



**RIVERDALE CITY COUNCIL AGENDA  
CIVIC CENTER - 4600 S. WEBER RIVER DR.  
TUESDAY –NOVEMBER 20, 2012**

Minutes of the **Regular Meeting** of the **Riverdale City Council** held Tuesday, **November 20, 2012** at 6:05 PM at the Riverdale Civic Center, 4600 South Weber River Drive.

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

Member Excused: Alan Arnold, Councilor

Others Present: Larry Hansen, City Administrator; Steve Brooks, City Attorney; Lynn Fortie, Business Administrator; Dave Hansen, Police Chief; Randy Daily, Community Development Director; Jeannette Hall, Community Services Director; Joan Dailey Drug Court Coordinator; Reuben Renstrom, Judge; Ember Herrick, City Recorder and 11 members of the public including David Leahy, Chuck Kerkvliet, Cody Peters, Rachel Porear, Christian Stofferahn, Hayden Stofferahn, Tony Bridenstine, Ann Taylor, Scott Larsen, Stacey Sugihara and Randy Sugihara.

**A. Welcome & Roll Call**

Mayor Burrows called the meeting to order and welcomed all in attendance including all Council members except for Councilor Arnold who is excused.

**B. Pledge of Allegiance**

Mayor Burrows led the Pledge of Allegiance and read a quote from Abraham Lincoln establishing the fourth Thursday of November as a national day of Thanksgiving.

**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.

Riverdale resident Dave Leahy said the Veterans Day Ceremony was outstanding and he thanked everyone who helped to honor our veterans and those that serve in the armed forces.

There were no additional comments.

### **E. Presentations and Reports**

Mayor Burrows thanked everyone for their participation in Riverdale's Veterans Day Ceremony and wished everyone a safe and happy Thanksgiving.

City Administrator Larry Hansen said it is Public Works Crew Leader Kirk Favero's 15 year employment anniversary and he and the Mayor presented Mr. Favero with a certificate and award thanking him for his years of service to the city. Mr. Hansen said staffing authorization is 72.75 with the city operating under utilization with 70.5 employees including 55 full-time and 47 part-time employees.

Business Administrator Lynn Fortie reported on the condition of the treasury for August, September and October. He said in August unique payments and expenses include Class C Road Funds and a payment to Post Construction for 2012 street projects, a payment for fireworks for Old Glory Days and a payment from the motor pool fund for the purchase of a new police vehicle. Mr. Fortie said in September Class C Road Funds were also received and there were expenditures to RC Willey for equipment installed in the police basement and United Contractors for construction work done on the basement. He said a quarterly payment to Central Weber Sewer was also made in September. According to Mr. Fortie, the police had expenditure to Scott Communications for Motorola radios and from the motor pool fund for a new police vehicle in October. He said Advanced Paving was also paid for work they performed to complete the roundabout at 700 West and a payment was made to Riverrestoration.org for consulting work associated with the river restoration project along the Weber River. Mr. Fortie said in October there were also expenditures associated with the police basement for fitness and audio visual equipment and a payment was made to RL Shaw for work done on a storm water protection project. He said in the motor pool fund, Public Works traded in an older backhoe for a newer model and the police department purchased a Chevy Tahoe. Mr. Fortie asked for any questions or comments about the treasury reports for August, September and October and there were none.

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

Mayor Burrows said Buffalo Wild Wings is planning to open their restaurant on the first Monday of December and Men's Warehouse in moving into the old Music Village building. He asked for any questions or comments on 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.

Mayor Burrows asked the Council to send any comments or proposed changes to Ordinance 823 proposed amendments to RCC 10-14-5 Height Regulations and Ordinance 824 proposed amendments to RCC 10-21-3 Subdivisions to the City Recorder by 5 p.m. on November 27, 2012.

City Attorney Steve Brooks read a proclamation declaring December National Drug Court Month in Riverdale. He thanked Ann Taylor who coordinates drug testing for

Riverdale, Joan Dailey who works as Drug Court Coordinator and Judge Reuben Renstrom for supervising Riverdale's Drug Court. Mr. Brooks said Ms. Daily recently received special recognition for development and promotion in conjunction with Drug Court and he expressed appreciation to her and all the court employees for their contributions to the city. Mayor Burrows also thanked all members of staff involved with Drug Court and said he has witnessed it change people's lives.

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

There was no discussion on the motion.

**Call the Question:** The motion passed unanimously.

### **G. Action Items**

1.
  - a. **Consideration of untabling the discussion on amending RCC 1-12-11 Community Services Fees on Riverdale's Consolidated Fee Schedule and the city's Recreation Center rental policy**
  - b. **Recreation Center use request status report.**
  - c. **Consideration of Resolution 2012-23 amending RCC 1-12-11 Community Services Fees on Riverdale's Consolidated Fee Schedule and the city's Recreation Center rental policy**

Mayor Burrows said a motion to untable would be in order.

**Motion:** Councilor Hunt moved to untable the discussion on amending RCC 1-12-11 Community Services Fees on Riverdale's Consolidated Fee Schedule and the city's Recreation Center rental policy. Councilor Staten seconded the motion.

There was no discussion on the motion.

**Call the Question:** The motion passed unanimously.

Mr. Hansen said he met with Community Services Director Jeannette Hall and Mr. Fortie following the last Council meeting discussion to develop a simpler proposal to address a request for adult exercise classes. He said a schedule for the use of the building was included in the packet for the Council's reference to see what time slots for adult exercise classes are available. Ms. Hall said there are openings for classes in between the existing usage in the early mornings and evenings in the meeting rooms and gym and she said she spoke with the petitioner Riverdale resident Katie Ellis about the latest proposal to have the city offer adult exercise classes and hire teachers on a part-time basis or contracts with volunteers and Ms. Ellis supports the concept. Ms. Hall said if Resolution 2012-23 is approved by the Council there will be a notice calling for volunteer instructors in the Riverdale December Newsletter. She said Brigham City, Roy and Layton all contract with instructors but she would like to call for volunteers first before hiring part-time instructors to teach adult exercise classes at the Recreation Center. Councilor Mitchell

asked how many rooms are available and Ms. Hall said an accordion door separates the small and large meeting rooms and there is also an executive room and the gym.

Councilor Hunt asked about the fee to reserve a room for a six hour block and said he has had requests from residents who would like the opportunity to reserve a room for a shorter period of time. Mr. Hansen said the six hour usage was established for events like parties and weddings. Mr. Brooks said rooms could be made available to rent hourly administratively without Council approval and Mr. Hansen said tonight the Council is being asked to expand the use of the recreation center to allow adult exercise classes to be taught there. Councilor Staten said he would like to see rooms available for rent for less than six hours for neighborhood events like preschool graduations or Christmas performances and he asked if families could pay a nominal fee so that parents aren't charged for each child that attends. Mr. Hansen said Mr. Brooks advised this could be done administratively by Ms. Hall and he suggested residents be allowed to reserve rooms for shorter time periods at a cost of one dollar for each adult with children accompanied by a parent allowed free admission. He said Riverdale City built these community buildings to allow residents to utilize them, not to make a profit. Mayor Burrows asked if Ms. Hall needs Council authorization to hire part-time instructors to teach adult exercise classes and Mr. Hansen said Ms. Hall has discretion about how to spend her budget.

**Motion:** Councilor Mitchell motion to approve Resolution 2012-23 amending RCC 1-12-11 Community Services Fees on Riverdale's Consolidated Fee Schedule and the city's Recreation Center rental policy. Councilor Staten seconded the motion.

There was no discussion on the motion.

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

**2. Consideration of Ordinance 822 and a rezone request from A-1 non-conforming to R-3 conforming for a property located at 1751 W. 4800 S.**

Mr. Daily said there is a summary of facts on this rezone request included in the packet and he said the Planning Commission unanimously recommends approval of the petitioner's request to rezone the property at 1751 W. and 4800 S. from A-1 to R-3 so that the existing structure can be remodeled and used as a fourplex. He asked for any questions or comments and there were none.

**Motion:** Councilor Mitchell moved to approve Ordinance 822 a rezone request from A-1 non-conforming to R-3 conforming for a property located at 1751 W. 4800 S. Councilor Hunt seconded the motion.

Councilor Searle said the neighbors who live on this street will be happy to see the blight removed and the structure and landscaping maintained for this property which has sat vacant for years.

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

**3. Consideration of Cody Peters' request on behalf of Highland Gardens to appeal the Planning Commission's decision on 11/11/12 not to allow tents for seasonal sales in Riverdale**

Mr. Daily said earlier this month the Planning Commission denied a request by Cody Peters with Highland Gardens to allow temporary flower sales from a tent. According to Mr. Daily, the city's current ordinance only allows seasonal sales from structures less than 200 square feet and doesn't allow temporary sales from tents. He said although the Planning Commission liked the idea of selling hanging baskets in Riverdale, their concern was by allowing one temporary business to operate from a tent they would open the door to other seasonal sales from tents. Mr. Daily said the Planning Commission had asked Mr. Peters if he could rent a vacant building for a month in Riverdale or operate out of a different structure in compliance with the current ordinance but Mr. Peters said the optimal structure for their flower sales is an engineered tent. Mr. Peters distributed a photo of the 30' x 45' engineered tent for the Mayor and Council to see the type of structure his business operates out of as he outlined the structural and fire safety specifications of the temporary structure. He said Riverdale could require tents that meet certain engineering specifications to maintain the professional look of Riverdale's commercial district and discourage less reputable seasonal sales.

Mayor Burrow said there are three or four permanent businesses with similar products to those offered by Highland Gardens that will be competing with this seasonal retailer. Mr. Hansen said permanent businesses make a long-term investment in Riverdale by purchasing or renting a building and paying property taxes to the city year round. Mr. Peters said a Lowe's store was across the street from Highland Gardens' temporary tent in Orem last spring and no one at Lowe's complained about a drop in their sales. He said many big box stores sell a wide range of home and garden products while his company only sells superior quality hanging baskets and flats of flowers. According to Mr. Peters, patrons who shop at Highland Gardens will be likely to stay in Riverdale to shop and eat at other establishments. He said Highland Gardens would pay rent to lease space in Riverdale and the free market has proven competing businesses can thrive in the same area. He said Riverdale has multiple restaurants and the addition of one more doesn't threaten the others and in his opinion Highland Gardens can do the same for other businesses that sell flowers and plants in Riverdale. He said Highland Gardens is willing to work with the city and pay a cleaning deposit and is only asking for the opportunity to compete in Riverdale for four weeks during the spring operating out of an engineered tent.

Councilor Hunt asked about tents in Riverdale and Mr. Daily said no temporary businesses can have a tent but permanent businesses can have temporary tent sales for less than a month two times a year as long as the tent doesn't hinder parking for the business. He said permanent business Larry Miller Dealership is allowed to use the Macys parking lot for temporary tent sales on Labor Memorial Day. Councilor Hunt said allowing Highland Gardens to conduct temporary sales from a tent could establish a

negative precedence and he said he agrees with Mr. Hansen that it isn't fair to force permanent retailers to compete with temporary sellers in parking lots along Riverdale Road. Mr. Peters said Highland Gardens is a Utah business that has been around for 30 years and pays property and sales tax just like large big box stores. He said independent nurseries are going out of business and these temporary tent sales are his business' latest attempt to adapt their business model to be able to continue operating and weather the latest recession. Mr. Hansen said all businesses are dealing with the recession and Riverdale also has a local nursery Gibby Floral that Highland Gardens would be competing with in addition to Riverdale's big box stores with garden centers. Councilor Searle said he believes Mr. Peters has a good business and quality products but he agrees with the Planning Commission's recommendation to support Riverdale's ordinance prohibiting temporary sales from tents.

Councilor Mitchell asked what other Utah cities have issued Highland Gardens a temporary sales business license for 2013. Mr. Peters said Highland Gardens experimented with temporary sales in the spring of 2012 in Orem and had success so they have applied for and been granted temporary business licenses in nine Utah cities. Mr. Daily said Riverdale City isn't trying to discourage competition and the current city ordinance allows seasonal sales from a 200 square foot building with additional product fenced in, but not from a tent. Councilor Mitchell asked Mr. Peters if he would be willing to modify his request to work within the city's existing regulations. Mr. Peters said a tension style tent where the plants will have shade and the public can move freely among the product works best for his business and will look more professional than a fenced in area of a parking lot. Councilor Staten said he doesn't agree with amending Riverdale's current ordinance to accommodate one petitioner said he concurs with the Planning Commission's unanimous decision to deny Mr. Peter's request. Mr. Daily and although Highland Gardens appears to have a quality tent and nice display there is no guarantee other seasonal sales would be as reputable. Mayor Burrows asked if there is Council support to amend Riverdale's current ordinance to allow temporary sales from tents.

**Motion:** Councilor Mitchell moved to deny Cody Peters request on behalf of Highland Gardens to appeal the Planning Commission's decision on 11/11/12 not to allow tents for seasonal sales in Riverdale. Seconded by Councilor Hunt.

There was no discussion on the motion.

**Call the Question:** The motion passed unanimously.

Mr. Peters encouraged the Council to come visit one of Highland Garden's seasonal sales tents in the spring of 2013 to examine the structure and possibly reconsider their decision to allow his company to conduct temporary flower sales from a tent the following year in 2014.

Mayor Burrows excused Councilor Hunt from the public meeting momentarily.

**4. Consideration of Ordinance 825 to amend the collection of water turn on fees and deferral of shut-offs on balances of less than \$25.00**

Mr. Douglas said under Riverdale's current ordinance the Public Works Department is required to shut off all delinquent water accounts even if the balance is under the shut off fee charge of \$25 dollars. He said currently the Public Works Utility Clerk personally calls all accounts under \$20 to warn them that their water will be shut off and they will accrue a \$25 turn on fee if they don't bring their account current before the shut off deadline. Mr. Douglas said Ordinance 825 would suspend the \$25 water turn on fee and allow his department not to shut off the water of accounts with balances less than \$20 dollars. He said this amendment will still allow the city to collect service fees while making shut off day less unpleasant for residents and city staff. He asked for any questions or comments on the proposed amendment and there were none.

Councilor Hunt joined the meeting in progress again.

**Motion:** Councilor Staten moved to approve Ordinance 825 to amend the collection of water turn on fees and deferral of shut-offs on balances of less than \$25.00. Seconded by Councilor Searle.

There was no discussion on the motion.

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

**5. Consideration of Ordinance 826 removing references to the consolidated fee schedule from RCC 6-3-2B & C associated with impounded vehicles**

Mr. Brooks said Ordinance 826 is a housekeeping item that simply removes references to fees associated with impounded vehicles in the consolidated fee schedule from RCC 6-3-2B & C. He asked for any questions or comments and there were none.

**Motion:** Councilor Searle moved to approve Ordinance 826 removing references to the consolidated fee schedule from RCC 6-3-2B & C associated with impounded vehicles. Seconded by Councilor Mitchell.

There was no discussion on the motion.

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

## **5. Consideration of Resolution 2012-25 to use Tax Incremental Funds from the West Bench for infrastructure outside of the project area**

Mr. Hansen said recently the Council accepted a TEC budget for the West Bench Project Area to subsidize infrastructure work necessary to encourage development. He said Resolution 2012-25 is a housekeeping item that allows tax incremental funds to be used on infrastructure work including storm water and sewer modifications to benefit the project area if they are located outside the physical boundaries of the West Bench. Councilor Mitchell asked if this has been done before with RDA project areas and Mr. Hansen said new legislation has made the use of tax incremental funds more restrictive than in past years and legal counsel is now recommending the adoption of a resolution to protect the city. Councilor Staten said in his work as an Engineer it is not uncommon that utilities are located downstream from project areas. He said Resolution 2012-25 won't allow the city to use RDA project area money to work on infrastructure anywhere in the city but simply provides some flexibility for utilities that extend beyond the project area boundaries.

**Motion:** Councilor Mitchell moved to approve Resolution 2012-25 to use Tax Incremental Funds from the West Bench for infrastructure outside of the project area. Seconded by Councilor Staten.

There was no discussion on the motion.

**Roll Call Vote:** Councilor Mitchell, aye; Councilor Staten, aye; and 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 asked if Mr. Peters from Highland Gardens would be required to pay sales tax if the Council allowed him to sell flowers from a tent in Riverdale. Mr. Hansen said Mr. Peter's business would pay sales tax but not property tax like businesses in the city with a permanent structure.

Councilor Searle said a member of the Riverdale business community had contacted the Veterans Advisory Group asking if he and his three brothers could buy tiles on the Riverdale Veterans Memorial. Councilor Searle said from the beginning the policy has been to only allow residents who have served in full-time military service to buy tiles on the memorial. He said the advisory group granted the request of the resident petitioner but explained that he couldn't have his brothers names put on the memorial unless they have lived in Riverdale at some point during their lifetime. Councilor Searle said now the Riverdale Veterans Committee has been dissolved and is only an advisory group they felt it was appropriate to consult with the Mayor and Council to confirm this is the policy the city wants to follow. Mayor Burrows said he isn't opposed to honoring any veteran and accommodating business owners in the city but he said he isn't sure where the city would draw the line in adding names to the memorial if the city were to open it up to everyone. Mr. Hansen said the Council gave the Veterans Committee authority to set the

policy for the Riverdale Veterans Memorial and now the committee has been disbanded the city plans to continue honoring the directives established unless there is consensus to amend the policy. Councilor Searle said the policy is not part of the bylaws. Mr. Hansen said allowing local business owners to purchase tiles on the Riverdale Veterans Memorial is not the only way to memorialize their contributions to the city. There were no additional discretionary items.

**Motion:** Councilor Searle moved to adjourn into the RDA Meeting. Councilor Mitchell seconded the motion.

There was no discussion on the motion.

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

The Council meeting temporarily adjourned at 7:30 p.m.

**Motion:** Councilor Searle moved to adjourn the RDA Meeting. Councilor Mitchell seconded the motion.

There was no discussion on the motion.

**Call the Question:** The motion passed unanimously.

The Council meeting resumed at 7:33 p.m. and temporarily adjourned into a closed executive session at 7:36 p.m.

### **Executive Session**

Consideration of adjournment into Closed Executive Session for the purpose of strategy sessions to discuss the purchase, exchange, or lease of real property pursuant to Utah Code 52-4-205(1)(d).

**Motion:** Councilor Hunt moved to adjourn into Closed Executive Session for the purpose of strategy sessions to discuss the purchase, exchange, or lease of real property pursuant to Utah Code 52-4-205(1)(d). Councilor Searle seconded the motion.

There was no discussion on the motion.

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

**Motion:** Councilor Staten moved to adjourn the closed executive session. Councilor Hunt seconded the motion.

There was no discussion on the motion.

**Call the Question:** The motion passed unanimously.

The Council meeting resumed at 8:13 p.m.

**I. Adjournment:**

With no further business to come before the Council at this time, Councilor Staten moved to adjourn the meeting. Councilor Mitchell seconded the motion. The motion passed unanimously. The meeting adjourned at approximately 8:14 p.m.

Approved: December 4, 2012

Attest:

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Bruce Burrows, Mayor

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Ember Herrick, City Recorder