in his opinion the Police Department did not need to ask permission to modify their request as long as they are staying within their approved budget. Lieutenant Ebert said he is providing this additional information at the recommendation of Mr. Hansen so if the Council receives questions from the public about the expenditure, they can make informed answers.

Motion: Councilor Arnold moved to approve the proposed amendment for the purchasing of police department administration vehicles authorized by the Council on May 1, 2012 for an amount not to exceed \$122,000. Councilor Hunt seconded the motion.

There was no discussion on the motion.

Roll Call Vote: Councilor Arnold, aye; Councilor Mitchell, aye; and Councilor Staten, aye; Councilor Hunt, aye; Councilor Searle, aye. The motion passed unanimously.

Mayor Burrows said during tonight's work session the Council had discussed the need to schedule an officially agendaed field trip to discuss Bike/Pedestrian Ad Hoc Committee recommended expenditures where all members of the City Council and the public would be invited to attend. He said the date and time of the field trip could be discussed under discretionary items and that he was withdrawing action item five from tonight's agenda until after the field trip.

5. Consideration of Bike/Pedestrian Ad Hoc Committee recommendation to paint bike lanes on 4400 South and sharrows through the roundabouts

No action taken. This item was stricken from the agenda by Mayor Burrows.

Discretionary Items

Mayor Burrows asked if there were any discretionary items and Councilor Staten asked if the Council could reach consensus on a date and time to meet with the Bike/Pedestrian Ad Hoc Committee and invite the public to participate in a bike field trip around the city to discuss proposed improvements for striping and signage on 4400 S. designed to make Riverdale a more bike-friendly community. According to Councilor Staten, the trip will take approximately one hour and he will provide bikes and helmets for anyone that doesn't have one. **Mayor Burrows asked for consensus to schedule the field trip on Thursday August 30, 2012 at 4 p.m. with the group meeting at the Riverdale Civic Center. Unanimous consensus was reached.**

Councilor Searle said he sent an email to the Mayor and Council so that they would have some advanced notice about the park issues identified by Riverdale residents during open communications. He asked that the City Recorder add the following letter to the public record:

"I received a phone call Sunday morning from Kim Cox. Kim and her husband and family live at 1133 W. 4300 S. Their rear fence line borders the Riverdale Park and is

almost directly east of the new amphitheater. Saturday evening, there was a group of 100-150 people near the amphitheater that was being entertained by loud music. The music was so loud that the bass caused vibrations within their home. The Cox family called the Riverdale Police, because of the continuing noise. The police officer who responded went to the source of the noise and asked them if they could reduce the noise level. The police officer then went to the Cox residence and talked to them. The police officer did mention that the noise seemed to be louder at the Cox residence than on the front row of the amphitheater. The police officer did look into the city ordinances and informed the Cox family that RCC 4-8-4 exempts concerts from the noise ordinance from 7:00 a.m. to 11:00 p.m. The concert Saturday evening lasted from approximately 5-9 p.m. This is the first item I would like to discuss in Discretionary Business tomorrow evening. The Cox family is concerned that the noise problem will only continue to increase as more and more people become aware of the amphitheater and use the facility. I identified an earlier problem with loud music that was brought to my attention by Kim Cox. I brought this to the attention of the city leaders in an earlier email dated June 14th that is included with this email. Also, during the 2009 election campaign, I was told the Cox family was concerned with possible noise that might come from the new amphitheater. Kim did mention that there were other neighbors that were very annoyed by the loud music Saturday evening. My wife, Sharon, told me that she could hear the loud music, Saturday evening, while out in our back yard. We live about two blocks away from the amphitheater. For some reason the noise in the cul-de-sac that the Cox family lives in seems to be amplified by the angles of the home south of them. It appears that the home may be acting as a sounding board, resulting in loud music and noise from the splash pad being annoying. Not sure what causes it. Kim Cox did suggest that turning the speakers toward the freeway might make a difference. Her husband may be at our council meeting tomorrow to bring the matter up during open communication time.

The second item is related to the first item as it is a concern with people eating in the park and was brought to my attention Sunday morning, by Kim Cox. Are people allowed to cook outside of the designated grills in the park area? I know that many small grills are being used along with those provided by the city. There may not be a problem with using the additional grills other than it is causing a problem along the fence line where the Cox family lives. I previously brought to the attention of the council, shortly after the splash pad opened that people were cooking along the fence. Coals and food were being thrown along the fence. This was identified, at that time by a neighbor of the Cox family. Some food, bones etc. was and is still getting into these residences yards and at time have attracted seagulls in their yards. The bones, including chicken bones can cause problems for the residents' dogs. I also brought the cooking problem to the council's attention at our June 5th meeting, when I asked for the number of days/hours for the splash pad to be reduced. One suggestion that I would make now, that might eliminate the cooking/food problem, would be to put signs along the fence stating "No cooking of food within 100' (or other reasonable distance) of the fence." This would have to be discussed by the council and placed on a future agenda with possible changes to the noise ordinance. Another option would be to increase the number of cooking grills provided by the city and limit cooking to those grills only."

Councilor Searle requested that these park concerns be addressed by the Planning Commission and City Council before the Sept 18, 2012 meeting when splash pad hours

are scheduled for further discussion. Mr. Hansen said the Planning Commission only deals with Title 10 of the code and as the park rules fall under Section 4 any possible amendments to this section of the code will be solely at the Council's discretion. Mr. Hansen said staff will start marking up the park ordinances and will bring back some suggestions to the Council for their review at their next meeting on August 21, 2012. Councilor Arnold said he agrees with Councilor Searle that bands at the amphitheater playing loud music should be addressed by the Council at their next meeting so there won't be additional complaints this summer. He said he would like the police to have the authority through city ordinance to lower the volume of loud music being played at the amphitheater. Mayor Burrows said Riverdale City did not issue a special event permit for a band to play at the amphitheater last Saturday. He said a standard for decibel levels exists in the current city code but the Council could consider amending the hours events can take place in the park. Councilor Searle said in his opinion the sections of city code exempting concerts from the noise ordinance and allowing people to be in the park until 11 p.m. should both be addressed. Councilor Staten said there are charcoal fire cooking restrictions and regulations for cooking activities already in the city code to prevent the types of behavior being complained about at Riverdale Park.

Mr. Brooks said RCC 7-7 the nuisance ordinance addresses all of the issues identified by residents and Councilor Searle during tonight's discussion including acceptable noise levels and rules for disposing of ashes and garbage from cooking in the park using city or personal grills. Councilor Hunt asked if the amphitheater requires a reservation and if bands playing at this venue require a special event permit that stipulates acceptable decibel levels. Mr. Brooks said there is a section of the city code that regulates special events and decibel levels but he said he isn't opposed to reviewing the ordinance to ensure that it adequately addresses the concerns identified tonight. Mr. Brooks said he has been discussing with Police Chief Hansen the option of purchasing equipment for officers to use to measure the decibel levels of music at the amphitheater so that if there are complaints in the future they can ensure the sound is within the legally permitted limit. Councilor Searle asked if signage could be placed on the fence and city grills indicating where the metal garbage cans are located so that ashes are placed in the proper receptacles instead of along the fence line. Councilor Arnold asked if the police have the authority to enforce the park rules in existence and Chief Hansen said they don't have a large enough staff to police the park full-time and instead rely on complainants to contact them when an issue arises. **Mayor Burrows asked for consensus to put a review of park rules as an action item on the August 21, 2012 Council agenda. Unanimous consensus was reached.**

H. Adjournment:

With no further business to come before the Council at this time, Councilor Arnold moved to adjourn the meeting. Councilor Hunt seconded the motion. The motion passed unanimously. The meeting adjourned at approximately 7:26 PM.

Approved: August 21, 2012

Attest:

Bruce Burrows, Mayor

Ember Herrick, City Recorder