



**RIVERDALE CITY COUNCIL AGENDA
CIVIC CENTER - 4600 S. WEBER RIVER DR.
TUESDAY –AUGUST 21, 2012**

Minutes of the **Regular Meeting** of the **Riverdale City Council** held Tuesday, **August 21, 2012** at 6:03 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; Steve Brooks, City Attorney; Shawn Douglas, Public Works Director; Lynn Fortie, Business Administrator; Dave Hansen, Police Chief; Randy Daily, Community Development Director; Ember Herrick, City Recorder and ten members of the public including Courtney J. Dayton, Stanley W. Hadden, Curtis Leishman, David Kingsley, Steven H. Eichemeier and Dale Cox.

A. Welcome & Roll Call

Mayor Burrows called the meeting to order and welcomed all in attendance including all Council members, staff, and members of the public. He said Councilor Mitchell will join the meeting in progress shortly.

B. Pledge of Allegiance

Councilor Hunt led the Pledge of Allegiance and Mayor Burrows read a quote from the Patriot's Handbook on George Washington's farewell address.

C. Moment of Silence

Mayor Burrows quote 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.

Stan Hadden said he wanted to give the Council an impromptu report on mosquito abatement in Weber County because there have been cases of West Nile virus around the country recently including 170 cases and 17 related deaths in Texas. According to Mr. Hadden, Davis County has one reported case of West Nile virus and in random testing one mosquito in the county tested positive for the disease. He said Box Elder County has had two mosquitoes test positive for the disease and one person has contracted it but in Weber County there have been no positive cases to date. He said Weber County is continuing to spray with a 98 percent kill rate.

Councilor Mitchell joined the meeting in progress.

Riverdale resident Dale Cox thanked the Council for their moratorium on amplified sound in Riverdale Park and said he agrees with Councilor Arnold's recommendation that no one should be allowed to play amplified sound in the park except for city sponsored events so that residents who live nearby won't be inconvenienced.

There were no additional comments.

E. Presentations and Reports

Mayor Burrows said the Council is invited to attend the Utah League of Cities and Towns (ULCT) annual conference and registration forms are due by Thursday.

City Administrator Larry Hansen said he recently attended a ULCT policy meeting to discuss the Utah legislative interim committee meeting agendas where cities were warned that there will be a lot less federal money flowing to the states in 2013 which means less funding for city or local government projects. Mr. Hansen said Riverdale City isn't reliant on federal funding to a large extent but the city's transportation funding will be impacted. He said franchise fees augment city revenues but Riverdale doesn't charge businesses the six percent franchise fee on their utility accounts some other cities charge.

Mr. Hansen noted Riverdale employees with anniversaries in the month of August and he and the Mayor recognized Tamera Jones and Dave Kingsley who both have five years with the city. Mr. Kingsley was in attendance and received a certificate and award presented to him by Mayor Burrows. Mr. Hansen said Riverdale is current operating under authorization for full-time employees as part of the 2005 action plan and he thanked city staff for their service to the citizens of Riverdale.

There were no comments or questions on the Recorder's Report.

Mayor Burrows asked for any questions about the Community Development Projects Status Report and there were none.

F. Consent Items

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

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

No discussion on the motion.

Call the Question: The motion passed unanimously.

G. Action Items

1. Consideration of Ordinance 816 proposed amendments or ideas to address noise or sound in the city and particularly in city parks

Mayor Burrows said the first action item is a proposed amendment to address noise in city parks. City Attorney Steve Brooks said he added clarification in the proposed ordinance to reflect actual decibels of common noise levels heard in the park. According to Mr. Brooks, the 62 decibels allowed in the current ordinance is lower than normal human speech which is typically 65 or higher. Mr. Brooks said Riverdale police officers will have access to decibel reading devices so that they can take readings from residents' yards if there is a complaint in the future. According to Mr. Brooks, the new proposed language would allow 86 decibels 25 feet from the source of amplified sound and 62 decibels from any residence with anything louder requiring a special event permit. Councilor Mitchell asked who issues special event permits and Mr. Brooks said administrative staff handles these requests with all affected department heads signing off before a permit is issued. According to Mr. Brooks, it will be up to staff to educate people about allowed decibel levels in the parks in the future. Councilor Mitchell asked how the 86 peak decibel level was determined and Mr. Brooks said the number is based on his research of safe sound levels and a California sound ordinance Mr. Daily found.

Mr. Brooks said he conducted two decibel sound tests with Police Chief Dave Hansen and when they measured a jet flying overhead it registered at 75 decibels while kids playing at the Splash Pad peaked in the 80's range and traffic on Riverdale Road registering the highest numbers at 80 to 85 decibels. Councilor Staten said even non-amplified sound could exceed the allowed levels under these proposed changes and he asked how the new ordinance will be enforced. Mr. Hansen said the new restrictions will only apply to amplified sound and he said the city's pavilion rental forms and special event permit application will be updated to reflect the new allowed amplified sound levels. Mr. Brooks said a resident must complain about the noise levels and sign the complaint when the police respond so that the requirements set by the city's nuisance statute are met. Councilor Searle said he would rather the police patrol Riverdale's parks proactively looking for ordinance violators instead of requiring residents to report violations and he suggested Riverdale contract with Weber County if Riverdale's police department doesn't have the manpower to actively patrol the city's parks. Mr. Brooks said legally there needs to be a witness to a crime willing to sign a police report before charges can be filed against someone violating a city ordinance. He said the city relies on residents reporting violations as there aren't huge problems in Riverdale's parks to justify a dedicated officer patrolling the parks around the clock. Mr. Hansen said Riverdale City has police coverage 24 hours a day seven days a week and pro-active code enforcement coverage. He said the city rents five pavilions twice a day during the 13 week season, and while complaints do drive some resource allocation in the city, it is important for the Council to remember there have only been two amplified noise complaints in the last three years and overall the feedback on Riverdale City parks is positive.

Councilor Arnold said he would like an example of what 86 decibels sounds like and he spoke louder until he reached that level on Chief Hansen's decibel reader. Councilor Arnold said in his opinion the rights of residents should supersede the rights of park users

and he suggested a total ban on amplified sound in the park except in cases where a special event permit has been granted. Mr. Hansen said the amplified sound restrictions proposed in Ordinance 816 and some modifications to the city's special event permit would have prevented the two incidents that led to complaints. Mr. Hansen encouraged the Council to implement Mr. Brooks' proposed ordinance amendments to address the noise complaints but still maintain some flexibility for the rest of the residents who use the park. He said if the ordinance changes aren't sufficient and complaints continue, the Council can always consider stricter sound regulations in the future.

Councilor Hunt said he didn't buy a home next to the freeway in Riverdale because he knew the location would be noisy and residents who bought homes next to an existing park should accept some responsibility for the location they chose to live in. He said he sympathizes with residents for the additional noise created by the recent additions of the amphitheater and splash pad at Riverdale Park and he agrees with Councilor Arnold that the city should address noise complaints of residents who are impacted by these new amenities. Councilor Hunt said in his opinion Mr. Brooks' ordinance seems reasonable and he would support testing it out to see if it works before implementing a total ban on all amplified sound in Riverdale parks. He asked what types of activities qualify as "special events" and Mr. Hansen said it is any event where money is charged to attend or where large groups are anticipated that will use additional resources like additional restroom facilities, trash receptacles and security. Mr. Hansen said family reunions will be allowed as long as their amplified sound doesn't exceed the allowed decibel levels under the proposed new ordinance. Councilor Staten said concerts, dancing and cultural events are what the amphitheater was designed for. He said the recent noise complaint problems in the park could have been handled if the police were equipped with decibel readers and were familiar with the decibel restrictions in the parks section of the city code. Councilor Staten said in his opinion Mr. Brooks proposed amendments to the code and city's special event permit are a reasonable response to address the complainants' concerns and allow the Council the flexibility to readdress this issue again in the future if the remedy doesn't rectify the problem.

Mr. Brooks said the city administrative staff can consider exceptions for weddings, or special city events and other events will be allowed to continue as long as they don't have amplified sound over 86 decibels. Councilor Searle expressed concern that someone could have a band play on their private property and Mr. Brooks said this new ordinance doesn't nullify the city's nuisance ordinance which will still regulate all noise complaints. Councilor Searle asked if the Riverdale City Band concerts will be affected and Mr. Brooks said the new ordinance only regulates amplified sound so the city band shouldn't be affected. There were no additional comments or questions.

Motion: Councilor Staten moved to approve Ordinance 816 proposed amendments or ideas to address noise or sound in the city and particularly in city parks. Councilor Hunt seconded the motion.

Mayor Burrows asked for discussion on the motion and Councilor Searle said there have been more complaints about problems at the park than the two recent noise complaints about amplified sound that were reported to the police by the Cox family. He said he has

concerns about the maximum 86 decibel level 25 feet from a source and he said in his opinion the limit should be 75 decibels or less and all amplified sound should require a special permit. Councilor Arnold said he agrees that 75 decibels should be the limit and he said Councilor Searle has mentioned park complaints under discretionary items for months in an attempt to resolve residents' complaints. Mr. Brooks said 75 db isn't very loud, pointing out that children playing at the Splash Pad and traffic on Riverdale Road both exceed 80 decibels. Mr. Hansen said Councilor Searle's comments on residents concerns about Splash Pad noise were put on a previous agenda and discussed by the Council earlier in the summer. He said the Council agreed to table that action item for further discussion about amending days and hours of operation at their September 18th meeting after Labor Day. Mr. Hansen said the Council's discussion during tonight's meeting demonstrates a serious desire to be sensitive to both residents and park users.

Councilor Arnold said the city decided to build the Splash Pad and amphitheater and now has a responsibility to insulate residents from the noise they create. Councilor Hunt said people come to Riverdale Park because of these amenities and he said he wouldn't like to see such strict restrictions in place that people aren't able to enjoy the park. Councilor Mitchell said he wants to protect the residents who live by the park and he said Ordinance 816 will do this by banning amplified sound over 62 decibels measured from residential yards. He said a total ban of all amplified sound is too extreme and the Council retains the right to amend the ordinance if it doesn't resolve the noise complaint problem.

Mayor Burrows said activities requiring a special event permit require police approval so the police department should be aware of upcoming events and will be able to monitor the amplified sound to ensure that it is within the allowed range. Councilor Arnold said he just looked on the internet and found a website that indicates that any sound over 85 decibels is dangerous and he criticized proposed Ordinance 816 because it has components of a working California ordinance. Mr. Brooks stated again the 86 decibel level will be the sound limit for amplified sound 25 feet from a speaker and levels cannot exceed 62 decibels in a homeowner's yard, which he said is the level of conversational speech and not dangerous for human ears.

Councilor Staten said he feels the Council has addressed the residents' concerns by supporting a temporary ban on amplified sound in the park and now proposing an ordinance amendment to limit amplified sound in the park to levels consistent with what other cities have in place. He said as a woodworker he is well educated on safe sound levels and when ear protection is necessary. According to Councilor Staten, 86 decibels is not extreme and he supports Ordinance 816 with the 86 decibel within 25 feet stipulation included in the ordinance. There were no additional comments or questions.

Roll Call Vote: Councilor Hunt, aye; Councilor Searle, nay; Councilor Arnold, nay; Councilor Mitchell, aye; and Councilor Staten, aye. The motion passed with three in favor, two opposed.

2. a. **Public hearing to receive and consider public comment regarding declaring certain city property as surplus to the needs of Riverdale City**
- b. **Consideration of action on declaring certain city property as surplus to the needs of Riverdale City**

Mayor Burrows said the second action item on the agenda is a public hearing to receive and consider public comment regarding surplus police vehicles. Chief Hansen said once these vehicles are designated as surplus they will be sold to the highest bidder to get the highest resale value for the city. Mayor Burrows said this public hearing has been properly noticed in accordance with state law and he opened the discussion for public comment.

There were no public comments.

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

There was no discussion on the motion.

Call the Question: The motion passed unanimously.

Motion: Councilor Arnold moved to declare certain city property as surplus to the needs of Riverdale City. Councilor Hunt seconded the motion.

Councilor Searle asked how and when the surplus vehicles will be sold and Chief Hansen said three of the five new vehicles have arrived to replace the surplus vehicles. He said once they have all been switched out they will be listed on the website KSL.com and other public websites where vehicles are commonly sold. There was no additional discussion on the motion.

Call the Question: The motion passed unanimously.

3. **Consideration of soliciting bids for Failed Bank Stabilization along the Weber River Trail Project using a matching FEMA grant**

Mayor Burrows said the third action item is consideration of soliciting bids for Failed Bank Stabilization along the Weber River Trail Project using a matching FEMA grant. Public Works Director Shawn Douglas said FEMA has given approval for bids to be received on this project. He said a 404 permit must be secured from the Army Corps of Engineers to allow construction work to be done in the river and he said his department is in the process of securing this permit with goal to have the contractor who wins the bid finish the project before the end of the 2012 asphalt season.

Motion: Councilor Staten moved to approve soliciting bids for Failed Bank Stabilization along the Weber River Trail Project using a matching FEMA grant. Councilor Mitchell seconded the motion.

There was no discussion on the motion.

Call the Question: The motion passed unanimously.

4. Discussion and consideration of action on Ordinance 812 a proposed amendment to RCC 10-16 Riverdale's On-Premise Signs Ordinance

Mayor Burrows said the fourth action item is consideration of action on Ordinance 812 a proposed amendment to RCC 10-16 Riverdale's On-Premise Signs Ordinance. Mr. Daily said the only feedback he received from the Council during the comment and review period for RCC 10-16 was from Councilor Mitchell and he said he addressed his question in the executive summary included in the packet. Councilor Staten asked if this discussion should be delayed until after the Strategic Planning meeting to accommodate any members of the public who are here for that meeting. Mayor Burrows said the Council is still on schedule and unless discussion on Ordinance 812 goes long there is no need to delay this discussion at this time. Councilor Arnold said members of the Council had an opportunity to voice any concerns with this proposed sign amendment during the comment and review period and since Mr. Daily only heard from Councilor Mitchell he doesn't anticipate the discussion taking a long time tonight. Mr. Daily said the Planning Commission's recommendation is that new electronic sign requests be subject to a conditional use permit.

Motion: Councilor Arnold moved to adopt Ordinance 812 a proposed amendment to RCC 10-16 Riverdale's On-Premise Signs Ordinance. Councilor Hunt seconded the motion.

Mayor Burrows asked for discussion on the motion and Councilor Mitchell said he supports the proposed ordinance because it will put standards in place for electronic signs. He said the amendments will also protect residential area and help avoid future issues like recent complaints from some River Glen residents about the broken dimming function of the Riverside Storage sign. Councilor Mitchell asked what the consequences will be for violating the new sign ordinance and Mr. Daily said it is a Class B misdemeanor. Councilor Staten asked if Riverside Storage will be under a grandfather clause and Mr. Brooks said the location and height of this electronic sign cannot be changed but the brightness standards can be enforced. Mr. Daily said Young Electric will fix the Riverside Storage sign's dimmer function to ensure that it complies with the industry brightness standards. He said until the dimmer is functioning properly, the manager of the storage facility has agreed to turn the sign off at night so that the adjacent residences are not negatively impacted. There were no additional comments or questions.

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

5. Consideration of Ordinance 814 a proposed amendment to RCC 4-4-6D fees and charges; discontinuance of services, to create consistency with RCC 1-12-6-A4 removing the opt-out option for the city's recycling program

Mayor Burrows said the final action item is consideration of a proposed amendment to RCC 4-4-6D fees and charges; discontinuance of services, to create consistency with RCC 1-12-6-A4 removing the opt-out option for the city's recycling program. Mr. Brooks said the city eliminated the opt-out recycling option months ago but there was still a reference in another section of the code that needs to be removed. He said this proposed change is a housekeeping item to make the city code consistent. There were no additional comments or questions.

Motion: Councilor Searle moved to adopt Ordinance 814 a proposed amendment to RCC 4-4-6D fees and charges; discontinuance of services, to create consistency with RCC 1-12-6-A4 removing the opt-out option for the city's recycling program. Councilor Arnold 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.

H. Discretionary Items

Mayor Burrows asked if there were any discretionary items and Councilor Mitchell said several people have asked him to thank the public works department for the wall they installed at the city tennis courts for players to hit a ball against to practice their strokes. There were no additional comments.

I. Adjournment:

With no further business to come before the Council at this time, Councilor Hunt moved to adjourn the meeting. Councilor Arnold seconded the motion. The motion passed unanimously. The meeting adjourned at approximately 7:46 p.m.

Approved: September 4, 2012

Attest:

Bruce Burrows, Mayor

Ember Herrick, City Recorder