



**RIVERDALE CITY COUNCIL AGENDA
CIVIC CENTER - 4600 S. WEBER RIVER DR.
TUESDAY –DECEMBER 3, 2013**

Minutes of the **Regular Meeting** of the **Riverdale City Council** held Tuesday, **December 3, 2013** at 6:02 PM at the Riverdale Civic Center, 4600 South Weber River Drive.

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

Others Present: Larry Hansen, City Administrator; Steve Brooks, City Attorney;
Shawn Douglas, Public Works Director; Michael Eggett,
Community Development Director; Dave Hansen, Police Chief;
Ember Herrick, City Recorder and five members of the public
including Charles Kerkvliet, David Leahy, Brent Ellis, Nate Reeve
and Mike Ford

A. Welcome & Roll Call

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

B. Pledge of Allegiance

Councilor Searle led the Pledge of Allegiance.

C. Moment of Silence

Mayor Burrows read a quote from Thomas Jefferson about the front of America's seal: depicting the children of Israel in the wilderness, led by a cloud by day and a pillar of fire by night.

D. Open Communications

Mayor Burrows invited any member of the public with questions or concerns to address the Council and there were no open communications.

E. Presentations and Reports

Mayor Burrows said the employee Christmas Luncheon is scheduled for Wednesday, December 11 at Noon at the Community Center and all Council members are invited to attend. He said the Senior Center Annual Christmas Dinner will be Friday, December 13, 2013 and he encouraged everyone to come and support the Riverdale City Band's Christmas Concert at 7 p.m. on Saturday December 14, 2013 at Riverdale's Senior Center.

F. Consent Items

Mayor Burrows asked if there were any changes to the November 19, 2013 work session, regular Council, and executive session meeting minutes and Councilor Mitchell asked

that a reference to Mr. Arnold in the work session minutes be changed to Councilor Arnold and the city recorder noted the change.

Motion: Councilor Hunt moved to approve the consent items as amended with the noted change. Councilor Arnold seconded the motion.

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

Call the Question: The motion passed unanimously.

Mayor Burrows asked for any questions to the Community Development Projects Report and Councilor Searle asked about a new business Vapor Mania. Community Development Director Michael Eggett said they sell electronic cigarettes and will be the city's only allowed tobacco specialty shop in accordance with city code. Mayor Burrows and Councilor Searle updated the Council on a report about electronic cigarettes from youth representatives working with the county health department at a recent Weber Area Council of Governments (WACOG) meeting. According to Councilor Searle, electronic cigarettes are being sold to minors in some cities and children have been caught with them in Junior High School suggesting that they need to be regulated more closely. Mr. Eggett said Vapor Mania is operating under a conditional use permit that would be revoked along with their business license if they sold to a minor. He said when they petitioned the Planning Commission the owners of Vapor Mania were warned that they are subject to the same regulations as traditional tobacco shops under state law and Councilor Searle said other cities have had problems with people selling electronic cigarettes out of their homes because the industry is not sufficiently regulated. Mr. Eggett said Riverdale's Police Department will work with the Weber Morgan Health Department to ensure that Vapor Mania is complying with state law and not selling to minors. Councilor Searle said another problem is that the FDA does not currently regulate e-juice and there have been instances of electronic cigarettes sold with e-juice containing prohibited ingredients like spice or contaminated and unsafe mixtures. Mayor Burrows said the Utah State Legislature will likely address stricter regulations for e-juice in the coming legislative session and he said he was alarmed to hear that the numbers of young people who have tried electronic cigarettes was six percent in 2012 but has increased to 30 percent in 2013, a 500 percent jump in just one year. He said Weber County has some of the highest numbers in the state and Riverdale City will support any state regulations designed to discourage underage smoking.

G. Action Items

- 1. a. Consideration of final site plan and amended commercial subdivision plat for Riverdale Business Park Lot 3 (formerly known as of the Hayward Business Park) address 5175 S. 1500 W.**
- b. Consideration of Resolution 2013-36 adopting a Development Agreement between Riverdale City and Riverdale Business Park**

Mr. Eggett said there are two parts to this agenda item, first consideration of final site plan and commercial subdivision plat and second, consideration of Resolution 2013-36 adopting a development agreement. Mr. Eggett said the Developer Mike Ford and his Engineer Nate Reeve are both present to answer questions after his summary and he gave

a brief overview of the process and proposed 13 lot subdivision subject to a development agreement which lists potential allowed uses. Mr. Eggett said the Covenants Conditions Restrictions and Reservations (CCR&Rs) include a clause that Riverdale City should receive notification of any amendments. He said this proposed development should blend in with the adjacent commercial developments and residential zone. Mr. Eggett said reports from department heads were included in the packet and all community development and fire concerns have been addressed and only technical details identified by public works and engineering remain. He asked for any questions and Councilor Searle said the development looks nice and he asked what exterior lighting is planned for the buildings. Mr. Eggett said Riverdale Building Inspector Jeff Woody will ensure that the exterior lighting meets state building codes and Mr. Ford said the proposal is to have lights installed in the eaves on the corners of buildings.

Councilor Searle asked how Fire Chief Roger Bodily's concerns about fire access to the rear of buildings were resolved and Mr. Eggett said the buildings are not drawn to scale and the developer has worked with Chief Bodily to ensure there will be sufficient space between and behind the buildings for fire fighters to respond in an emergency. Mr. Eggett said proposed trash receptacles have also been shifted to provide better parking lot access. Mayor asked if the buildings will have sprinkling systems and Mr. Ford said they will not.

Councilor Searle asked if the catch basin will be used as snow removal storage in the winter and Mr. Ford said it will be reinforced for this purpose. Mayor Burrows said the Design Review Committee discussed limiting the flow to the catch basin so that some storm water will drain into the street during a strong weather event. Councilor Searle asked about the outstanding engineering concerns and Mr. Reeve said he sent the latest designs to City Engineer Scott Nelson including an overflow spillway and detention basin designed for peak storm events. Mr. Reeve said all roof drains are piped underground to the detention basin to prevent ice forming in the parking lot and Mayor Burrows asked about potential freezing of the pipes and Mr. Reeve said they are designed not to freeze. Mr. Reeve said the percolation rate is still a concern for Mr. Nelson and Mr. Ford has agreed that if a liner is needed for the detention basin at the time of construction it will be added. Mr. Eggett said Mr. Nelson is requesting a Geotech Engineer evaluate the need for a liner before construction begins and Mr. Reeve said this will be a large expense to Mr. Ford and would make more sense to do at the time of construction.

Councilor Searle asked about sewer concerns and Mr. Reeve said the sewer lines have been modified on the final plan to include individual laterals in response to staff input. Councilor Searle asked about a condo reference in the CCR&Rs and Mr. Eggett said that statement could be removed and Mr. Brooks said the bylaws in the CCR&Rs must conform to state and local laws. Councilor Searle asked about the 10 year term of the development agreement and Mr. Brooks said that is typical but most developers complete their projects before the ten years expire.

Councilor Staten said he is a civil engineer by profession and has concerns about water drainage and the steep grade of 39.5% at the east entrance of this proposed development's parking lot. Councilor Staten said when he designs parking lots the maximum grade change is eight to 10% every 10 feet to prevent vehicles with low clearance from damaging the bottom of their vehicles and Mr. Reeve said there are many city streets in Riverdale with grades similar to the one he is proposing. Councilor Staten

said he would like Mr. Nelson to evaluate this grade because regular deliveries from large UPS and Fed Ex vehicles are likely and he has reservations about the functionality of the design. Mr. Reeve said his firm will review the access grade again but he reaffirmed that he has no concerns with the functionality of the system because this is a well-engineered project.

Councilor Staten asked Mr. Reeve about the flow rate water calculations stating that he has concerns about the design of the storm water plan and fears water will overwhelm the planned drainage system in a downpour causing rainwater to flow into the street and down to the residential properties below instead of collecting in the planned detention basin. Councilor Staten said with the current design, in severe storm situations water from 5175 South could flow into this development's parking lot. Mr. Reeve said this property is difficult to develop because of its topography and location adjacent to a residential zone. He said his terraced design, detention basin, and low traffic use for the proposed businesses are all attempts to address city concerns and limit the impact on the surrounding neighborhoods.

Councilor Staten asked about potential uses for this commercial development stating his opinion that the units appear to be storage sheds with restrooms. Mr. Ford said the potential uses are listed in the development agreement included in the packet and to date businesses that have expressed interest include a Heating Ventilation and Air Conditioning (HVAC) contractor and an online bike parts retailer. According to Mr. Ford, during the last recession many contractors downsized moving their businesses into their homes and garages but now the economy is recovering these business owners are looking for a storefront with an office and space to store their equipment, parts, and vehicles.

Councilor Mitchell thanked Mr. Ford for bringing this unique development to Riverdale but said he also has concerns about how these buildings will sit on the property and the steep approach on the east side that he would like Mr. Nelson to evaluate. Councilor Mitchell asked about the slope from one end of the property to the other and Mr. Ford said it is 22 feet which he said appears to be steep but 10 inches of slope over a 10 foot drop is reasonable and should be accessible to all types of vehicles. Councilor Staten said he has designed a lot of parking lots during his 15 year career and grades are typically four or five percent but often limited to 10-12% and he said he has never seen a grade steeper than 18%. He warned that low clearance vehicles, long trucks, and fire trucks will have problems getting in and out of this parking lot the way it is currently designed and he said if the Council approves this proposal tonight he would request that it be conditional on the approval of the City's Engineer after a thorough review of these concerns. Mayor Burrows said many newer model cars have very low clearance and he shared an anecdote about his own vehicle. Councilor Staten asked about a second parking lot access and if this is required for fire code purposes and Mr. Eggett said he believes it was designed to improve the flow of traffic and functionality of the development.

Councilor Mitchell asked if the developer had any pictures of similar developments and Mr. Ford said there is a similar development by IKEA in Draper and another in Arizona but he did not bring images to show the Council. Councilor Mitchell said one of the bylaws in the CCR&Rs restricts the storage of toxic or flammable substances and he said this may not be practical for many businesses as he is aware of dental, taxidermy, and

motorcycle shop businesses that require the use of these substances in their daily operations. He suggested the proposed language be amended to require the proper storage of these materials in a fire safe cabinet that meets state and local fire codes. Councilor Arnold asked if these units are owner occupied and one is vacant who will maintain it and Mr. Ford said a property owner's association will be created to maintain the property with all of the tenants paying monthly fees designed to cover the cost of snow removal and landscaping maintenance. Councilor Arnold asked if there will be vehicle restrictions in the CCR&Rs and Mr. Ford said unit owners will only have access to two or three parking stalls and will be prohibited from blocking the entrances to other units and storing equipment or shipments outside.

Councilor Staten said he disagreed with a previous Council decision to reject a proposal to build townhomes on this property and Mr. Ford said townhomes would have a much higher impact on the existing sewer infrastructure. Public Works Director Shawn Douglas said this is a good development to minimize sewer impact and in his opinion it will be a nice transition between commercial and residential zones in the city. Councilor Hunt said when Larry H. Miller's Auto Dealership was developed the Council discussed what ancillary businesses could locate on the adjacent properties and because this property has sat vacant during the recession he would like to see it developed. Councilor Hunt said he has concerns about what could happen to this development if it is completed in phases as proposed and he asked Mr. Brooks if the city can require guarantees about the ability of this developer to complete the project. Mr. Brooks said any development could fail and Riverdale City can't demand post surety bonds. Councilor Hunt asked if there is consensus that this type of a development is a good fit for the area and said he thinks Councilor Staten's concerns are worth addressing.

Councilor Mitchell asked about the parking lot if this development is done in phases and Mr. Ford said the detention basin will be completed and the landscaping and irrigation around it finished in phase one and Mayor Burrows said the weeds will need to be maintained even if the entire parking lot isn't completed in phase one. Councilor Searle asked what the developer plans to build on the North and West parcels and Mr. Ford said the North parcel should be a similar development to this one and on 1500 West he would like to continue professional office buildings similar to the existing Tullis Business Park. There were no additional questions or comments.

Motion: Councilor Arnold moved to approve the final site plan and amended commercial subdivision plat for Riverdale Business Park Lot 3 (formerly known as of the Hayward Business Park) address 5175 S. 1500 W. with a review of engineering concerns about parking lot grade and storm water flow to the satisfaction of staff with Riverdale City's Engineer. Councilor Hunt seconded the motion.

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

Call the Question: The motion passed unanimously.

Mr. Eggett said the Council has copies of the latest draft of the development agreement with Mr. Brooks' comments included and a list of possible uses that staff will rely on when evaluating new licenses and he asked for any questions or concerns about any of

the proposed uses. Mayor Burrows said Riverdale's Design Review Committee also evaluated the potential uses listed in the draft development agreement and did not have any concerns with the proposed uses. Councilor Arnold asked about the process if a use not included in the development agreement is proposed and Mr. Eggett said any amendments will be subject to Council approval. Councilor Arnold said he would like to see language added prohibiting the parking of large trucks in the parking lot overnight and Councilor Hunt expressed concern that the landscaping for the development will be completed in phases. Mr. Reeve said if the parking lot and landscaping were all completed in phase one, they would be torn up during the other phases of construction and Mr. Ford said it makes more sense to complete landscaping around the units as they are completed. City Administrator Larry Hansen said the Council should consider requiring the landscaping around the development and sidewalks along the frontage roads to be completed in phase one to give the development a professional, finished look and attract more tenants. Councilor Arnold said this stipulation should be included in the development agreement or final site plan along with a time period stipulation and Mr. Brooks said a requirement that all landscaping be maintained should be a part of the CCR&Rs. Mayor Burrows asked Mr. Ford if he would consent to the inclusion of these additional stipulations and he agreed to the Council and staff's recommendations.

Mr. Douglas asked about the flow of storm water and snow storage with the parking lot developed in phases and he said storm water quality standards will be strictly enforced and Mr. Reeve said it will be engineered for erosion and sediment control. Mayor Burrows asked about the flow of water into the detention basin with the water running through the unfinished parking lot and Mr. Reeve said erosion control measures should keep the basin from clogging.

Motion: Councilor Arnold moved to approve Resolution 2013-36 adopting a Development Agreement between Riverdale City and Riverdale Business Park with the stipulations language landscaping completed 5173 and 1500 W. phase one and erosion and snow plow subject to staff approval. Councilor Mitchell seconded the motion.

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

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

Mayor Burrows thanked Mr. Ford and Mr. Reeve for their willingness to address the concerns of members of the Planning Commission, Design Review Committee, Council, staff, and the public to make this development possible. Councilor Arnold asked when construction is scheduled to start and Mr. Ford said the spring of 2014.

2. Consideration of awarding bid to State Painting Co. for Riverdale City Water Tank Upgrade and Repainting Improvement Project for Riverdale City Public Works Department for an amount not to exceed \$600,000.00

Mr. Douglas said this City Water Tank Upgrade and Repainting Improvement Project has been in the works for years and a topic of discussion at many Strategic Planning and Council meetings. He said a corrosion expert has inspected the tanks including the floors using a Magnetic Flux Leakage (MFL) test and the reports have come back indicating the tanks are in good condition to be repainted. According to Mr. Douglas, this will extend the lifespan of the tanks another 25 years at a cost within the current fund's budget, without the need to bond or raise rates. Mr. Douglas said of the three bidders, State Painting Co. had the lowest bid at \$566,728.00 and their references confirm this company has maintained a professional reputation while painting other cities water tanks. Mr. Douglas said he is asking the Council for authorization up to \$600,000 and he asked for any questions about the project.

Councilor Hunt asked about blistering on the floor of the tanks and Mr. Douglas said the MFL tests showed that overall most of the flooring of Riverdale's water tanks is not blistered and can be sandblasted and repaired before being repainted. Mr. Douglas said the corrosion expert will also do a visual inspection once the tanks are empty to confirm the MFL findings and ensure any problem areas weren't missed. Councilor Hunt asked how the tanks will be emptied and Mr. Douglas said only one will be drained at a time beginning with the two million gallons in tank one which will be sandblasted, repaired, painted and filled before the one million gallons from tank two are emptied. According to Mr. Douglas, there is also a back up tank on the Washington Terrace side of the city and the goal is to have both tanks upgraded and repainted within six months. He said the Mayor and Council are welcome to tour the tanks and a fieldtrip could be arranged when they are empty. Mr. Douglas said if the Council awards the bid for this project tonight, the plan is to drain tank one by the end of December so that it is repaired and back in working order by March or early April.

Councilor Mitchell said he has heard some criticism from members of the public that feel the Council should be replacing the city's water tanks instead of just repainting them. He said for the record that the Council has carefully weighed both options and the consensus was that there is no need to spend funds to replace tanks that a corrosion expert has deemed to be in good condition and simply in need of a new paint job. Mr. Hansen said this discussion has been ongoing for seven years and it will be good to start the project and get the work done. Mr. Douglas said it would have cost over two million dollars to replace the tanks which would have required the city to bond or raise rates. He said repainting is a viable option to extend the life of the tanks, maintain good water quality, and keep rates constant. Councilor Staten said the bond rate was a determining factor in his decision to vote for the tanks to be painted instead of replaced and he said in his opinion Riverdale shouldn't buy new water tanks if the existing tanks are still within their design life.

Mayor Burrows said finding the right kind of soil to build water tanks on is another challenge in Riverdale and Mr. Douglas said new tanks would likely have been built in the same location as Riverdale's pump system utilizes gravity and the West Bench where the tanks sit is one of the highest elevation points in the city.

Councilor Staten asked about the large price difference between the three bidders to paint the tanks and Mr. Douglas said State Painting Co. has invested in a lot of automated

equipment and uses machinery and not manpower to sandblast the inside of the tanks allowing them to bid projects lower than some of their competitors. Mr. Douglas said the winning bidder has experience upgrading and repainting city water tanks throughout Utah, this is his company's specialty and he is also comfortable working with the corrosion expert Riverdale has hired to oversee the project. Mr. Douglas said after checking State Painting Co.'s references he is comfortable recommending this company to complete the work and stay within the bid amount, which is under budget.

Councilor Searle asked about the age of the two tanks and Mr. Douglas said the two million gallon tank was built in 1991 and this will be the first time it has been repainted and the one million gallon tank was constructed in 1960 and has been painted once before. Councilor Searle asked if the tanks will need to be replaced in 25 years or if they could potentially be repainted again and Mr. Douglas said soil corrosion is low in this area and inspections show relatively low rust levels so it will just depend on how the tanks weather the next 25 years. According to Mr. Douglas, many old city water tanks are purchased and reused by other municipalities if they are in good condition because the cost of new tanks is so high.

Mayor Burrows asked about the warranty on the paint job and Mr. Douglas said it is just a standard two year warranty but if the proper preparatory work is done correctly the paint should last 25 years. He said the tanks will be drained and evaluated prior to the warranty's expiration. Mayor Burrows asked how long other State Painting Co. projects have been in commission and Mr. Douglas said they have been in business for more than 20 years. Councilor Arnold asked if the \$600,000 amount includes the cost of the corrosion expert and engineering Mr. Douglas said it does not but even with those costs he is confident the entire project can be completed under budget. There were no additional comments or questions.

Motion: Councilor Arnold moved to approve awarding a bid to State Painting Co. for Riverdale City Water Tank Upgrade and Repainting Improvement Project for Riverdale City Public Works Department for an amount not to exceed \$600,000.00. Councilor Staten seconded the motion.

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

Roll Call Vote: Councilor Staten, aye; 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 Mitchell thanked the public works staff for the excellent job they have done decorating the city in Christmas lights including turning the flag pole at 700 West and 4400 South into a Christmas tree. Mr. Douglas said the flag pole was so tall they needed the fire department's ladder truck and Mayor Burrows said he has also received a lot of positive comments on the Christmas lighting and Councilor Searle added his thanks for the festive decorations throughout the community. There were no additional discretionary items.

Adjournment:

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

Approved: December 17, 2013

Attest:

Bruce Burrows, Mayor

Ember Herrick, City Recorder