



**RIVERDALE CITY COUNCIL AGENDA
CIVIC CENTER - 4600 S. WEBER RIVER DR.
TUESDAY –DECEMBER 4, 2012**

Minutes of the **Regular Meeting** of the **Riverdale City Council** held Tuesday, **December 4, 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
Braden Mitchell, Councilor
Michael Staten, Councilor
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; Ember Herrick, City Recorder and 10 members of the public including David Leahy, Jay Weaver, Gideon Zentz, Jamison Higgs, Courtney J. Dayton, Mike Stokes, Brian Hall, Corbin Dicus, Tyson Volpi, and Tyler Volpi.

A. Welcome & Roll Call

Mayor Burrows called the meeting to order and welcomed all in attendance including all Council members and two Boy Scout Troops. Scout Troop Leader Corbin Dicus introduced himself and fellow scouts from Troop 187 Mike Stokes and Brian Hall and their Troop Leaders from the Riverdale 8th Ward. Scout Gideon Zentz said he, Jay Weaver and Jamison Higgs from the Riverdale 2nd Ward are working on their citizenship in the community merit badges too.

B. Pledge of Allegiance

Councilor Hunt led the Pledge of Allegiance and Mayor Burrows read a quote from the Patriots Handbook and the farewell address of George Washington in 1796 when he called for the need for cooperation in American politics and warned against the dangers of divisive political parties. President Washington said parties can cause elected officials to lose the view that America is one nation, under God, and to become so vested in their arguments that deep divisions and despotism get hold as representatives become more concerned about personal elevation than the common liberty of the nation. Mayor Burrows said President Washington's fear was prophetic as we see modern politicians arguing party politics with the nation is on the brink of a "fiscal cliff".

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.

There were no comments.

E. Presentations and Reports

Mayor Burrows said former Riverdale Mayor Howard Coleman passed away just before Veterans Day and his family sent a thank you card to the city for remembrances and flying the flag at half-mast in his memory during Veterans Day memorial events. He said the Riverdale Seniors Christmas Dinner for all Riverdale residents aged 55 or older will be on Wednesday December 5, 2012 at 6 p.m. at the Senior Center. Mayor Burrows said the Youth Council has a Santa activity on Saturday December 8, 2012 from 3 to 5 p.m. at the Community Center and the Santa Run will begin at 9 a.m. on Saturday December 15, 2012 with the Riverdale fire engine driving Santa through the community as he throws candy canes to the children.

Youth City Council (YCC) Advisor Jeannette Hall said the members of the YCC who had planned to attend tonight's meeting to give the Council an update on their recent activities had scheduling conflicts and asked her to speak in their place. She said in September the YCC held a car wash fundraiser where they raised \$1,090 that was donated to the Riverdale Senior Citizens to buy supplies to sew dolls to donate to Primary Children's Medical Center and blankets for the Navajo project in Arizona. She said on December 15, 2012 the YCC has a Santa Activity scheduled from 3 to 5 p.m. and will also have a holiday lighting contest planned where they distribute prizes to some of the best lit homes in the city. Ms. Hall said in January the YCC will attend the Youth Legislative Day at the State Capital and in February Jean Bonham will provide leadership training for them. She said in March they will begin preparations for the annual Riverdale Easter Egg Hunt and in April they would like to organize a service project to clean up the trail from one end of Riverdale to the other. She asked the Council if they had any questions and there were none.

There were no comments on the Recorder's Report.

Mayor Burrows asked for any questions on the Community Development Projects Status Report and Councilor Arnold asked what new business is moving into the old Saturn dealership on Freeway Park Drive. Community Development Director Randy Daily said the car lot is being leased by the Larry H. Miller as a used car dealership. Mayor Burrows said Buffalo Wild Wings had their official grand opening on Monday, December 3, 2012 and several people had camped out for days in front of the store because of a promotion for free wings for a year for the first 100 customers. There were no additional comments or questions.

F. Consent Items

Mayor Burrows asked if there were any changes to the meeting minutes and none were noted other than those discussed in the work session.

Motion: Councilor Hunt moved to approve the consent items with the corrections noted in the work session. Councilor Mitchell seconded the motion.

There was no discussion on the motion.

Call the Question: The motion passed unanimously.

G. Action Items

1. Consideration of Ordinance 823 proposed amendments to RCC 10-14-5, HEIGHT REGULATIONS

Mr. Daily said this request was made by a citizen in the city that owns more than an acre of land and wanted to build one larger accessory building instead of two smaller buildings on his land. Mr. Daily said the proposal is to allow residents with larger lots to build one large 2,500 square foot accessory building up to 25 feet high and the Planning Commission held a public hearing and recommends approval of the proposed amendments to RCC 10-14-5. Councilor Arnold asked about the ordinance number and the City Recorder confirmed it is Ordinance 823. Councilor Staten said he has concerns about the setbacks and would like an additional foot of setback per foot of height from the adjacent property line on all buildings over 20 feet high. Mr. Daily said calculating that for each property would be difficult and he said if there is not Council support for the proposed height change the Council should just leave the height limit at 20 feet for accessory buildings. Councilor Searle said he read Mr. Hansen's comments in the executive summary and agrees with the Planning Commission's recommendation that the height limit be set at 25 instead of 30 feet for accessory buildings on larger lots. He said adjacent property owners get upset when their views are blocked by buildings their neighbors construct. Councilor Searle said he looked at the setbacks for accessory buildings of neighboring cities and most are similar to Riverdale with a two foot setback. He said Layton has a restriction on building heights of 18 feet set back three feet from the neighboring property line.

Mr. Daily said these proposed amendments will only apply to a few property owners with lots an acre or larger. He said all buildings have a potential impact on adjacent property owners and there is a fine line between protecting the rights of property owners and legislating building codes for residential zones in the city. Councilor Mitchell said he believes in the right of property owners to build on their legally owned land and he doesn't think many property owners will be impacted by the change because there are so few lots in the city that will meet the lot size requirements. Councilor Staten said he still wants greater setbacks for higher structures and he proposed two additional feet of setback for each foot over 20 feet on larger accessory buildings with a height not to exceed 25 feet. Mr. Daily said if there is consensus to make this part of the ordinance it can be added to the proposed amendments. Councilor Arnold suggested the Council table the ordinance to allow the Council additional time to propose changes.

Motion: Councilor Arnold moved to table Ordinance 823 proposed amendments to RCC 10-14-5, height regulations. The motion died for a lack of a second.

Motion: Councilor Staten moved to approve Ordinance 823 proposed amendments to RCC 10-14-5, height regulations with the added condition that the setback on an accessory building from an adjacent property line be increased by two feet for each foot over 20 feet up to 25 feet. The motion died for a lack of a second.

Motion: Councilor Mitchell moved to approve Ordinance 823 proposed amendments to RCC 10-14-5, height regulations with the stipulation that setbacks for accessory buildings over 20 feet high be a minimum of six feet from the adjacent property line. Seconded by Councilor Hunt.

Mayor Burrows asked for discussion on the motion and Councilor Hunt asked Mr. Daily if multiple accessory buildings can be built on a building lot and Mr. Daily confirmed that as long as the setbacks are met a property owner can put multiple accessory buildings on their land. Mr. Daily reiterated that this proposed amendment is designed to allow property owners that own an acre of land or more to build one larger accessory building 2,500 square feet and 25 feet high instead of multiple smaller buildings that are 1,000 square feet and 20 feet high. Mr. Daily said the current ordinance allows anyone with a building lot to construct a home and an attached garage that can both be up to 35 feet in height with eight foot side yard setbacks from the adjacent property. Councilor Arnold said requiring a six foot setback between an accessory building and an adjacent property line will just encourage people to store junk behind their buildings. He asked if the Council members would rather see the back of their neighbor's accessory building or that same building with a pile of stuff stored behind it. Councilor Hunt said six feet is not sufficient space to even park a car in and he said he can see how this space could become a nuisance for property owners to maintain. Mr. Daily said these concerns are valid and should be considered by the Council as there are already many examples of junk piles behind residential buildings in the city and Riverdale would not want to encourage more. There was no additional discussion on the motion.

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

Councilor Arnold asked about the Planning Commission's recommendation and Mayor Burrows said it was unanimous in favor of the amendments outlined in Ordinance 823. Councilor Mitchell asked if there was any public dissent for the proposed changes during the public hearing and Mr. Daily said there was none. Councilor Searle asked if setbacks were discussed by the Planning Commission and Mr. Daily said the impact on neighbors was discussed and there were no proposals by any member of the Commission to increase the setbacks more than the two feet from the nearest property line already stipulated in the existing ordinance. According to Mr. Daily, the current ordinance allows for accessory buildings up to 20 feet high to be built with a two foot setback from the neighboring property line on all building lots in Riverdale. Councilor Staten said the proposed changes increase the allowed height of accessory buildings and Mr. Daily confirmed the proposed changes will increase the allowed height by five feet for a few properties in the city with more than an acre of land.

Motion: Councilor Hunt moved to approve Ordinance 823 proposed amendments to RCC 10-14-5, height regulations as forwarded to the Council with a favorable recommendation by the Planning Commission. Seconded by Councilor Mitchell.

There was no discussion on the motion.

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

2. Consideration of Ordinance 824 proposed amendments to RCC 10-21-3, SUBDIVISIONS

Mr. Daily said the Planning Commission also held a public hearing on proposed amendments to RCC 10-21-3 and there was no dissenting public comment. He said the changes to RCC 10-21-3 are outlined in the executive summary along with an explanation of why Weber County is requesting municipalities verify there are no outstanding property taxes before granting approval at the city level for subdivisions, lot line adjustments, or quit claims. Mr. Daily said the Planning Commission summary meeting minutes describing the group's discussion were also included in the packet for the Council's review and they recommended approval of the proposed amendments. He asked for any questions or comments and there were none.

Motion: Councilor Arnold moved to approve Ordinance 824 proposed amendments to RCC 10-21-3, subdivisions. Councilor Searle seconded the motion.

Mayor Burrows asked for discussion on the motion and there was none.

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

3. Consideration of Ordinance 828 amending RCC 1-13-1 AUTHORITY giving ticket writing authorization to Riverdale's Code Enforcement Officer

Riverdale City Attorney Steve Brooks said the city now has a full time Code Enforcement Officer Randy Koger and the proposed amendments to RCC 1-13-1 in Ordinance 828 will give him authority to write tickets for traffic violations like illegally parking in a fire lane or a handicapped parking space. According to Mr. Brooks, Mr. Koger can currently write tickets for these violations with the approval of the police or fire department, but with this amendment he will have the authority as part of his designated duties. Councilor Searle said he agrees with the proposed amendments and feels this is appropriate authority for Riverdale's Code Enforcement Officer so that he can monitor illegal parking in handicapped stalls and fire lanes as these are complaints he frequently hears from residents. Councilor Searle said he would be glad to see Mr. Koger actively patrol and ticket parking violations in Riverdale when he doesn't have more pressing duties to attend to. Councilor Arnold asked if this authority should be

broadened further to allow other city employees in other departments to write tickets for similar violations and Mr. Brooks said the provision was amended a few years ago to allow public works and fire department employees this authority. Mr. Brooks warned against giving the authority to city employees without training in handling the public as some of these situations can escalate. He said if any city employee sees someone break the law in Riverdale they can call someone with authority to come and address the situation. There was no additional discussion on the motion.

Motion: Councilor Arnold moved to approve Ordinance 828 amending RCC 1-13-1 authority giving ticket writing authorization to Riverdale's Code Enforcement Officer. Councilor Hunt seconded the motion.

There was no discussion on the motion.

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

4. Consideration of Ordinance 827 amending RCC 1-9-3 and 10 to increase department purchasing authorization limits from \$500 to \$1,000 to maximize employee efficiency and simplify day to day operations by not requiring staff to secure a minimum of three bids for daily expenditures

Business Administrator Lynn Fortie said Ordinance 827 and proposed amendments to RCC 1-9-3 and 10 are designed to make regular purchases more efficient and cost effective for city departments. According to Mr. Fortie, inflation in recent years has increased the cost of commonly purchased items so that some departments, especially Public Works, are required to get three bids for items they formerly were able to just purchase. He said this limit should probably have been increased gradually over the years to keep up with inflation but the proposal now is to increase it from \$500 to \$1,000 which should be sufficient for many years to come. Councilor Mitchell asked for examples of regular department expenses that exceed \$500 and Mr. Fortie said the cost of copper coil used regularly by Riverdale's Public Works Department has been steadily increasing with the value of metal. Mr. Fortie said over the years Public Works has found the lowest cost supplier so it would be a waste of city resources and an expense to the city to require staff to get three bids on copper coil every time they need to purchase it. Mr. Hansen said the cost of some fittings and parts essential to complete infrastructure repairs now also exceed the current \$500 limit. Mayor Burrows said some machine parts used to repair city equipment also exceed the \$500 threshold and getting three bids is not cost effective as the price is approximately the same wherever the part is purchased. Mr. Fortie said Riverdale Department Heads are conscientious and if they think they can get an essential item at a discount he is confident they will request bids to find the lowest price. He said it is in their best interest to be fiscally responsible as they are obligated to operate within their approved budgets. Councilor Searle said he hopes Riverdale employees always make responsible expenditures of taxpayer dollars and he said when he investigated the spending limits for other cities it appears Riverdale is one of the lowest with a \$500 limit while many have authorization up to \$2,500. Councilor Arnold said

Riverdale is a fiscally sound city and he approves this proposal as an effective cost saving measure for the city.

Mr. Fortie said the reference in RCC 1-9-10 he is proposing be removed “except as noted in section 1-9-2 of this chapter” is outdated as there are no longer any exemptions in that section of the code. According to Mr. Fortie, exemptions include items like the city’s insurance bill which exceeds the \$25,000 limit requiring Council approval. Mr. Hansen said Riverdale’s contractual financial obligations are also included in the list of exemptions. Mayor Burrows said these expenses are included in the annual budget and each elected official also sees the city’s check register and treasury report monthly. Councilor Staten asked Mr. Fortie if this proposed change still allows the Council to approve all city expenditure over \$25,000 and Mr. Fortie confirmed that authority will still be the Council’s. Mr. Fortie said this proposed change to RCC 1-9-10 is simply to remove a reference to exemptions in RCC 1-9-2 because they are no longer listed there and are instead outlined in RCC 1-9-10. There was no additional discussion on the motion.

Motion: Councilor Arnold moved to approve Ordinance 827 amending RCC 1-9-3 and 10 to increase department purchasing authorization limits from \$500 to \$1,000. Councilor Searle seconded the motion.

There was no additional discussion on the motion.

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

H. Discretionary Items

Mayor Burrows asked if there were any discretionary items and Councilor Searle said he recently walked down to the south end of Riverdale’s trail and was impressed with the repair work that has been done to repair damage caused by flooding in the spring of 2011. He complimented the individuals who completed the work and thanked them for their service to the community.

Councilor Mitchell said several residents have commented to him that they are glad to see the Santa Run back this year as it is a valued tradition for many Riverdale families.

Councilor Arnold said he is concerned about Destination Homes rezoning request for the Hayward Business Park property scheduled for a public hearing during the next Planning Commission meeting on December 11, 2012. He said in his opinion a sewer study is vital before any public official can determine what type of development can be built on this property. Councilor Arnold said he is concerned that if this parcel is rezoned for high density housing and Destination Homes purchases it from the bank before a sewer study is conducted, they could have a false expectation they will be able to develop the land immediately. According to Councilor Arnold, if the existing sewer lines can’t support additional housing, the Council can’t allow the project to move forward before expensive upgrades to infrastructure are made. He asked Mr. Brooks for legal advice on what the Planning Commission and City Council should do with this rezoning request so that the city is protected legally. Mr. Brooks said the first time Destination Homes

approached the City Council with their townhome concept proposal it was simply to test the waters and see if there was any support for this type of development at this location in the city. He said his concern at that time was that the process wasn't being followed as a developer should first request a rezone of the property they are interested in so that the proposal can be evaluated by the Planning Commission following a public hearing and then forward with a recommendation to the City Council for their consideration.

Mr. Hansen said the city is following protocol and Destination Homes has applied for a rezone from Commercial CP-3 to Multiple Family Residential Overlay Zone (MFROZ). According to Mr. Hansen this zone change will lower the value of the property. He said if the bank that owns the parcel is willing to sell the land to Destination Homes their deal is not the city's concern and must be worked out between the buyer and the seller. Mr. Hansen said the Planning Commission and City Council should only concern themselves with the rezone request. He said if the rezone is allowed, under MFROZ the city can put reasonable conditions on the development of the land including requiring a sewer capacity study and an agreement to develop land before approving the proposed townhome concept. Mr. Hansen said the Destination Homes Developer is aware of the Council's previously expressed concerns about density and impact on the existing infrastructure and that they must mitigate these issues before the Council is likely to approve a rezone request. He said as elected officials the Council must consider any rezone request if the petitioner is willing to spend their time and money to take their concept proposal through the city's established public process. Councilor Staten said in his work as an Engineer his company helps put together development proposals for cities and there is no obligation by the elected officials to grant the petitioner's request if the concept isn't deemed to be feasible. Councilor Arnold said he feels better about the process now the Council has had an opportunity to discuss it with staff on the record. Mayor Burrows said Riverdale City is following the process for rezone requests adopted through ordinance. There were no additional discretionary items.

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 7:10 p.m.

Approved: December 18, 2012

Attest:

Bruce Burrows, Mayor

Ember Herrick, City Recorder