



**RIVERDALE CITY COUNCIL AGENDA
CIVIC CENTER - 4600 S. WEBER RIVER DR.
TUESDAY –OCTOBER 2, 2012**

Minutes of the **Regular Meeting** of the **Riverdale City Council** held Tuesday, **October 2, 2012** at 6:00 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

Excused: Larry Hansen, City Administrator

Others Present: Steve Brooks, City Attorney; Randy Daily, Community Development Director; Ember Herrick, City Recorder and no members of the public.

A. Welcome & Roll Call

Mayor Burrows called the meeting to order and welcomed all in attendance including all the Council members and staff. He excused City Administrator Larry Hansen.

B. Pledge of Allegiance

Councilor Mitchell led the Pledge of Allegiance and Mayor Burrows read a quote from George Washington's farewell address about the unity of government as a key factor in keeping men free.

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 stated there are no members of the public present to speak during open communications.

E. Presentations and Reports

Mayor Burrows said Monday October 8, 2012 is the Riverdale Fire Department's Open House and Saturday October 13, 2012 is the city's fall cleanup. He encouraged everyone to participate in these two city events.

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 said there are no consent items on tonight's agenda.

G. Action Items

1. Consideration of Ordinance 818 proposed amendment to RCC 10-14-11 Family Swimming Pool, Swim Spa and Hot Tub

Community Development Director Randy Daily said the Planning Commission recently held a public hearing and recommends approval of Ordinance 818 proposed amendment to RCC 10-14-11 Family Swimming Pool, Swim Spa and Hot Tub to lessen restrictions for swimming pools on private properties in Riverdale and bring the city code more in line with neighboring cities. He asked for any questions or comments and Councilor Staten said he is uncomfortable with the language that a pool "not be less than twenty feet (20') from any livable area of a dwelling on an adjoining lot" and he said he would like this line removed from the final draft of the ordinance as only one other city Mr. Daily researched has a similar restriction. Mr. Daily said he is fine with that change if there is consensus from the Council as the requirement that a pool be at least seven feet from a fence line and not located on easement property still exists to protect adjacent property owners.

Councilor Searle said he would like the ordinance to remain as it was drafted with the 20 foot restriction in place to help minimized noise pollution negatively impacting adjacent properties and he shared an anecdote about a Riverdale pool located beneath the bedroom window of an adjacent home that is negatively impacted when the pool owners have parties. According to Councilor Searle, a 20 foot buffer is reasonable to help ensure some peace and quiet and insulation for Riverdale residents from neighbor yards with pools. Councilor Arnold said the city code requires at least eight feet between residences and the pool ordinance requires seven feet from a fence line so there is already a 15 foot required distance between homes with pools and the adjacent property so the Council is debating a difference of five feet.

Motion: Councilor Arnold moved to adopt Ordinance 818 proposed amendment to RCC 10-14-11 Family Swimming Pool, Swim Spa and Hot Tub as written. Councilor Searle seconded the motion.

Mayor Burrows asked for discussion on the motion and Councilor Hunt asked if Mr. Daily has received complaints from affected property owners that live adjacent to pools. Mr. Daily said most people don't file complaints against their neighbors unless there are serious code infractions. Councilor Hunt said Mr. Daily's research indicated that Brigham City approves requests for pools on a case by case basis and he asked how this policy is working for that city and if it could work in Riverdale. Mr. Daily said City Attorney Steve Brooks had advised him that without a concrete policy in place, a petitioner could accuse the city of acting arbitrarily in allowing one homeowner to put in a pool but prohibiting another under similar conditions. Mr. Brooks said he lives in Brigham City and isn't aware of any problems the city's case by case pool policy has created but he advised the Riverdale Council to pass specific rules for pools in Riverdale that can be applied equally to all petitioners.

Councilor Mitchell said he would also like to see the 20 foot language removed and Councilor Staten asked what will happen if the current motion fails. Mayor Burrows said after the Council votes, if the motion fails, additional motions could be entertained. There were no additional comments or questions.

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

Motion: Councilor Mitchell moved to adopt Ordinance 818 proposed amendment to RCC 10-14-11 Family Swimming Pool, Swim Spa and Hot Tub with the removal of the language “not be less than twenty feet (20’) from any livable area of a dwelling on an adjoining lot”. Councilor Staten seconded the motion.

Mayor Burrows asked Mr. Brooks if the motion is sufficiently clear for legal purposes and Mr. Brooks confirmed that it is.

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

2. Consideration of Ordinance 819 proposed amendment to RCC 10-15-2 Parking Space for Dwellings

Mr. Daily said Ordinance 819 proposed amendment to RCC 10-15-2 Parking Space for Dwellings also had a public hearing and was recommended to the Council for approval. He said City Administrator Larry Hansen recommended one change from seven to eight parking spaces for a four family dwelling. He said he agrees with the change and included that language in the draft of Ordinance 819 included in the packet.

Motion: Councilor Arnold moved to adopt Ordinance 819 proposed amendment to RCC 10-15-2 Parking Space for Dwellings as written. Councilor Staten seconded the motion.

Councilor Searle asked if a public street could be used for public parking and Mr. Daily said Riverdale’s code allows people to park on public streets but does not allow city streets to be counted as private parking stalls. There was no additional discussion on the motion.

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

H. Discretionary Items

Mayor Burrows asked if there were any discretionary items and Councilor Searle said the Riverdale Veterans Advisory Group is interested in purchasing two display cases at an estimated cost of \$1,600 to be placed on the Veteran's Memorial in front of the Civic Center. He said the Veterans Group has sufficient funds to pay for the aluminum cases but he would like to get consensus from the City Council to move forward with the project so that the cases can be in place by Veterans Day ceremonies next month on November 12, 2012. According to Councilor Searle, the Public Works Department would be asked to help install the display cases. He said he understands that Council consensus for the project will also be subject to staff approval once he has spoken with City Administrator Larry Hansen about the proposal.

Mayor Burrows asked for consensus to allow the Veteran's Group to purchase two display cases for the Veterans Memorial, subject to city administration approval, and consensus was unanimous in favor of the proposal.

Councilor Searle said he would follow up with Mr. Hansen and let the advisory group know what the final decision is. He said the Riverdale Veterans Day Ceremony will be held on November 12, 2012 and he has scheduled a prominent member of the Air Force Reserve to be the feature speaker.

Mr. Brooks said he and Mr. Daily recently met with representatives from In-N-Out Burger and were told the company is planning on breaking ground on their Riverdale restaurant no later than March 2013, weather permitting. Mr. Brooks said he also toured the nearly completed Riverdale Police Basement and it looks very nice. Mayor Burrows said a short tour could be a part of the next Council meeting work session to allow everyone to see the renovations. There were no additional comments.

I. 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 6:25 p.m.

Approved: October 16, 2012

Attest:

Bruce Burrows, Mayor

Ember Herrick, City Recorder